



AGENDA
CITY COUNCIL - SPECIAL MEETING
FRIDAY, MAY 9, 2025
1371 WEST FM 550 - MCLENDON-CHISHOLM, TEXAS 75032
3:00 PM

Page

- 1. CALL TO ORDER**
- 2. INVOCATION AND PLEDGE OF ALLEGIANCE TO U.S. AND TEXAS FLAGS**
- 3. AGENDA APPROVAL**
- 4. RULES OF DECORUM**
- 5. CITIZEN COMMENTS**
- 6. CONSENT AGENDA**
 - 6.1. Consider approval of the Repeal of Resolution 2023-06 of the City of McLendon-Chisholm, approving the terms and conditions in the general of a water system asset transfer agreement and Resolution 2024-02 amending the Terms and Conditions in a General Water Agreement with RCH set forth in 2023-06. (Mayor Bryan McNeal)
 - 6.2. Consider approving the Repeal of Resolution 2024-05, on City Council Policy on Agenda Preparation, Sponsorship, and Approval and the Repeal of Resolution 2025-02 updating 2024-05. (Mayor Bryan McNeal)
 - 6.3. Consider approving the Repeal of Resolution 2024-08 calling for a 45 day cooling off period for items on the agenda that have been denied or defeated. (Mayor Bryan McNeal)
 - 6.4. Consider the Repeal of Resolution 2022-12 of the City of McLendon Chisholm approving a CCN in the City Limits and portions of the ETJ. (Mayor Bryan McNeal)

- 6.5. Consider approval to abolish the following committees: Water committee established 11/2022 and restructured in 2024, Town Hall Committee established 2024, Growth Strategy Committee 2024, Development Committee (2024), Ethics Committee (Mayor Bryan McNeal)
- 6.6. Consider approval to revoke and repeal the Travel Policy approved on April 22, 2025 (Mayor Bryan McNeal)
- 6.7. Consider approval to repeal the Cancellation of the Contract with the City of McLendon-Chisholm, Sonoma Verde(TDI) and RCH, allowing the continued service and existing contract to stay in place. (Mayor Bryan McNeal)
- 6.8. Consider approval of the Repeal of the following Ordinances: Franchise Fee Ordinance 2023-05 between City of McLendon-Chisholm and RCH, Franchise Fee Ordinance 2023-06 between the City of McLendon-Chisholm and High Point SUD, Franchise Fee Ordinance 2023-07 between City of McLendon-Chisholm and BWSC (Blackland Water Supply Corp.) (Mayor Bryan McNeal)
- 6 - 19 6.9. Consider approval of a No Smoking Ordinance for Public Buildings in the City of McLendon-Chisholm. (City Administrator)
[No Smoking staff report](#)
[MC No Smoking Ordinance 3.3.2025 \(1\)](#)
- 20 - 21 6.10. Consider approval of a Resolution which requires members of the City Council to take Annual Harrassment Training provided by the City. (City Adminstrator)
[MC resolution harassment training](#)
- 22 - 130 6.11. Consider approving an Ordinance amending the Code of Ordinances, repealing and replacing in its entirety Section 3.02.001 "Codes Adopted: by Adopting the 2021 International Property Maintenance Code, 2021 International Building Code, the 2023 National Electric Code, The 2021 International Plumbing Code, 2021 International Mechanical Code , the 2021 International Energy Conservation Code, the 2021 International Residential Code, the 2021 International existing Building Code, the 2021 International Swimming Pool and Spa Code, the 2021 International Fuel and Gas Code, and the 2021 International Fire Code, providing a repealing clause , a severability Clause and and Effective Date. (City Administrator)
[MC Ordinance Amending Code-construction codes 2025 \(1\)](#)
[2021 Mechanical code](#)
[2021-IBC-Amendments-Final-Revised](#)
[2021-IEBC-Amendments-Final](#)
[2021-IECC-Amendments-Final_1](#)
[2023-NEC-Regional-Amendments_Final](#)

[2021-ISPSC-Amendments-Final](#)
[2021-IPC-Amendments-Final](#)
[2021-IFGC-Amendments-Final](#)
[2021-IFC-Amendments-Final](#)
[2021-IRC-Amendments-Final](#)

- 131 - 140 6.12. Discuss and consider approval of an Ordinance amending Section 3.01.001 of the Chapter 3, "Building Regulations" of the Code of Ordinances by amending the Fee Schedule. (Finance Director)
[Staff report-fee schedule update](#)
[Fees and Charges \(revised 05.09.25\)](#)
[Ordinance for Fees and Charges](#)
- 141 - 150 6.13. Consider approval of the Minutes from the April 22, 2025 (City Administrator)
[Minutes - April 22, 2025](#)

7. ITEMS FOR DISCUSSION AND ACTION

- 7.1. Discuss and consider approval of Safe Haven Contract (City Administrator)
- 151 - 153 7.2. Discuss and consider approving a Resolution canvassing the returns of the Special Election held on May 3, 2025 for the purpose of repealing the one-quarter of one percent sales and use tax within the city currently being used to reduce the property tax rate. This portion of the sales and use tax shall be earmarked exclusively for public safety and/or streets & roads. (City Administrator)
[MC 2025 canvass sales tax \(1\)](#)
- 154 - 156 7.3. Discuss and consider approving a Resolution of the City Council of the City of McLendon-Chisholm, Texas, canvassing the returns and Declaring the results of the Special Election for the Adoption of a Home Rule Charter.
[MC 2025 canvass Home Rule Charter](#)
- 157 - 202 7.4. Discuss and consider approving an Ordinance ordering and declaring the 2025 Home Rule Charter Adopted and Providing for an effective date.
[Home Rule Charter Ordinance](#)
- 203 - 205 7.5. Discuss and consider approval of a preliminary plat that provides for the creation of one lot on 2.275 acres of land located generally south of the southern city limits and south of the intersection with FM 548 with frontage on SH 205. (City Planner)
[Staff Report McCallum PP 050825](#)
- 7.6. Discuss and consider appointment of New Mayor Pro Tem for the City of

McLendon-Chisholm. (City Administrator)

- 206 - 210
- 7.7. Discuss and consider approving newly appointed Mayor Pro Tem replacing Dan Tucker as authorized signer on checks for City of McLendon-Chisholm. (City Administrator)
- 7.8. Discuss and consider approval of City Council Policy on Agenda Preparation, Sponsorship, and Approval. (City Administrator)
[Agenda prep staff report](#)
[MC Resolution for agenda prep](#)
- 211
- 7.9. Consider approval to allow staff to negotiate for an Enterprise Resource Planning System (ERP) for the City With an upfront cost of up to \$49,999 and an ongoing cost of up to \$4000 per month as well as hiring an Accounting Clerk, near time of implementation, at a standard rate for such a position in addition to the current employee benefits. (Finance Director)
[05.09.25 Staff Report - ERP](#)
- 212 - 215
- 7.10. Discuss and consider approving an amended Travel Policy. (City Administrator)
[Staff report-travel policy update \(1\)](#)
[Amended Travel Policy 5-2025](#)

8. EXECUTIVE SESSION

The City Council for the City of McLendon-Chisholm, Texas, reserves the right to convene into executive session at any time during the course of this meeting to discuss any of the matters listed, as authorized by Texas Government Code, Chapter 551, §551.072 - Real Property; §551.073 - Prospective Gifts; §551.074 - Personnel Matters; §551.076 - Security Devices; §551.086 - Utility Competitive Matters; and §551.087 - Economic Development Negotiation

9. ACTION TAKEN AS RESULT OF EXECUTIVE SESSION

10. COUNCIL MEMBER REPORTS AND ANNOUNCEMENTS

11. ADJOURN

As authorized by Section 551.071 of the Texas Government Code, this meeting may be convened into closed Executive Session in order to see confidential legal advice from the City Attorney on any agenda item herein.

I, Angela Jennings, do hereby certify that the above Notice of Meeting of the City Council of McLendon-Chisholm, Texas was posted or before 12:00 p.m., May 6, 2025 on the outside bulletin board at City Hall, a place convenient and readily accessible to the public at all times.



City of McLendon-Chisholm
Staff Report

Date: May 9, 2025

Agenda Item: Approve ordinance for no smoking/vaping in public buildings

Financial Impact:

Background: Many cities in the state of Texas have put this ordinance in place for health and safety reasons. With the increase of commercial/retail proposed for our city I strongly encourage the council to consider this ordinance.

Presenter: Bev Stibbens, City Administrator

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF MCLENDON-CHISHOLM, TEXAS, AMENDING CHAPTER 8, "OFFENSES AND NUISANCES," OF THE CITY OF MCLENDON-CHISHOLM CODE OF ORDINANCES BY ADDING ARTICLE 8.10, "SMOKING AND VAPING," ENACTING REGULATIONS WITH RESPECT TO SMOKING OR VAPING IN PUBLIC PLACES; SPECIFYING REQUIRED SIGNAGE; ENACTING CIVIL AND CRIMINAL PENALTIES FOR VIOLATION OF THE REGULATIONS; PROVIDING FOR A SAVINGS AND SEVERABILITY CLAUSE; PROVIDING FOR A REPEALING CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, there is a substantial body of evidence which reveals that the smoking of tobacco is a positive danger to health and a material annoyance, inconvenience, discomfort and a health hazard to those who are present in confined spaces; and

WHEREAS, Section 48.01 of the Penal Code of the State of Texas prohibits the possession of a burning tobacco product or the smoking of tobacco in the facility of a public primary or secondary school or an elevator, enclosed theater or movie house, library, museum, hospital, transit system bus, or intrastate bus, plane, or train which is a public place; and

WHEREAS, there exists Other enclosed public places and places of employment wherein the possession of a burning tobacco product or the smoking of tobacco is not regulated by the laws of the State of Texas.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MCLENDON-CHISHOLM, TEXAS, THAT:

SECTION 1. The recitals set forth above are hereby found to be true and correct and are incorporated into the body of this Ordinance for all purposes as if fully set forth herein.

SECTION 2. That Chapter 8, "Offenses and Nuisances", is hereby amended to add Article 8.10, "Smoking and Vaping", and which Article shall read as follows:

“...

Chapter 8. OFFENSES AND NUISANCES

...

8.10. Smoking and Vaping

Section 8.10.001. Definitions.

The following words and phrases, whenever used in this chapter, shall be construed as defined in this section:

- A. "Administrative Area" shall mean any enclosed indoor area. under the control of an employer, to which employees, but not the general public, except by specific invitation, have access to during the course of employment. including, but not limited to, work areas, employee lounges, employee restrooms, conference rooms, and employee cafeterias.
- B. "Adult's Only Establishment" shall mean any place of business that limits its customers to individuals 8 years of age or older and that employees no one below the age of 18. Businesses of this category may include restaurants, bars, sports bars, billiard halls, bingo parlors, retail tobacco shops or Other comparable businesses.
- C. "Air Barrier" shall mean a system that creates an air curtain to prevent the drift or penetration of tobacco smoke from a smoking area to a non-smoking area not a allowing drift Or penetration from the ceiling down to 24 inches above the floor.
- D. "Air Purification System" shall mean an electrically powered hospital grade, hepa media filter that will clean all of the air in a designated smoking area every 15 minutes as follows: not less than 95 percent of three tenths (0.3) micron particulates efficiency including dust. smoke, pollen, mold spores, bacteria, tobacco smoke, viruses, and allergens and not less than 95 percent removal of gases, vapors, volatile organic compounds (V .O.C.) and Odors and contains an air barrier system or other barrier system if required by a licensed professional engineer, to prevent air from the smoking area from being drawn across the non-smoking area.
- E. "Bar" shall mean an establishment licensed by the State of Texas for the sale of alcoholic beverages that derives more than 75% of the establishment's gross revenue from the on-premise sale Of alcoholic beverages for on-premise consumption. For the purposes of this definition, gross revenue shall be calculated using the total amount Of gross revenue received from the sale of alcoholic beverages and from the sale Of food by the establishment for the preceding 12-month period. Such establishments shall make available to the city or its agents, during reasonable hours, its books and records for inspection if required by the city.
- F. "Billiard Hall" shall mean a place Of amusement whose chief purpose is providing the use of billiard/pool tables to the public.
- G. "Bingo Parlor" shall mean a facility regulated under V.C.S., Article 1 79d "Bingo Enabling Act,"
- H. "Bus" shall mean every motor vehicle designed for carrying more than 10 passengers and used for the transportation of persons, and every motor vehicle, other than a taxicab, designed and used for the transportation of persons for compensation.
- I. "Business" shall mean any sole proprietorship, partnership, joint venture, corporation, or Other business entity formed for profit-making Or non-profit purposes, including but not limited to, banks, laundromats, hotels, motel, retail establishments, professional corporations, and other entities where legal, medical. dental, engineering, architectural or other professional services are delivered.

- J. "City" shall mean the City of McLendon-Chisholm.
- K. "Eating Establishment" shall mean any place where food is served for on-premises consumption, and which is accessible by the public or a substantial group of the public.
- L. "Electronic smoking device" means any device with a heating element, battery, or electronic circuit that delivers nicotine or any other substance intended for human consumption by inhalation. The term includes every variation and type of such device whether manufactured, distributed, marketed, or sold as an electronic cigarette, an electronic cigar, an electronic cigarillo, an electronic pipe, an electronic hookah, vaping device, or any other product name or descriptor, and any aerosol, liquid, or vapor used in such a device."
- M. "Employee" shall mean any person, partnership, corporation, municipal corporation, non-profit entity, or other entity who employs the services of one or more individual persons.
- N. "Employer" shall mean any person who employs the services of an individual person.
- N. "Enclosed Area" shall mean an area closed in by a roof and walls with appropriate openings for ingress and egress.
- O. "Health Facility" shall mean any institution that provides medical, surgical, and overnight facilities for patients, including, but not limited to, hospitals, clinics, physical therapy facilities, doctors' offices, dentists' offices, nursing homes, adult care facilities, convalescent homes, and residential treatment centers/homes.
- P. "Major Renovation" shall mean changing the amount of floor space in a building by One third (1/3).
- Q. "Minor" shall mean any person under 18 years of age.
- R. "Net Floor Area" shall mean the total floor area of the interior of an eating establishment, excluding the kitchen, restrooms, storage areas, and offices.
- S. "Person" shall mean any individual, partnership, cooperative, association, corporation, or venture.
- T. "Physical Barrier" Shall mean a barrier that will form an effective membrane continuous from outside wall to outside wall, from a smoke barrier to a smoke barrier, from floor to floor or roof above, or a combination thereof, including continuity through all concealed spaces, such as above suspended ceilings, interstitial structural and mechanical spaces. Transfer grilles, louvers and similar openings shall not be used in these partitions. Self-closing, tight fitting doors are permitted in such barriers.
- U. "Place of Employment" shall mean any enclosed area under the control of an employer including but not limited to work areas, employee lounges, restrooms, conference rooms,

classrooms, employee cafeterias and hallways. A private residence shall not be considered a place of employment.

- V. "Portable Air Purification System" shall mean a portable electrically powered hospital grade, hepa media filter that will clean all of the air in a designated smoking area every 15 minutes as follows: not less than 95 percent of three tenths (0.3) micron particulates efficiency including dust, smoke, pollen, mold spores, bacteria, tobacco smoke, viruses and allergens and not less than 95 percent removal of gases, vapors, volatile organic compounds (V.O.C.) and odors.
- W. "Private Club" shall mean any building, premise or portion thereof which is permitted by the State and allowed by special use permit by the City as a private club for the storing, possession, and dispensing for on-premises consumption of alcoholic beverages. However, "Private club" does not include a premise operated by an organization which is not available to and not customarily used by the general public and entry and privileges thereto are established by regulations that are created by an organization distinct from a Texas Alcohol and Beverage private club membership.
- X. "Private Function" shall mean the rental of a ballroom, restaurant, private club, or other facility for the sole purpose of entertaining, private parties, events, or other social functions.
- Y. "Public Business" shall mean any deliberation between a quorum of members of any board, commission, department, committee or agency within the executive or legislative department of the State of Texas, or the City Council or any Board or Commission of the City of McLendon-Chisholm at which any public business or public policy is discussed or considered or at which any formal action is taken.
- Z. "Public Place" shall mean any enclosed area in which the public is invited or permitted, including, but not limited to, banks, educational facilities, health facilities, laundromats, public transportation facilities, reception areas, restaurants, marketing establishments, retail service establishments, retail stores, theaters, and waiting rooms. A private residence is not a "public place," nor is a facility while it is being used for a private function, such as a reception, party, etc. Private clubs are not considered a "public place."
- AA. "Restaurant" shall mean any place where food is manufactured, packaged, produced, processed, transported, stored, sold, commercially prepared, vended, or otherwise handled. The term includes any such place regardless of the duration of the permit or whether there is a charge for the food. The term includes, but is not limited to, a coffee shop, cafeteria, sandwich shop, private or public school cafeteria, and any Other eating establishment that gives or offers food to the public, guests, or employees, including catering facilities. The term shall not include a cocktail lounge or tavern if said cocktail lounge or tavern is a "bar" as defined in this section. The term does not include private homes where food is prepared or served for guests and individual family consumption.
- BB. "Retail or Service Establishment" shall mean any establishments which sells goods or services to the general public.

- CC. "Retail tobacco store means any retail establishment utilized primarily for the sale of tobacco products, electronic smoking devices, and related accessories in which the sale of other products, including food and beverages, does not exceed 40 percent of gross revenues." "Sell" shall mean to offer for sale, convey, exchange, barter, or trade.
- DD. "Service Line" shall mean any indoor line or area where persons wait for goods or service of any kind, regardless of whether or not an exchange of money will occur. Such service includes, but is not limited to, sales, giving of information, directions, advice, and the transfer of money or goods.
- EE. "Smoking" means inhaling, exhaling, burning, or carrying any lighted cigar, cigarette, pipe, hookah, electronic smoking device, or any other lighted tobacco product, plant material, or other combustible substance."
- GG. "Sports Arena" shall mean sports pavilions, gymnasiums, health spas, boxing arenas, swimming pools, roller and ice rinks, and other similar places where members of the general public assemble either to engage in physical exercise, participate in athletic competition or witness sports events.
- HH. "Tobacco Product" shall mean any tobacco, cigarette, cigar, pipe tobacco, smokeless tobacco, snuff, or any other form of tobacco, which may be utilized for smoking, chewing, inhalation or other manner of ingestion Or absorption.
- II. "Tobacco Shop" shall mean a retail establishment whose annual gross revenues from the sale of tobacco products and smoking accessories are at least 50 percent of total revenue.
- JJ. "Tobacco Vending Machine" shall mean any mechanical, electric or electronic self-serving device which, upon insertion of money, tokens, Or any other form of payments, dispenses tobacco products.
- KK. "Valid Identification" shall mean a valid driver's license or an identification card issued by the Department of Public Safety which contains a physical description and a photograph consistent with the person's appearance. The proof of identification may include a driver's license issued by Texas or another State, a passport, or an identification card issued by a State or the Federal government.
- LL. "Ventilation System" shall mean an HVAC system designed by a licensed professional engineer to meet the requirements of this ordinance and all other requirements of the City's building code. A ventilation system must provide an air change every 15 minutes; exhaust the air to the exterior of the building and the air from the smoking area cannot be drawn across the non-smoking area; and has an air barrier system, if required by a licensed professional engineer, to prevent air from the smoking area from being drawn across the non-smoking area.
- MM. "Workplace" shall mean any enclosed area of a structure, or portion thereof, intended for occupancy by employees who provide primarily clerical, professional or business services

of a business entity, or which provide primarily clerical, professional or business services to other business entities Or to the public at that location.

Section 8.10.002

Smoking Prohibited — Public Places.

A. City Owned Buildings:

All enclosed buildings owned or leased by the City of McLendon-Chisholm shall be designated nonsmoking with no designated smoking section.

B. Places Where Smoking is Prohibited:

A person commits an offense if he smokes or possesses a burning tobacco, weed, or other plant product in any of the following indoor or enclosed areas:

1. Public or private schools.
2. City buildings.
3. Public elevators and stairwells.
4. Buses, taxi cabs, and other means of public transportation.
5. All boarding and waiting areas of public transit depots.
6. Public restrooms, lobbies, reception areas, hallways and any other common use
7. Service lines and waiting queues, whether indoor or outdoor.
8. Retail or service establishments.
9. Businesses, including all areas available to and customarily used by the general public.
10. Aquariums, galleries, libraries, and museums.
11. Day care centers, except that day care centers that are also private homes shall be considered private residences when the children or adults receiving care have gone home.
12. Every publicly or privately owned theater, auditorium or Other enclosed facility which is Open to the public for the primary purpose of exhibiting any motion picture, stage drama, musical recital, athletic event or any other performance or event, except when smoking is part of a stage production.
13. Any portion of any publicly or privately owned area to which the public has access. This section does not apply to private residences.
14. Any seating area of any publicly or privately owned outdoor athletic facility.
15. Health care facilities and hospitals.
16. Hotels and motels, except as provided for in Section 8.10.005

17. Within 30 feet of any door, operable window/vent or other opening to an indoor enclosed area of a use listed above.

C. Exceptions:

1. An Adult's Only Establishment as defined in Section 8.10.001 of this Ordinance is exempt from the non-smoking provisions set forth above under the following circumstances:
 - a. It must prohibit the entry of customers below the age of 18;
 - b. It may have no employees or guests below the age of 18;
 - c. It must prominently display a sign by all public entrances reflecting that this is an adult's only establishment and that no one under 18 years of age is permitted within the establishment and that it permits smoking in all areas and that there are no nonsmoking facilities contained within.
2. A business establishment listed above under Section 8.10.002B where smoking would otherwise be prohibited may construct a separate but contiguous facility of the same business where smoking is permitted. The facility must be separated from the nonsmoking facility by a solid wall which extends from floor to ceiling, must have a separate entrance and must not share a common heating and air conditioning system which allows the passage of air from one facility to the other. It may have no employees or guests below the age of 18. The smoking portion of the business must display a sign at all public entrances reflecting that this is an adult's only establishment and that no one under 18 years of age is permitted within the establishment and that smoking is permitted in all areas and that there are no nonsmoking facilities contained within. A business establishment operating pursuant to this section may serve both the smoking and non-smoking dining areas from a single kitchen provided that the facility is designed and constructed in a manner that does not permit smoke from the smoking portion to pass through the kitchen to the non-smoking area. An establishment operating under this section may serve both the smoking and non-smoking areas from a single set of restrooms provided that they are located within the non-smoking portion of the establishment and the facility is designed and constructed in such a manner as to prevent smoke from the smoking area being drawn into the non-smoking area when patrons pass from one portion of the establishment to the other.

D. Defenses:

1. It is a defense to prosecution under this section that the conveyance or public place within which the offense occurred did not have prominently displayed a reasonably sized notice that smoking was prohibited.

Section 8.10.003

Regulation Of Smoking Eating Establishments. Nighclubs. Adult Entertainment Establishments. Billiard Halls. Bingo Parlors. And Bowling Centers.

- A A person commits an offense if he or she smokes tobacco or possesses a burning tobacco product in an eating establishment, bar, night club, adult entertainment establishment, billiard hall, bingo parlor, or bowling center unless it operates in compliance with 8.10.002C.
- B An owner, manager, or operator Of an eating establishment, bar, night club, adult entertainment establishment, billiard hall, bingo parlor, Or bowling center commits an offense if he or she allows smoking of a tobacco product in the establishment unless it operates in compliance with 8.10.002C.
- C Defenses:
 - 1. It is a defense to a prosecution under Subsection (A) of this Section that the establishment did not have prominently displayed a reasonably sized notice that smoking was prohibited.
- D Existing Businesses and Facilities:
 - 1. All businesses and facilities in operation on the effective date of this Ordinance shall have 18 months from the passage of this ordinance to be in compliance.
- E Owner/Operator Responsibility:
 - 1. The owner, manager, or operator of an eating establishment, bar, night club, adult entertainment establishment, billiard hall, bingo parlor, Or bowling center commits an offense if he or she designates or maintains a smoking area in violation of this Ordinance.
 - 2. The Owner or manager of an establishment governed by this Ordinance commits an offense if he or she fails to post and maintain any signs required by this Ordinance.

Section 8.10.004 Regulation Of Smoking — Workplace

- A. An employer who owns, occupies, or controls a workplace may:
 - 1. Have and implement a written policy on smoking which conforms to this chapter.
 - 2. Make the policy available for inspection by employees and communicate said policy to all employees at least three weeks prior to its adoption.

3. Prominently display reasonably sized signs that smoking is prohibited.
4. Provide facilities in sufficient numbers in such locations as to be readily accessible for the extinguishment of smoking materials.
5. Not discharge, retaliate, Or discriminate against an employee who:
 - a) Files a complaint or causes a proceeding to be instituted under or related to this article, or
 - b) Testifies or will testify in a proceeding instituted under this article, or
 - c) Exercises on his own behalf or the behalf of others any right afforded by this article.

Section 8.10.005 Where Smoking is not Regulated.

- A. Notwithstanding any other provision of this chapter to the contrary, the following areas shall not be subject to the smoking restrictions of this chapter:
 1. Private residences, including porch and yard areas, except when used as a child care, adult day care Or health care facility.
 2. Not more than ten percent (10%) of hotel and motel rooms rented to guests Shall be designated as smoking rooms. The following standards shall apply:
 - a. All smoking rooms shall be on the same floor, shall be contiguous to the other smoking rooms and shall be configured and ventilated in a manner to restrict the smoke from these rooms from infiltrating into areas where smoking is prohibited under provisions of this article;
 - b. Separate ventilation and HVAC Systems that prevent the commingling of air with other rooms, hallways and all other non-smoking areas shall be required; and
 - c. The Status of rooms as smoking or non-smoking may not be changed, except to add additional non-smoking rooms.
 3. Retail tobacco stores, where a retail Store is utilized primarily for the sale of tobacco products and accessories and in which the sale of other products is merely incidental. Separate ventilation and HVAC systems that prevent the commingling of air with other businesses, Common areas, hallways and Other non-smoking areas shall be required.

4. Enclosed meeting or assembly rooms in restaurants, hotels, motels, and other public places while the entire room is being used for a private function provided it has a portable air purification system (defined herein).
- B. Notwithstanding any other provision of this section, any owner, operator, manager, or other person who controls any establishment described in this section may designate the entire establishment as a non-smoking establishment.

Section 8.10.005 Posting of Signs. Placing Of Receptacles

A. Signs:

All signs shall be in letters not less than 1 inch high with a stroke of not less than 1/8 inch on a contrasting background.

1. A place or conveyance regulated by Section 8.10.002; that is required to be totally nonsmoking shall have signs conspicuously posted at all public entrances which state: "NO Smoking — City Ordinance."
2. If a place or conveyance regulated by Section 8.10.002C, permits smoking, it shall post and maintain the sign required in 8.10.002C.

B. Receptacles:

A place, establishment or conveyance regulated by Sections 8.10.002B or 8.10.003 which is partially or totally non-smoking shall have facilities for the extinguishment of smoking materials located no farther than 30' or closer than 15' feet of all public entrances and within all designated smoking areas. The owner, manager, or operator of a place, conveyance or establishment commits an offense if he fails to post signs and provide extinguishment facilities as required by this section.

Section 8.10.006 Exemptions

- A. Any owner or manager of a business, facility, room, Structure, or other establishment existing on the effective date of this ordinance which is subject to Sections 8.10.002, 8.10.004, and 8.10.006 may apply for an exemption or modification to any portion of this article due to unusual circumstances or conditions. Such exemption may be granted by the City Council, only if the evidence presented by the applicant for exemption demonstrates that:
 1. The applicant cannot comply with the provisions of this article for which an exemption is requested without incurring expenses for structural or other physical modifications, other than posting signs, to buildings and structures, or

2. Due to such unusual circumstances, the failure to comply with the provision for which the exemption is requested will not result in a danger to health or annoyance, inconvenience, or discomfort.

Section 8.10.007 Penalty for Violation

Any person, firm, corporation, agent, or employee thereof who violates any of the provisions of this article shall be guilty of a misdemeanor, and upon conviction thereof, shall be fined an amount not less than \$50.00 nor more than provided, however, in the event the actor has previously been convicted under this section, the actor shall be fined an amount not less than \$50.00 nor more than \$500.00 for a second conviction hereunder, and shall be fined an amount not less than \$100 nor more than \$1000 for a third conviction hereunder and for each conviction thereafter. Each day that a violation is permitted to exist shall constitute a separate offense.

Section 8.10.008 Culpability

There shall be no requirement of a culpable mental state for a violation of this article.

...”

SECTION 2.

This ordinance shall be cumulative of all provisions Of ordinances and Of the Code of Ordinances of the City of McLendon-Chisholm, Texas, as amended, except where the provisions of this ordinance are in direct conflict with the provisions of such ordinances and such Code, in which event the conflicting provisions of such ordinances and such Code are hereby repealed.

SECTION 3.

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

SECTION 4.

Any person, firm, partnership, association, or corporation who shall Violate any Of the provisions Of this ordinance shall be guilty of a misdemeanor, and upon conviction thereof in the Municipal Court of the City of McLendon-Chisholm, Texas, such violation shall be liable for a fine in an amount not to exceed \$1000 in accordance with Section I of this ordinance and each and every instance Of the violation Of this ordinance shall constitute a separate offense and shall be punishable by separate fines for each offense.

SECTION 5.

All rights and remedies of the City of McLendon-Chisholm are expressly saved as to any and all violations of the provisions of the Code Of Ordinances of the City of McLendon-Chisholm, as amended, or any other ordinances affecting smoking which have accrued 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 6.

The City Secretary is hereby directed to publish in the official newspaper of the City, the caption, penalty clause, publication clause and effective date clause of this ordinance one (1) time within 10 days after its effective date.

PASSED AND APPROVED this ___ day of _____ 2025.

APPROVED:

By: _____
Bryan McNeal, Mayor

ATTEST:

By: _____
Angela Jennings, City Secretary

RESOLUTION NO. ____

AN RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MCLENDON-CHISHOLM, TEXAS, ADOPTING A POLICY SUGGESTING ALL ELECTED OFFICIALS PARTICIPATE IN AN ONLINE HARRASSMENT TRAINING; PROVIDING FOR THE REPEAL OF ALL OTHER RESOLUTIONS IN CONFLICT WITH THIS RESOLUTION; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the conduct of the city representatives towards the public and staff is one of the most crucial roles they will undertake; and

WHEREAS, in an effort to ensure proper conduct, this policy is necessary for the government, interest, welfare, or good order of the City of McLendon-Chisholm.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF MCLENDON-CHISHOLM, TEXAS, THAT:

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

SECTION 2. ADOPTION OF A POLICY SUGGESTING ALL ELECTED OFFICIALS PARTICIPATE IN ONLINE HARRASSMENT TRAINING. The policy is hereby adopted by the City Council of the City of McLendon-Chisholm.

SECTION 3. REPEAL OF CONFLICTING RESOLUTIONS This Resolution shall be cumulative of all provisions of Resolutions of the City except where the provisions of this Resolution are in direct conflict with the provisions of such Resolutions, in which event the conflicting provisions of such Resolutions are hereby repealed.

SECTION 4. SEVERABILITY It is hereby declared to be the intention of the City Council of the City of McLendon-Chisholm, Texas, that the phrases, clauses, sentences, paragraphs, and sections of this Resolution are severable, and if any phrase, clause, sentence, paragraph, or section of this Resolution should be declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs, or sections of this Resolution, since the same would have been enacted by the City Council without incorporation in this Resolution of such unconstitutional phrases, clause, sentence, paragraph, or section.

DULY PASSED and approved by the City Council of the City of McLendon-Chisholm, Texas, on this the 9th day of May 2025.

ATTEST:

APPROVED:

_____, CITY SECRETARY

_____, MAYOR

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF MCLENDON-CHISHOLM, TEXAS, AMENDING THE CODE OF ORDINANCES BY AMENDING CHAPTER 3, "BUILDING REGULATIONS", ARTICLE 3.02, "TECHNICAL AND CONSTRUCTION CODES AND STANDARDS", BY REPEALING AND REPLACING IN ITS ENTIRETY SECTION 3.02.001 "CODES ADOPTED" BY ADOPTING THE 2021 INTERNATIONAL PROPERTY MAINTENANCE CODE, 2021 INTERNATIONAL BUILDING CODE, THE 2023 NATIONAL ELECTRICAL CODE, THE 2021 INTERNATIONAL PLUMBING CODE; THE 2021 INTERNATIONAL MECHANICAL CODE, THE 2021 INTERNATIONAL ENERGY CONSERVATION CODE, THE 2021 INTERNATIONAL RESIDENTIAL CODE, THE 2021 INTERNATIONAL EXISTING BUILDING CODE, THE 2021 INTERNATIONAL SWIMMING POOL AND SPA CODE, THE 2021 INTERNATIONAL FUEL AND GAS CODE, THE 2021 INTERNATIONAL FIRE CODE ; PROVIDING A REPEALING CLAUSE; PROVIDING; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City of McLendon-Chisholm, Texas is a duly organized municipality, 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 City Council met on May 9, 2025 and, at a meeting in compliance with the Texas Open Meetings Act, adopted a Code of Ordinances; and

WHEREAS, said Code of Ordinances adopted certain Construction Codes; and

WHEREAS, the City Council has determined that it is necessary and advisable to repeal certain construction codes as they are out of date and do not adequately protect the citizens' health, safety and general welfare and updating to more current versions of the Construction Codes promotes the health, safety and general welfare of the citizens of the City of McLendon-Chisholm.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MCLENDON-CHISHOLM, TEXAS:

SECTION 1. That Chapter 3 of the City of McLendon-Chisholm Code of Ordinances be and the same is hereby amended by repealing in its entirety Chapter 3, "Building Regulations", Article 3.02, "Technical and Construction Codes and Standards", Section 3.02.001, "Codes Adopted", and replacing it with a new Chapter 3, "Building Regulations", Article 3.02,

“Technical and Construction Codes and Standards”, Section 3.02.001 “Codes Adopted” and which shall read as follows:

“...

CHAPTER 3. BUILDING REGULATIONS

...

ARTICLE 3.02 TECHNICAL AND CONSTRUCTION CODES AND STANDARDS

...

Sec. 3.02.001 Codes Adopted

The city hereby adopts the provisions of the International Building Code (2021 edition), the International Residential Code (2021 edition with amendments as described in Exhibit “A”, which are fully incorporated herein by reference), the International Mechanical Code (2021 edition with amendments as described in Exhibit “B”, which are fully incorporated herein by reference), the National Electrical Code (2023 edition, including North Texas Council of Governments [“NCTCOG”] amendments), the International Plumbing Code (2021 edition with amendments as described in Exhibit “C”, which are fully incorporated herein by reference), the International Fuel Gas Code (2021 edition with amendments as described in Exhibit “D”, which are fully incorporated herein by reference), the International Energy Conservation Code (2021 edition with amendments as described in Exhibit “E”, which are fully incorporated herein by reference), the International Plumbing Code (2021 edition with amendments as described in Exhibit “F”, which are fully incorporated herein by reference), the International Existing Building Code (2021 edition with amendments as described in Exhibit “G”, which are fully incorporated herein by reference), the International Swimming Pool and Spa Code (2021 edition with amendments as described in Exhibit “H”, which are fully incorporated herein by reference), the International Property Maintenance Code (2021 edition) and the International Fire Code (2021 edition with the adoption of NCTCOG Option B adopted), as the codes for:

...”

The remaining sections and subsections of Article 3.02 are not amended hereby and remain in full force and effect.

SECTION 2. All provisions of the ordinances of the City of McLendon-Chisholm in conflict with the provisions of this ordinance be, and the same are hereby, repealed, and all other

provisions of the ordinances of the City of McLendon-Chisholm not in conflict with the provisions of this ordinance shall remain in full force and effect.

SECTION 3. Should any sentence, paragraph, subdivision, clause, phrase or section of this ordinance be adjudged or held to be unconstitutional, illegal or invalid, the same shall not affect the validity of this ordinance as a whole, or any part or provision thereof other than the part so decided to be invalid, illegal or unconstitutional, and shall not affect the validity of the Code of Ordinances of the City of McLendon-Chisholm, Texas.

SECTION 4. That this ordinance shall take effect immediately from and after its passage and publication, as the law in such cases provides.

SECTION 5. Any person, firm or corporation violating any provision of this ordinance or the provisions of the Code of Ordinances for the City of McLendon-Chisholm, Texas, as amended hereby, shall be deemed guilty of a misdemeanor and, upon conviction, shall be subject to a fine not to exceed two thousand dollars (\$2,000.00) for each offense, each and every day such offense shall continue shall be deemed to constitute a separate offense.

SECTION 6. That the recitals to this Ordinance are hereby incorporated into the body of this Ordinance as if fully set forth in this Section and are hereby found and declared to be true and correct legislative findings and are adopted as part of this Ordinance for all purposes.

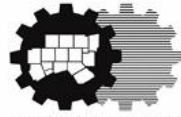
DULY PASSED by the City Council of the City of McLendon-Chisholm, Texas, this 9th day of May 2025.

APPROVED:

By: _____
Bryan McNeal, Mayor

ATTEST:

By: _____
Angela Jennings, City Secretary



North Central Texas
Council of Governments

Recommended Amendments to the 2021 International Mechanical Code

North Central Texas Council of Governments Region

The following sections, paragraphs, and sentences of the *2021 International Mechanical Code* (IMC) are hereby amended as follows: Standard type is text from the IMC. Underlined type is text inserted. A double asterisk at the beginning of a section identifies an amendment carried over from the 2018 edition of the code and a triple asterisk identifies a new or revised amendment of the 2021 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 National Electrical Code as adopted.

(Reason: Legal wording to recognize locally adopted codes and amendments adopted with referenced codes.)

**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 501.3; add an exception to read as follows:**

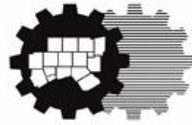
501.3 Exhaust Discharge. The air removed by every mechanical exhaust system shall be discharged outdoors at a point where it will not cause a public nuisance and not less than the distances specified in Section 501.3.1. The air shall be discharged to a location from which it cannot again be readily drawn 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.)

END



North Central Texas
Council of Governments

**Recommended Amendments to the
2021 International Building Code**
North Central Texas Council of Governments Region

The following sections, paragraphs, and sentences of the *2021 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 2018 edition of the code and a triple asterisk (***) identifies a new or revised amendment with the 2021 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 Chapter 27 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.)

****Sections 103 and 103.1; amend to insert the Department Name**

CODE COMPLIANCE AGENCY [INSERT OFFICIAL BUILDING DEPARTMENT NAME OF JURISDICTION]

103.1 Creation of enforcement agency. The [INSERT NAME OF DEPARTMENT] is hereby created and the official in charge thereof shall be known as the *building official*.

[Remainder Unchanged]

(Reason: Reminder to be sure ordinance reads the same as designated by the city and amend Section 101.1.)

****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.)

(Note: Sections 104.2.1, 104.10.1, 110.3.12.1, 1612, and 3114 are all inter-connected related to flood hazard areas, and amendments or deletions should be considered as a whole.)

****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. 2. (Remainder Unchanged)~~
- ~~5. 3. (Remainder Unchanged)~~
- ~~6. 4. (Remainder Unchanged)~~
- ~~7. 5. (Remainder Unchanged)~~
- ~~8. 6. (Remainder Unchanged)~~
- ~~9. 7. (Remainder Unchanged)~~
- ~~10. Shade cloth structures constructed for nursery or agricultural purposes, not including service systems.~~
- ~~11. 8. (Remainder Unchanged)~~
- ~~12. 9. (Remainder Unchanged)~~
- ~~13. 10. (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 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. Deleting the exception would then require all gypsum panels to be inspected; this issue is resolved by leaving the exception intact.)

****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, 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
- 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; ~~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.)

****Section 202; amend definition of HIGH-RISE BUILDING to read as follows:**

Option A

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

Option B

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

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

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

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

303.1.3 Associated with Group E occupancies. A room or space used for assembly purposes that is associated with a Group E occupancy is not considered a separate occupancy, except when applying the assembly requirements of 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.)

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

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

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

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

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



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

****Section 403.3, Automatic Sprinkler System. Delete exception;**

(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 403.3.2; change to read as follows:**

Section 404.10 Exit Stairways in an atrium. Where an atrium contains an ~~interior~~ exit access stairway all the following shall be met:

[Remainder Unchanged]

(Reason: The five provisions within Section 404.10 are applicable to exit access stairways, not interior exit stairways. As printed, this is an error, that if left uncorrected, would change among other core code provisions, how to measure travel distance to an enclosed exit stairway. There is use of the terms "exit stairway in an atrium" vs. "interior exit stairway" vs. "exit access stairway" that will cause confusion as to which provisions are applicable.)

****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.)

*****Section 423.5.1; change to read as follows:**

423.5.1 Required occupant capacity. The required occupant capacity of the storm shelter shall include all of the buildings on the site and shall be the ~~greater of the following:~~



1. ~~The Total occupant load of the classrooms, vocational rooms and offices in the Group E occupancy.~~
2. ~~The occupant load of the largest indoor assembly space that is associated with the Group E occupancy.~~

Exceptions:

1. Where a new building is being added on an existing Group E site, and where the new building is not of sufficient size to accommodate the required occupant capacity of the storm shelter for all of the buildings on the site, the storm shelter shall at a minimum accommodate the required occupant capacity for the new building.
2. Where approved by the building official, the required occupant capacity of the shelter shall be permitted to be reduced by the occupant capacity of any existing storm shelters on the site.
3. Where approved by the building official, the actual number of occupants for whom each occupied space, floor or building is designed, although less than those determined by occupant load calculation, shall be permitted to be used in the determination of the required design occupant capacity for the storm shelter.

Reason: The language in the new exception is parallel to the language in Chapter 10 that gives an AHJ similar authority for fire egress occupant load, clarifying that an AHJ has the authority to reduce the required shelter occupant capacity based on rationale provided by a School District.)

*****Section 503.1; add sentence to read as follows:**

503.1. General. [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, except as allowed in Section 510.

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

****Table 506.2; delete footnote i 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 503.1.1)

*****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 IBC code.)

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

718.4 Draftstopping in attics. [Body of text unchanged]

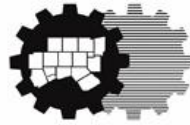
Exceptions: Buildings equipped throughout with an automatic sprinkler system in accordance with Section 903.3.1.1 and provided that in combustible construction, sprinkler protection is provided in the attic space.

(Reason: To remain consistent with changes in 708.4.2 IBC 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



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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 nighttime 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 for telecommunications buildings:**

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 903.2.4.2; change to read as follows:**

903.2.4.2 Group F-1 distilled spirits. An automatic sprinkler system shall be provided throughout a Group F-1 fire area used for the manufacture of distilled spirits involving more than 120 gallons of distilled spirits (>16% alcohol) in the fire area at any one time.

(Reason: To establish a sprinkler criteria limit based on existing maximum allowable quantities provided for flammable liquids in a non-sprinklered space from Chapter 50 and allow very small distillery type operations without sprinkler requirements as has been historically allowed.)

*****Section 903.2.9.3; change to read as follows:**

903.2.9.3 Group S-1 distilled spirits or wine. An automatic sprinkler system shall be provided throughout a Group S-1 fire area used for the bulk storage of distilled spirits or wine involving more than 120 gallons of distilled spirits or wine (>16% alcohol) in the fire area at any one time.

(Reason: To establish a sprinkler criteria limit based on existing maximum allowable quantities provided for flammable liquids in a non-sprinklered space from Chapter 50 and allow very small storage operations without sprinkler requirements as has been historically allowed.)

****Section 903.2.9.4 and 903.2.9.5; delete Exception to 903.2.9.4 and add Section 903.2.9.5 to read as follows:**

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

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

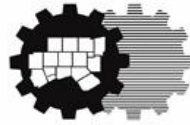
****Option A**

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

903.2.11.3 Buildings 55 Feet or more in Height. An automatic sprinkler system shall be installed throughout buildings that have one or more stories ~~with an occupant load of 30 or more, other than~~ penthouses in compliance with Section 1510 of the *International Building Code*, located 55 feet (16 764 mm) or more above the lowest level of fire department vehicle access, measured to the finished floor.

—Exceptions:

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



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

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

****Option B**

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

903.2.11.3 Buildings ~~55~~ 35 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:

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* where all of the following conditions apply:

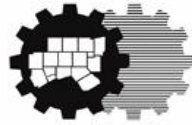
- a. The structure is freestanding.
- b. The structure does not contain any mixed uses, accessory uses, storage rooms, electrical rooms, elevators or spaces used or occupied for anything other than motor vehicle parking.
- c. The structure does not exceed 3 stories.
- d. An approved fire apparatus access road is provided around the entire structure.

(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



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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; change to read as follows:**

903.3.1.2 NFPA 13R sprinkler systems. Automatic sprinkler systems in Group R occupancies shall be permitted to be installed throughout in accordance with NFPA 13R where the Group R occupancy meets all of the following conditions:

1. Four stories or less above grade plane.
2. The floor level of the highest story is ~~30~~ 35 feet (~~9144~~ 10668 mm) or less above the lowest level of fire department vehicle access.
3. The floor level of the lowest story is ~~30~~ 35 feet (~~9144~~ 10668 mm) or less below the lowest level of fire department vehicle access.

{No change to remainder of section.}

(Reason: The change to the 2021 IFC over-reached to limit 13R systems to 30 ft. high at topmost floor level, which basically results in limiting 13R systems to 3 story buildings in reality. This change to 35 ft. would still allow 13R systems in 4 story apartment buildings, as has been allowed historically and as intended by 13R's scope.)

*****Section 903.3.1.2.2; change to read as follows:**

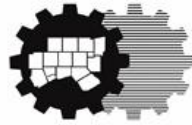
903.3.1.2.2 Corridors and balconies in the means of egress. Sprinkler protection shall be provided in all corridors and for all balconies. ~~in the means of egress where any of the following conditions apply:~~
{Delete the rest of this section.}

(Reason: Corridor protection is critical to the means of egress, and corridors are regularly utilized for miscellaneous storage, fixtures, artwork, food kiosks and beverage dispensers, and furnishings. Balcony protection is required due to issues with fire exposure via soffit vents and the potential for significant combustible loading.)

****Section 903.3.1.2.3; delete section and replace as follows:**

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.



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- 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.

(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.

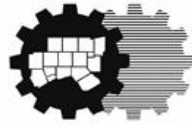
Exception: Wet-pipe fire sprinkler systems shall be allowed to protect non-ventilated attic spaces where:

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:**



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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 and ease of recognition of the FDC location, especially at night.)

****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:

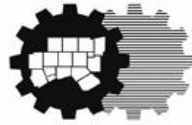
1. Automatic dry, semi-automatic dry, and manual dry standpipes are allowed as provided for in NFPA 14 where approved by the fire code official.
2. R-2 occupancies of four stories or less in height having no interior corridors.

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

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

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

Exception: {No change.}



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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 {remainder of text unchanged}
4. {No change.}
5. Where the roof has a slope less than 4 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 905.8; change to read as follows:**

905.8 Dry standpipes. Dry standpipes shall not be installed.

Exception: Where subject to freezing and in accordance with NFPA 14. Additionally, 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 Supervisory 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. NFPA 14 requires supervisory air for such but does not provide pressure criteria for what that means. This is a long-standing regional requirement.)

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

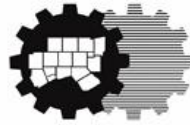
Sprinkler and standpipe system water-flow detectors shall be provided for each floor tap to the sprinkler system and shall cause an alarm upon detection of water flow for more than 45 seconds. All control valves in the sprinkler and standpipe systems except for fire department hose connection valves 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 906.1(1); delete Exception #3 as follows:**

~~3. In storage areas of Group S occupancies where forklift, powered industrial truck or powered cart operators are the primary occupants, fixed extinguishers, as specified in NFPA 10, shall not be required where in accordance with all of the following:~~

- ~~3.1. Use of vehicle-mounted extinguishers shall be approved by the fire code official.~~
- ~~3.2. Each vehicle shall be equipped with a 10-pound, 40A:80B:C extinguisher affixed to the vehicle using a mounting bracket approved by the extinguisher manufacturer or the fire code official for vehicular use.~~
- ~~3.3. Not less than two spare extinguishers of equal or greater rating shall be available on-site to replace a discharged extinguisher.~~



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~~3.4. Vehicle operators shall be trained in the proper operation, use and inspection of extinguishers.~~

~~3.5. Inspections of vehicle-mounted extinguishers shall be performed daily.~~

(Reason: This provision of only having vehicle-mounted fire extinguishers is not at all consistent with historical practice of requiring extinguishers throughout based on travel distance. Often times, the vehicle is what has caused the incident and/or may be the source of the incident, so having the extinguisher vehicle-mounted results in greater potential injury of the user. This assumes the only occupants in the building are on a vehicle, which again, significantly reduces access to fire extinguishers throughout the building to other occupants. Future use of the building/tenancy may change further complicating the issue.)

****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~~ 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:

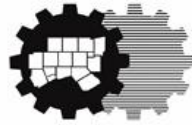
1. Cause illumination of the means of egress with light of not less than 1 foot-candle (11 lux) at the walking surface level, and
2. Stop any conflicting or confusing sounds and visual distractions.

(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:



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1. {No change.}
 - 1.1. Residential In-Home day care with not more than 12 children may use interconnected single station detectors in all habitable rooms. (For care of more than five children 2 1/2 or less years of age, see Section 907.2.6.) {No change to remainder of exceptions.}

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

*****Section 907.2.10; change to read as follows:**

907.2.10 Group S. A manual fire alarm system that activates the occupant notification system in accordance with Section 907.5 shall be installed in Group S public- and self-storage occupancies ~~three stories or greater in height~~ for interior corridors and interior common areas. Visible notification appliances are not required within storage units.

Exception: {No change.}

(Reason: Because of the potential unknown fire load and hazards in self-storage type facilities, which could include flammable liquids for instance, as well as other hazardous materials, prompt evacuation in the event of fire alarm is needed; therefore, notification in the corridors/common areas is critical to all such occupancies, regardless of height.)

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

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

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

****Section 907.4.2; add Section 907.4.2.7 to read as follows:**

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

(Reason: Helps to reduce false alarms.)

****Section 907.6.1; add Section 907.6.1.1 to read as follows:**

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

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

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



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

****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. This was moved from 907.6.5.3 in the 2012 IFC and reworded to match new code language and sections (legacy language).)

(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 read and change Exception 2 and 3 to read as follows:**

910.2 Where required. Smoke and heat vents or a mechanical smoke removal system shall be installed as required by Sections 910.2.1, 910.2.2, and 910.3.2.

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

(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 910.2.3; add to read as follows:**

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

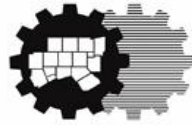
1. In occupancies classified as Group H-2 or H-3, any of which are more than 15,000 square feet (1394 m²) in single floor area.

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. This is based on legacy language establishing long-standing historical practice.)



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****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 1006.2.1 change exception 3 to read as follows;**

Section 1006.2.1 Egress based on occupant load and common path of egress travel distance.

3. Unoccupied rooftop mechanical rooms and penthouses are not required to comply with the common path of egress travel distance measurement.

(Reason: Add "rooftop" to Exception No. 3 to clarify that only such mechanical rooms located on the roof maybe exempted.)

****Section 1009.8 Two Way Communication; add the following Exception 7:**

[Text Remains]



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 1010.2.5 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: It is common in our region to see the 2nd leaf locked, when that leaf is not part of the required egress door clear width, such as in a typical Group M. Exception No. 4 was expanded to Group A due to it being a similar situation for Group A restaurants.)

****Section 1020.2 Construction; add new exception 6 as follows:**

6. In unsprinklered 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: Similar concept was previously in UBC. This scenario occurs primarily in existing, non-sprinklered buildings, which under current IBC would be required to have a fire resistance rated corridor. New exception provides a cost-effective solution for single tenant space in lieu of the base IBC requirement to retrofit a fire sprinkler system throughout the building.)

****Section 1030.1.1.1 Spaces under grandstands and bleachers; delete this section.**

(Reason: Unenforceable.)

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

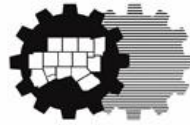
Exception: Components of projects regulated by and registered with Architectural Barriers Division of Texas Department of Licensing and Regulation shall be deemed to be in compliance with the requirements of this chapter.

(Reason: To accommodate buildings regulated under state law. Further clarified in 2018 to mean components that are specifically addressed by TDLR shall be exempt.)

*****Section 1809.5.1 Frost Protection at required exits; delete this section**

(Reason: frost protection at exit doors is not needed in our climate zone)

*****Section 2702.5; added to read as follows:**



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Section 2702.5 Designated Critical Operations Areas (DCOA): In areas within a facility or site requiring continuous operation for the purpose of public safety, emergency management, national security or business continuity, the power systems shall comply with NFPA 70 Article 708.

(Reason: Identifying these areas of critical operations in the building code ensures designers are advised of the requirements outlined in the National Electrical Code which defines specific Critical Operations Power System (COPS) requirements.)

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

****Add 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.

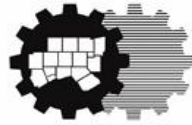
2902.1.4.2 Service sink. In new or remodeled food service establishments, at least one service sink or one floor sink shall be provided so that it is conveniently located for the cleaning of mops or similar wet floor cleaning tool and for the disposal of mop water and similar liquid waste. The location 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 3002.1 Hoistway Enclosure Protection required. Add exceptions as follows:**

Exceptions:

1. Elevators completely located within atriums shall not require hoistway enclosure protection.
2. Elevators in open or enclosed parking garages that serve only the parking garage, shall not require hoistway enclosure protection.



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(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 exceptions and add two new exceptions to 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 3005.5: Add a new subsection to Section 3005.5.1 as follows:**

3005.5.1 Fire Protection in Machine rooms, control rooms, machinery spaces and control spaces.

3005.5.1.1 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 3005.5.1.1.1.

3005.5.1.1.1 Prohibited locations. Automatic sprinklers shall not be installed in machine rooms, elevator machinery spaces, control rooms, control spaces and elevator hoistways.

3005.5.1.1.2 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.

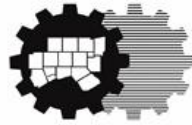
3005.5.1.2 Water protection. An approved method to prevent water from infiltrating into the hoistway enclosure from the operation of the automatic sprinkler system outside the elevator lobby shall be provided.

3005.5.1.3 Omission of 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."



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(Reason: Reinforces the need to maintain space clean and free of combustibles. See companion change to eliminate fire sprinklers therein, Section 3005.5.1.)

Option A

Section 3006.2, Hoistway opening protection required; Insert new text as follows:

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

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 foot (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".)

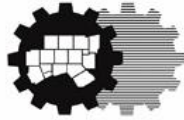
****Section 3007.3 and Section 3008.3: Revise text by deleting "enclosed" as follows:**

3007.3 Water Protection. Water from the operation of an automatic sprinkler system outside the ~~enclosed~~ lobby shall be prevent from infiltrating into the hoistway enclosure in accordance with an approved method.

3008.3 Water Protection. Water from the operation of an automatic sprinkler system outside the ~~enclosed~~ lobby shall be prevent from infiltrating into the hoistway enclosure in accordance with an approved method.

(Reason: The lobbies for FSAE and or OEE elevators may be open (i.e., at ground level), or may not require a lobby enclosure on those upper floors with secondary cab entry doors opening into a nonrequired FSAE or OEE lobby. Regardless of whether or not the lobby is enclosed, the objective is to preclude fire sprinkler water from entering into the hoistway serving FSAE and OEE elevators. The deletion of "enclosed" clarifies the original intent of this provision and is consistent with ICC interpretations.)

End



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Recommended Amendments to the 2021 International Existing Building Code North Central Texas Council of Governments Region

The following sections, paragraphs, and sentences of the 2021 *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 2018 edition of the code and a triple asterisk (***) identifies a new or revised amendment with the 2021 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. {No change to rest of section.}

(Reason: To not inadvertently adopt other codes (i.e., Wildland Urban Interface Code etc....) by reference.)

*****Section 110.2; delete number 11 as follows:**

~~11. Where an automatic sprinkler system is provided, and whether an automatic sprinkler system is required.~~

(Reason: This has not been historically required on C.O.'s creating inconsistency and is not easily implemented to modify C.O.'s, and is short sided in only identifying one fire protection system. Further, the system must be maintained whether voluntarily installed or not.)

*****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; a building, structure or space that is undergoing a change of occupancy or use. erected prior to the date of adoption of the appropriate code, or one for which a legal building permit has been issued.

*****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; a building, structure or space that is undergoing a change of occupancy or use. erected prior to the date of adoption of the appropriate code, or one for which a legal building permit has been issued.

(Reason: To prevent potential abuses in new construction and shell buildings.)

*****Section 306.1; add exceptions to read as follows:**

Exceptions:

1. 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.
2. If the cost of the project is less than \$50K, it must comply with ICC A117.1, or it shall be reviewed and inspected to the Texas Accessibility Standards by a Registered Accessibility Specialist.

(Reason: To coordinate with the IBC and State Law for accessibility.)



*****Section 306.2; add exception to read as follows:**

Exception: Projects subject to the Texas Accessibility Standards as adopted by the Texas Department of Licensing and Regulation are exempt from this section. Projects with a valuation of less than \$50,000.00 (which are subject to the Texas Accessibility Standards) may be accepted as equivalent to this section where reviewed and inspected to the Texas Accessibility Standards by a Texas Department of Licensing and Regulation Registered Accessibility Specialist when a plan review report and a compliant inspection report are provided to the building code official.

(Reason: To coordinate with the IBC and State Law for accessibility.)

*****Section 306.5.1; add to read as follows:**

306.5.1 Complete change of occupancy. Where an entire building undergoes a *change of occupancy*, it shall comply with Section 305.4.1 and shall have all of the following accessible features:

1. Not fewer than one accessible building entrance.
2. Not fewer than one accessible route from an accessible building entrance to *primary function areas*.
3. Signage complying with Section 1111 of the *International Building Code*.
4. Accessible parking, where parking is being provided.
5. Not fewer than one accessible passenger loading zone, where loading zones are provided.
6. Not fewer than one accessible route connecting accessible parking and accessible passenger loading zones to an accessible entrance.
7. At least one accessible family or assisted use toilet room shall be provided in accordance with Chapter 11 of the *International Building Code*.

Where it is *technically infeasible* to comply with the new construction standards for any of these requirements for a change of group or occupancy, Items 1 through 6 shall conform to the requirements to the maximum extent technically feasible.

Exception: The accessible features listed in Items 1 through 6 are not required for an accessible route to Type B units.

(Reason: Maintains legacy language from the 2018 IEBC to identify accessibility criteria for changes of occupancy, and adds the required accessible toilet for disabled occupants, as per previous 2018 IEBC amendments.)

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

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

****Section 405.2.6 Flood Hazard Areas; delete this section.**

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

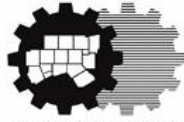
****Section 406.1; add a code reference to read as follows:**

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)



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*****Section 503.2 Flood hazard areas; delete this section.**

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

*****Section 503.16; add exception to read as follows:**

Exception: Compliance with the Texas Accessibility Standards is not considered equivalent compliance for the purpose of enforcement of this code section.

(Reason: TAS does not address this criteria in their evaluation, and it is justifiably required for alterations in existing buildings.)

****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 this 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 and consistent with regional practice.)

****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 702.4; add exception 2 to read as follows:**

2. Operable windows with openings that are provided with window fall prevention devices that comply with ASTM F2090.

(Reason: Maintains legacy language of the 2018 IFC to identify fall prevention devices as acceptable alternate/exception.)

****Section 702.7; add a code reference to read as follows:**

702.7 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 803.2.6; 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 803.3.}~~

(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 804.2; delete Exception #1 as follows:**

Exceptions: ~~1. Where the work area and the means of egress serving it complies with NFPA 101.~~
2. [Remain unchanged]

(Reason: NFPA 101 is not a commonly adopted code in the region and enforcement would be problematic, especially due to contradictions with the requirements of the IBC.)



****Section 804.4.1.2; change to read as follows:**

804.4.1.2 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 and consistent with regional practice.)

****Section 804.4.1.2.1; change to read as follows:**

804.4.1.2.1 Fire Escape access and details - ...

1. [Remain unchanged]
2. Access to a new fire escape shall be through a door...
3. ~~Newly constructed fire escapes shall be permitted only where exterior stairways cannot be utilized because of lot lines limiting the stairway size or because of the sidewalks, alleys, or roads at grade level.~~
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 804.6.2 Transoms; add language to read as follows:**

804.6.2 Transoms. In all buildings of Group B, E, I-1, I-2, R-1 and R-2 occupancies, ...[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 this section.)

****Section 904.1; add sentence to read as follows:**

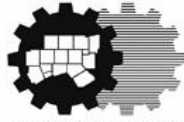
For the purpose of fire sprinkler protection and fire alarm requirements included in this section, the work area shall be extended to include at least the entire tenant space or spaces bounded by walls containing the subject work area, and if the work area includes a corridor, hallway, or other exit 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 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 IBC.)



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*****Section 1011.2.1: change to read as follows:**

1011.2.1 Fire sprinkler system. Where a change in occupancy classification occurs or where there is a *change of occupancy* within a space where there is a different fire protection system threshold requirement in Chapter 9 of the *International Building Code* that requires an automatic fire sprinkler system to be provided based on the new occupancy in accordance with Chapter 9 of the *International Building Code*. The installation of the automatic sprinkler system shall be required within the area of the *change of occupancy* and areas of the building not separated horizontally and vertically from the *change of occupancy* by one of the following:

1. ~~Nonrated permanent partition and horizontal assemblies.~~
2. ~~Fire partition.~~
3. ~~Smoke partition.~~
4. ~~Smoke barrier.~~
5. Fire barrier, as required by Section 707 of the IBC.
6. Fire wall, as required by Section 706 of the IBC.

Exceptions: [Remain unchanged.]

(Reason: Maintains legacy language requiring at least fire barrier separation between a newly sprinklered more hazardous 'change of occupancy' from non-sprinklered existing occupancies, as is required for fire area separation by the IBC.)

*****Section 1102.2.1; add to read as follows:**

1102.2.1 Fire Separations. Where fire separations are utilized to allow additions without exceeding the allowable area provisions of Chapter 5 of the IBC for either the existing building or the new addition, the decreased clear space where the two buildings adjoin shall be accounted for in such calculation relative to the allowable frontage increase.

(Reason: This issue of evaluating allowable area for additions is commonly miscalculated due to the above issue. This amendment provides clarification but is not more stringent than what is currently required by the Building Code as to allowable area calculations.)

****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 recommend, nor 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.)

*****Section 1509; delete Section 1509.1 through 1509.5 and add Section 1509.1 to read as follows:**

1509.1 When required. An approved water supply for fire protection, either temporary or permanent, shall be made available as soon as combustible material arrives on the site. The water supply design and the timing of the water supply installation relative to building construction shall comply with the adopted Fire Code.

(Reason: Maintains legacy language for the water supply and ensures adequate water supply as required by the Fire Code for construction that is already well-established. The changes in the published 2021 IEBC drastically reduce the required water supply of the Fire Code without adequate or reasonable justification.)

END



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Council of Governments

**Recommended Amendments to the
2021 International Energy Conservation Code
And the energy provisions of the
2021 International Residential Code**
North Central Texas Council of Governments Region
(Climate Zone 2 & 3 of the IECC)

The following sections, paragraphs, and sentences of the *2021 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 2018 edition of the code and a triple (***) asterisk identifies a new or revised amendment with the 2021 code. Section numbers in parenthesis represent the corresponding numbers of the energy provisions of the *2021 International Residential Code* for parallel amendments.

2021 IECC (Energy Provisions of the 2021 IRC)

*****Section 105.2 Required Inspections; Changed numbering and to read as follows:**

R105.2.1 Footing and foundation inspection.

Inspections associated with footings and foundations shall verify compliance with the code as to R-value, location, thickness, depth of burial and protection of insulation as required by the code and approved plans and specifications.

R105.2.2 Framing and Air Barrier rough-in inspection.

Inspections at framing and rough-in shall be made before application of interior finish insulation and shall verify compliance with the code as to: ~~types of insulation and corresponding R-values and their correct location and proper installation; fenestration properties such as U-factor and SHGC and proper installation;~~ air leakage controls as required by the code; and approved plans and specifications.

R105.2.3 Insulation and Fenestration rough-in inspection.

Inspections at framing and rough-in shall be made before application of interior finish and shall verify compliance with the code as to: types of insulation and corresponding R-values and their correct location and proper installation; fenestration properties such as U-factor and SHGC and proper installation.

R105.2.34 Plumbing rough-in inspection.

Inspections at plumbing rough-in shall verify compliance as required by the code and approved plans and specifications as to types of insulation and corresponding R-values and protection and required controls.

R105.2.45 Mechanical rough-in inspection.

Inspections at mechanical rough-in shall verify compliance as required by the code and approved plans and specifications as to installed HVAC equipment type and size, required controls, system insulation and corresponding R-value, system air leakage control, programmable thermostats, dampers, whole-house ventilation, and minimum fan efficiency.

Exception: Systems serving multiple dwelling units shall be inspected in accordance with Section C105.2.4.

R105.2.56 Final inspection.



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The building shall have a final inspection and shall not be occupied until approved. The final inspection shall include verification of the installation of all required building systems, equipment and controls and their proper operation and the required number of high-efficacy lamps and fixtures.

****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 ensure 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 DYNAMIC GLAZING is also found in the Commercial provisions of the code.)

*****Table 402.1.2 Maximum Assembly/Climate Zone items: amend table as follows.**

Climate Zone	Fenestration U-Factor ^f	Ceiling U-Factor
2	.40	0.26-0.29



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3	0.30 0.32	0.26 0.29
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***Table 402.1.3 Insulation/Climate Zone items: amend table as follows.

Climate Zone	Fenestration U-Factor ^{b,i}	Ceiling R-Value	Wood Frame Wall R-Value	Slab R-Value & Depth
2	.40	49-42	13 or 0 + 10	0
3	0.30 0.32	49-42	19 or 13+53ci, 0+15	10ci, 2 ft 0

(Reason: Amended table to meet current building techniques, market conditions and product availability. Amended to avoid conflict between North Texas termite zone and slab R value in code.)

***Section C402.5.2 Dwelling and sleeping unit enclosure testing. Added the underlined to read as follows

C402.5.2 Dwelling and sleeping unit enclosure testing. The building thermal envelope shall be tested in accordance with ASTM E779, ANSI/RESNET/ICC 380, ASTM E1827 or an equivalent method approved by the code official. The measured air leakage shall not exceed 0.30 cfm/ft² (1.5 Us m²) of the testing unit enclosure area at a pressure differential of 0.2 inch water gauge (50 Pa). Where multiple dwelling units or sleeping units or other occupiable conditioned spaces are contained within one building thermal envelope, each unit shall be considered an individual testing unit, and the building air leakage shall be the weighted average of all testing unit results, weighted by each testing unit's enclosure area. Units shall be tested separately with an unguarded blower door test as follows:

1. Where buildings have fewer than eight testing units, each testing unit shall be tested.
2. For buildings with eight or more testing units, the greater of seven units or 20 percent of the testing units in the building shall be tested, including a top floor unit, a ground floor unit, a middle floor unit, and a unit with the largest testing unit enclosure area. For each tested unit that exceeds the maximum air leakage rate, an additional two three units shall be tested, including a mixture of testing unit types and locations.

(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 in line with RESNET sampling guidelines.)

***Section R402.4.1 Building thermal envelope; add section R402.4.1.4 to read as follows

R402.4.1.4 Sampling options for R2 multifamily dwelling units. For buildings with eight or more testing units that must be tested as required by R402.4.1.2 or R402.4.1.3, the greater of seven units or 20 percent of the testing units in the building shall be tested, including a top floor unit, a ground floor unit, a middle floor unit, and a unit with the largest testing unit enclosure area. For each tested unit that exceeds the maximum air leakage rate, an additional three units shall be tested, including a mixture of testing unit types and locations. Where buildings have fewer than eight testing units, each testing unit shall be tested.

(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



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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 in line with the commercial provisions of the commercial 2021 IECC and RESNET sampling guidelines.)

*****Section R403.3 Ducts; add section R403.3.8 to read as follows**

R403.3.8 Sampling options for R2 multifamily dwelling units. For buildings with eight or more testing units that must be tested as required by R403.3.5, the greater of seven units or 20 percent of the testing units in the building shall be tested, including a top floor unit, a ground floor unit, a middle floor unit, and a unit with the largest testing unit floor area. For each tested unit that exceeds the maximum duct leakage rate, an additional three units shall be tested, including a mixture of testing unit types and locations. Where buildings have fewer than eight testing units, each testing unit shall be tested.

(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 in line with the commercial provisions of the commercial 2021 IECC and RESNET sampling guidelines.)

*****Section R403.6 Mechanical Ventilation; add section R403.6.4 to read as follows**

R403.6.4 Sampling options for R2 multifamily dwelling units. For buildings with eight or more testing units that must be tested as required by R403.6.3, the greater of seven units or 20 percent of the testing units in the building shall be tested, including a top floor unit, a ground floor unit, a middle floor unit, and a unit with the largest testing unit floor area. For each tested unit that does not meet the minimum ventilation rate, an additional three units shall be tested, including a mixture of testing unit types and locations. Where buildings have fewer than eight testing units, each testing unit shall be tested.

(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 in line with the commercial provisions of the commercial 2021 IECC IECC and RESNET sampling guidelines.)

*****R405.2 Performance-based compliance. Added to underlined to read as follows.**

R405.2 Performance-based compliance. Compliance based on total building performance requires that a proposed design meets all of the following:

1. The requirements of the sections indicated within Table R405.2.
2. The building thermal envelope greater than or equal to levels of efficiency and solar heat gain coefficients in Table R402.1.1 or R402.1.3 of the 2009 *International Energy Conservation Code*.
3. An annual energy cost that is less than or equal to the annual energy cost of the 2021 standard reference design or 8% less than the annual energy cost of the 2018 standard reference design. Energy prices shall be taken from a source *approved by the code official*, such as the Department of Energy, Energy Information Administration's State Energy Data



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System Prices and Expenditures reports. Code officials shall be permitted to require time-of-use pricing in energy cost calculations.

Exception: The energy use based on source energy expressed in Btu or Btu per square foot of *conditioned floor area* shall be permitted to be substituted for the energy cost. The source energy multiplier for electricity shall be 3.16. The source energy multiplier for fuels other than electricity shall be 1.1.

(Reason: At the time of the approval of these recommended amendments, software to calculate and show compliance with section R405 of the 2021 IECC was not available. The underlined amendment allows an alternative option to show compliance until software is available.)

*****Section R401.2.5 Additional Energy efficiency; deleted in its entirety.**

(Reason: The deletion is based on the Complexity of the section and lack of tools to verify compliance and due to conflict with HB2439, 86th Regular Session)

*****Section R408 ADDITIONAL EFFICIENCY PACKAGE OPTIONS; deleted in its entirety.**

(Reason: The deletion is based on the omission of R401.2.5 and R408 no longer applies and due to conflict with HB2439, 86th Regular Session.)

***** Section R402.4.6 Electrical and Communication outlet boxes. Delete after the first sentence to read as follows.**

~~***R402.4.6 Electrical and communication outlet boxes (air-sealed boxes). Electrical and communication outlet boxes installed in the building thermal envelope shall be sealed to limit air leakage between conditioned and unconditioned spaces. Electrical and communication outlet boxes shall be tested in accordance with NEMA OS 4, Requirements for Air-Sealed Boxes for Electrical and Communication Applications, and shall have an air leakage rate of not greater than 2.0 cubic feet per minute (0.944 L/s) at a pressure differential of 1.57 psf (75 Pa). Electrical and communication outlet boxes shall be marked "NEMA OS 4" or "OS 4" in accordance with NEMA OS 4. Electrical and communication outlet boxes shall be installed per the manufacturer's instructions and with any supplied components required to achieve compliance with NEMA OS 4.~~

(Reason: Allow for alternatives and Avoid requiring proprietaries products.)

*****Section R404.2 Interior Lighting Controls; deleted in its entirety.**

(Reason: The deletion is to eliminate confusion as the intent does not reflect what is written.)

****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
2	52-63
3	52-63

¹ This table is effective until August 31, 2022.

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



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CLIMATE ZONE	ENERGY RATING INDEX
2	52 59
3	52 59

² The table is effective from September 1, 2022 to August 31, 2025.

TABLE R406.4 (N1106.4) ³
MAXIMUM ENERGY RATING INDEX

CLIMATE ZONE	ENERGY RATING INDEX
2	52 57
3	52 57

³ The table is effective from September 1, 2025 to August 31, 2028.

TABLE R406.4 (N1106.4) ³
MAXIMUM ENERGY RATING INDEX

CLIMATE ZONE	ENERGY RATING INDEX
2	52 55
3	52 55

⁴ This table is effective on or after September 1, 2028.

(Reason: The tables reflect the values and timetable set forth in HB 3215, 87th Regular Session Codified in Chapter 388 Texas Building Energy Performance Standards: §388.003.)

NOTE : HB 3215 was signed into law by the Governor on June 14, 2021 as part of the 87th Regular Session Codified in Chapter 388 Texas Building Energy Performance Standards: §388.003 (i), (j), and (k). HB 3215 now allows a **Home Energy Rating System Index (ex. HERS Index) utilizing ANSI/RESNET/ICC Standard 301 (as it existed on January 1, 2021) shall be considered in compliance with State law provided that:**

- The home includes compliance with the Mandatory requirements of 2018 IECC Section R406.2.
- The home includes compliance with Building thermal envelope provisions of Table R402.1.2 or Table R402.1.4 of the 2018 IECC

END



**Recommended Amendments to the
2023 National Electrical Code**
North Central Texas Council of Governments

The following articles, paragraphs, and sentences of the *2023 National Electrical Code (NEC)* are hereby amended as follows: Standard type is text from the NEC. Highlighted with gray shading is text inserted. A double asterisk (**) at the beginning of an article identifies an amendment carried over from the 2020 edition of the code and a triple asterisk (***) identifies a new or revised amendment with the 2023 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 **as referenced by TBPELS 137.59 (a)(b) as acceptable by the AHJ**

(REASON FOR CHANGE: To better define the qualifications for engineering supervision. This term is used twenty-nine times in the 2023 National Electrical Code.)

****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 or a field evaluation by a Field Evaluation Body accredited by either the International Code Council International Accreditation Service AC354 or ANSI National Accreditation Board programs and 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 or a field evaluation by a Field Evaluation Body accredited by either the ICC IAS AC354 or ANAB programs and approved 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 110.12 B; add the following to:**

(B) Integrity of Electrical Equipment and Connections.

Internal parts of electrical equipment, including busbars, wiring terminals, insulators, and other surfaces, shall not be damaged or contaminated by foreign materials such as paint, plaster, cleaners, abrasives, corrosive residues or influences, fire, products of combustion, or water. There shall be no damaged parts that may adversely affect safe operation or mechanical strength of the equipment such as parts that are broken; bent, cut; or deteriorated by corrosion, chemical action, or overheating. Except where prohibited elsewhere in this Code, equipment shall be specifically evaluated by its manufacturer or a qualified testing laboratory prior to being returned to service.

(REASON FOR CHANGE: To better define a Plan of Action for equipment that is compromised prior to restoring to service)

****Article 210.8 A 1 Bathrooms Exception; change the following to read as follows:**

(A) Dwelling Units.

All 125-volt through 250-volt receptacles installed in the following locations and supplied by single-phase branch circuits rated 150 volts or less to ground shall have ground-fault circuit-interrupter protection for personnel:

(1) Bathrooms

Exception No. 4: Factory-installed receptacles that are not readily accessible and are mounted internally to ~~bathroom~~ exhaust fan assemblies shall not require GFCI protection unless required by the installation instructions or listing.

(REASON FOR CHANGE: to cover all locations that exhaust fans could be installed)

****Article 210.52 C 1 Countertop and Work Surfaces Exception; change the following to read as follows:**

C) Countertops and Work Surfaces.

In kitchens, pantries, breakfast rooms, dining rooms, and similar areas of dwelling units, receptacle outlets for countertop and work surfaces that are 300 mm (12 in.) or wider shall be installed in accordance with 210.52(C)(1) through (C)(3) and shall not be considered as the receptacle outlets required by 210.52(A).

For the purposes of this section, where using multioutlet assemblies, each 300 mm (12 in.) of multioutlet assembly containing two or more receptacles installed in individual or continuous lengths shall be considered to be one receptacle outlet.

(1) Wall Spaces.

Receptacle outlets shall be installed so that no point along the wall line is more than 600 mm (24 in.) measured horizontally from a receptacle outlet in that space. The location of the receptacles shall be in accordance with 210.52(C)(3).

Exception : Receptacle outlets shall not be required directly behind a range, counter-mounted cooking unit, or sink in the installation described in Figure 210.52(C)(1).

(REASON FOR CHANGE: Elimination of receptacles in an area with a concept window wall configuration over the countertop is not the only option as there are devices available for a compliant installation)

****Article 210.52 C 2 Island and Peninsular Countertops and Work Surfaces: Change the following to read as follows:**

Receptacle outlets, if installed to serve an island or peninsular countertop or work surface, shall be installed in accordance with 210.52(C)(3). If a receptacle outlet is not provided to serve an island or peninsular countertop or work surface, a chapter 3 wiring method shall be installed and supplied from a Small Appliance Branch Circuit to a Listed Outlet Box in the Peninsular or Island Cabinet at an Accessible Location, for future addition of a receptacle outlet to serve the island or peninsular countertop or work surface.

(REASON FOR CHANGE: to clarify what the provisions are for positive options for enforcement and approval)

****Article 210.63 B 1 Equipment Requiring Servicing.; change the following to read as follows:**

(B) Other Electrical Equipment.

In other than one- and two-family dwellings, a receptacle outlet shall be located as specified in 210.63(B)(1) and (B)(2).

(1) Indoor Service Equipment.

The required receptacle outlet shall be located within the same room or area as the service equipment.

(2) Indoor Equipment Requiring Dedicated Equipment Spaces.

Where equipment, other than service equipment, requires dedicated equipment space as specified in 110.26(E), the required receptacle outlet shall be located within the same room or area as the electrical .

(REASON FOR CHANGE: to clarify that this is not any practical method for enforcement)

***** New Article 220.7 Load Calculation; add the following:**

A load calculation shall be provided upon request when modifications to the electrical installation occur.

(REASON FOR CHANGE: to provide sufficient information as to the adequacy of existing conditions for the modifications proposed and substantiating the capacity of Power Production Systems used for Optional Standby/ Backup Use)

*****Article 230.85 C Emergency Disconnects: Change the following to read as follows:**

For one- and two-family dwelling units, an emergency disconnecting means shall be installed.

(C) Replacement.

Where service equipment is replaced, all of the requirements of this section shall apply.

Exception: Where a pre-existing installation is Code Compliant with 230.70 A, only meter sockets, service entrance conductors, or related raceways and fittings are replaced, the requirements of this section shall not apply.

(REASON FOR CHANGE: to clarify that there are pre-existing that were approved but were not Code Compliant and when modified shall comply with Code)

*****Article 408.4 Descriptions ~~Field Identification~~ Required: Change the following to read as follows**

(A) Circuit Directory or Circuit Description.

Every circuit and circuit modification shall be provided with a legible and permanent description that complies with all of the following conditions as applicable:

- (1) Located at each switch or circuit breaker in a switchboard or switchgear
- (2) Included in a circuit directory that is located on the face of, inside of, or in an approved location adjacent and permanently affixed to the panel door in the case of a panelboard
- (3) Clear, evident, and specific to the purpose or use of each circuit including spare positions with an unused overcurrent device
- (4) Described with a degree of detail and clarity that is unlikely to result in confusion between circuits
- (5) Not dependent on transient conditions of occupancy
- (6) Clear in explaining abbreviations and symbols when used

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

****Article 410.118: Change the following to read as follows**

410.118 Access to other boxes.

Luminaires recessed in the ceilings, floors, or walls shall not be used to access outlet, pull, or junction boxes or conduit bodies, unless the box or conduit body is an integral part of the listed luminaire.

Exception: removable luminaires with a minimum measurement of 22 in. X 22 in. shall be permitted to be used as access to outlet, pull, junction boxes or conduit bodies.

(REASON FOR CHANGE: To add clarity and provide more positive options for enforcement and approval. This will allow access to boxes not integral with the luminaire. This measurement aligns with the limited access above a lay-in ceiling measurement in 110.26(A)(4).

****Article 422.31 B: Change the following to read as follows**

422.31 B Appliances Rated over 300 Volt-Amperes

(B) Appliances Rated over 300 Volt-Amperes. For permanently connected appliances rated over 300 volt-amperes, the branch-circuit switch or circuit breaker shall be permitted to serve as the disconnecting means where the switch or circuit breaker is within sight from and is readily accessible to the appliance it serves or is capable of being locked in the open position in accordance with 110.25 and is readily accessible to the appliance it serves.

Informational Note No. 1: For appliances employing unit switches, see 422.34.

Informational Note No 2: The following means of access are considered to constitute readily accessible for this code change when conforming to the additional access requirements of the I Codes:

- (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.

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

*****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) By Special Permission Only, Evidence acceptable to the authority having jurisdiction such as a manufacturer's self-evaluation *accompanied by* or an owner's engineering judgment an engineering judgment signed and sealed Under Supervision by a Qualified State of Texas Licensed Professional Engineer engaged primarily in the design or

maintenance of electrical installations as referenced by TBPELS 137.59 (a)(b) as acceptable by the AHJ.

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: It was revised to reflect new language and rearrangement of that section)

*****Article 505.7 and 505.7 (A); change to read as follows:**

505.7 Special Precaution.

~~Article 505~~ This article 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 regarding the installation and maintenance of electrical equipment in hazardous (classified) locations.

Informational Note No. 2: Electrical equipment that is dependent on the protection techniques described technique permitted 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, Low ambient conditions require special consideration. At low ambient temperatures, flammable concentrations of vapors may might 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 Supervision by a Qualified State of Texas Licensed Professional Engineer engaged primarily in the design or maintenance of electrical installations as referenced by TBPELS 137.59 (a)(b) as acceptable by the AHJ.
- (B) GO TO TBPE LAW FOR THE DEFINITION OF AN ENGINEER
<https://pels.texas.gov/>
<https://pels.texas.gov/downloads/lawrules.pdf>

(REASON FOR CHANGE: Carryover from previous amendment with change to better define the qualifications for an engineering judgement. Code revision language included.)

****Article 695.6 A 1: Change the following to read as follows:**

695.6 (A) Supply Conductors.

(1) Services and On-Site Power Production Facilities.

Service conductors and conductors supplied by on-site power production facilities shall be physically routed outside a building(s) and shall be installed as service-entrance conductors in accordance with 230.6, 230.9, and Parts III and IV of Article 230. Where supply conductors cannot be physically routed outside of buildings, the conductors shall be permitted to be routed through the building(s) where installed in accordance with 230.6(1) or (2).

(REASON FOR CHANGE: To add clarity and provide more positive options for enforcement and approval. All Fire Pump rooms are not Fire Rated as on all 4 sides. There are Fault Currents that could exceed 150,000-190,000 amps and protection of these Service Conductors is essential and conflict with other codes, specifically 230.70(A)(1).)

*****Article 690.9 D: Change the following to read as follows:**

690.9(D) Transformers. Overcurrent protection for power transformers shall be installed in accordance with 705.30(F).

(REASON FOR CHANGE: is that this removes the requirements for 240.21(C) for transformer secondaries when the inverter's 125% output is smaller than the transformer's rating.)

*****Article 705.8 System Installation: Change the following to read as follows:**

705.8 System Installation. Installation of one or more electrical power production sources operating in parallel with a primary source(s) of electricity shall be performed only by qualified persons. During the installation there shall be on site one of the following:

(1) A person holding a Master Electrician License issued by the Texas Department of Licensing and Regulation.

(2) A person holding a Journeyman Electrician License issued by the Texas Department of Licensing and Regulation.

(REASON FOR CHANGE: These are specialized systems as evidenced by the Code, which contain installation requirements from chapter 6, Special Equipment and chapter 7 Special Conditions)

705.80 Power Source Capacity.

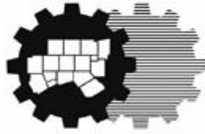
For interconnected power production sources that operate in island mode, capacity shall be calculated using the sum of all power source output maximum currents for the connected power production source. Solar photovoltaic (PV) and wind systems shall not be included in the sum capacity.

(REASON FOR CHANGE: to keep unreliable production sources out of the calculation as 705 creates conflicts with all standby systems.)

*****Article 710.15 A: Change the following to read as follows**

(REASON FOR CHANGE: The Scope of the Article has been clarified and the amendment is no longer necessary.)

END



North Central Texas
Council of Governments

**Recommended Regional Amendments to the
2021 International Swimming Pool and Spa Code**
North Central Texas Council of Governments Region

The following sections, paragraphs, and sentences of the *2021 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 double asterisk at the beginning of a section identifies an amendment carried over from the 2018 edition of the code. A triple asterisk (***) identifies a new or revised amendment with the 2021 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 113.4 Violation penalties; Changed to read as follows:**

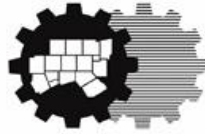
113.4 Violation penalties. Any person who shall violate a provision of this code or shall fail to comply with any of the requirements thereof or who shall erect, install, alter or repair a pool or spa in violation of the *approved* construction documents or directive of the *code official*, or of a permit or certificate issued under the provisions of this code may be punishable for each day of the violation set forth by the *authority having jurisdiction*. ~~shall be guilty of a [SPECIFY OFFENSE], punishable by a fine of not more than [AMOUNT] dollars or by imprisonment not exceeding [NUMBER OF DAYS], or both such a fine and imprisonment. Each day that a violation continues after due notice has been served shall be deemed a separate offense.~~

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

*****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 only 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.~~



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(Reason: To clarify requirements for dwellings and commercial properties and 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
4. Remainder unchanged
5. Remainder unchanged
6. Remainder unchanged

(Reason: To clarify specific Texas Health and Safety Code Chapter 757.007.

****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 307.2.2.2; add to read as follows:**

Section 307.2.2.2. Adjacency to Structural Foundation. Depth of the swimming pool and spa shall maintain a ratio of 1:1 from the nearest building foundation or footing of a retaining wall.



Exception:

A sealed engineered design drawing of the proposed new structure shall be submitted for approval.

(Reason: To clarify specific distances for pools and spas, correlates with IRC 327.1.)

****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 (ANSI/PHTA/ICC 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]

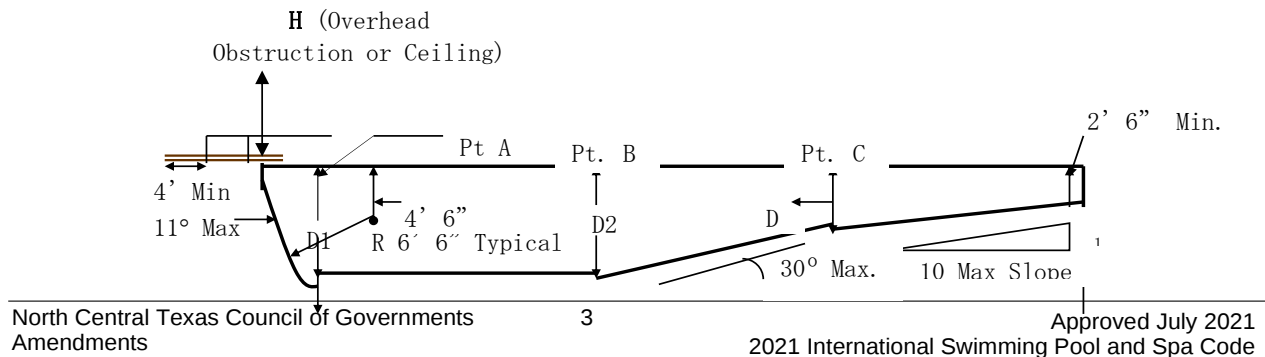
(Reason: To clarify specific Texas statutes which regulate public pools and spas.)

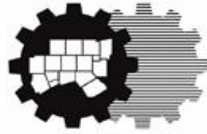
**** Section 402.12; Change to read as follows:**

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)

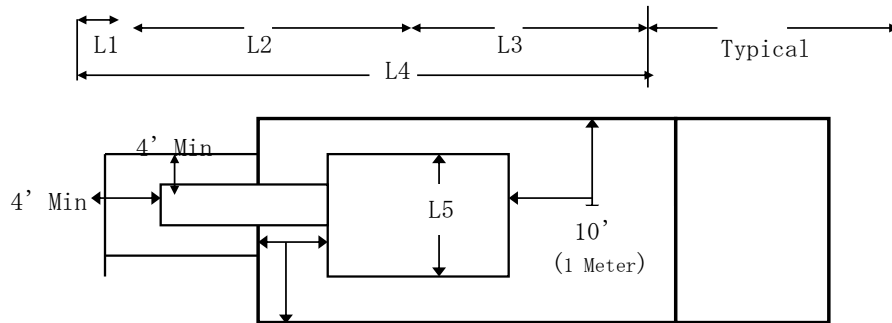
ADD: Figure: 25 TAC §265.186 (e) (6)

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.





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

****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).)

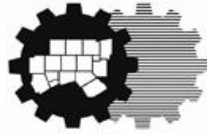
****Section 411.5.1 & 411.5.2; Change to read as follows:**

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.



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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 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.

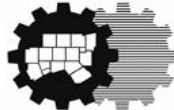
(Reason: To avoid conflict with 25 TAC Chapter 265.186 (c)(7)(B).)

****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



North Central Texas
Council of Governments

**Recommended Amendments to the
2021 International Plumbing Code**
North Central Texas Council of Governments Region

The following sections, paragraphs, and sentences of the *2021 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 2018 edition of the code and a triple asterisk identifies a new or revised amendment with the 2021 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 713; change to read as follows:**

~~714-713~~ Engineered Computerized Drainage Design ~~69-7-12~~

(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 National Electrical Code as adopted.

(Reason: Legal wording to recognize locally adopted codes and amendments adopted with referenced codes.)

*****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.)

1 ****Section 305.4.1; changed to read as follows:**

2
3 **305.4.1 Sewer depth.** ~~Building sewers that connect to private sewage disposal systems shall be a~~
4 ~~minimum of [number] inches (mm) below finished grade at the point of septic tank connection.~~ Building
5 sewers shall be a minimum of 12 inches (304 mm) below grade.

6
7 *(Reason: Provides sewer depth that is common in this region. Deleted reference to private sewage*
8 *disposal because a private sewage disposal code is not typically adopted in this region.)*

9
10 *****Section 306.2.4; added to read as follows:**

11
12 *****306.2.4 Plastic sewer and DWV piping installation.** Plastic sewer and DWV piping installed
13 underground shall be installed in accordance with the manufacturer's installation instructions. Trench
14 width shall be controlled to not exceed the outside the pipe diameter plus 16 inches or in a trench which
15 has a controlled width equal to the nominal diameter of the diameter of the piping multiplied by 1.25 plus
16 12 inches. The piping shall be bedded in 4 inches of granular fill and then backfilled compacting the side
17 fill in 6-inch layers on each side of the piping. The compaction shall be to minimum of 85 percent
18 standard proctor density and extend to a minimum of 6 inches above the top of the pipe.

19
20 *(Reason: To follow manufacturer backfill requirements and to be clear to Inspectors out in the field.)*

21
22 ****Section 413.4; change to read as follows:**

23
24 **413.4 Required location for floor drains** ~~Public laundries and central washing facilities.~~ Floor
25 drains shall be installed in the following areas:

- 26
27 1. In public laundries and in the central washing facilities of multiple family dwellings, the rooms
28 containing automatic clothes washers shall be provided with floor drains located to readily drain
29 the entire floor area. Such drains shall have a minimum outlet of not less than 3 inches (76 mm)
30 in diameter.
31
32 2. Commercial kitchens. In lieu of floor drains in commercial kitchens, the Code Official may accept
33 floor sinks.
34
35 3. Public restrooms.

36
37 *(Reason: To make more compatible with local health code practices.)*

38
39 ****Section 608.17.5; change to read as follows:**

40
41 **608.17.5 Connections to lawn irrigation systems.**

42 The potable water supply to lawn irrigation systems shall be protected against backflow by an
43 atmospheric-type vacuum breaker, a pressure-type vacuum breaker, a double-check assembly or a
44 reduced pressure principal backflow preventer. A valve shall not be installed downstream from an
45 atmospheric vacuum breaker. Where chemicals are introduced into the system, the potable water supply
46 shall be protected against backflow by a reduced pressure principal backflow preventer.

47
48 *(Reason: To recognize regional practices.)*

49
50 **Section 703.6; Delete**

51
52 *(Reason: not a standard practice in this region)*

1 ****Section 704.5; added to read as follows:**

2
3 **704.5 Single stack fittings.** Single stack fittings with internal baffle, PVC schedule 40 or cast-iron single
4 stack shall be designed by a registered engineer and comply to a national recognized standard.

5
6 *(Reason: to allow owners, installers, inspectors, and design professionals to readily identify product*
7 *markers to determine they meet all required standards.)*

8
9 *****Section 712.4.3; add Section 712.4.3 to read as follows:**

10
11 **712.4.3 Dual Pump System.** All sumps shall be automatically discharged and, when in any "public use"
12 occupancy where the sump serves more than 10 fixture units, shall be provided with dual pumps or
13 ejectors arranged to function independently in case of overload or mechanical failure. For storm drainage
14 sumps and pumping systems, see Section 1113.

15
16 *(Reason: To address dual pump system. To provide reference for storm drainage systems.)*

17
18 ****Section 713, 713.1; change to read as follows:**

19
20 **SECTION 713**
21 **ENGINEERED COMPUTERIZED DRAINAGE DESIGN**

22
23 **713.1 Design of drainage system.** The sizing, design and layout of the drainage system shall be
24 ~~permitted to be~~ designed by a registered engineer using approved computer design methods.

25
26 *(Reason: Code was too restrictive.)*

27
28 *****Section 903.1.1; change to read as follows:**

29
30 ~~**903.1 Roof extension**~~ **903.1.1 Roof extension unprotected.** Open vent pipes that extend through a
31 roof shall terminate not less than six (6) inches (152 mm) above the roof. ~~Where a roof is to be used for~~
32 ~~assembly or as a promenade, observation deck, sunbathing deck or similar purposes, open vent pipes~~
33 ~~shall terminate not less than 7 feet (2134 mm) above the roof.~~

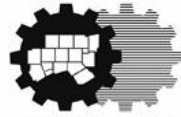
34
35 *(Reason: To provide regional guideline on standard installation method for this area and address*
36 *reference number correction.)*

37
38 ****Section 1109; delete this section.**

39
40 *****Section 1202.1; delete Exceptions 1 and 2.**

41
42 *(Reason: State law already specifies that Med Gas systems must comply with NFPA 99.)*

43
44
45
46
47
48
49 **END**
50



North Central Texas
Council of Governments

**Recommended Amendments to the
2021 International Fuel Gas Code**
North Central Texas Council of Governments Region

The following sections, paragraphs, and sentences of the *2021 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 2018 edition of the code and a triple asterisk identifies a new or revised amendment with the 2021 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 National Electrical Code shall mean the Electrical Code as adopted.

(Reason: Legal wording to recognize locally adopted codes and amendments adopted with referenced codes.)

****Section 306.5; 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.)

****Section 306.5.1; change to read as follows:**

[M] 306.5.1 Sloped roofs. Where appliances, *equipment*, fans or other components that require service are installed on a roof having a slope of 3 units vertical in 12 units horizontal (25-percent slope) or greater

and having an edge more than 30 inches (762 mm) above grade at such edge, a catwalk at least 16 inches in width with substantial cleats spaced not more than 16 inches apart shall be provided from the roof access to a level platform at the appliance. The level platform shall be provided on each side of the appliance to which access is required for service, repair or maintenance. The platform shall be not less than 30 inches (762 mm) in any dimension and shall be provided with guards. The guards shall extend not less than 42 inches (1067 mm) above the platform, shall be constructed so as to prevent the passage of a 21-inch-diameter (533 mm) sphere and shall comply with the loading requirements for guards specified in the *International Building Code*.

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

****Section 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 12 18 inches (305 458 mm) top of pipe below grade, except as provided for in Section 404.12.1.

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. Spring type gauges do not meet the requirement of a calibrated gauge.

(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 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 15 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 50 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.)

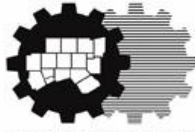
****Section 621.2; add exception as follows:**

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



North Central Texas
Council of Governments

**Recommended Amendments to the
2021 International Fire Code**
North Central Texas Council of Governments Region

The following sections, paragraphs, and sentences of the 2021 *International Fire Code* (IFC) are hereby amended as follows: Standard type is text from the IFC. Underlined type is text inserted. ~~Lined through type is deleted text from IFC.~~ A double asterisk (**) at the beginning of a section identifies an amendment carried over from the 2018 edition of the code and a triple asterisk (***) identifies a new or revised amendment with the 2021 code.

Note: Historically, the North Central Texas Council of Governments (NCTCOG) has limited Chapter 1 amendments in order to allow each city to insert their local policies and procedures. We now have suggested certain items to be brought to the attention of cities considering adoption of the code that may be of concern to several jurisdictions. **It is still intended to be discretionary to each city to determine which Chapter 1 amendments to include.** Note that Appendices must be specifically adopted by Ordinance, and that Appendices B, D, and L are currently recommended for adoption via these Amendments. As per Page vii of the 2021 IFC under 'Adoption', note that several sections of this code require jurisdictional specificity as to dollar amounts, geographic limits, etc. and are not addressed in these amendments.

Explanation of Options A and B:

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

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

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

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

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

105.3.3 Occupancy Prohibited before Approval. The building or structure shall not be occupied prior to the fire code official issuing a permit when required and conducting associated inspections indicating the applicable provisions of this code have been met.

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

****Section 105.6.25; add to read as follows:**

105.6.25 Electronic access control systems. Construction permits are required to install or modify an electronic access control system, as specified in Chapter 10. A separate construction permit is required for to install or modify a fire alarm system that may be connected to the access control system. Maintenance performed in accordance with this code is not considered to be a modification and does not



require a permit.

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

*****Section 107.3; delete this section in its entirety:**

107.3 Permit valuations. ~~The applicant for a permit shall provide an estimated permit value at the time of application. Permit valuations shall include the total value of work, including materials and labor, for which the permit is being issued, such as electrical, gas, mechanical, plumbing equipment and permanent systems. If, in the opinion of the fire code official, the valuation is underestimated on the application, the permit shall be denied unless the applicant can show detailed estimates to meet the approval of the fire code official. Final permit valuation shall be set by the fire code official.~~

(Different jurisdictions establish permit fee requirements in different ways, and the majority in this region do not utilize this methodology for establishing Fire Code-required permit fees, as well as have already established and adopted applicable permit fee requirements.)

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

**** [B] AMBULATORY CARE FACILITY.** Buildings or portions thereof used to provide medical, surgical, psychiatric, nursing, or similar care on a less than 24-hour basis to persons who are rendered incapable of self-preservation by the services provided 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

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

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

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

**** [B] DEFEND IN PLACE.** A method of emergency response that engages building components and trained staff to provide occupant safety during an emergency. Emergency response involves remaining in place, relocating within the building, or both, without evacuating the building.

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

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



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

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

(Reason: Increased safety from fireworks related injuries.)

****Option A**

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

Any building classified as a group S Occupancy or Speculative Building exceeding 12,000 sq. ft. that has a clear height in excess of 14 feet, making it possible to be used for storage in excess of 12 feet, shall be considered to be high-piled storage. When a specific product cannot be identified (speculative warehouse), a fire protection system and life safety features shall be installed as for Class IV commodities, to the maximum pile height.

****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 (speculative warehouse), a fire protection system and life safety features shall be installed as for Class IV commodities, to the maximum pile height.

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

****Option A**

HIGH-RISE BUILDING. {No Change Required}

****Option B**

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

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

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

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



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

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

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

(Reason: To provide a definition that does not exist in the code for fire watch accommodations as required by the jurisdiction.)

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

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

The following are not considered an upgrade or replacement:

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

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

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

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

Exception: {No change.}

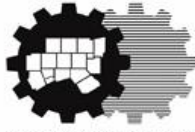
(Reason: To further protect adjacent property owners/occupants from open burning and/or smoke emissions from open burning.)

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

307.2 Permit Required. A permit shall be obtained from the *fire code official* in accordance with Section 105.6 prior to kindling a fire for recognized silvicultural or range or wildlife management practices, prevention or control of disease or pests, or open burning ~~a bonfire~~. Application for such approval shall only be presented by and permits issued to the owner of the land upon which the fire is to be kindled.

Examples of state or local law, or regulations referenced elsewhere in this section may include but not be limited to the following:

1. Texas Commission on Environmental Quality (TCEQ) guidelines and/or restrictions.
2. State, County, or Local temporary or permanent bans on open burning.



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3. Local written policies as established by the fire code official.

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

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

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

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

*****Section 307.4 and 307.4.1; change to read as follows:**

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

Exceptions: {No change.}

307.4.1 Bonfires. A bonfire shall not be conducted within 50 feet (15 240 mm), ~~or greater distance as determined by the fire code official,~~ of a structure or combustible material, unless the fire is contained in a barbecue pit. Conditions that could cause a fire to spread within the required setback ~~50 feet (15 240 mm)~~ of a structure shall be eliminated prior to ignition.

(Reason: To increase the separation distance thereby increasing the safety to adjacent properties, as per applicable TCEQ rules and regulations regarding outdoor burning. Bonfires were added to this requirement to allow the AHJ the ability to match the increased setback utilized for open burning as necessary. Size of bonfire will help to determine needed setback, fire equipment and apparatus as per permit requirements.)

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

Exceptions:

1. Portable outdoor fireplaces used at one- and two-family dwellings.
2. Where buildings, balconies and decks are protected by an approved automatic sprinkler system.

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

****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 Residential Code or International Building Code.

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



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

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

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

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

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

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

Exceptions:

1. One- and two-family dwellings where 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). All LP-gas containers shall be stored outside, as per Chapter 61.
2. Where buildings, balconies and decks are protected by an approved automatic sprinkler system, and 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). All LP-gas containers shall be stored outside, as per Chapter 61.
3. LP-gas cooking devices having LP-gas container with a water capacity not greater than 2-1/2 pounds [nominal 1 pound (0.454 kg) LP-gas capacity].

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

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

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

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

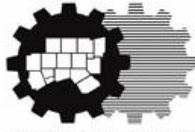
****Section 308.1.6.3; change to read as follows:**

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

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

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

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



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buildings or structures determined to be unsafe pursuant to Section 114 of this code relating to structural or interior hazards, ~~shall be marked~~ as required by Section 311.5.1 through 311.5.5.

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

****Section 403.4; change to read as follows:**

403.4 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 403.4.1 through 403.4.3.

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

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

4.10. Fire extinguishing system controls.

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

*****Section 405.5; change to read as follows:**

405.5 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.

Exceptions:

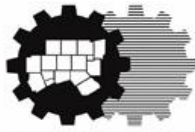
1. {No change.}
2. {No change.}
3. Notification of teachers/staff having supervision of light- or sound-sensitive students/occupants, such as those on the autism spectrum, for the protection of those students/occupants, shall be allowed prior to conducting a drill.

(Reason: This change clarifies who may require a fire or evacuation drill, and also allows for consideration/protection of students/occupants who may be severely negatively impacted by the nature of a fire alarm notification during a practice drill.)

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

501.4 Timing of Installation. When fire apparatus access roads or a water supply for fire protection is required to be installed for any structure or development, they shall be installed, tested, and approved prior to the time of which construction has progressed beyond completion of the foundation of any structure. , such protection shall be installed and made serviceable prior to and during the time of construction ~~except when approved alternative methods of protection are provided.~~ Temporary street signs shall be installed at each street intersection when construction of new roadways allows passage by vehicles in accordance with Section 505.2.

(Reason: Reflects current practice in the region relative to ensuring fire department and EMS access



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during construction, which can be a time of increased frequency for emergency incidents.)

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

Except for one- or two-family dwellings, the path of measurement shall be along a minimum of a 10 feet (3048 mm) wide unobstructed pathway around the external walls of the structure.

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

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

503.2.1 Dimensions. Fire apparatus access roads shall have an unobstructed width of not less than ~~20~~ 24 feet (6096 mm 7315 mm), exclusive of shoulders, except for approved security gates in accordance with Section 503.6, and an unobstructed vertical clearance of not less than ~~13 feet 6 inches (4115 mm)~~ 14 feet (4267 mm).

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

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

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

503.2.2 Authority. The fire code official shall have the authority to require ~~or permit modifications to the required~~ an increase in the minimum access widths and vertical clearances where they are inadequate for fire or rescue operations or where necessary to meet the public safety objectives of the jurisdiction.

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

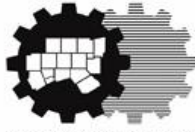
*****Section 503.2.3; change Section 503.2.3 to read as follows:**

503.2.3 Surface. Fire apparatus access roads shall be designed and maintained to support imposed loads of 85,000 Lbs. for fire apparatus and shall be surfaced so as to provide all-weather driving capabilities.

(Reason: To address the current size of fire trucks in use – figure derived from DOT requirements for waiver of vehicle exceeding such weight and from current maximum weights of fire trucks being purchased by jurisdictions in North Texas.)

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

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



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or prohibit the obstruction thereof. ~~The means by which fire lanes are designated~~ Striping, signs and other markings shall be maintained in a clean and legible condition at all times and be replaced or repaired when necessary to provide adequate visibility.

(1) Striping – Fire apparatus access roads shall be continuously marked by painted lines of red traffic paint six inches (6") in width to show the boundaries of the lane. The words "NO PARKING FIRE LANE" or "FIRE LANE NO PARKING" shall appear in four inch (4") white letters at 25 feet intervals on the red border markings along both sides of the fire lanes. Where a curb is available, the striping shall be on the vertical face of the curb.

(2) Signs – Signs shall read "NO PARKING FIRE LANE" or "FIRE LANE NO PARKING" and shall be 12" wide and 18" high. Signs shall be painted on a white background with letters and borders in red, using not less than 2" lettering. Signs shall be permanently affixed to a stationary post and the bottom of the sign shall be six feet, six inches (6'6") above finished grade. Signs shall be spaced not more than fifty feet (50') apart along both sides of the fire lane. Signs may be installed on permanent buildings or walls or as approved by the Fire Chief.

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

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

503.4 Obstruction of Fire Apparatus Access Roads. Fire apparatus access roads shall not be obstructed in any manner, including the parking of vehicles. The minimum widths and clearances established in Section 503.2.1 and 503.2.2 and any area marked as a fire lane as described in Section 503.3 shall be maintained at all times.

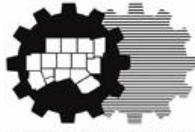
(Reason: As originally worded, the section implied that vehicles could be parked in the marked fire lane and not be in violation if the minimum width is still maintained. Current accepted enforcement practice is to require the entire marked fire lane to be maintained clear and unobstructed.)

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

505.1 Address Identification. New and existing buildings shall be provided with approved address identification. The address identification shall be legible and placed in a position that is visible from the street or road fronting the property. Address identification characters shall contrast with their background. Address numbers shall be Arabic numbers or alphabetical letters. Numbers shall not be spelled out. Each character shall be not less than ~~4 inches (102 mm)~~ 6 inches (152.4 mm) high with a minimum stroke width 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 1/2 inches (88.9 mm) in height and a color contrasting with the background clearly visible and legible from the street fronting the property and rear alleyway where such alleyway exists.

(Reason: To increase the minimum addressing requirements for commercial properties and establish a minimum for single-family residential properties. Such improves legibility of these signs which are critical



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to emergency response in a more timely manner.)

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

507.4 Water Supply Test Date and Information. The water supply test used for hydraulic calculation of fire protection systems shall be conducted in accordance with NFPA 291 "Recommended Practice for Fire Flow Testing and Marking of Hydrants" and within one year of sprinkler plan submittal. The fire code official shall be notified prior to the water supply test. Water supply tests shall be witnessed by the fire code official, as required or approved documentation of the test shall be provided to the fire code official prior to final approval of the water supply system. The exact location of the static/residual hydrant and the flow hydrant shall be indicated on the design drawings. All fire protection plan submittals shall be accompanied by a hard copy of the waterflow test report, or as approved by the fire code official. The report must indicate the dominant water tank level at the time of the test and the maximum and minimum operating levels of the tank, as well, or identify applicable water supply fluctuation. The licensed contractor must then design the fire protection system based on this fluctuation information, as per the applicable referenced NFPA standard. Reference Section 903.3.5 for additional design requirements.

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

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

507.5.4 Obstruction. Unobstructed access to fire hydrants shall be maintained at all times. Posts, fences, vehicles, growth, trash, storage and other materials or objects shall not be placed or kept near fire hydrants, fire department inlet connections or fire protection system control valves in a manner that would prevent such equipment or fire hydrants from being immediately discernible. The fire department shall not be deterred or hindered from gaining immediate access to fire protection equipment or fire hydrants.

(Reason: Additional guidance based on legacy language to ensure these critical devices are available in an emergency incident.)

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

509.1.2 Sign Requirements. Unless more stringent requirements apply, lettering for signs required by this section shall have a minimum height of 2 inches (50.8 mm) when located inside a building and 4 inches (101.6 mm) when located outside, or as approved by the fire code official. The letters shall be of a color that contrasts with the background.

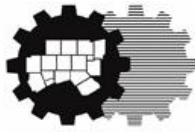
(Reason: Provides direction as to appropriate sign criteria to develop local and regional consistency in this regard.)

*****Section 605.4 through 605.4.2.2 ; change to read as follows:**

605.4 Fuel oil storage systems. Fuel oil storage systems ~~for building heating systems~~ shall be installed and maintained in accordance with this code. Tanks and fuel-oil piping systems shall be installed in accordance with Chapter 13 of the *International Mechanical Code* and Chapter 57.

605.4.1 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.

605.4.1.1 Approval. Outdoor fuel oil storage tanks shall be in accordance with UL 142 or UL



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2085, and also listed as double-wall/secondary containment tanks.

605.4.2 Fuel oil storage inside buildings. Fuel oil storage inside buildings shall comply with Sections 605.4.2.2 through 605.4.2.8-~~or~~ and Chapter 57.

605.4.2.1 Approval. Indoor fuel oil storage tanks shall be in accordance with UL 80, UL 142 or UL 2085.

605.4.2.2 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, 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. The tank shall be listed as a secondary containment tank, and the secondary containment shall be monitored visually or automatically.
3. 3,000 gallons (11 356 L) in buildings equipped with an *automatic sprinkler* system in accordance with Section 903.3.1.1, where stored in protected above-ground tanks complying with UL 2085 and Section 5704.2.9.7. The tank shall be listed as a secondary containment tank, as required by UL 2085, and the secondary containment shall be monitored visually or automatically.

(Reason: Issues addressed by Chapter 57, such as venting to outside of buildings, remote fill to outside of building, overfill protection, physical protection, etc., are not included in Section 605.4, so compliance with Chapter 57 is also required. The Board removed the applicability to heating systems only from the charging statement based on this more prudent method of diesel storage for generators, boilers, fire pumps and other fuel-fired equipment inside buildings without requiring Group H occupancy classification – this is now established practice in the region as well.)

****Section 807.5.2.2 and 807.5.2.3 applicable to Group E occupancies; change to read as follows:**

807.5.2.2 Artwork in Corridors. Artwork and teaching materials shall be limited on the walls of corridors to not more than 20 percent of the wall area. Such materials shall not be continuous from floor to ceiling or wall to wall. Curtains, draperies, wall hangings, and other decorative material suspended from the walls or ceilings shall meet the flame propagation performance criteria of NFPA 701 in accordance with Section 807 or be noncombustible.

Exception: Corridors protected by an approved automatic sprinkler system installed in accordance with Section 903.3.1.1 shall be limited to 50 percent of the wall area.

807.5.2.3 Artwork in Classrooms. Artwork and teaching materials shall be limited on walls of classrooms to not more than 50 percent of the specific wall area to which they are attached. Curtains, draperies, wall hangings and other decorative material suspended from the walls or ceilings shall meet the flame propagation performance criteria of NFPA 701 in accordance with Section 807 or be noncombustible.

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

****Section 807.5.5.2 and 807.5.5.3 applicable to Group I-4 occupancies; change to read as follows:**



807.5.5.2 Artwork in Corridors. Artwork and teaching materials shall be limited on the walls of corridors to not more than 20 percent of the wall area. Such materials shall not be continuous from floor to ceiling or wall to wall. Curtains, draperies, wall hangings and other decorative material suspended from the walls or ceilings shall meet the flame propagation performance criteria of NFPA 701 in accordance with Section 807 or be noncombustible.

Exception: Corridors protected by an approved automatic sprinkler system installed in accordance with Section 903.3.1.1 shall be limited to 50 percent of the wall area.

807.5.5.3 Artwork in Classrooms. Artwork and teaching materials shall be limited on walls of classrooms to not more than 50 percent of the specific wall area to which they are attached. Curtains, draperies, wall hangings and other decorative material suspended from the walls or ceilings shall meet the flame propagation performance criteria of NFPA 701 in accordance with Section 807 or be noncombustible.

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

****Section 901.6.1.1; add 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 901.6.4; add 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.

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

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

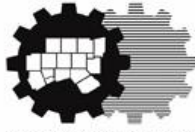
901.7 Systems Out of Service. Where a required fire protection system is out of service or in the event of an excessive number of activations, the fire department and the fire code official shall be notified immediately and, where required by the fire code official, the building shall either be evacuated or an approved fire watch shall be provided for all occupants left unprotected by the shut down until the fire protection system has been returned to service. ... {Remaining text unchanged}

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

****Section 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.)



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****Section 903.2; add paragraph to read as follows and delete the Exception for telecommunications buildings:**

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 903.2.4.2; change to read as follows:**

903.2.4.2 Group F-1 distilled spirits. An automatic sprinkler system shall be provided throughout a Group F-1 fire area used for the manufacture of distilled spirits involving more than 120 gallons of distilled spirits (>16% alcohol) in the fire area at any one time.

(Reason: To establish a sprinkler criteria limit based on existing maximum allowable quantities provided for flammable liquids in a non-sprinklered space from Chapter 50 and allow very small distillery type operations without sprinkler requirements as has been historically allowed.)

*****Section 903.2.9.3; change to read as follows:**

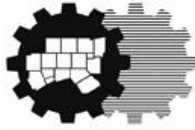
903.2.9.3 Group S-1 distilled spirits or wine. An automatic sprinkler system shall be provided throughout a Group S-1 fire area used for the bulk storage of distilled spirits or wine involving more than 120 gallons of distilled spirits or wine (>16% alcohol) in the fire area at any one time.

(Reason: To establish a sprinkler criteria limit based on existing maximum allowable quantities provided for flammable liquids in a non-sprinklered space from Chapter 50 and allow very small storage operations without sprinkler requirements as has been historically allowed.)

****Section 903.2.9.4 and 903.2.9.5; delete Exception to 903.2.9.4 and add Section 903.2.9.5 to read as follows:**

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

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



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****Option A**

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

903.2.11.3 Buildings 55 Feet or more in Height. An automatic sprinkler system shall be installed throughout buildings that have one or more stories ~~with an occupant load of 30 or more, other than penthouses in compliance with Section 1511 of the International Building Code,~~ located 55 feet (16 764 mm) or more above the lowest level of fire department vehicle access, measured to the finished floor.

Exception:

- ~~1. Occupancies in Group F-2.~~

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

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

*****Option B**

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

903.2.11.3 Buildings ~~55~~ **35** 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 1511 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.

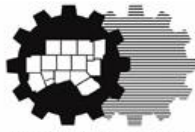
Exception:

- ~~1. 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.



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Exception: Open parking garages in compliance with Section 406.5 if the International Building Code where all following conditions apply:

- a. The structure is free-standing
- b. The structure does not contain any mixed uses, storage rooms, electrical rooms, elevators, or spaces used or occupied for anything other than motor vehicle parking.
- c. The structure does not exceed 3 stories
- d. An approved fire apparatus is provided around the entire structure.

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

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

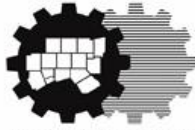
*****Section 903.3.1.2; change to read as follows:**

903.3.1.2 NFPA 13R sprinkler systems. Automatic sprinkler systems in Group R occupancies shall be permitted to be installed throughout in accordance with NFPA 13R where the Group R occupancy meets all of the following conditions:

1. Four stories or less above grade plane.
2. The floor level of the highest story is ~~30~~ 35 feet (~~9144~~ 10668 mm) or less above the lowest level of fire department vehicle access.
3. The floor level of the lowest story is ~~30~~ 35 feet (~~9144~~ 10668 mm) or less below the lowest level of fire department vehicle access.

{No change to remainder of section.}

(Reason: The change to the 2021 IFC over-reached to limit 13R systems to 30 ft. high at topmost floor level, which basically results in limiting 13R systems to 3 story buildings in reality. This change to 35 ft. would still allow 13R systems in 4 story apartment buildings, as has been allowed historically and as



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intended by 13R's scope.)

*****Section 903.3.1.2.2; change to read as follows:**

903.3.1.2.2 Corridors and balconies in the means of egress. Sprinkler protection shall be provided in all corridors and for all balconies. ~~in the means of egress where any of the following conditions apply:~~
{Delete the rest of this section.}

(Reason: Corridor protection is critical to the means of egress, and corridors are regularly utilized for miscellaneous storage, fixtures, artwork, food kiosks and beverage dispensers, and furnishings. Balcony protection is required due to issues with fire exposure via soffit vents and the potential for significant combustible loading.)

****Section 903.3.1.2.3; delete section and replace as follows:**

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.

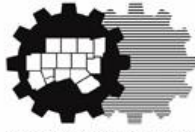
(Reason: Attic protection is required due to issues with fire exposure via soffit vents, as well as firefighter safety. Several jurisdictions indicated experience with un-protected attic fires resulting in displacement of all building occupants. NFPA 13 provides for applicable attic sprinkler protection 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:**



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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 NFPA 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:**

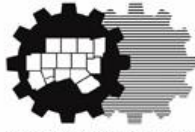
Sprinkler and standpipe system water-flow detectors shall be provided for each floor tap to the sprinkler system and shall cause an alarm upon detection of water flow for more than 45 seconds. All control valves in the sprinkler and standpipe systems except for fire department hose connection valves 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



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faster access and ease of recognition of the FDC location, especially at night.)

****Section 905.3.9; add 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 in larger structures.)

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

1. In every required ~~interior~~ exit stairway, a hose connection shall be provided for each story above and below grade plane. Hose connections shall be located at an intermediate landing between stories, unless otherwise approved by the fire code official.
Exception: {No change.}
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 {remainder of text unchanged}
4. {No change.}
5. Where the roof has a slope less than 4 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.

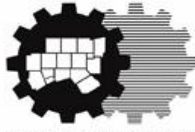
(Reason: Item 1, 3, and 5 amendments to remove 'interior' will help to clarify that such connections are required for all 'exit' stairways, to ensure firefighter capabilities are not diminished in these tall buildings, simply because the stair is on the exterior of the building. Item 5 reduces the amount 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 905.8; change to read as follows:**

905.8 Dry standpipes. Dry standpipes shall not be installed.

Exception: Where subject to freezing and in accordance with NFPA 14. Additionally, 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 Supervisory alarm.

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



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NFPA 14 requires supervisory air for such, but does not provide pressure criteria for what that means. This is a long-standing regional requirement.)

****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 906.1(1); delete Exception 3 as follows:**

~~3. In storage areas of Group S occupancies where forklift, powered industrial truck or powered cart operators are the primary occupants, fixed extinguishers, as specified in NFPA 10, shall not be required where in accordance with all of the following:~~

- ~~3.1. Use of vehicle-mounted extinguishers shall be approved by the fire code official.~~
- ~~3.2. Each vehicle shall be equipped with a 10-pound, 40A:80B:C extinguisher affixed to the vehicle using a mounting bracket approved by the extinguisher manufacturer or the fire code official for vehicular use.~~
- ~~3.3. Not less than two spare extinguishers of equal or greater rating shall be available on-site to replace a discharged extinguisher.~~
- ~~3.4. Vehicle operators shall be trained in the proper operation, use and inspection of extinguishers.~~
- ~~3.5. Inspections of vehicle-mounted extinguishers shall be performed daily.~~

(Reason: This provision of only having vehicle-mounted fire extinguishers is not at all consistent with historical practice of requiring extinguishers throughout based on travel distance. Often times, the vehicle is what has caused the incident and/or may be the source of the incident, so having the extinguisher vehicle-mounted results in greater potential injury of the user. This assumes the only occupants in the building are on a vehicle, which again, significantly reduces access to fire extinguishers throughout the building to other occupants. Future use of the building/tenancy may change further complicating the issue.)

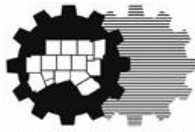
****Section 907.1.4; add to read as follows:**

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. 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



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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:

1. {No change.}
- 1.1. Residential In-Home day care with not more than 12 children may use interconnected single station detectors in all habitable rooms. (For care of more than five children 2 1/2 or less years of age, see Section 907.2.6.)

{No change to remainder of exceptions.}

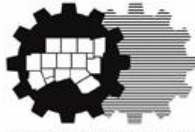
(Reason: To distinguish educational from day care occupancy minimum protection requirements. Further, to define threshold at which portable buildings are considered a separate building for the purposes of alarm systems. Exceptions provide consistency with State law concerning such occupancies.)

*****Section 907.2.10; change to read as follows:**

907.2.10 Group S. A manual fire alarm system that activates the occupant notification system in accordance with Section 907.5 shall be installed in Group S public- and self-storage occupancies ~~three stories or greater in height~~ for interior corridors and interior common areas. Visible notification appliances are not required within storage units.

Exception: {No change.}

(Reason: Because of the potential unknown fire load and hazards in self-storage type facilities, which could include flammable liquids for instance, as well as other hazardous materials, prompt evacuation in the event of fire alarm is needed; therefore, notification in the corridors/common areas is critical to all such occupancies, regardless of height.)



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****Section 907.2.13, Exception #3; change to read as follows:**

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

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

****Section 907.4.2.7; add 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 907.6.1.1; add to read as follows:**

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

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

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

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

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

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

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

****Section 910.2; change Exceptions #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 910.2.3; add 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. This is based on legacy language establishing long-standing historical practice.)

****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.)

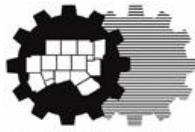
****Section 912.2.3; add to read as follows:**

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

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

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

When located on the ground level at an exterior wall, the fire pump room shall be provided with an



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exterior fire department access door that is not less than 3 ft. in width and 6 ft. – 8 in. in height, regardless of any interior doors that are provided. A key box shall be provided at this door, as required by Section 506.1.

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

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

****Section 914.3.1.2; change to read as follows:**

914.3.1.2 Water Supply to required Fire Pumps. In all buildings that are more than ~~420~~ 120 feet (~~128~~ 36.6 m) in building height, ~~and buildings of Type IVA and IVB construction that are more than 120 feet (36.6 m) in building height,~~ required fire pumps shall be supplied by connections to no fewer than two water mains located in different streets. Separate supply piping shall be provided between each connection to the water main and the pumps. Each connection and the supply piping between the connection and the pumps shall be sized to supply the flow and pressure required for the pumps to operate.

Exception: {No change to exception.}

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

*****Section 1006.2.1; change Exception #3 to read as follows:**

1006.2.1 Egress based on occupant load and common path of egress travel distance. Two exits or exit doorways from any space shall be provided where the design occupant load or the common path of egress travel distance exceeds the values listed in Table 1006.2.1. The cumulative occupant load from adjacent rooms, areas or space shall be determined in accordance with Section 1004.2.

Exceptions:

1. {No change.}
2. {No change.}
3. Unoccupied rooftop mechanical rooms and penthouses are not required to comply with the common path of egress travel distance measurement.



(Reason: Add "rooftop" to Exception No. 3 to clarify that only such mechanical rooms located on the roof may be exempted.)

****Section 1009.8; add Exception #7 to read as follows:**

Exceptions:

1. through 6. {No change.}
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 1010.2.5; change Exceptions #3 and 4 to read as follows:**

Exceptions:

1. {No change.}
2. {No change.}
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)
5. {No change.}

(Reason: It is common in our region to see the 2nd leaf locked, when that leaf is not part of the required egress door clear width, such as in a typical Group M occupancy. Exception No. 4 was expanded to Group A due to it being a similar situation for Group A restaurants.)

****Section 1020.2; add Exception #6 to read as follows:**

Exceptions:

1. through 5. {No change.}
6. In unsprinklered 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: Similar concept was previously in UBC – legacy language. This scenario occurs primarily in existing, non-sprinklered buildings, which under current IBC would be required to have a fire resistance rated corridor. This exception provides a cost-effective solution for single tenant space in lieu of the base IBC requirement to retrofit a fire sprinkler system throughout the building.)

*****Section 1030.1.1.1; add Exception#4 to read as follows:**

Exceptions:

1. through 3. {No change.}
4. Where alternate means or methods are submitted to and approved by the Building and Fire Officials.



(Reason: This base IBC provision applies to all grandstands and bleachers and does not differentiate between open air grandstands & bleachers, smaller, less complex grandstands and bleachers and or movable/non-fixed grandstands and bleachers. The new exception permits the AHJ to be presented with alternate means or methods that take into consideration these differentiators that are unique to the specific grandstand and/or bleacher.)

****Section 1032.2; change to read as follows:**

1032.2 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 ~~where the building area served by the means of egress is occupied.~~ An exit or exit passageway shall not be used for any purpose that interferes with a means of egress.

(Reason: Maintain legacy levels of protection and long-standing regional practice, and provide firefighter safety.)

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

Provide emergency signage as required by Section 604.4.

(Reason: This signage to avoid elevators in a fire emergency is critical to life safety justifying the retroactive requirement.)

****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.

(Reason: Regional consistency of this retroactive requirement to allow business owners adequate time to budget to accommodate the cost of the fire sprinkler system.)

****Section 1103.5.6; add to read as follows:**

1103.5.6 Spray Booths and Rooms. Existing spray booths and spray rooms shall be protected by an approved automatic fire-extinguishing system in accordance with Section 2404.

(Reason: Consistent with amendment to IFC 2404, and long-standing regional requirement to protect this hazardous operation.)

****Section 1103.7.7; add 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.

(Reason: To assist responding personnel in locating the emergency event and provide clarity as to percentages of work that results in a requirement to upgrade the entire fire alarm system.)

*****Section 1203; change and add to read as follows:**

1203.1.1 {No change.}

1203.1.2 {No change.}

1203.1.3 Installation. Emergency power systems and standby power systems shall be installed in accordance with the *International Building Code*, NFPA 70, NFPA 110 and NFPA 111. Existing installations shall be maintained in accordance with the original approval, except as specified in Chapter 11.

1203.1.4 {No change.}

1203.1.5 Load Duration. Emergency power systems and standby power systems shall be designed to provide the required power for a minimum duration of 2 hours without being refueled or recharged, unless specified otherwise in this code.

Exception: Where the system is supplied with natural gas from a utility provider and is approved.

1203.1.6 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 1203.2.18 ~~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 907.2.20 and 914.2

Group A Occupancies, Sections 907.2.1 and 907.5.2.2

Special Amusement Areas, Section 907.2.12 and 914.7

High-rise Buildings, Section 907.2.13 and 914.3

Atriums, Section 907.2.14 and 914.4

Deep Underground Buildings, Section 907.2.19 and 914.5

1203.2.5 through 1203.2.14 {No change.}

1203.2.15 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)

1203.2.16 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.

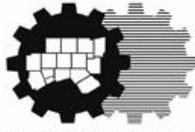
1203.2.17 {No change.}

1203.2.18 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



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Group I-3, International Building Code, Section 408.4.2

Stages, International Building Code, Section 410

Special Amusement Areas (as applicable to Group A's), International Building Code, Section 411

Smoke Protected Seating, Section 1030.6.2

1203.2.19 {No change.}

1203.2.20 Covered and Open Mall Buildings. Emergency power shall be provided in accordance with Section 907.2.20 and 914.2.

1203.2.21 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.

1203.2.22 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 909.20.7.2.

1203.2.23 Elevator Pressurization. Standby power shall be provided for elevator pressurization system as required by the *International Building Code*, Section 909.21.5.

1203.2.24 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.

1203.2.25 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 504.11, Item 7.

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 through 1203.6 {No change.}

(Reason: These amendments were moved from Chapter 6, due to relocation of the published sections to this new Chapter 12 in the past edition of the code and have now been updated for this edition. These provisions provide a list to complete and match that throughout the codes. The only additional requirements are the reference to COPS in NFPA 70, and the specified Energy time duration. Other changes are a reference to a code provision that already exists.)

****Section 2304.1; change to read as follows:**

2304.1 Supervision of Dispensing. The dispensing of fuel at motor fuel-dispensing facilities shall be conducted by a qualified attendant or shall be under the supervision of a qualified attendant at all times or shall be in accordance with Section 2204.3, the following:

1. Conducted by a qualified attendant; and/or,
2. Shall be under the supervision of a qualified attendant; and/or
3. Shall be an unattended self-service facility in accordance with Section 2304.3.

At any time the qualified attendant of item Number 1 or 2 above is not present, such operations shall be considered as an unattended self-service facility and shall also comply with Section 2304.3.

(Reason: Allows a facility to apply the attended and unattended requirements of the code when both are potentially applicable.)

****Section 2401.2; delete this section in its entirety.**



(Reason: This section eliminates such booths from all compliance with Chapter 24 including, but not limited to: size, ventilation, fire protection, construction, etc. If the product utilized is changed to a more flammable substance, the lack of compliance with Chapter 15 could result in significant fire or deflagration and subsequent life safety hazard.)

****Section 3103.3.1; delete this section in its entirety**

(Reason: This section requires a fire sprinkler system to be installed in temporary tents and membrane structures, which is not a reasonable or enforceable requirement for a temporary use. A fire watch or fire alarm system is a more advisable approach for such occupancies that are only temporary in nature.)

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

~~h. Not required~~—Where storage areas are protected by either early suppression fast response (ESFR) sprinkler systems or control mode special application sprinklers with a response time index of 50 (m • s) 1/2 or less that are listed to control a fire in the stored commodities with 12 or fewer sprinklers, installed in accordance with NFPA 13, manual smoke and heat vents or manually activated engineered mechanical smoke exhaust systems shall be required within these areas.

(Reason: Allows the fire department to control the smoke and heat during and after a fire event, while ensuring proper operation of the sprinkler protection provided. Also, gives an alternative to smoke and heat vents.)

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

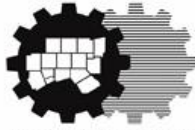
j. High hazard high-piled storage areas shall not exceed 500,000 square feet. A 2-hour fire wall constructed in accordance with Section 706 of the International Building Code shall be used to divide high-piled storage exceeding 500,000 square feet in area.

(Reason: This is a long-standing legacy requirement and provides passive protection for extremely large buildings where it would be otherwise impossible to control the spread of fire without the fire wall in place in an uncontrolled fire event, which is much more likely in high hazard commodities, such as tires, flammable liquids, expanded plastics, etc.)

*****Section 3311.1; change to read as follows:**

Section 3311.1 Required access. Approved vehicle access for firefighting and emergency response shall be provided to all construction or demolition sites. Vehicle access shall be provided to within ~~100 50~~ feet (30 480 15 240 mm) of temporary or permanent fire department connections. Vehicle access shall be provided by either temporary or permanent roads, capable of supporting vehicle loading under all weather conditions. Vehicle access shall be maintained until permanent fire apparatus access roads are available. When fire apparatus access roads are required to be installed for any structure or development, access shall be approved prior to the time which construction has progressed beyond completion of the foundation of any structure. Whenever the connection is not visible to approaching fire apparatus, the fire department connection shall be indicated by an approved sign.

(Reason: Improves access to the FDC where required, as well as coordinates with the timing of installation amendment from Section 501.4.)



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****Section 5601.1.3; change to read as follows:**

5601.1.3 Fireworks. The possession, manufacture, storage, sale, handling, and use of fireworks are prohibited.

Exceptions:

1. Only when approved for fireworks displays, the storage and handling of fireworks as allowed in Section 5604 and 5608.
2. ~~Manufacture, assembly and testing of fireworks as allowed in Section 5605.~~
3. ~~2.~~ The use of fireworks for approved fireworks displays as allowed in Section 5608.
4. ~~The possession, storage, sale...~~ {Delete remainder of text.}

(Reason: Restricts fireworks to approved displays only, which is consistent with regional practice. Such is intended to help protect property owners and individuals from unintentional fireworks fires within the jurisdiction, as well as to help protect individuals from fireworks injuries. It is noted that there has been a change in the State Law to allow possession of unopened fireworks in certain areas of the vehicle, and it is highly recommended that AHJ's familiarize themselves with the applicable State Laws in this regard.)

****Section 5703.6; add sentence to end of paragraph to read as follows:**

An approved method of secondary containment shall be provided for underground tank and piping systems.

(Reason: Increased protection in response to underground leak problems and remediation difficulty in underground applications. Coordinates with TCEQ requirements.)

****Section 5704.2.11.4; change to read as follows:**

5704.2.11.4 Leak Prevention. Leak prevention for underground tanks shall comply with Sections 5704.2.11.4.1 and ~~5704.2.11.4.2~~ through 5704.2.11.4.3. An approved method of secondary containment shall be provided for underground tank and piping systems.

(Reason: Increased protection in response to underground leak problems and remediation difficulty in underground applications. Coordinates with TCEQ requirements.)

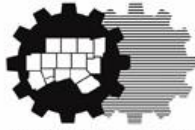
****Section 5704.2.11.4.2; change to read as follows:**

5704.2.11.4.2 Leak Detection. Underground storage tank systems shall be provided with an *approved* method of leak detection from any component of the system that is designed and installed in accordance with NFPA 30 and as specified in Section 5704.2.11.4.3.

(Reason: Reference to IFC Section 5704.2.11.4.3 amendment.)

****Section 5704.2.11.4.3; add to read as follows:**

5704.2.11.4.3 Observation Wells. Approved sampling tubes of a minimum 4 inches in diameter shall be installed in the backfill material of each underground flammable or combustible liquid storage tank. The tubes shall extend from a point 12 inches below the average grade of the excavation to ground level and shall be provided with suitable surface access caps. Each tank site shall provide a sampling tube at the



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corners of the excavation with a minimum of 4 tubes. Sampling tubes shall be placed in the product line excavation within 10 feet of the tank excavation and one every 50 feet routed along product lines towards the dispensers, a minimum of two are required.

(Reason: Provides an economical means of checking potential leaks at each tank site. This is long-standing regional practice.)

****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.

(Reason: The general public does not expect a hazardous operation to be occurring in a typical parking lot or for a fuel truck to be traversing such parking lot, temporarily fueling a vehicle, and moving on to the next area in the parking lot to fuel the next vehicle. Vehicular accidents occur in parking lots on a regular basis, but the presence of a fuel truck, especially one in the process of fueling a vehicle with gasoline, greatly adds to the potential risk involved in such accidents. By restricting such operations to the occupancies in question, the employees of the business may be adequately notified to expect such operations to occur in the parking lot.)

****Section 6103.2.1.8; add to read as follows:**

6103.2.1.8 Jewelry Repair, Dental Labs and Similar Occupancies. Where natural gas service is not available, portable LP-Gas containers are allowed to be used to supply approved torch assemblies or similar appliances. Such containers shall not exceed 20-pound (9.0 kg) water capacity. Aggregate capacity shall not exceed 60-pound (27.2 kg) water capacity. Each device shall be separated from other containers by a distance of not less than 20 feet.

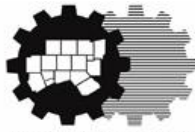
(Reason: To provide a consistent and reasonable means of regulating the use of portable LP-Gas containers in these situations. Reduces the hazard presented by portable containers when natural gas is already available. Please note that current State Law does not allow for the enforcement of any rules more stringent than that adopted by the State, so this amendment is only applicable as to the extent allowed by that State Law.)

****Section 6104.2; add Exception 2. to read as follows:**

Exceptions:

1. {existing text unchanged}
2. Except as permitted in Sections 308 and 6104.3.3, LP-gas containers are not permitted in residential areas.

(Reason: To provide a consistent and reasonable means of regulating the use LP-Gas containers. Reduces the hazard presented by such containers when natural gas is already available. References regional amendment to IFC 6104.3.3. Please note that current State Law does not allow for the enforcement of any rules more stringent than that adopted by the State, so this amendment is only applicable as to the extent allowed by that State Law.)



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****Section 6104.3.3; add 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.

(Reason: Allows for an alternate fuel source. Dwelling density must be considered and possibly factored into zoning restrictions. Reduces the hazard presented by over-sized LP-Gas containers. Please note that current State Law does not allow for the enforcement of any rules more stringent than that adopted by the State, so this amendment is only applicable as to the extent allowed by that State Law.)

****Section 6107.4 and 6109.13; change to read as follows:**

6107.4 Protecting Containers from Vehicles. Where exposed to vehicular damage due to proximity to alleys, driveways or parking areas, LP-gas containers, regulators and piping shall be protected in accordance with ~~NFPA 58~~ Section 312.

6109.13 Protection of Containers. LP-gas containers shall be stored within a suitable enclosure or otherwise protected against tampering. Vehicle impact protection shall be provided as required by Section 6107.4.

Exception: ~~Vehicle impact protection shall not be required for protection of LP-gas containers where the containers are kept in lockable, ventilated cabinets of metal construction.~~

(Reason: NFPA 58 does not provide substantial physical protection [it allows raised sidewalks, fencing, ditches, parking bumpers as 'vehicle barrier protection'] of the container(s) from vehicular impact as is required and has been required historically, as per Section 312, i.e. bollard protection. Further, the exception to Section 6109.13 would allow for portable containers in ventilated metal cabinets to not require any physical protection whatsoever from vehicular impact, regardless of the location of the containers. Please note that current State Law does not allow for the enforcement of any rules more stringent than that adopted by the State, so this amendment is only applicable as to the extent allowed by that State Law.)

****{Appendix B Fire-Flow Requirements For Buildings amendments}**

****Table B105.2; change footnote a. to read as follows:**

a. The reduced fire-flow shall be not less than ~~1,000~~ 1,500 gallons per minute.

(Reason: The minimum fire-flow of 1,500 gpm for other than one- and two- family dwellings has existed since the 2000 edition of the IFC, as well as the Uniform Fire Code before that. Little to no technical justification was provided for the proposed code change at the code hearings. The board believes that the already-allowed 75 percent reduction in required fire-flow for the provision of sprinkler protection is already a significant trade-off. The minimum 1,500 gpm is not believed to be overly stringent for the vast majority of public water works systems in this region, especially since it has existed as the requirement for so many years. Further, the continued progression of trading off more and more requirements in the codes for the provision of sprinkler protection has made these systems extremely operation-critical to the safety of the occupants and properties in question. In other words, should the sprinkler system fail for any reason, the fire-flow requirements drastically increase from that anticipated with a sprinkler-controlled fire scenario.)

*****{Appendix D Fire Apparatus Access Roads amendments}**



*****Section D102.1; change to read as follows:**

D102.1 Access and loading. Facilities, buildings or portions of buildings hereafter constructed shall be accessible to fire department apparatus by way of an *approved* fire apparatus access road with an asphalt, concrete or other *approved* driving surface capable of supporting the imposed load of fire apparatus weighing up to ~~75,000~~ 85,000 pounds (~~34 050~~ 38 556 kg).

(Reason: To address the current size of fire trucks in use – figure derived from DOT requirements for waiver of vehicle exceeding such weight and from current maximum weights of fire trucks being purchased by jurisdictions in North Texas.)

*****Section D103.4; change to read as follows:**

D103.4 Dead ends. Dead-end fire apparatus access roads in excess of 150 feet (45 720 mm) shall be provided with width and turnaround provisions in accordance with Table D103.4.

**TABLE D103.4
REQUIREMENTS FOR DEAD-END FIRE APPARATUS ACCESS ROADS**

LENGTH (feet)	WIDTH (feet)	TURNAROUNDS REQUIRED
0–150	20 <u>24</u>	None required
151–500	20 <u>24</u>	120-foot Hammerhead, 60-foot “Y” or 96-foot diameter cul-de-sac in accordance with Figure D103.1
501–750	26	120-foot Hammerhead, 60-foot “Y” or 96-foot diameter cul-de-sac in accordance with Figure D103.1
Over 750		Special approval required

For SI: 1 foot = 304.8 mm.

(Reason: Reflects current increased apparatus access roadway widths as indicated in the recommended amendment to 503.2.1.)

*****Section D103.5; change Item 1 to read as follows:**

D103.5 Fire apparatus access road gates. Gates securing the fire apparatus access roads shall comply with all of the following criteria:

1. Where a single gate is provided, the gate width shall be not less than ~~20~~ 24 feet (~~6096~~ 7315.2 mm). Where a fire apparatus road consists of a divided roadway, the gate width shall be not less than 12 feet (3658 mm).

(Reason: Reflects current increased apparatus access roadway widths as indicated in the recommended amendment to 503.2.1.)



***Section D103.6; change to read as follows:

D103.6 Signs-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 be maintained in a clean and legible condition at all times and be replaced or repaired when necessary to provide adequate visibility.

(1) Striping – Fire apparatus access roads shall be continuously marked by painted lines of red traffic paint six inches (6") in width to show the boundaries of the lane. The words "NO PARKING FIRE LANE" or "FIRE LANE NO PARKING" shall appear in four inch (4") white letters at 25 foot 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 (See Figure D103.6). Signs shall have red letters on a white reflective background, 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.

Where required by the *fire code official*, fire apparatus access roads shall be marked with permanent "NO PARKING—FIRE LANE" signs complying with Figure D103.6, or other approved method. Signs shall have a minimum dimension of 12 inches (305 mm) wide by 18 inches (457 mm) high and have red letters on a white reflective background. Signs shall be posted on one or both sides of the fire apparatus road as required by Section D103.6.1 or D103.6.2.

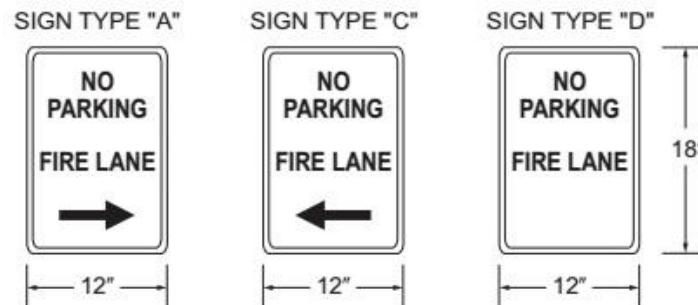


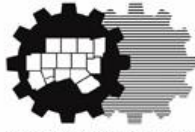
FIGURE D103.6
FIRE LANE SIGNS

(Reason: Reflects current markings for apparatus access roadways as indicated in the recommended amendment to Section 503.3)

***Section D103.6.1 and D103.6.2; delete sections as follows:

D103.6.1 Roads 20 to 26 feet in width. Fire lane signs as specified in Section D103.6 shall be posted on both sides of fire apparatus access roads that are 20 to 26 feet wide (6096 to 7925 mm).

D103.6.2 Roads more than 26 feet in width. Fire lane signs as specified in Section D103.6 shall be posted on one side of fire apparatus access roads more than 26 feet wide (7925 mm) and less than 32 feet wide (9754 mm).



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(Reason: Reflects current markings for apparatus access roadways as indicated in the recommended amendment to 503.3 and D103.6, which requires the signage on both sides of the fire apparatus access roads, regardless of width)

*****Section D104.3; change to read as follows:**

D104.3 Remoteness. Where two fire apparatus access roads are required, they shall be placed a distance apart equal to not less than one half of the length of the maximum overall diagonal dimension of the lot or area to be served, measured in a straight line between accesses, or as approved by the fire code official.

(Reason: To provide some additional flexibility to the fire code official on the location of the two fire apparatus access roads.)

*****Section D105.3; change to read as follows:**

D105.3 Proximity to building. Unless otherwise approved by the fire code official, one or more of the required access routes meeting this condition shall be located not less than 15 feet (4572 mm) and not greater than 30 feet (9144 mm) from the building, and shall be positioned parallel to one entire side of the building. The side of the building on which the aerial fire apparatus access road is positioned shall be approved by the fire code official.

(Reason: To provide some additional flexibility to the fire code official on the location of the aerial fire apparatus access roads.)

*****Section D106.3; change to read as follows:**

D106.3 Remoteness. Where two fire apparatus access roads are required, they shall be placed a distance apart equal to not less than one-half of the length of the maximum overall diagonal dimension of the property or area to be served, measured in a straight line between accesses, or as approved by the fire code official.

(Reason: To provide some additional flexibility to the fire code official on the location of the two fire apparatus access roads.)

*****Section D107.2; change to read as follows:**

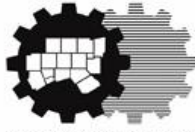
D107.2 Remoteness. Where two fire apparatus access roads are required, they shall be placed a distance apart equal to not less than one-half of the length of the maximum overall diagonal dimension of the property or area to be served, measured in a straight line between accesses, or as approved by the fire code official.

(Reason: To provide some additional flexibility to the fire code official on the location of the two fire apparatus access roads.)

*****{Appendix L Requirements For Fire Fighter Air Replenishment Systems amendments}**

*****Section L101.1; change to read as follows:**

Section L101.1 Scope. Fire fighter air replenishment systems (FARS) shall be provided in accordance with this appendix in new buildings when any of the following conditions occur:



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1. Any new building 5 or more stories in height.
2. Any new building with 2 or more floors below grade.
3. Any new building 500,000 square feet or more in size.

Each stairwell shall have a supply riser. SCBA fill panels shall be located on odd numbered floors commencing at the first level in the primary stairwell and on even numbered floors commencing at level 2 in the remaining stairwells. Fill panels in buildings over 500,000 square feet shall be located adjacent to each standpipe connection.

~~The adopting ordinance shall specify building characteristics or special hazards that establish thresholds triggering a requirement for the installation of a FARS. The requirement shall be based on the fire department's capability of replenishing fire fighter breathing air during sustained emergency operations. Considerations shall include:~~

- ~~1. Building characteristics, such as number of stories above or below grade plane, floor area, type of construction and fire resistance of the primary structural frame to allow sustained fire-fighting operations based on a rating of not less than 2 hours.~~
- ~~2. Special hazards, other than buildings, that require unique accommodations to allow the fire department to replenish fire fighter breathing air.~~
- ~~3. Fire department staffing level.~~
- ~~4. Availability of a fire department breathing air replenishment vehicle.~~

(Reason: Breathing air is critical for firefighting operations. Historically, fire departments have supplied air bottles by manually transporting air bottles up stairways or across long distances in a building, which is an extraordinarily intensive process and takes firefighters away from their primary mission of rescue and firefighting. The FARS technology in Appendix L exists to address this issue using in-building air supply systems. Many jurisdictions in North Texas and across the country have already adopted this Appendix and are enforcing and installing these systems to improve the life safety of firefighters and enhance their firefighting capabilities in an emergency incident, which is one of the reasons for recommending this Appendix for adoption – to ensure regional consistency, as well as to improve mutual emergency aid among jurisdictions in North Texas.)

*****Section L104.13.1; delete this section in its entirety.**

(Reason: The amendment to Section L101.1 above addresses the location criteria for SCBA fill panels.)

*****Section L104.14; add paragraph to read as follows:**

The external mobile air connection shall be located with approved separation from the Fire Department Connection (FDC) to allow functionality of both devices by first responders; shall be visible from and within 50 ft. of a fire apparatus access road along an unobstructed path; and shall be located in an approved signed, secured cabinet.

(Reason: To accommodate the needs of first responders to be able to locate and utilize the required connection to ensure air supply availability to this system, similar to the requirements of FDC's.)

END



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**Recommended Amendments to the
2021 International Residential Code**
North Central Texas Council of Governments Region

The following sections, paragraphs, and sentences of the *2021 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 2018 edition of the code and a triple asterisk identifies a new or revised amendment with the 2021 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 2021 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 [INSERT OFFICIAL BUILDING DEPARTMENT NAME OF JURISDICTION]

R103.1 Creation of enforcement agency. The ~~Department of Building Safety~~ [INSERT OFFICIAL BUILDING DEPARTMENT NAME OF JURISDICTION] 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 R105.3.1.1& 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 Unit" to read as follows:**



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TOWNHOUSE UNIT. A single-family dwelling unit separated by property lines in a townhouse that extends from foundation to roof and that has a yard or public way on not less than two sides.

(Reason: To distinguish Townhouse Units within a Townhouse building 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 (3 sec- gust)/ 76 fastest mile	No	No	No	A	Moderate	6"	Very Heavy	22 ^o F	No	Local Code	150	64.9 ^o F

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 R302.2.6; delete exception #6:**

Exceptions: {previous exceptions unchanged}

6. ~~Townhouse units protected by a fire sprinkler system complying with Section P2904 or NFPA 13D.~~

(Reason: To remain consistent with separated townhouse units and property lines.)



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****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.)

*****R307.3 Blocking.** Required at one toilet at grade level. Blocking per Sec. R307.4 and Figure 307.4, shall be installed at rear wall and one wall adjacent to toilet at the lowest living level where a toilet is provided.

*****R307.4 Blocking.** Blocking may be 1/2" plywood or equivalent or 2 x solid wood blocking flush with wall.

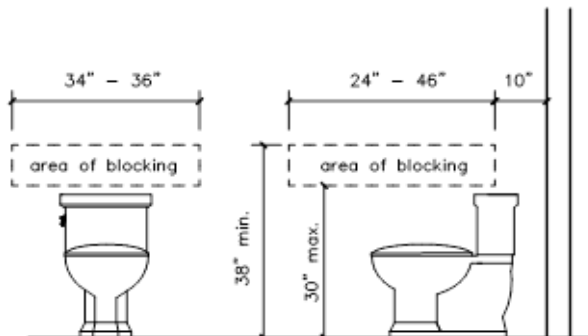


Figure 307.4

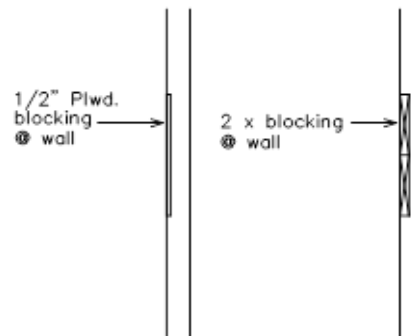


Figure 307.4

(Reason: Blocking at initial construction allows for ease of use for future grab bar installation if desired for homeowners. Ties into Dallas Builders Association of Universal Design Elements concepts for CAPS (Certified Aging in Place Specialists) professionals.)

****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.)



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*****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 327.1.1; add to read as follows:**

Section 327.1.1 Adjacency to Structural Foundation. Depth of the swimming pool and spa shall maintain a ratio of 1:1 from the nearest building foundation or footing of a retaining wall.

Exception:

A sealed engineered design drawing of the proposed new structure shall be submitted for approval.

(Reason: To clarify specific distances for pools and spas.)

****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:**

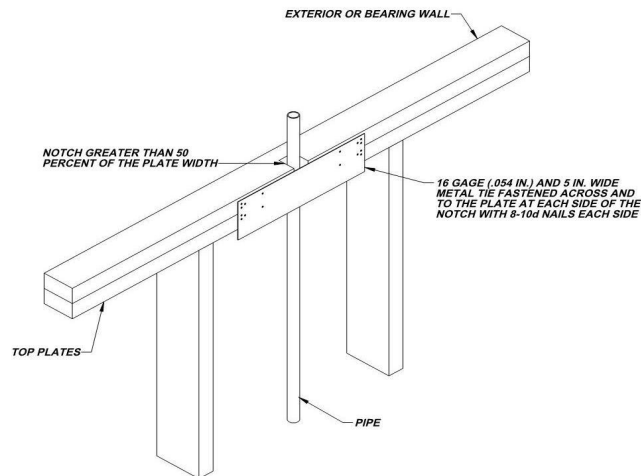
R602.6.1 Drilling and notching of top plate. When piping or ductwork is placed in or partly in an exterior wall or interior load-bearing wall, necessitating cutting, drilling or notching of the top plate by more than 50 percent of its width, a galvanized metal tie not less than 0.054 inch thick (1.37 mm) (16 Ga) and ~~1 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:**



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(Amendment forward 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 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)



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**** Chapter 11 [RE] – Energy Efficiency is deleted in its entirety; Reference the 2021 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 2021 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: [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:**



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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 (404.2) 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:**



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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 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 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 10 fifteen (15) minutes.~~ For welded piping, and for piping carrying gas at pressures in excess of fourteen (14) inches water column pressure (3.48 kPa), the test duration shall be held for a length of time satisfactory to the *Building Official*, but in no case for less than thirty (30) minutes.

(Reason: To comply with accepted regional practices.)



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****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 convenience.)

****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.



North Central Texas
Council of Governments

(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.)



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****Section P2801.6.1; change to read as follows:**

Section P2801.6.1 Pan size and drain. The pan shall be not less than 11/2 inches (38 mm) in depth and shall be of sufficient size and shape to receive all dripping or condensate from the tank or water heater. The pan shall be drained by an indirect waste pipe having a diameter of not less than 3/4 inch (19 mm). Piping for safety pan drains shall be of those materials listed in Table 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.



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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 Connection; 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



City of McLendon-Chisholm
Staff Report

Date: May 9, 2025

Agenda Item: Fee Schedule Updates

Financial Impact: Roof Permits-\$100 permit cost includes one inspection. \$100 per reinspection

Staff Comments: **Roof Permits-**With the adoption of the new building codes on this agenda this is a good time to discuss roof permits. From a code perspective, there would be significant safety items to verify during the inspection process on top of just verifying the roof covering meets minimum code compliance. Many of the homes in town have fuel gas supplied to them. In the process of re roofing the chances of the vent terminations through the roof being dislodged can pose a fire hazard and carbon monoxide hazard within the home. There are also some safety issues that can arise if the home has solar panels existing. There would not be any plan review needed for this type permit (over-the-counter permit) and it would involve just a roof final inspection.

Impact Fees – To provide transparency, we would like to include Roadway Impact Fees on the Fees and Charges Ordinance. They were passed last year and are in effect currently, however, this would make it easier to find by putting it all in one place with the other fees and charges, It would minimize the chances of builders and developers not knowing about them prior to coming to pay for their Building Permit, which is when they are due.

Presenter: Bev Stibbens, City Administrator
Jeff White, Finance Director

Exhibit A
McLendon-Chisholm Fees & Charges
Effective 5/09/2025
Ordinance 2025-__

Residential Building Permits:

All Building Permit Applications Subject to an additional 3rd Party Plan Review Fee

Residential New Construction or Remodel: \$1.25 per square foot plus inspection fees
(includes Total Square Footage - living, garages, porches, etc.)

Residential Minor Construction Projects: \$0.75 per square foot plus inspection fees
(porch addition, patio covers, garages, non-habitable living space, etc.)

Swimming Pools: \$600.00

Commercial/Non-Residential Building Permits:

All Building Permit Applications Subject to an additional 3rd Party Plan Review Fee

All Valuations Rounded up to the Next \$1,000

Valuation under \$5,000: Actual Inspection Charges + \$50.00

Valuation of \$5,000-\$249,999: Actual Inspection Charges + 1.000% of Valuation

Valuation of \$250,000-\$449,999: Actual Inspection Charges + 1.050% of Valuation

Valuation of \$450,000-\$649,999: Actual Inspection Charges + 1.075% of Valuation

Valuation of \$650,000-\$849,999: Actual Inspection Charges + 1.100% of Valuation

Valuation of \$850,000-\$999,999: Actual Inspection Charges + 1.2500% of Valuation

Valuation of \$1,000,000 or more: Actual Inspection Charges + 1.150% of Valuation

Plan Review Fees:

Commercial New Construction: Determined after 3rd Party Plan Review

Residential New Construction:

0-1,500 Square Feet: \$0.11 per square foot

1,501-6,000 Square Feet - \$0.09 per square foot

6,001-10,000 Square Feet - \$0.08 per square foot

Over 10,000 Square Feet - \$0.09 per square foot

Other Residential Projects: \$150.00

Plat Fees:

Acreage Rounded up to the Next Whole Number

Preliminary Plat: \$350.00 per lot + \$20.00 per acre

Final Plat: \$300.00 + \$25.00 per acre

Replat or Amended Plat: \$225.00 + \$20.00 per acre

ETJ Preliminary or Final Plat: Same as all City Fees. May also require review by Rockwall County and be subject to county fees.

Zoning Related Fees:

Acreage Rounded up to the Next Whole Number

Zoning Change Request: \$500.00 + \$20.00 per acre

Zoning Board of Adjustment Request: \$500.00

Special Use Permit: \$1,000

**** Please consult the City of McLendon-Chisholm Code of Ordinances for subdivision and zoning projects prior to submitting an application. All land use projects begin by contacting City Staff at 972-524-2077.**

**** The City recognizes that professional guidance is necessary when undertaking any land use project including platting, zoning, or Board of Adjustment applications. Therefore, the City will provide a one-hour or 2 half-hour complementary professional consultations with the City Planner and/or City Engineer. The complimentary consultations will be arranged by City Staff. Limit of one complementary consultation per property.**

****All Consulting Costs, including City Planner, City Engineer, Legal Fees and any other outside consultant costs incurred by the City, will incur a 20% administrative fee on top of the actual cost charge by the consultant.**

**** A request will not be scheduled for an agenda until all outstanding fees are current.**

Food Establishment Permit Fees:

Temporary Establishment: \$150.00
Food Establishment: \$500.00
Catering Truck: \$300.00
Day Care Facility: \$500.00
Grocery Store (per Outlet): \$1,000.00
Limited Service: \$300.00
Additional Inspections: \$100.00
Season Events: \$250.00
Prepackaged Food and Beverage: \$150.00

Miscellaneous Fees:

Reinspection Fee: \$100.00
Fence Permit: \$250.00
Mechanical Permit (HVAC): \$200 (plan review fee may apply)
Plumbing Permit: \$200.00 (plan review fee may apply)
Electrical Permit: \$200.00 (plan review fee may apply)
Irrigation Permit: \$340.00
Roofing Permit: \$100.00
Commercial Certificate of Occupancy: \$175.00
Credit Card Fee: 5%
Sewer:
 Tap Fee: \$3,000
 Customer Deposit: \$135 (\$110 refundable)
 Monthly Fee: \$78.58
Solid Waste & Recycling Service:
 Basic Service (Trash, Recycling, X-treme Green event): \$31.06
 Additional Cart Fee: \$9.40
 Lost/Stolen Cart Fee: \$104.14
Contractor Registration (other than plumbing, electrical & HVAC): \$150.00
OSSF Permit Fee: \$575.00
Resubmittal OSSF Fee: \$125.00
Pool Installation OSSF Review Fee (no inspection): \$100.00
OSSF Modification Fee: \$235.00
Solicitor Permit: \$100.00 (for up to 4 individuals), \$25.00 for each additional person
Tree Removal Permit: \$150.00 (+\$10/tree)

Forced Mow:

1st Offense in rolling 12-month period: City's Incurred Costs + \$100

2nd Offense in rolling 12-month period: City's Incurred Costs + \$200

3rd Offense in rolling 12-month period: City's Incurred Costs + \$300

4th Offense in rolling 12-month period: City's Incurred Costs + \$400

5th Offense and beyond in rolling 12-month period: City's Incurred Costs + \$500

NSF Payment Fee: \$35

FIRE MARSHAL INSPECTION AND PERMITTING FEES

Fire Marshal Inspections:

Certificate of Occupancy - \$60.00
Temporary Certificate of Occupancy - \$60.00
After Hours Inspections (after 5:00 p.m. or on weekend)
\$150.00 per hour for first two hours
\$50.00 per hour for each additional hour beyond the first two hours

Fire Protection Systems

1-10 devices: \$75.00
11-25 devices: \$100.00
26-100 devices: \$200.00
101-200 devices: \$275.00
201-500 Vices: \$500.00
Per device for each device over 500: \$1.00

Fire Sprinkler Systems

Underground: \$150.00
Aboveground, 1-19 heads: \$75.00
Aboveground 20-100 heads: \$100.00
Aboveground, 101-300 heads: \$200.00
Aboveground 301-1,000 heads: \$400.00
Per head/or each over 1,000 heads: \$1.00
Fire Pump, additional: \$150.00

Access Control

1-10 Doors: \$75.00
11-25 Doors: \$100.00
26-100 Doors: \$200.00
101-200 Doors: \$275.00
201-500 Doors: \$500.00
Per device for each device over 500: \$1.00

Fire Alarm System Permits

Residential Permit Fee: \$50.00 annually (This residential fee shall be waived if a burglar alarm permit fee has already been paid)
Non-Residential Permit Fee: \$100.00 annually

False Alarm Billing Fee (Residential)

The first three (3) false alarm calls within a twelve (12) month period are free of charge
The fee for the fourth (4th) and fifth (5th) false alarm calls within a twelve (12) month period is \$75.00 per call.
The fee for the sixth (6th) and seventh (7th) false alarm calls within a twelve (12) month period is \$250.00 per call.
The fee for the eighth (8th) false alarm call and any false alarm call beyond the eighth (8th) within a twelve (12) month period is \$500.00 per call.

False Alarm Fee (Non-Residential)

The first three (3) false alarm calls within a twelve (12) month period are free of charge.
The fee for the fourth (4th) and fifth (5th) false alarm calls within a twelve (12) month period is \$150.00 per call.
The fee for the sixth (6th) and seventh (7th) false alarm calls within a twelve (12) month period is \$500.00 per call.
The fee for the eighth (8th) false alarm call and any false alarm call beyond the eighth (8th) within a twelve (12) month period is \$1,000.00 per call.

Fire Marshal Annual Inspection Fee

1 - 1,500sq.ft.: \$50.00 annually
1,501 - 3,000 sq. ft.: \$55.00 annually
3,001 - 5,000 sq. ft.: \$60.00 annually
5,001 - 10,000 sq. ft.: \$65.00 annually
10,001 - 25,000 sq. ft.: \$70.00 annually
25,001 - 50,000 sq. ft.: \$75.00 annually
50,001 - 75,000 sq. ft.: \$80.00 annually
75,001 - 100,000 sq. ft.: \$100.00 annually
100,001 - 200,000 sq. ft.: \$120.00 annually
200,001 sq. ft. and greater: \$280.00 annually

Hazardous Materials Annual Permit (includes flammable/combustible liquids)

Powders and Solids

1,000 lbs. and less: \$25.00
1,001 - 2,000 lbs.: \$37.50
2,001 - 5,000 lbs.: \$70.00
5,001 lbs. and over: \$137.50

Liquids and Gels

25 gallons or less: \$25.00
26 -100 gallons: \$37.50
101- 1,000 gallons: \$70.00
1,001 gallons or more: \$137.50

Plan Review Fees

Plan Review: \$60.00
Fire Alarm System: \$70.00
Fire Sprinkler System: \$150.00
Emergency Lighting: \$37.50
Special Lighting: \$30.00
Liquid storage tanks, hazardous materials: \$70.00

Special Permits

Blasting operation: \$65.00 per day
Pyrotechnic display: \$65.00 per day
Tent permit
1 - 30 days: \$30.00
Each additional 30 days or portion thereof: \$30.00

Underground Storage Tanks Installation

The fees set forth in this subsection are applicable to both temporary and permanent underground storage tanks

0 - 1,000 gallons: \$50.00
More than 1,000 gallons: \$100.00

LPG Tank Installation or Removal - \$50.00

Special Event Fees

Fire marshal permit
\$125.00 for first day
\$75.00 per each additional day thereafter
Fire marshal on premises: \$65.00 per hour
Standby fire personnel, no apparatus: \$65.00 per hour (each, three hour minimum)
Standby ambulance, with personnel: \$130.00 per hour (three hour minimum)
Standby engine or truck, with personnel: \$195.00 per hour (three hour minimum).

State Mandated Inspections

Hospitals - \$100.00
Nursing and long-term care homes - \$75.00
Daycare/Mother's Day out- \$50.00
Foster home or adoptive home - \$10.00
Home inspection (insurance) - \$50.00

Reinspection Fee: \$60.00

Ordinance No.
Approved

CITY OF MCLENDON-CHISHOLM
ORDINANCE NO. 2025-

AN ORDINANCE OF THE CITY OF McLENDON-CHISHOLM, TEXAS, AMENDING SECTION 3.01.001 OF ARTICLE 3.01 OF CHAPTER 3, "BUILDING REGULATIONS," OF THE CODE OF ORDINANCES BY AMENDING THE FEE SCHEDULE; PROVIDING A REPEALING CLAUSE; PROVIDING A SAVINGS CLAUSE; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, it is the intent of the City Council of the City of McLendon-Chisholm, Texas ("City") to protect the public health, safety and welfare of the citizens of the City and safeguard the finances of the City; and

WHEREAS, the City is authorized to impose and collect relating to activities regulated by the City and the City Council may amend the related rec schedule to reflect current costs incurred by the City resulting from administering such regulations; and

WHEREAS, the City Council finds that the fee schedule attached to this Ordinance as Exhibit A and incorporated herein levies fees that have a rational and reasonable relationship to actual costs incurred by the City for the related activities and that the fees are reasonably necessary for the administration of the activity for which they are charged.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MCLENDON-CHISHOLM, TEXAS:

SECTION 1. The recitals set forth in the WHEREAS clauses of this Ordinance are true and correct, constitute findings and determinations by the City Council acting in its legislative capacity and are incorporated herein.

SECTION 2. That Section 3.01.001(a) of Article 3.01 "General Provisions," of Chapter 3 "Building Regulations," is hereby amended for the sole purpose of repealing the current Exhibit A fee schedule and replacing it with the Exhibit A fee schedule attached to this Ordinance, which fees shall be effective, and shall be assessed, from and after the effective date of this Ordinance.

SECTION 3. That all provisions of the ordinances of the City of McLendon-Chisholm in conflict with the provisions of this Ordinance, to the extent of such conflict, be and the same are hereby repealed and all other provisions of the ordinances of the City of McLendon-Chisholm not in conflict with the provisions of this Ordinance shall remain in full force and effect.

SECTION 4. That should any sentence, paragraph, subdivision, clause, phrase or section of this Ordinance be adjudged or held to be unconstitutional, illegal, or invalid, the same shall not affect the validity of this Ordinance as a whole or any part or provision hereof other than the part so decided to be invalid, illegal or unconstitutional, and shall not affect the validity of the Code of Ordinances as a whole.

Ordinance No.
Approved

SECTION 5. It is hereby officially found and determined that the meeting at which this ordinance was passed was open to the public as required and that public notice of the time, place and purpose of said meeting was given as required by the Open Meetings Act, Chapter 551 of the Texas Government Code.

SECTION 6. This Ordinance shall take effect immediately after its passage and the publication of the caption, as the law in such cases provides.

DULY PASSED and APPROVED by the City Council of the City of McLendon-Chisholm, Texas, on the 9th day of May 2025.

APPROVED:

Bryan McNeal, Mayor

ATTEST:

Angela Jennings, City Secretary



MINUTES
City Council Meeting
Tuesday, April 22, 2025
1371 WEST FM 550 - McLendon-Chisholm, Texas 75032 6:30 PM

Page

1. CALL TO ORDER

Mayor calls the meeting to order at 6:30
He explains they will be passing the mic and ask the audience for patience.

2. INVOCATION AND PLEDGE OF ALLEGIANCE TO U.S. AND TEXAS FLAGS

Mr. Halla leads council and citizens with the Invocation and Mayor leads us in pledges to both US and Texas flags

3. AGENDA APPROVAL

Council Member McLendon ask the Agenda Item 9.10 be moved up to Item 6 after the Proclamation for National Child Abuse Prevention. Motion is Seconded and Passed Unanimously.

4. RULES OF DECORUM

Mayor reminds everyone of the rules of decorum and asks everyone to remember to respect each other.

5. CITIZEN COMMENTS

Larry Reynolds, 851 S Hwy 205, McLendon-Chisholm, TX 75032

Mr. Reynolds spoke on the Dark Skies and Heritage Center. He thinks that a lot of money has been spent looking at a Heritage Center. That is a lot of money, and we should not even be thinking about something like that. He thinks the Dark Skies Ordinance is ridiculous. He is against both.

Tom Milner, 641 Glen Acres Dr, McLendon-Chisholm, TX 75032

9.8 & 9.9 Mr. Milner states he hates speaking but feels he has to. He feels that apart from Council Member Brewer, none of the council members has concern for what the citizens think. If you really feel strongly about these items, we ask

that you discuss them in public. He suggests that if any of the outgoing council have aspirations of running for higher office, you need to vote these two agenda items down. This type of thing has a tendency to pop up unexpectedly down the road. Vote these two items down.

Tom Hritz, 1305 Somerset Lane, Rockwall, TX 75032

Mr. Hritz is aggravated with the items on the agenda. He states that the Travel Policy is a petty way to keep the Mayor from going and advocating for the city. He also states that 9.8 and 9.9 are there only to tear down the Mayor.

Bob Faddick, 1156 Livorno Dr., McLendon-Chisholm, TX 75032

He says he would like to see 9.8 and 9.9 removed. It is a lame move from a lame duck. If you try to run for another office, we will be there.

John Powers, 1847 Navarre Way, McLendon-Chisholm, TX 75032

Mr. Powers states that he would rather not speak but just here to watch the outgoing council members receive their awards for your service and shake their hand. He refers to Mr. Halla's Invocation and states that when you say amen, that means you agree with what he has said. He points out that as council members you should all be friends and able to work together without sinking to this low. He says he would like to see whatever is going on between Mayor and Council Member McLendon to go away. 9.8 and 9.9, Mr. Tucker you are in the perfect

Position to make this go away. You have the power to do the right and put this all to rest. He says he is trying to figure out how this helps the city. He states he would like to see the three of them leave with a good feeling and asks as a friend and citizen not to do this.

6. PROCLAMATION

Presentation of a Proclamation for the National Child Abuse Prevention Month

Mayor presented the Proclamation to the Representatives for Child Abuse Prevention Month.

The Mayor Presented each of the Outgoing Council Members a street sign and Thanked them for their service to the city. Each Outgoing Council Member spoke to the audience and said thank you to the Citizens for allowing them to serve as council members.

7. CONSENT AGENDA

7.1. Consider approval of Minutes from April 8, 2025, City Council Meeting

Motion Made to approve the Minutes

Made by: Council Member Brewer

Seconded by: Council Member Easter

Motion passed: Unanimously

8. PUBLIC HEARING

Open Public Hearing for SV East PID Creation at 7:02 pm
No Comments – Public Hearing Closed at 7:02 pm

- 8.1. Creation of the Sonoma Verde East Public Improvement District in accordance with Chapter 372 of the Texas Local Government code to accept public comments and discuss the petition filed by the Tate Brothers Limited Partnership.

Open Public Hearing for SV North PID Creation at 7:02 pm
No Comments – Public Hearing Closed at 7:03 pm

- 8.2. Creation of the Sonoma Verde North Public Improvement District in accordance with Chapter 372 of the Texas Local Government code to accept public comments and discuss the petition filed by the Roberts Daughters Trust Agreement.

Open Public Hearing for Trail Ordinance at 7:03 pm
No Comments – Public Hearing Closed at 7:03 pm

- 8.3. Conduct a public hearing to receive comments on the proposed McLendon-Chisholm Trail Ordinance (aka “Trail Ordinance”) that establishes a public trail system that will enhance community recreational opportunities, improve community connectivity, promote physical health, and foster community engagement. (Paul Day)

Public comments open at 7:04 pm

- 8.4. Conduct a public hearing to receive comments on the proposed Outdoor Lighting Ordinance (aka “Dark Sky Ordinance”), and ordinance that preserves our city’s heritage of a clear, dark night sky, protects properties from light trespass and contributes to more active living spaces. (Paul Day)

Shari London spoke against the Dark Sky Ordinance. At first, she thought it was a great idea, but looking at the ordinance she feels it will Not achieve its intended goal since we have no control over the towns Around us.

Mrs. Day spoke next, with a different perspective. She does feel like this is not only about money. Just because the towns around us aren’t doing it, doesn’t mean we shouldn’t try. The dark skies are important to the night predators such as owls, hawks and other species that keep the rodents and other varmints under control. If the environment is not conducive to these nighttime birds and animals, they will leave and the other rodents such as mice and rats will thrive I am for this ordinance

As a Geologist and as a citizen of McLendon-Chisholm.

Roberta speaks against the ordinance because she feels there are other things we can do, with filters on the lights etc., but that we do not need an Ordinance to tell us we cannot have uplighting.

Mr. Hritz spoke against the ordinance, He feels it will be expensive for those who do have up lights to rewire for something different and thinks it is silly to have it here in McLendon-Chisholm. He says in his opinion this is for those towns close to observatories. There are none close to us!

Ms. Halpain spoke against it, she has farm animals and says she has to have lighting to keep them safe. She thinks this is not a good idea

Gina Manis – States she loves nature and seeing the stars but she also has animals and need light for their safety. She does believe this would be something we would address with new commercial businesses.

Mayor closed public hearing at 7:15 pm

9. ITEMS FOR DISCUSSION

- 9.1. Discuss and consider approval of a resolution to create the Sonoma Verde East Public Improvement District in accordance with Chapter 372 of the Texas Local Government code requested by Tate Brothers Limited Partnership.

Motion made to approve the resolution.

Made by: Council Member Brewer

Seconded by: Council Member Easter

Motion Passed: 4 – 1

(Nay – Council Member Day)

- 9.2. Discuss and consider approval of a resolution to create the Sonoma Verde North Public Improvement District in accordance with Chapter 372 of the Texas Local Government code requested under the Roberts Daughters Trust Agreement.

Motion made to approve Resolution for Sonoma Verde North

Made by: Council Member Brewer

Seconded by: Council Member Easter

Motion Passed: 4-1

(Nay – Council Member Day)

- 9.3. Discuss and Consider approval of the McLendon-Chisholm Trail Ordinance (aka “Trail Ordinance”), an ordinance that establishes a public trail system that will enhance community recreational

opportunities, improve community connectivity, promote physical health, and foster community engagement. (Paul Day)

Motion made to discuss and approve the trail Ordinance

Made by Council Member Day

Seconded by: Council Member Easter

Council Member Day gives his explanation of the Ordinance and states its importance in our community but also explains that the incoming council will have 180 days to decide exactly what that will look like.

Council Memberf Brewer suggested that they take the time to decide what the ordinance looks like exactly prior to approving it.

Council Memver Day defends his position by stating that the sooner it is in place, the fewer developers will slip under the requirements for trails and paths to be included in their designs.

Motion Passed 4-1

(Nay – Council Member Brewer)

- 9.4. Discuss and consider approval of the Outdoor Lighting Ordinance (aka “Dark Sky Ordinance”), and ordinance that preserves our city’s heritage of a clear, dark night sky, protects properties from light trespass, and contributes to more active living spaces. (Paul Day)

Motion made to discuss and consider approval of the Dark Sky Ordinance.

Made by: Council Member Day

Seconded by: Council Member Easter

Council Member Day opens the discussion with a description on the dark sky ordinance and its intent. He doesn’t intend for it to be a tool for turning Your neighbor in or causing undue expense for citizens. It is an attempt To keep it from getting out of control. He speaks to the incoming council to say that this is up to them to set this how you want it to look, but this At least gives developers notice and gets us ahead of the issue. Citizens have 5 years to get into compliance, it does not take effect immediately.

Council Member Brewer again ask several questions about this being passive enforcement and how this is going to effect our code enforcement officer.

Jim Simmons, Fire Chief and Eddie Stough both voiced their concerns putting into law an ordinance that not only has passive enforcement but is also not set to go into effect for 5 years. They felt there were many issues still that needed to be addressed before the ordinance was put into place, because once passed, this is a law.

Council Member Day states that it is going to be like the Trails Ordinance, and the incoming Council will set how this looks. There is a discussion between the Fire Chief, the Fire Marshall and Council Member Day about how and when this law will be in effect for ALL Citizens.

Council Member Easter asks Mr. Halla about what his opinion is on passing this Ordinance. Mr. Halla says the council can pass this even though He always believes it is a good idea to let a new council make the decision. He asks if they could endorse a Dark Sky Program short of Approving an Ordinance? He agrees that we all did move here for the Country feel but is there another way to move this forward. Mr. Halla Gives Council Member Easter a few options to his questions.

Council Member Day insists that by approving the Ordinance as is, the new council can build it however they want to.

Mayor ask for a vote:

Motion passes: 4-1

(Nay – Council Member Brewer)

- 9.5. Discussion/Action regarding the Heritage Center and Campus, the feasibility study presentation, and the vision for the proposed project. Paul Day)

Motion to Discuss the Heritage Center

Made by Council Member Day

Seconded by Easter

Council Member Day expresses his opinion on the Heritage center. He believes we (the city) have a unique opportunity to be a great Venue for events. He states there Is no large Venues between Dallas and Texarkana. It is his belief that tickets sales Can help pay for it.

Council Member Tucker says the Center is very expensive, but he sees it as an asset and a viable opinion.

Council Member Brewer says that he likes the idea of doing this in phases, starting with the trails and park maybe, adding the other options as we grow into it.

The Mayor asks if Bev can get a 4th option from Burditt. **No other action was taken.**

- 9.6. Discussion/updates/action regarding the Rockwall County Outer Loop project, gathering a sense of the city's position regarding the project, and discuss the ramifications of recent actions by the Commissioner's

Court. (Paul Day)

Motion to Discuss Rockwall County Outer Loop Project.

Made by: Council Member Day

Seconded by: Council Member Brewer

Council Member Day states he just wants to make sure that the city is involved and engaged in decisions being made about the location of the outer loop. He hands the floor over to Mr. Tucker. Mr. Tucker gives a short update on the meeting held Sat. April 19, about the outer loop. Mr. Tucker explains that there are several routes that the outer loop can take. The Commissioners Court has postponed the decisions until they have more information.

The Mayor added several comments on the progress of the outer loop stating that until a path has been chosen there is nothing the city can do except to stay informed.

No Action was taken on this item.

- 9.7. Discuss and consider approval to modify the travel policy to 1) impose a maximum daily allowance for lodging at the General Services Administration (GSA) guideline rate, 2) to reduce the annual reimbursement cap per person from \$3500 to \$2000, 3) to place restrictions on reimbursement used for lobbying, using public funds and 4) to restrict lodging reimbursements to locations located more than 50 miles away from McLendon-Chisholm City Hall. (Paul Day)

Motion made to discuss Item 9.7

Made by: Jerry Brewer

Seconded by: Council Member Day.

Council Member Day states that he is bringing this back to the table after looking at the GSA rates and wanted to make sure that the City uses the GSA rate for Lodging and that changing the Cap to \$2000 per person brings the amount Back in line with our current budget.

Council Member Easter asked if there is any room for flexibility in this policy. He asks for thoughts on this policy and can it be amended for particular events. Bev Stibbens answers that in the current policy, the administrator has the ability To approve the events. The Fire Chief adds that as an example the hotel he stays at for an annual training, cost more than the allowable GSA amount, however, staying at a different hotel other than the one where training is being held is a detriment. Ms. Stibbens points out that overall, with parking cost and Ubers cost, the GSA rate hotel May not save money at all.

There was a short discussion about trips to advocate in the City's Behalf. And Mr. Day Just wanted to make sure that public funds are not paying for people to advocate or Lobby in Austin or US. There are also questions about who and when exceptions

Could be made and how the process would work. Mr. Halla speaks of the legalities and suggest that if the time does not permit going back to council, someone should have that ability.

Motion was amended
Made by Floyd McLendon
Seconded by: Council Member Day
Motion passed: 4-1
(Nay – Council Member Brewer)

- 9.8. Discuss and consider approval of Censure for Mayor Bryan McNeal
Mayor Pro Tem Dan Tucker)

Mayor adjourns us into Executive Session at 8:57pm
Mayor reconvenes the general session at 9:39 pm

Mayor Pro Tem Tucker pulls agenda item 9.8 from the agenda.

- 9.9. Discuss any and all past and current actions pertaining to Mayor Bryan McNeal (Mayor Pro Tem Dan Tucker)

The Council is given the opportunity to speak on their grievances with the Mayor.

Council Member Floyd McLendon speaks first. He reminds the public to listen with an open mind and consider that maybe they have not heard all the information. First, he summarizes who he is and what his background is. He then explains why he and other members of the council feel they have no confidence in the Mayor. He went over several instances where he felt the Mayor had acted in an unprofessional and disrespectful manner. He felt that although the Mayor has pointed out that the majority of citizens are behind him, that

A large part of the citizens have not been heard. He discusses due process and how it had not been followed in several appointments, he pointed out the role of the city council and what city staff does. He went over how the roles work together and feels that the Mayor has overstepped and not acted in good faith. He pointed out that over time they have each disagreed but have always treated each other with respect. He stated that he had not seen that same willingness from Mr. McNeal. He addresses the new council and reminds them what their duties will be.

The next speaker is Council Member Paul Day. He states that this is not something that is coming easy. Bryan McNeal is a friend, and he does not like having to say these things. He says that he knows the Mayor also feels like he is doing what he believes is right as well. He addresses a series of actions from the Mayor that He feels undermine the integrity of our government.

He addresses the assault on another council member, the conversation The Mayor had with the former City Administrator. He feels confident

information was shared by the Mayor, placed restraints on city staff, restricting conversation on subjects he deems off limits. Mr. Day believes that the Mayor has fostered a toxic environment. He feels that his Facebook campaign has smeared several of the council members including himself through his reckless behavior. He states that he does not believe being on the council should require you to endure such orchestrated campaigns. He asks that the future council and the city staff require that trust Be restored the office and council.

Council MemberTucker states that initially he had information that he was going to share, but The Mayor had asked him during a break to give him some grace on this. He States that he and the mayor had gotten along in the past and a lot of what he Wanted to say had already been covered, Discussed by others, he doesn't think there is any reason to go over them Again.

Mayor McNeal, at that time and under the direction of his attorney, read through His rebuttal of the complaint was filed and read at the last meeting by the Council Member McLendon. He went of several of the incidents that were mentioned on the dais, following Each rebuttal remark with documentation (when available) of the event.

- 9.10. Presentation to outgoing council members: Paul Day, Floyd McLendon and Dan Tucker (City Administrator)

This agenda item was moved to 6 after Proclamation.

10. EXECUTIVE SESSION

The City Council for the City of McLendon-Chisholm, Texas, reserves the right to convene into executive session at any time during the course of this meeting to discuss any of the matters listed, as authorized by Texas Government Code, Chapter 551, including but not limited to §551.071(2) - Consultation with Attorney; §551.072 - Real Property; §551.073 - Prospective Gifts; §551.074 - Personnel Matters; §551.076 - Security Devices; §551.086 - Utility Competitive Matters; and §551.087 - Economic Development Negotiation.

11. ACTION TAKEN AS A RESULT OF EXECUTIVE SESSION

No Action was taken

12. COUNCIL MEMBER REPORTS AND ANNOUNCEMENTS

The City Council will have an opportunity to address items of community interest including: expressions of thanks, congratulations, or condolence; information regarding holiday schedules; an honorary or salutary recognition of

a public official, public employee, or other citizen; a reminder about an upcoming event organized or sponsored by the City of McLendon-Chisholm; information regarding a social, ceremonial, or community event organized or sponsored by an entity other than the City of McLendon-Chisholm that was attended or is scheduled to be attended by a member of the City Council or an official or employee of the City of McLendon-Chisholm; and announcements involving an imminent threat to the public health and safety of people in the City of McLendon-Chisholm that has arisen after posting the agenda.

Council Member McLendon states that it has been an honor to serve the citizens of McLendon-Chisholm , and that he looks forward to serving in other ways in the next chapter.

Council Member Day says that it has been an interesting time, and he has learned A lot about human nature. He believes that all of the council members have done what they believed was the right thing to do and that he has always done What he believes to be the right thing for the citizen. He states that he believes that all of the council members were working for the good of the citizens. We all need to learn not to let one issue become so radicalized that it sets us all against one another. He expresses his hope that the new council will be a strong one.

He summarizes his term with the things the council has accomplished and Says that he has been honored to work with the other council members and staff and a honor to serve.

Council Member Tucker reiterates that he has enjoyed working with the staff, he appreciates all the help he has received over his time with the council and that it has been
An honor to serve the citizens.

13. ADJOURN

Mayor adjourned the Meeting at 11:11 PM

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MCLENDON-CHISHOLM, TEXAS, CANVASSING THE RETURNS AND DECLARING THE RESULTS OF THE SPECIAL ELECTION FOR REPEAL THE SALES AND USE TAX WITHIN THE CITY WHICH IS A RATE OF ONE-QUARTER OF ONE PERCENT AND IS USED TO REDUCE THE PROPERTY TAX RATE AND EARMARK SAID ONE-QUARTER OF ONE PERCENT SALES AND USE TAX FOR PUBLIC SAFETY, INCLUDING STREETS AND ROADS.

SPECIAL ELECTION

McLendon-Chisholm, Texas

May 3, 2025

CANVASS OF RETURNS AND DECLARATION OF RESULTS OF ELECTION

BE IT REMEMBERED THAT on this the ___ day of May 2025, at a meeting of the City Council of the City of McLendon-Chisholm, Texas, a quorum being present, the meeting was called to order, and the following business was transacted.

Upon motion it was unanimously ordered that the City Council consider the official returns of a Special Election held in the City on May 3, 2025, for the election for the reauthorization of the local sales and use tax in the City of McLendon-Chisholm at the rate of one-fourth of one percent to continue providing revenue for maintenance and repair of municipal streets. The tax expires on the fourth anniversary of the date of this election unless the imposition of the tax is reauthorized.

WHEREUPON said official returns were opened, examined, canvassed and the results declared as follows:

CANVASS OF RETURNS AND DECLARATION OF RESULTS

WHEREAS, heretofore, the City Council of the City of McLendon-Chisholm, Texas, called a Special Election to be held in the City on May 3, 2025, for the reauthorization of the local sales and use tax in the City of McLendon-Chisholm at the rate of one-fourth of one percent to continue providing revenue for maintenance and repair of municipal streets. The tax expires on the fourth anniversary of the date of this election unless the imposition of the tax is reauthorized; and

WHEREAS, heretofore, the City Council of the City of McLendon-Chisholm, Texas called a Special Election to be held in the City on May 3, 2025, for the purpose of adopting a Home Rule Charter; and

Canvass of Returns and Declaration of
Results of Election - Page -1-

WHEREAS, immediately after said election the Presiding Judge and other officials holding said election made their returns of the results thereof to the City Council as follows, and said returns being made according to law, and duly authenticated, and it being shown that written notice of said election was posted for the time and in the manner provided by law, and all other proceedings pertaining to said election having been shown to have been done and performed at and within the manner provided by law, and all papers pertaining thereto having been returned and filed with the City Council and no protest or objection being made to or regarding any matter pertaining to said election.

WHEREAS, on May 21, 2025, the City Council duly canvassed the vote of said election, which showed there were ____ electors voting at said election who cast votes as follows:

PROPOSITION A

“REPEAL THE SALES AND USE TAX WITHIN THE CITY WHICH IS A RATE OF ONE-QUARTER OF ONE PERCENT AND IS USED TO REDUCE THE PROPERTY TAX RATE AND EARMARK SAID ONE-QUARTER OF ONE PERCENT SALES AND USE TAX FOR PUBLIC SAFETY, INCLUDING STREETS AND ROADS.”

FOR
AGAINST

as is reflected by the election returns heretofore filed by the election judges with the City Secretary.

IT IS FURTHER ORDERED that this canvass and declaration of results of said election be entered in the Minutes of the City Council and the Recitals of this Resolution are fully incorporated herein as if fully recited.

This Resolution, declaring the results of the special election, shall become effective immediately after its passage and the City Secretary is hereby directed to send a copy of this resolution, to the Texas Comptroller of Public Accounts in accordance with the applicable provisions of the Texas Tax Code.

DULY PASSED by the City Council of the City of McLendon-Chisholm, Texas on this the 9th day of May 2025.

APPROVED:

Bryan McNeal, Mayor

ATTEST:

Canvass of Returns and Declaration of
Results of Election - Page -2-

Angela Jennings, City Secretary

Canvass of Returns and Declaration of
Results of Election - Page -3-

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MCLENDON-CHISHOLM, TEXAS, CANVASSING THE RETURNS AND DECLARING THE RESULTS OF THE SPECIAL ELECTION FOR THE ADOPTION OF A HOME RULE CHARTER FOR THE CITY OF MCLENDON-CHISHOLM TO INCLUDE PROVISIONS FOR THE INCORPORATION AND POWERS OF THE CITY; CITY COUNCIL AND THE MAYOR; RESPONSIBILITIES OF THE CITY COUNCIL; CITY ADMINISTRATION; MUNICIPAL ELECTIONS; INITIATIVE, REFERENDUM AND RECALL; FINANCE; FRANCHISES AND PUBLIC UTILITIES; BOARDS AND COMMISSIONS; PLANNING AND ZONING COMMISSION; ETHICS, PROHIBITIONS, AND PENALTIES; AND GENERAL AND TRANSITIONAL PROVISIONS..

SPECIAL ELECTION

McLendon-Chisholm, Texas

May 3, 2025

CANVASS OF RETURNS AND DECLARATION OF RESULTS OF ELECTION

BE IT REMEMBERED THAT on this the __ day of May 2025, at a meeting of the City Council of the City of McLendon-Chisholm, Texas, a quorum being present, the meeting was called to order, and the following business was transacted.

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WHEREUPON said official returns were opened, examined, canvassed and the results declared as follows:

CANVASS OF RETURNS AND DECLARATION OF RESULTS

WHEREAS, heretofore, the City Council of the City of McLendon-Chisholm, Texas, called a Special Election to be held in the City on May 3, 2025, for the reauthorization of the local sales and use tax in the City of McLendon-Chisholm at the rate of one-fourth of one percent to continue providing revenue for maintenance and repair of municipal streets. The tax expires on the fourth anniversary of the date of this election unless the imposition of the tax is reauthorized; and

Canvass of Returns and Declaration of
Results of Election - Page -1-

WHEREAS, heretofore, the City Council of the City of McLendon-Chisholm, Texas called a Special Election to be held in the City on May 3, 2025, for the purpose of adopting a Home Rule Charter; and

WHEREAS, immediately after said election the Presiding Judge and other officials holding said election made their returns of the results thereof to the City Council as follows, and said returns being made according to law, and duly authenticated, and it being shown that written notice of said election was posted for the time and in the manner provided by law, and all other proceedings pertaining to said election having been shown to have been done and performed at and within the manner provided by law, and all papers pertaining thereto having been returned and filed with the City Council and no protest or objection being made to or regarding any matter pertaining to said election.

WHEREAS, on May 21, 2025, the City Council duly canvassed the vote of said election, which showed there were ____ electors voting at said election who cast votes as follows:

PROPOSITION A

“THE ADOPTION OF A HOME RULE CHARTER FOR THE CITY OF MCLENDON-CHISHOLM TO INCLUDE PROVISIONS FOR THE INCORPORATION AND POWERS OF THE CITY; CITY COUNCIL AND THE MAYOR; RESPONSIBILITIES OF THE CITY COUNCIL; CITY ADMINISTRATION; MUNICIPAL ELECTIONS; INITIATIVE, REFERENDUM AND RECALL; FINANCE; FRANCHISES AND PUBLIC UTILITIES; BOARDS AND COMMISSIONS; PLANNING AND ZONING COMMISSION; ETHICS, PROHIBITIONS, AND PENALTIES; AND GENERAL AND TRANSITIONAL PROVISIONS.”

FOR	—
AGAINST	—

as is reflected by the election returns heretofore filed by the election judges with the City Secretary.

Canvass of Returns and Declaration of
Results of Election - Page -2-

IT IS FURTHER ORDERED that this canvass and declaration of results of said election be entered in the Minutes of the City Council and the Recitals of this Resolution are fully incorporated herein as if fully recited.

This Resolution, declaring the results of the special election, shall become effective immediately after its passage and the City Secretary is hereby directed to send a copy of this resolution, to the Texas Comptroller of Public Accounts in accordance with the applicable provisions of the Texas Tax Code.

DULY PASSED by the City Council of the City of McLendon-Chisholm, Texas on this the 9th day of May 2025.

APPROVED:

Bryan McNeal, Mayor

ATTEST:

Angela Jennings, City Secretary

Canvass of Returns and Declaration of
Results of Election - Page -3-

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF MCLENDON-CHISHOLM, TEXAS, ORDERING AND DECLARING THE 2025 HOME RULE CHARTER ADOPTED; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City of McLendon-Chisholm held a special election on May 3, 2025 to consider the adoption of a home rule charter; and

WHEREAS, the City Council of McLendon-Chisholm on May __, canvassed the votes of said election and

WHEREAS, Texas Local Government Code section 9.005(b) provides that a charter does not become effective until the governing body of the municipality enters an order in the records of the municipality declaring the home rule charter to be adopted.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MCLENDON-CHISHOLM, TEXAS:

SECTION 1. That the recitals to this Ordinance are hereby incorporated into the body of this Ordinance as if fully set forth in this Section and are hereby found and declared to be true and correct legislative findings and are adopted as part of this Ordinance for all purposes.

SECTION 2. The City Council of the City of McLendon-Chisholm orders and declares this Home Rule Charter attached as Exhibit "A" (which is fully incorporated herein) is adopted.

SECTION 3. Should any sentence, paragraph, subdivision, clause, phrase or section of this ordinance be adjudged or held to be unconstitutional, illegal or invalid, the same shall not affect the validity of this ordinance as a whole, or any part or provision thereof other than the part so decided to be invalid, illegal or unconstitutional, and shall not affect the validity of the Code of Ordinances of the City of McLendon-Chisholm, Texas.

SECTION 4. That this ordinance shall take effect immediately from and after its passage and publication, as the law in such cases provides.

DULY PASSED by the City Council of the City of McLendon-Chisholm, Texas, this __ day of May 2025.

APPROVED:

By: _____
Bryan McNeal, Mayor

ATTEST:

By: _____
Angela Jennings, City Secretary

Page 1 of 1

“ EXHIBIT A “



CITY OF McLENDON-CHISHOLM HOME RULE CHARTER

HOME RULE CHARTER COMMISSION

JANUARY 28TH, 2025

CITY OF McLENDON-CHISHOLM HOME RULE CHARTER

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CITY OF McLendon-CHISHOLM HOME RULE CHARTER

PREAMBLE

We, the citizens of McLendon-Chisholm, Texas, in order to establish a Home Rule Municipal Government, provide for the future of our City and obtain more fully the benefits of local self-government, protecting individual freedom, and provide for the public welfare, hereby adopt this Home Rule Charter, in accordance with statutes of the State of Texas; and do hereby declare the residents of the City of McLendon-Chisholm, in Rockwall and Kaufman Counties, living within the legally established boundaries of the said City, to be a political subdivision of the State of Texas, incorporated forever under the name of the "City of McLendon-Chisholm" with such powers, rights, privileges, authorities, duties, and immunities as are herein provided.

CITY OF McLENDON-CHISHOLM HOME RULE CHARTER

CHAPTER ONE: BOUNDARIES

SECTION 1.01 INCORPORATION

All inhabitants of the City of McLendon-Chisholm, Rockwall and Kaufman Counties, Texas, as the boundaries and limits of said City have heretofore been established and now exist or may hereafter be established, shall constitute a municipal body politic incorporated under and known by the name "City of McLendon-Chisholm" with such powers, rights, duties, privileges and immunities as are herein provided.

SECTION 1.02 BOUNDARIES AND LIMITS

The boundaries and limits of the City of McLendon-Chisholm shall be established and described in ordinances duly passed by the City Council of the City of McLendon-Chisholm in accordance with State law. The City Secretary shall at all times keep a correct and complete description and official City map on file, including annexations and disannexations.

SECTION 1.03 EXTENSION AND REDUCTIONS OF BOUNDARIES

- A. The Boundaries of the City may be enlarged by the annexation of additional territory in any manner authorized by State law.
- B. Whenever, in the opinion of the City Council, there exists within the corporate limits of the City and territory, either inhabited or uninhabited, not suitable, or necessary for City Purposes, the City Council may, upon a public hearing and by ordinance duly passed, discontinue said territory as part of the City.
- C. Upon completion of annexation, any additional territory annexed to the City will be a part of the city for all purposes, and the property situated therein shall bear its pro rata part of the taxes levied by the city as provided by State law. The inhabitants of the annexed territory shall be entitled to all rights and privileges of all citizens and shall be bound by the acts, ordinances, resolutions, and regulations of the City.

CITY OF McLENDON-CHISHOLM HOME RULE CHARTER

CHAPTER TWO: FORM OF GOVERNMENT AND POWERS

SECTION 2.01 FORM OF GOVERNMENT

The municipal government provided by this Charter shall be the "Council-Manager" form of government. Pursuant to the provisions of this Charter and subject only to the limitations imposed by the State Constitution, State Statutes, and by this Charter, all powers of the City shall be vested in an elective council, hereinafter referred to as the "City Council" which shall, among other things, enact local ordinances, adopt budgets, determine policies, and appoint the City Manager. The City Manager shall be held responsible to the City Council for the execution of laws and the administration of the government of the City. All powers of the City shall be exercised in the manner prescribed by the laws of the State of Texas, this Charter and as may be prescribed by ordinance.

SECTION 2.02 POWERS OF THE CITY

The City of McLendon-Chisholm shall be a Home Rule City under the Constitution and laws of the State of Texas and shall have all powers, functions, rights, privileges and immunities of every kind and nature granted to a Home Rule City under Article XI, Section 5, of the Constitution of the State of Texas, known as the Home Rule Amendment, and all other laws passed by the Legislature of the State of Texas relating thereto, or which may hereafter be passed by said Legislature in relation to such matters including, but not limited to the following powers:

- (1) To assess, levy, and collect taxes for general and special purposes on all lawful subjects of taxation.
- (2) To fix and regulate the rates of gas, water, electricity, and other utilities, and to regulate and fix the fares, tolls, and charges of local telephones and exchanges, public carriers and motor vehicles where they are transporting passengers, freight or baggage, and generally to fix and regulate the rates, tolls, or charges and the kind of service of all public utilities of every kind, unless otherwise required by law.
- (3) To sue and be sued, to contract and be contracted with, to buy, sell, lease, mortgage, hold, manage and control such property, as its interests require.
- (4) To make and enforce all law enforcement, health, sanitary and other regulations, and pass such ordinances as may be expedient for maintaining and promoting the peace, good government and welfare of the City, for the performance of the functions thereof, for the order and security of its inhabitants, and to protect the peace, lives, health, and property of such inhabitants and to provide suitable penalties for the violation of any ordinance enacted by the City.

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(5) To borrow money on the faith and credit of the City by the issue or sale of bonds, warrants, certificates of obligation, notes or other securities authorized by the laws of the State of Texas.

(6) To acquire, by purchase, gift or devise, or by the exercise of the right of condemnation, and own, in fee simple or otherwise, either public or private property located inside or outside of the corporate limits of the City. Such property may be utilized for the extension, improvement and enlargement of its waterworks system, including riparian rights, water supply reservoirs, stand pipes, watersheds, dams, the laying, building, maintenance and construction of water mains, rights-of-way in connection therewith, and the laying, erection, establishment or maintenance of any necessary appurtenance or facilities which will furnish to the inhabitants of the City an abundant supply of wholesome water; for sewage plants and systems; rights-of-way for water and sewer lines; for parks, playgrounds, fire stations, police stations, incinerators or other garbage disposal plants; for streets, boulevards, and trails or other public ways; for municipal buildings, garages and parking facilities, for any purpose hereinabove named; for the straightening or improving of the channel of any stream, branch or drain or for any other municipal purpose.

(7) To acquire, by eminent domain and own in fee simple, the real estate, fixtures, and systems of a public utility providing retail water or wastewater service, or both, inside or outside of the City's corporate limits as the corporate limits exist upon adoption of the charter or may change. In the ordinance declaring the necessity of acquiring the utility system, the City Council shall make adequate provision for appropriating the funds for the acquisition and make reasonable assurance for the compensation of the utility's going concern value, franchises, easements, contracts, and goodwill of customers. Unless otherwise provided by ordinance or statute, the eminent domain procedure as set forth in Chapter 21 of the Texas Property Code as applied to acquisition of land shall apply to the acquisition of the utility and the method of determining value and damages to the utility shall be as stated in the Texas Water Code, Section 13.255, as amended.

(8) To institute and prosecute suits without giving security therefore, and appeal from judgments of the courts without giving supersedeas or costs bonds, other bonds or security whatever.

(9) To have the exclusive right to erect, own, maintain and operate directly or by contract for services, a waterworks and sanitary system for the use of said City and its inhabitants and to regulate the same, including the right to prescribe rates for water and sanitary sewer services, and to make such rules and regulations as the City Council may deem expedient. Such rules and regulations may include the power to extend water and sanitary sewer lines and assess a portion or all of the cost therefore and affix a lien against the property and the

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owner thereof, and do anything whatsoever necessary to operate and maintain said waterworks and to compel the owner of all property and the agents of such owner to pay all charges for water and sanitary sewer services furnished.

(10) To acquire property within or without its boundaries or within boundaries of other municipalities for any public purpose, in fee simple or lesser interest or estate, by purchase, gift, devise, lease or condemnation when necessary or desirable to carry out any of the powers conferred upon it by this Charter or by the Constitution and the laws of the State of Texas.

(11) To lay out, open, close, establish, alter, widen, raise, lower, extend, grade, supervise, maintain, and improve streets, alleys, trails and parks, and to regulate the use thereof and to require removal of all obstructions or encroachments of every nature and character upon said public streets, sidewalks or other public property.

(12) To create offices, determine the method for selection of officers, and prescribe the qualifications, duties, and tenure of office for officers.

(13) To appropriate the money of the City for all lawful purposes to create, provide for, construct, regulate and maintain public works, public improvements of any nature, economic development and to furnish municipal services as may be provided by resolution or ordinance of the City Council, or as required by law.

(14) To alter the City's boundaries by annexing or disannexing territory in accordance with those provisions set forth in Section 1.03, "Extension and Reductions of Boundaries" of this Charter which is incorporated fully herein by reference.

SECTION 2.03 POWERS: GENERAL

The enumeration of particular powers in the Charter shall not be deemed to be exclusive and such powers shall be construed liberally in favor of the City. In addition to the powers enumerated or implied herein, it is intended that the City shall have and may exercise all powers under the Constitution and laws of the State of Texas, as fully as though they were specifically enumerated by this Charter. All powers of the City shall be exercised in the manner prescribed by this Charter, or if the manner is not detailed herein, then in such manner as may be set forth by ordinance, the State constitution or by State law.

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CHAPTER THREE: CITY COUNCIL

SECTION 3.01 GENERAL POWERS AND DUTIES

The legislative and governing body of the City shall be composed of a Mayor and "Council Members" and shall be known collectively as the "City Council of the City of McLendon-Chisholm," and referred to in this Charter as the City Council.

All powers of the City Council shall be vested in the City Council, except as otherwise provided by law or this Charter, and the City Council shall provide for the exercise thereof and for the performance of all duties and obligations imposed by the City by Law. Without limitation of the foregoing and among the other powers that may be exercised by the Council, the following are enumerated for greater certainty:

- A. Appoint and remove the City Manager.
- B. Appoint and remove the Municipal Judge and Associate City Judge.
- C. Appoint and remove the City Secretary.
- D. Appoint and remove the City Attorney
- E. Establish and dissolve administrative departments.
- F. Adopt the City budget.
- G. Collectively inquire into the conduct of any office, department or agency of the City and make investigations as to Municipal affairs.
- H. Adopt and modify the official map of the City.
- I. Adopt, modify and carry out plans in cooperation with the Planning and Zoning Commission.
- J. Adopt, modify and carry out plans in cooperation with Planning and Zoning Commission for the replanning, reconstruction, or redevelopment of any area or district which may have been affected in part or in whole by disaster.
- K. Regulate, license and fix the charges of fares made by owning, operating, or controlling any vehicle of any character used for carrying passengers for hire on the public streets and alleys of the City.
- L. Provide for the establishment and designation of fire limits and preserve the kind and characters of buildings or structures or improvements to be erected therein; provide for the erection of fireproof buildings within certain limits; and provide for the condemnation of dangerous structures or buildings or dilapidated buildings or buildings calculated to increase the fire hazard, and the manner of their removal or destruction.
- M. Fix and regulate rates and charges of all utilities and public services defined in this Charter.
- N. Individually, initiate and place items on the agenda for consideration.

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SECTION 3.02 QUALIFICATIONS

Each candidate for election to the City Council or office of Mayor shall be a qualified voter of the City, shall be not less than eighteen (18) years of age, shall have resided in the City not less than twelve (12) months immediately preceding Election Day and shall meet the requirements of the Texas Election Code. Each Council Member and the Mayor must continually reside within the City during their term of office, and any removal of their residence from the City during their term of office shall constitute a vacation of their office be vacated, and such vacancy shall be filled as provided in Section 3.06.

SECTION 3.03 TERMS OF OFFICE AND ELECTIONS

- A. **Number.** The legislative and governing body of the City shall be composed of a Mayor and six (6) "Council Members".
- B. **Selection.** The Mayor shall be elected to office at large. The Council shall be elected to office at large, but by specific places which shall be designated as Place One (1), Place Two (2), Place Three (3), Place Four (4), Place Five (5) and Place Six (6). Except as set forth in Section 14.19 of the Transitional Provisions of this Charter, Places One (1) and Three (3) shall run together in an election cycle, Places Two (2), Four (4) and the Mayor shall run together in an election cycle, Places Five (5) and Six (6) shall run together in an election cycle.
- C. **Term.** The Mayor shall serve a term of three (3) years and shall serve until their successor is elected and qualified. Except as set forth in the Transitional Provisions of this Charter, each Council Member shall serve a term of three (3) years and shall serve until their successor is elected and qualified.
- D. **Term limits.** No person will serve more than three (3) consecutive elected terms as either a Council Member or as Mayor. In addition, no person will serve more than four (4) consecutive terms as Council Member and Mayor (combined). A member who has served the maximum number of full terms may serve additional terms subject to the same limitations after a break in service of one (1) year or more.

SECTION 3.04 MAYOR AND MAYOR PRO-TEMPORE

- A. The person elected Mayor shall be the presiding officer of all meetings of the City Council. The Mayor shall be the official head of the City Government for all ceremonial purposes, but shall have no regular administrative duties. The Mayor may participate in the discussion in all matters coming before City Council. The Mayor may vote as a member thereof, on all legislative and all other matters.
- B. Additional powers and duties of the Mayor include:

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1. The Mayor shall work closely with the Council to obtain legislation in the public interest and with the City Manager to ensure that the same is enforced and participate in the discussion on all legislative and other matters coming before the Council.
 2. The Mayor may administer oaths of office (i.e. swearing-in ceremonies).
 3. The Mayor may sign ordinances, resolutions, orders, statements, contracts, deeds, conveyances, easements, bonds, plats, and other documents as directed or authorized by the City Council, except as delegated to the City Manager or designee.
 4. The Mayor shall be responsible for providing initiative and guidance in the orderly management and growth of the City.
 5. The Mayor may exercise all duties conferred by the Texas Constitution, state law, City ordinance, City resolution, or other applicable law.
- C. The Mayor Pro-Tempore, hereinafter referred to as "Mayor Pro-Tem", shall be a Council Member elected by the City Council at the first regular meeting after each election of Council Members and/or Mayor. The Mayor Pro-Tem shall act as the Mayor during the disability or absence of the Mayor in this capacity, shall have all the rights conferred upon the Mayor and shall still be entitled to vote as a Council Member.

SECTION 3.05 COMPENSATION

The Mayor and members of the City Council shall serve without compensation, except that the Mayor and Council Members shall be entitled to reimbursement of all necessary and reasonable expenses incurred in the performance of their official Mayoral and City Council duties, upon approval of such expenses by the City Council.

SECTION 3.06 VACANCIES IN THE CITY COUNCIL; FILLING OF VACANCIES

- A. **Vacancies.** The office of a Council Member or Mayor shall become vacant upon that person's death, resignation, forfeiture of office or removal from office in any manner authorized by this Charter or other law.
- B. **Forfeiture of Office.** A Council Member or the Mayor shall forfeit that office if that person: (1) lacks, at any time during the term of office for which elected, any qualification for the office prescribed by this Charter or by law; (2) violates any express prohibition of this Charter or the Code of Ethics adopted under Section 3.07 of this Charter; (3) is convicted of a felony, crime involving moral turpitude or any

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State law regulating conflicts of interest of municipal officers; (4) ceases to be a resident of the City; or (5) must vacate office by the mandate of any other law.

- C. Office Subject to Forfeiture.** A Council Member or the Mayor who is absent from three (3) consecutive regular meetings, or twenty-five percent (25%) of regularly scheduled meetings during a twelve-month (12-month) period immediately preceding and including the absence in question, without explanation acceptable to the other members of the City Council, shall be subject to forfeiting his or her position on the City Council, which forfeiture shall occur upon a vote for such a forfeiture by a majority of the members of the City Council then qualified and serving.

D. Filling of Vacancies; Council Members.

1. If there is a vacancy in the City Council, other than that of the Mayor, to the extent possible, it shall be filled within thirty (30) days of the occurrence of the vacancy by appointment of a majority of the remaining Council Members, including the Mayor, by selection of a person qualified under state law and this charter. The appointee shall serve until the next municipal election. If the regular term has not ended by the time of the next municipal election, the election will be to fill the position for the remainder of the term in accordance with the Texas Constitution and the Texas Election Code.
2. The City Council shall not have more than two (2) appointed Council Members at any one time. If another vacancy occurs while there are two (2) appointed Council Members or if more than two (2) vacancies occur simultaneously, a special election shall be ordered within sixty (60) days of the last vacancy to elect the successors to the offices vacated. Vacancies filled by special election shall be for the remainder of the term. Vacancies that occur within ninety (90) days prior to the next municipal election, no special election will be called, leaving the seat vacant.
3. If the vacated office is that of Mayor Pro-Tem, the City Council shall elect a new Mayor Pro-Tem at the next regular meeting.

- E. Filling of Vacancy; Mayor.** A vacancy in the office of the Mayor shall be filled by appointment by a majority of the members of the City Council then qualified and

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serving. The appointment shall be for the unexpired term. The appointment procedure shall be as follows:

1. At the next regular City Council meeting following the vacancy and in compliance with the Texas Open Meetings Act, the City Council agenda shall include an item for appointing a new Mayor. The City Council shall make the appointment from the following persons and in the following order, provided that person consents: (a) the Mayor Pro-Tem; or (b) if the Mayor Pro-Tem does not consent, a Council Member. A Council Member may vote for themselves.
2. If the Mayor Pro-Tem and all Council Members do not consent, then the City Council agenda for every regular meeting thereafter shall include an item for appointing a new Mayor until a new Mayor is appointed. At any such meeting and in addition to the persons identified in Section 3.06(E)(1), the City Council may appoint a qualified person from the public that consents.
3. The City Council agenda item required by this Section 3.06(E) may not be considered or discussed in a closed meeting under the Texas Open Meetings Act except when necessary for the City Council to seek the advice of its attorney.

SECTION 3.07 MEETINGS: QUORUM

Regular meetings of the City Council shall be held at the City Hall at such times as may be prescribed from time to time by resolution of the City Council. Special meetings shall be called by the Mayor or five (5) members of the City Council. Notice of any regular or special meetings of the City Council shall state the subject to be considered at the meeting. All official meetings of the City Council and of all committees thereof shall be open to the public as provided by State law. A quorum shall consist of four (4) City Council Members. The Mayor shall count towards the making of a quorum. The City Council shall determine its own rules of procedure, may punish its members for misconduct and may compel the attendance of absent members. The City Council **shall not** make any decision regarding any litigation or legal proceedings without first consulting with the City Attorney.

SECTION 3.08 DISASTER CLAUSE

In case of disaster when a legal quorum of the City Council cannot otherwise be assembled due to multiple deaths or injuries, the surviving members of City Council, or if no member of City Council remains, the following surviving City officials: the Chair of Planning and Zoning, the chair of Board of Adjustments, the chair of the Park Board, the Municipal Judge, and the City Attorney; shall within 24 hours of such disaster appoint a number of qualified residents equal to the number necessary to make a quorum to act during the emergency as the City Council. If for good reasons it knows a quorum of the elected City Council will never again meet, the newly appointed City Council, shall within

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15 days of their appointment, call a City Election to be held as soon as authorized under law for election to the vacant offices. If it is determined that a quorum of the elected City Council will meet again, the newly appointed Council Members shall serve until such time as the previous Council Members may again begin serving.

SECTION 3.09 EXTENSIONS OF DECLARATIONS OF DISASTER

The City shall comply with all state laws regarding declarations of disaster. In addition to the requirements of state law, the City Council shall, after the original declarations of a disaster, meet no less than every thirty (30) days to review the circumstances and reasons and shall, in order to extend any disaster declaration, vote at such meeting to extend the disaster declaration. No vote extending the disaster shall be effective unless adopted by a 3/4 majority of the entire City Council. Should the City Council fail to hold such vote or should the vote on extension fail to meet the 3/4 vote threshold, the declaration of disaster shall expire thirty (30) days from the latter of the expiration of (1) the original declaration or (2) the last previously approved expiration.

SECTION 3.10 CODE OF ETHICS

(A) **Purpose and policy.** The City Council shall adopt, maintain and enforce, by ordinance or resolution, a code of ethics for the purpose of, among other things, establishing guidelines for high ethical standards in official conduct by City officials, employees and appointees. The code of ethics shall establish the policy that City officials, employees and appointees shall conduct themselves in a manner consistent with sound business and ethical practices, ensuring that the public interest is always considered in conducting City business, and shall provide guidance in order to instill and maintain a high level of public confidence in the professionalism, integrity, and commitment to the public interest of those in public service. At a minimum, the code of ethics shall include: (1) standards of conduct related to public administration and offenses against public administration, as set out in Chapter 36 of the Texas Penal Code; (2) a travel and expense policy regulating the expenditure of public funds for travel, conferences, and entertainment; (3) policies for reimbursement of actual expenses incurred by members of the City Council and Boards and Commissions as allowed in this Charter; (4) restrictions on serving as surety for the performance of any person doing business with the City or as surety for any City officer or employee required to make a surety bond; and (5) provisions requiring review of the code of ethics at least every five (5) years. The initial adoption of this code of ethics shall occur within one hundred eighty days (180) days of the effective date of this Charter.

(B) **Penalties.** The City Council shall adopt ordinances providing penalties for violation of the code of ethics, which penalties shall include, but not be limited to, removal from office

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or appointed position or dismissal from employment for any person found to have willfully violated the code of ethics and additionally that any such person shall be ineligible to hold a City office, appointed position or employment for five (5) years after removal or dismissal, in addition to any other penalty that may be provided by law or the code of ethics.

SECTION 3.11 PROHIBITIONS

(A) Holding Other Office or City Employment. Except where authorized by law, no Council Member or Mayor shall hold any other elected public office during their term on the City Council. No Council Member or Mayor shall hold any other City office or City employment during their term on the City Council. No former Council Member or Mayor shall hold any compensated appointive office or employment with the City until one (1) year after the expiration of their term on the City Council. Nothing in this section shall be construed to prohibit the City Council from selecting any current or former Council Member or Mayor to represent the Town on the governing board of any City non-profit corporation, association or agency or any regional or other intergovernmental agency, association or corporation.

(B) Becoming Candidate for Different Office. Should the Mayor or any Council Member announce his or her candidacy, or in fact become a candidate, in any general, special or primary election for any office of profit or trust under this Charter, the laws of this State or the United States, other than the office then held shall constitute an automatic resignation of the office then held, and the vacancy thereby created shall be filled as provided herein.

(C) Council relations with the City Manager. The City Council and its members shall hold the City Manager responsible for the proper administration of all affairs of the City, but neither the City Council nor any board or commission created by it, nor any members thereof, shall dictate the appointment of any person to or their removal from office or employment within the City, or in any manner interfere in the appointment of officers and employees in the departments of the administrative service vested in the City Manager by this Charter. Except for the purpose of inquiry, the City Council nor any member thereof shall give orders to any subordinate of the City Manager either publicly or privately.

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CHAPTER FOUR: CITY MANAGER

SECTION 4.01 APPOINTMENTS AND QUALIFICATIONS.

The City Council, by vote of the majority of the members of the City then qualified and serving, shall appoint a City Manager who shall be the chief administrative officer of the City and shall be responsible to the City Council for the administration of all affairs of the City. The City Manager shall be chosen by the City Council solely on the basis of City Manager's executive and administrative training, experience, and ability. The City Manager need not be a resident of the City when appointed but shall within a reasonable time after such an appointment, as determined by the City Council, reside within the City during the balance of the appointment.

SECTION 4.02 TERMS AND COMPENSATION

The City Manager may be removed at the discretion of the City Council by an affirmative vote of a majority of the City Council then qualified and serving. The action of the City Council in suspending or removing the City Manager shall be final, it being the intention of this Charter to vest all authority and fix responsibility for such suspension or removal in the City Council. The City Manager shall receive compensation as may be determined by the City Council.

SECTION 4.03 POWERS AND DUTIES

The City Manager shall have the following powers:

- A. The City Manager shall appoint, and when the City Manager deems it necessary for the good of the City, may suspend and/or remove any City employee except as provided by law, this Charter or personnel rules adopted pursuant to this Charter. The City Manager may authorize any employee who is subject to the City Manager's direction and supervision to exercise these powers with respect to subordinates in that officer's department, office or agency.
- B. The City Manager shall direct and supervise the administration of all departments, offices and agencies of the City, except as otherwise provided by law or this Charter.
- C. The City Manager shall see that all laws, provisions of this Charter and acts of the City Council, subject to enforcement by the City Manager or by employees subject to the City Manager's direction and supervision, are faithfully executed.
- D. The City Manager shall attend all City Council meetings, except when excused by the Mayor or Mayor Pro-Tem and shall have the right to take part in the discussion but may not vote.

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- E. The City Manager shall prepare and accept or designate an appropriate department head or City employee to prepare and accept items for inclusion in the official agenda of all City Council, boards, and commission meetings.
- F. The City Manager shall prepare and submit the annual budget and capital program to the City Council and administer the annual budget and capital program as adopted by the City Council.
- G. The City Manager shall keep the City Council fully advised as to the financial conditions and future needs of the City and make such recommendations to the City Council concerning the affairs of the City as the City Manager or the City Council deems desirable or necessary.
- H. The City Manager shall make other reports as the City Manager, or the City Council may require concerning the operation of the City's departments, offices, or agencies subject to the City Manager's direction or supervision.
- I. The City Manager shall perform such other duties as are specified in this Charter or may be required by the City Council, and are consistent with this Charter, State, or Federal Law.

SECTION 4.04 ACTING CITY MANAGER

By letter filed with the City Secretary, the City Manager shall designate, subject to approval a qualified employee to exercise the powers and perform the duties of City Manager during the City Manager's absence or temporary disability. The City Council may revoke at any time and appoint another qualified person to serve until the City Manager returns or their disability shall cease. In all other cases of absence, disability or suspension of the City Manager, the City Council may designate a qualified person to perform the duties of office.

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CHAPTER FIVE: CITY SECRETARY

SECTION 5.01 APPOINTMENT, REMOVAL AND COMPENSATION

The City Council shall appoint the City Secretary. The City Secretary shall receive such compensation as shall be fixed by the City Council. If the City Secretary is temporarily unable to perform appointed duties, the City Secretary or City Manager may designate an alternate.

SECTION 5.02 DUTIES OF THE CITY SECRETARY

The City Secretary shall:

- (1) Attend all meetings of the City Council and keep accurate records of all actions taken by the council.
- (2) Maintain the official records and files of the City.
- (3) Administer oaths required by law.
- (4) Attest contracts, assessment certificates, ordinances, resolutions, and other legal instruments when executed by the authorized officers of the City.
- (5) Serve as the election official for all City elections.
- (6) Hold and maintain the City seal and affix it to all appropriate documents as required.
- (7) Perform such other duties as may be required by the City Manager, this Charter, City Council or the laws of the State of Texas.

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CHAPTER SIX: MUNICIPAL COURT

SECTION 6.01 CREATION

The City Council shall, by ordinance, establish and maintain a Municipal Court to be known as the Municipal Court of the City of McLendon-Chisholm, Texas, and may appoint one or more Municipal Judges to serve in such Court. The Court shall have all the powers and duties as are now or as may hereafter be prescribed by the laws of the State of Texas in connection with the trial of misdemeanor offenses within its jurisdiction.

SECTION 6.02 MUNICIPAL COURT JUDGE

The Judge of the Municipal Court, and all alternates, shall be competent, duly qualified, and licensed attorney in the State of Texas. The Judge of the Municipal Court shall be appointed to a term of two (2) years and may be appointed to additional and consecutive terms at the will and pleasure of the City Council. The Judge shall receive such compensation as may be determined by the City Council. This compensation shall be fixed and commensurate with the duties performed by the Judge.

SECTION 6.03 CLERK OF THE COURT

There shall be a Clerk of the Municipal Court appointed by the City Manager. The Clerk of the Court and any Deputies appointed by the City Manager shall have the power to administer oaths and affidavits, make certificates, affix the seal of said court as necessary and as required by law, and in general do and perform any and all acts usual and necessary to be performed by clerks and deputy clerks of municipal courts of the State of Texas.

SECTION 6.04 JURISDICTION, POWER AND FINES

The Municipal Court shall have jurisdiction:

- (1) Over the forfeiture and collection of bonds given in proceedings therein, to order the forfeiture of cash appearance bonds upon the failure of the defendant to appear, and to accept the same in lieu of a fine.
- (2) Concurrent with the appropriate State court, of all criminal cases arising under the criminal laws of the State of Texas, where the offense is committed within the City limits and the penalty does not exceed that which is established for municipal courts by State law.
- (3) Over all criminal cases arising under the ordinances of the City within the City limits and outside the City limits to the extent authorized by State law.
- (4) To punish for contempt, admit to bail, and forfeit bonds under such circumstances as provided by law.

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(5) To enforce all process of the courts in accordance with State law and City ordinances, punish witnesses for failing to obey subpoenas, and compel their attendance by process of attachment.

Section 6.05 COSTS, FINES AND PENALTIES

All costs, fines and penalties imposed by the municipal court shall be paid into the City treasury for the use and benefit of the City, as may be consistent with present and future State laws.

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CHAPTER SEVEN: CITY ATTORNEY

SECTION 7.01 APPOINTMENT

The City Council shall appoint a competent licensed attorney in the State of Texas of recognized ability, and they shall be known as the City Attorney.

SECTION 7.02 COMPENSATION

The City Attorney shall receive for their services such compensation as may be fixed by the City Council at the time of their appointment, and from time to time by appropriate resolution.

SECTION 7.03 DUTIES OF CITY ATTORNEY

The City Attorney shall be the legal adviser of, and attorney for, all the offices and departments of the City, and shall represent the City in all litigation, legal proceedings and meetings. The City Council may retain special counsel at any time it deems appropriate and necessary. They shall review and approve as to form or dissolve all documents, contracts, resolutions, ordinances, and legal instruments in which the City may have an interest. The City Attorney shall perform other duties prescribed by the Charter, by ordinance or by resolution of the City Council.

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CHAPTER EIGHT: CITY DEPARTMENTS/FISCAL ADMINISTRATION

SECTION 8.01 ADMINISTRATIVE DEPARTMENTS

There shall be such administrative departments as are established by this Charter and such other administrative departments as may be deemed necessary by the Council and as are established by ordinance, all of which shall be under the control and direction of the City Manager.

SECTION 8.02 TAX ADMINISTRATION

- A. The City will have the power to levy, assess and collect taxes of every character and type for any municipal purpose not prohibited by the Constitution and the laws of the State of Texas as now written or hereafter amended.
- B. The City shall have the power to grant tax exemption in accordance with the laws of the State of Texas.

SECTION 8.03 OFFICE OF TAX COLLECTOR

There will be established an office of taxation to collect taxes, the head of which will be the City Tax Collector. The City Council may contract for such services.

SECTION 8.04 TAXES; WHEN DUE AND PAYABLE

- A. All taxes due in the City of McLendon-Chisholm must be payable at the office of the City Tax Collector, or at such location or locations as may be designated by the City Council. They may be paid at any time after the tax rolls for the year have been completed and approved. Taxes for each year must be paid before February 1st of the next succeeding year, and all such taxes not paid prior to that date must be deemed delinquent and must be subject to penalty and interest as the City Council will provide by ordinance. The City Council may provide discounts for the payments of taxes prior to January 1 in amounts not to exceed those established by the laws of the State of Texas.
- B. Failure to levy and assess taxes through omission in preparing the appraisal rolls will not relieve the person, firm or corporation so omitted from obligation to pay such current or past due taxes as shown to be payable by recheck of the rolls and receipts for the years in question, omitting penalty and interest.

SECTION 8.05 TAX LIENS, LIABILITIES AND SUITS

- A. All taxable property located in the City on January 1 of each year will stand charged from that date with a special lien in favor of the City for the taxes due. All persons purchasing any such property or after January 1 in any year will take the property

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subject to the liens provided above. In addition to the liens herein provided, on January 1 of any year, the owner of property subject to taxation by the City will be personally liable for taxes that year.

- B. The City will have the power to sue for and recover personal judgment and foreclosure, or to foreclose its lien or liens, or to recover both personal judgment and foreclosure. In any such suit where it appears that the description of any property in the City appraisal rolls is insufficient to identify such property, the City will have the right to plead a good description of the property to be assessed, to prove the same, and to have its judgment foreclosing the tax lien or for personal judgment against the owners for such taxes.

SECTION 8.06 FISCAL YEAR

The fiscal year of the City shall begin on October 1st and end on the following September 30th of each year, but the fiscal year may be changed by the Council by ordinance.

SECTION 8.07 ANNUAL BUDGET

It shall be the duty of the City Manager to submit an annual budget not later than sixty (60) days prior to the end of the current fiscal year to the Council for its review, consideration and revision. The Council shall call a public hearing or hearings on the budget. The Council may adopt a budget with or without amendments. The Council may increase or decrease amounts or programs and may delete any programs or amounts except expenditures required by law or for a debt service, provided that no amendment shall increase the authorized expenditures to an amount greater than the total of the estimated income for the current fiscal year plus funds available from prior years. At the close of each fiscal year, the unencumbered balance of each appropriation shall revert to the fund from which it was appropriated and shall be subject to future appropriations, but appropriations may be made in furtherance of improvements or other objects of work of the City that will not be completed within the current year.

SECTION 8.08 FAILURE TO ADOPT ANNUAL BUDGET

If the Council fails to adopt the budget by September 30th, the amounts appropriated for the current fiscal year shall be deemed adopted for the ensuing fiscal year on a month-to-month basis with all items in it prorated accordingly until such time as the Council adopts a budget for the ensuing fiscal year. The levy of property tax will be set to equal the total current fiscal year tax receipts, unless the ensuing fiscal year budget is approved by September 30th of the current fiscal year.

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SECTION 8.09 BONDS AND OTHER EVIDENCE OF INDEBTEDNESS

The City shall have the power to borrow money on the credit of the City and to issue general obligation bonds and other evidences of indebtedness for permanent public improvements or for any other public purpose not prohibited by the Constitution and laws of the State of Texas and to issue refunding bonds to refund outstanding bonds and other evidences of indebtedness of the City previously issued. All such bonds shall be issued in conformity with the laws of the State of Texas. The City shall further have the power to borrow money for the purpose of constructing, acquiring, improving, extending or repairing public utilities, recreational facilities or any other self-liquidating municipal function not prohibited by the Constitution and laws of the State of Texas, and to issue revenue bonds to evidence the obligations created thereby. Such bonds shall be a charge upon and payable from the properties, or interest therein pledged, or the income there from, or both. The holders of the revenue bonds of the City shall not have the right to demand payment thereof out of monies raised or to be raised by taxation. All such bonds shall be issued in conformity with the laws of the State of Texas. The City shall have the power to borrow money for public improvements in any other manner provided by law, including certificates of obligation as authorized by Chapter 271 of the Texas Local Government Code. All bonds and evidence of indebtedness of the City having been approved by the Attorney General and registered by the Comptroller of Public Accounts shall thereafter be incontestable in any court or other forum for any reason, and shall be valid and binding obligations of the City in accordance with their terms for all purposes.

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CHAPTER NINE: BOARDS AND COMMISSIONS

SECTION 9.01 PLANNING AND ZONING COMMISSION

The City Council shall create a Planning and Zoning Commission of the City of McLendon-Chisholm and shall appoint seven (7) regular members and two (2) alternate members, each of whom shall be a citizen of the City of McLendon-Chisholm. Members shall be appointed for two (2) year staggered terms. Such appointees shall serve without compensation and may not hold any elective office of the State of Texas or any other political subdivision thereof during their terms. A vacancy in an unexpired term shall be filled by the City Council for the remainder of the term. The majority of the appointed members shall constitute a quorum, and decisions may only be made with the affirmative vote of a majority of those members present and voting. The Commission shall select from any of its members a Chairperson and Vice Chairperson. A two-thirds vote of the City Council will be required to overrule any recommendations of the Commission, except as otherwise provided by state law. Following the adoption of the Comprehensive Plan it shall serve as a guide for all future councils and be reviewed every five (5) years.

SECTION 9.02 BOARD OF ADJUSTMENT

The City Council shall appoint a Board of Adjustment comprised of five (5) regular members and three (3) alternate members for two (2) year staggered terms, all of whom shall be citizens of the City of McLendon-Chisholm. Such appointees shall serve without compensation. The Board of Adjustment shall be governed by Chapter 211, Texas Local Government Code, and have such additional duties as may be prescribed by ordinance or applicable State law. A vacancy on the board shall be filled by the City Council for the unexpired term. The Board shall select from any of its members a Chairperson and Vice Chairperson.

SECTION 9.03 PARK BOARD

The City Council may appoint a Park Board that shall be composed of not more than seven (7) members, each of whom shall be a citizen of the City of McLendon-Chisholm. Members shall be appointed for two (2) year staggered terms. Such appointees shall serve without compensation. A vacancy in an unexpired term shall be filled by the City Council for the remainder of the term. The majority of the appointed members shall constitute a quorum, and decisions may only be made by the affirmative vote of the majority of those members present and voting. The Park Board shall select from any of its members a Chairperson and Vice Chairperson. The Park Board shall be charged with responsibility for oversight of all parks and the trail system within the City of McLendon-Chisholm. The Park Board may sponsor such other activities for the betterment of civic life within the City as it shall be

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deemed appropriate and shall have such other duties and responsibilities as may be assigned to it by the City Council. The Park Board may make recommendations to the City Council for improvements to and expansions of existing parks and locations for future parks.

SECTION 9.04 OTHER BOARDS AND COMMISSIONS

The City Council shall have the power and is hereby authorized to create, abolish, establish, and appoint other boards, commissions and committees, as it deems necessary to carry out the functions of the City, and to prescribe the purpose, composition, functions, and tenure of each board, commission, or committee.

SECTION 9.05 APPOINTED TERM LIMITS

Boards and Commission appointees may serve up to three consecutive terms. An appointee who has served the maximum number of terms may serve additional terms subject to the same limitations after a break in service of one year or more.

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CHAPTER TEN: ORDINANCES

SECTION 10.01 PROCEDURE FOR PASSING ORDINANCES AND RESOLUTIONS

The City Council shall evidence its official actions by written ordinances, resolutions, or oral motions. The style of all ordinances shall be: "Be it ordained by the City Council of the City of McLendon-Chisholm, Texas" and the style of all resolutions shall be "Be it resolved by the City Council of the City of McLendon-Chisholm, Texas." Each proposed ordinance or resolution shall not be amended or repealed except by adoption of another ordinance or resolution, respectively. All ordinances and resolutions passed by the City Council shall become effective immediately from and after passage except where publication of a caption is required or where the ordinance, State law, or other provisions of this Charter provide otherwise, in which case the effective date shall be as prescribed in the ordinance.

SECTION 10.02 PUBLICATION OF ORDINANCES

The descriptive caption or title of each ordinance containing a penalty shall be published at least once in the official newspaper of the City, and on the City website, unless otherwise provided by State law or this Charter.

SECTION 10.03 CODE OF ORDINANCES

The City Council shall have the power to cause the ordinances of the City to be printed, in code form, and shall have the same arranged and digested as often as the Council may deem advisable, provided that failure to print the ordinances as herein provided shall not affect the validity of the same.

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CHAPTER ELEVEN: ELECTIONS

ELECTIONS SECTION 11.01 CITY ELECTIONS

Regular City elections shall be held on the first Saturday of May of each year or as otherwise required by the Texas Election Code, at which time members of the City Council, including the Mayor, shall be elected to fill those positions which become vacant that year. The City Council shall fix the hours, place and procedures for holding regular and special elections. Elections shall be held in compliance with applicable State law.

SECTION 11.02 SPECIAL ELECTIONS

The City Council by ordinance or resolution, may call such special elections as are authorized by State law or this Charter, fix the time and place of holding the same, and provide all means for holding such special elections. Every special election shall be called and held as nearly as practicable, according to the provisions governing regular elections.

SECTION 11.03 REGULATION OF ELECTIONS

All City elections shall be governed by the Constitution of the State of Texas, general laws of the State, this Charter, and by ordinance of the City regulating the holding of municipal elections. The City Council shall appoint the election judges and other election officials and shall provide for the compensation of all election officials in City elections and for all other expenses in holding said elections.

SECTION 11.04 CANDIDATES; FILING FOR OFFICE

Any qualified person as prescribed by Section 3.02 of this Charter may make application to have their name placed on the official ballot for the position of Council Member or Mayor. The application shall be made in accordance with all applicable laws and shall state that the candidate agrees to serve if qualified and elected. Each candidate shall execute such an oath and other official form or affidavit as required by the Texas Election Code. The City Secretary shall review the application and notify the candidate whether or not the application satisfies the requirements of this Charter and the Texas Election Code. If an application is insufficient, the City Secretary shall return it immediately to the candidate with a statement stating each insufficiency. The candidate may file a new application within the regular time for filing applications. The City Secretary shall keep on file all applications found sufficient at least until the expiration of the term of office for which such candidates filed.

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SECTION 11.05 OFFICIAL BALLOT

The order of the names of the candidates on the ballot shall be determined by the City Secretary in accordance with the procedures set out in the Texas Election Code. The name of each candidate seeking an elective office, except those who have withdrawn, died, or become ineligible prior to the time permitted for withdrawal, shall be printed on the official ballot in the name designated by the candidate in accordance with the Texas Election Code. Early voting shall be conducted pursuant to the Texas Election Code.

SECTION 11.06 CANVASSING AND ELECTION RESULTS

Returns of every municipal election shall be delivered forthwith by the election judges to the City Secretary, with a copy of the returns being sent to the Mayor. The City Council shall canvass the returns, investigate the qualifications of the candidates and declare the official results of the election not less than two (2) days nor more than six (6) days after the date of the election, or as may be otherwise provided by the Texas Election Code.

At any regular or special municipal election, the candidates in each place on the ballot who shall have received the greatest number of votes cast in such election for such place shall be declared elected.

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CHAPTER TWELVE: INITIATIVE, REFERENDUM AND RECALL

SECTION 12.01 POWER OF INITIATIVE

The people of the City reserve the power to direct legislation by initiative and, in the exercise of such power, may propose any ordinance not in conflict with this Charter or State law, except an ordinance appropriating money or authorizing the levy of taxes, an ordinance amending an ordinance appropriating money or levying taxes, or an ordinance repealing an ordinance appropriating money or levying taxes. Any initiated ordinance may be submitted by a petition signed by registered voters of the City equal in number to at least Thirty (30) percent of the number of voters in the last regular City election or 300 voters whichever is greater.

SECTION 12.02 POWER OF REFERENDUM

The people of the City reserve the power to approve or reject at the polls any legislation enacted by the City Council, which is subject to the initiative process under this Charter. Within thirty (30) days after the final adoption or publication, whichever date is later, of any ordinance which is subject to referendum, a petition, signed by registered voters of the City equal in number to at least Thirty (30) percent of the number of voters in the last regular City election or 300 voters whichever is greater, may be filed with the City Secretary requesting that any such ordinance be either repealed or submitted to a vote of the people. When such a petition has been certified as sufficient by the City Secretary, the ordinance so specified in the petition shall not go into effect, or further action shall be suspended if it shall have gone into effect, until and unless it is approved by the voters as herein provided.

SECTION 12.03 FORM OF PETITION FOR INITIATIVE AND REFERENDUM

All petition papers circulated for the purpose of an initiative or referendum shall be uniform in size and style. Initiative petition papers shall contain the full text of the proposed ordinance including a descriptive caption. The signatures to initiative and referendum petitions need not all be appended to one paper, but to each separate paper there shall be attached an affidavit of the circulator, who shall be a qualified voter of the City, personally circulated the foregoing paper, that all the signatures appended thereto were made in the petitioner's presence and that the petitioner believes them to be the genuine signatures of the persons whose names they purport to be. Each signer of any such petition shall sign their name in ink and shall indicate after their name their place of residence by street, street number and zip code. Each signer shall indicate their voter registration certificate number and shall record the date of signature.

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SECTION 12.04 FILING, EXAMINATION AND CERTIFICATION OF PETITIONS

All papers comprising a petition for initiative or referendum shall be assembled and filed with the City Secretary as one instrument. Within thirty (30) days after the petition is filed, the City Secretary shall determine whether each paper of the petition has a proper statement of the circulator and whether the petition has been signed by a sufficient number of qualified electors and shall hold any petition paper entirely invalid which does not have attached thereto the statement signed by the circulator thereof. The City Secretary shall certify the result of this examination to the City Council at its next regular meeting. If the City Secretary certifies that the petition is insufficient, the certificate shall specify the particulars in which it is defective and shall at once notify in writing the person filing the petition of this finding. A petition may be amended at any time within ten (10) days after a notice of insufficiency has been sent by the City Secretary, by filing a supplementary petition. In such event, the same procedures shall then be followed by the City Secretary and City Council as in the case of the original petition for the same purpose.

SECTION 12.05 COUNCIL CONSIDERATION AND SUBMISSION TO VOTERS

When the City Council receives an authorized initiative petition, certified by the City Secretary to be sufficient, the City Council shall either (a) pass the initiated ordinance without amendment within twenty (20) days after the date of the certification to the City Council; or (b) submit the initiated ordinance without amendment to a vote of the qualified voters of the City at a regular or special election to be held on a uniform election date of the State of Texas, but not less than ninety (90) days from the date that the City Secretary certifies the submission to the City Council. When the City Council receives an authorized referendum petition, certified by the City Secretary to be sufficient, the City Council shall reconsider the referred ordinance. If, upon such reconsideration, such ordinance is not repealed, it shall be submitted to the voters of the City at a regular or special election to be held on a uniform election date of the State of Texas, but not less than ninety (90) days from the date that the City Secretary certifies the submission to the City Council. Special elections on initiated or referred ordinances shall not be held more frequently than once each six (6) months, and no ordinance on the same subject as an initiated ordinance which has been defeated at any election may be initiated by the voters within two (2) years from the date of such election.

SECTION 12.06 BALLOT FORM AND RESULTS OF ELECTION

Ordinances submitted to the electors in accordance with the initiative and referendum provisions of this Charter shall be submitted by ballot title, which shall contain a clear, concise statement, without argument, of the substance of such ordinance. The ballot used

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shall have below the ballot title the following proposition, one above the other in the order indicated: "FOR THE ORDINANCE" and "AGAINST THE ORDINANCE." Any number of ordinances may be voted on at the same election and may be submitted on the same ballot. If a majority of electors voting on a proposed initiated ordinance shall vote in favor thereof, it shall thereupon become an ordinance of the City. A referred ordinance which is not approved by a majority of the electors voting thereon shall thereupon be deemed repealed. If conflicting ordinances are approved by the electors at the same election, the one receiving the greatest number of affirmative votes shall prevail to the extent of such conflict.

SECTION 12.07 POWER OF RECALL

The people of the City reserve the power to recall the Mayor or any other member of the City Council and may exercise such power by filing with the City Secretary a petition, signed by qualified voters of the City equal in number to at least thirty (30) percent of the number of voters at the last regular municipal election of the City or 300 voters whichever is greater demanding the removal of the Mayor or other member of the City Council. The petition shall be signed and verified in the manner required for an initiative petition, shall contain a general statement of the grounds upon which the removal is sought and one of the signers of each petition paper shall make an affidavit that the statements made therein are true.

SECTION 12.08 RECALL ELECTION

All papers comprising a recall petition shall be assembled and filed with the City Secretary. Within thirty (30) days after the petition is filed, the City Secretary shall determine its sufficiency and, if found to be sufficient, shall certify this fact to the City Council at its next regular meeting. If a recall petition is found to be insufficient, it may be amended within ten (10) days after notice of such insufficiency by the City Secretary, by filing a supplementary petition. In that event, the same procedures shall then be followed by the City Secretary and the City Council as in the case of an original petition. The finding of insufficiency of a recall petition shall not prejudice the filing of a new petition for the same purpose. The City Council Member whose removal is sought by a recall petition may, within five (5) days after such petition has been certified and presented to the City Council, request in writing that a public hearing be held to permit them to present facts pertinent to the charges specified in the petition. In this event, the City Council shall order such public hearing to be held not less than five (5) days nor more than fifteen (15) days after receiving such request for a public hearing. If the City Council Member whose removal is sought does not resign, the City Council shall order a recall election and fix a date for such election, the date of which shall not be less than ninety (90) days from the date the petition was submitted to the City

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Council or from the date of the public hearing if one was held, whichever is later, or at the earliest date thereafter permitted by the Texas Election Code.

SECTION 12.09 RECALL BALLOT

Ballots used in recall elections shall read as follows: "SHALL (name of person or persons) BE REMOVED FROM THE CITY COUNCIL BY RECALL?" Below such question there shall be printed the following as to each person named: "FOR THE REMOVAL OF (name of person.)" "AGAINST THE REMOVAL OF (name of person.)"

SECTION 12.10 RESULTS OF A RECALL ELECTION

If a majority of the votes cast at a recall election is against removal of a Council Member named on the ballot, that member shall continue in office. If a majority of the votes cast at such election are for the removal of the City Council Member named on the ballot, the City Council shall immediately declare the office vacant and such vacancy shall be filled in accordance with the provisions of this Charter. A City Council Member thus removed shall not be a candidate to succeed himself in an election called to fill the vacancy created.

SECTION 12.11 LIMITATIONS ON RECALL

No recall petition shall be filed against the Mayor or any other Council Member within sixty (60) days after they first take office, or within three (3) months after an election for their recall, nor within six (6) months of the end of their term.

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CHAPTER THIRTEEN: FRANCHISES

SECTION 13.01 POWER TO GRANT FRANCHISE

The City Council shall have the power, subject to the provisions hereof, by ordinance to confer upon any person, firm, corporation or other legal entity the franchise or right to use the public property of the City for the purpose of furnishing to the public any general public service or benefit, including, but not limited to, heat, light, power, telephone service, transportation, or other telecommunication providers for compensation or hire. The City shall have the power by ordinance to grant, renew, and extend all franchises of all public utilities of every character operating within the City. No such franchise shall be granted until after a public hearing shall have been called and held and until such ordinance shall have been passed and accepted by the franchisee.

SECTION 13.02 TRANSFER OF FRANCHISE

No public utility or other franchise shall be transferable except with the approval of the City Council expressed by ordinance.

SECTION 13.03 OWNERSHIP, USE AND CONTROL OF STREETS

No franchise or easement involving the right to use the streets, alleys, highways, parks, and public ways shall be valid unless granted in compliance with the terms of this chapter. No granting of a franchise by ordinance pursuant to this chapter shall convey any ownership or interest in any property of the City other than the right to use the public property for purposes of such franchisee's operations as expressed in the ordinance granting such franchise.

SECTION 13.04 RIGHT OF REGULATION

In granting, amending, renewing and extending public service and utility franchises, the City shall retain the right to: (1) Repeal such franchise by ordinance for failure to comply with the terms thereof, such power to be exercised only after due notice and hearing; (2) Require an adequate extension of plant and service as is necessary to provide adequate service to the public and require maintenance of the plant and fixtures at the highest reasonable standard of efficiency, based upon applicable state and federal regulations; (3) Establish reasonable standards of service and quality of products and prevent unjust discrimination in service or rates; (4) Impose regulations to ensure safe, efficient and continuous service to the public. The franchise holder in opening and refilling all earth openings shall re-lay the pavement and do all other work necessary to complete restoration of streets, sidewalks or grounds to a condition equally as good as or better than when disturbed; and (5) Upon notice to franchisee and a reasonable opportunity to be

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heard, to regulate, locate, or prohibit the erection of any and all poles, wires, or other utility equipment, conveyance, or structure, on the streets, alleys and public places of said City, and to cause the same to be changed, removed, altered, increased, diminished, placed underground, or be supported by poles of such material, kind, quality and class as may be determined by the City Council whether the same be telegraph, telephone, electric, cable television, or otherwise, and to enforce the provisions hereof by appropriate action in any court of competent jurisdiction.

SECTION 13.05 COMPENSATION FOR FRANCHISE

All persons, corporations, or association of persons, to whom a franchise or privilege may hereafter be granted shall pay the City for such privilege such compensation as may be fixed by the City Council in the grant of such franchise or privilege. Such compensation as fixed by contract or provided by State law(s) shall become due and payable at such time as the City Council shall fix in the granting of such franchise or privilege. The failure of any franchisee to pay compensation when due may result in forfeiture of the franchise or privilege.

SECTION 13.06 COUNCIL TO FIX AND REGULATE CHARGES, FARES OR RATES

If applicable State law so provides, the City Council shall determine, fix, and regulate the charges, fares or rates of any person, firm, or corporation enjoying a franchise or privilege granted under the provisions of this chapter, and shall prescribe the kind of service to be furnished to the public by such person, firm, or corporation, and the manner in which it shall be rendered and may from time to time alter or change such rules, regulations, and compensation after reasonable notice and public hearing. The rates, charges and fares so fixed shall at all times be reasonable and permit the franchisee a reasonable opportunity to earn a reasonable return on the franchisee's invested capital used and useful in providing service to the public in excess of its reasonable and necessary operating expenses. In this connection, the City Council may require any utility or franchise holder to furnish such financial reports and information as the City Council may request including reports of actual operating costs and the financial conditions of its operations within the City. The City Council may employ, at the expense of such franchisee, necessary outside experts to examine and audit the accounts and records of the franchisee to determine the reasonableness of such charges, fares, and rates.

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CHAPTER FOURTEEN GENERAL AND TRANSITIONAL PROVISIONS

SECTION 14.01 EFFECT ON EXISTING LAWS

All City ordinances, resolutions, rules, and regulations in force at the time of the adoption of this Charter and not in conflict with it shall remain in force until altered, amended or repealed by the City Council. All rights of the City under existing franchises and contracts are preserved in full force and effect. All taxes, assessments, liens, encumbrances, obligations and demands of or against the City, fixed or established before such date, shall be valid if properly fixed or established either under the law in force at the time of such proceedings or under the law after the adoption of this Charter. Any ordinances, rules or regulations inconsistent with this Charter are repealed as of the date of adoption of the Charter.

SECTION 14.02 CONTINUATION OF ADMINSTRATIVE OFFICES

All persons holding administrative offices at the time this Charter takes effect shall continue in office and in the performance of their duties in the capacities to which they have been appointed until provisions shall have been made in accordance with the terms of this Charter for the performance of such duties or the discontinuance of such office, if any. The powers conferred and the duties imposed upon any office, department or agency of the City by the laws of the State shall, if such office, department or agency be abolished by this Charter or under its authority, be thereafter exercised and discharged by the office, department or agency designated by the City Council, unless otherwise provided herein.

SECTION 14.03 CONFLICT OF INTEREST

No member of the City Council, the Mayor, or any other officer, whether elected, appointed, paid or unpaid, who exercises responsibilities beyond those that are advisory in nature, shall participate in a vote or decision on a matter involving a business entity or real property in which such officer has a substantial interest if it is reasonably foreseeable that an action on the matter would have an economic effect on the business entity or on the value of the property. No member of the City Council, the Mayor, or any other officer, whether elected, appointed, paid or unpaid, who exercises responsibilities beyond those that are advisory in nature, shall have a financial interest, direct or indirect, in any contract with the City, or shall be financially interested, directly or indirectly, in the sale to the City of any land, materials, supplies or service. Any willful violation of this section shall constitute malfeasance in office, and any officer or employee violating this section shall forfeit their office or position. Any violation of this section, with the knowledge expressed or implied of a person or corporation contracting with the City, shall render the contract involved voidable by the City Council.

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SECTION 14.04 NEPOTISM

No officer of the City of McLendon-Chisholm shall appoint, vote for, or confirm the appointment to any paid office, position, clerkship, employment or duty, of any person related within the second degree by affinity or within the third degree by consanguinity to any member of the City Council, Mayor or City Manager, when the salary, fees, or compensation of such appointee is to be paid for, directly or indirectly, out of or from public funds or fees of office of any kind or character whatsoever. This provision shall not prevent the appointment, voting for, or confirmation of any person who shall have been continuously employed in any such office, position, clerkship, employment or duty for at least thirty (30) days, if the officer is appointed, or at least six (6) months, if the officer is elected. When a person is allowed to continue in any such position, the officer related shall not participate in the deliberation or voting upon the appointment, reappointment, employment, confirmation, re-employment, change in status, compensation, or dismissal of such person, unless such action is taken with respect to a bona fide class or category of employees.

A. Non-appointed/ unpaid volunteers are exempt from this provision.

SECTION 14.05 WRONGFUL INTERFERENCE

No Person shall willfully make any false statement, certificate, mark, rating or report in regard to any test, certification, appointment or attempt to commit any fraud preventing the impartial execution of the personnel provisions, rules and regulations of this Charter.

SECTION 14.06 WRONGFUL INFLUENCE

No Person who seeks appointment or promotion with respect to any City position or appointive City administrative office shall directly, give, render or pay any money, service, or other valuable thing to any person for, or in connection with their test, appointment, proposed appointment, promotion, or proposed promotion.

SECTION 14.07 EMPLOYEE POLITICAL ACTIVITIES

No person who holds any compensated non-elective City position shall make, solicit, or receive any contribution for any candidate for City Council, or take part in the management, affairs or political campaign of such candidate. Such person may exercise their rights as a citizen to express their opinion or vote.

SECTION 14.08 OFFICIAL NEWSPAPER / PUBLICATION

The City Council shall have the power to designate by resolution a newspaper of general circulation in the City as the City's official newspaper. All ordinances, captions of

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ordinances, notices and other matters required to be published by this Charter, by ordinance, or by State law, shall be published in the official newspaper and on the City website.

SECTION 14.09 JUDICIAL NOTICE

This Charter shall be recorded in the City Secretary's office in a book kept for that purpose. As soon as practicable after its adoption, an authenticated copy of the Charter shall be certified to the Secretary of State of the State of Texas, at which time the Charter becomes a public act. Such Charter provisions may be read in evidence without pleading or proof of their provision, and judicial notice shall be taken thereof in all courts and places.

SECTION 14.10 SERVICE OF PROCESS

All Legal Process against the City shall be served upon either the City Secretary or the City Manager.

SECTION 14.11 PROPERTY NOT SUBJECT TO GARNISHMENT AND EXECUTION

No property owned or held by the City shall be subject to any garnishment or execution of any kind or nature except as specifically provided by State law.

SECTION 14.12 PUBLIC MEETINGS AND RECORDS

All meetings of the City Council and all boards, commissions and committees appointed by the City Council shall be governed by the provisions of Chapter 551, Texas Government Code and any amendments thereto with regard to the posting of agenda and the holding of public meetings. All public records of every officer, department or agency of the City shall be open to inspection by any citizen at all reasonable business hours, provided that records excepted from public disclosure by Chapter 552, Texas Government Code and any amendments thereto shall be closed to the public and not considered public record for the purpose of this section.

SECTION 14.13 INDEMNIFICATION OF OFFICERS

The City Council shall, by appropriate ordinance, provide for the indemnification and defense of the officers and employees of the City, including the members of the City Council, or any board, commission, or committee, including volunteers, against any loss, cost, or expense, including court costs and attorney's fees, to the extent allowed by law, arising out of the claim, suit, or judgment or settlement thereof, resulting from any alleged negligent act or omission of such officer, employee, member, or volunteer during the discharge of their duties and within the scope of their office, employment, membership, or assigned voluntary position with the City, or in any other case where the City is directed or

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authorized by law to do so. Such indemnification will not be provided for any act arising out of the intentional or knowing violation of any penal statute or ordinance or arising out of any conduct determined by final judgment to be an act of fraud or to have been taken with the intent to deceive or defraud, or for any personal or private business of such officer, employee, member, or volunteer, or for the gross negligence or official misconduct, or willful or intentionally wrongful act, or omission of such officer, employee, member, or volunteer.

SECTION 14.14 AMENDMENT OF THIS CHARTER

Amendments of this Charter may be submitted by the City Council to the qualified voters of the City for their approval at an election, no more often than once every three (3) years, held in accordance with Chapter 9, Texas Local Government Code.

SECTION 14.15 BOND OR SECURITY NOT REQUIRED

It shall not be necessary in any action, suit or proceeding in which the City is a party, for any bond, undertaking, or security to be executed on behalf of said City. All such actions, suits, appeals, or proceedings shall be conducted in the same manner as if such bond, undertaking, or security had been given, and said City shall be liable as if such obligation had been duly given and executed.

SECTION 14.16 SEVERABILITY CLAUSE

If any chapter, section, paragraph, sentence, clause or phrase of this Charter shall be held unconstitutional or invalid for any reason by a court of competent jurisdiction, such holding shall not affect the remainder of this Charter nor the context in which such provision so held invalid may appear, except to the extent that an entire chapter, section, paragraph, or sentence may be inseparably connected in meaning and effect with the provision to which such holding shall apply directly.

SECTION 14.17 MEANING OF WORDS

The provision of this Charter shall be liberally construed for the purpose of affecting the objects and ends thereof. Unless some other meaning is manifest, the word "City" shall be construed to mean the "City of McLendon-Chisholm," and the word "and" may be read "or" or the "or" may be read "and" if the sense requires. Words in the present tense include future tense and, except when a more constrictive meaning is manifest, singular may mean plural. The word "Council" shall be construed to mean the City Council Members and Mayor of the City of McLendon-Chisholm. The gender of the wording as contained in the Charter shall always be interpreted to mean either sex.

CITY OF McLENDON-CHISHOLM HOME RULE CHARTER

SECTION 14.18 EFFECTIVE DATE

This Charter shall take effect immediately following adoption by the voters and entry of the official order by the City Council declaring the same adopted as soon as practicable. After adoption, the Mayor shall certify to the Secretary of State an authenticated copy of the Charter under the City's seal showing approval by the voters. The City Secretary shall record the Charter in a book kept for that purpose and keep and maintain the same as the official record of the City.

SECTION 14.19 CONTINUATION OF ELECTIVE AND APPOINTIVE OFFICES

Upon adoption of this Charter, the present people filling elective office on the City Council will continue to fill those offices for the terms for which they were elected. Persons who, on the date of this Charter is adopted, are filling appointive and administrative positions with the City which are retained under this Charter, may continue to fill these positions for the term for which they are appointed, unless removed by the City Council or by other means provided in this Charter. **Council Seat Place Six (6) will be appointed upon approval of the Charter. Three-year terms will commence in regular elections for Council Places Two (2), Four (4) and the Mayor seat in 2026. Council Place Six (6) will have an election for a two-year term in 2026 and then a three-year term will commence in regular elections in 2028. Three-year terms will commence in regular elections for Council Places One (1) and Three (3) in 2027. Council Place Five (5) will have an election for a one-year term in 2027 and then a three year term will commence in regular elections in 2028.**

SECTION 14.20 CONTINUATION OF OPERATION

All City Ordinances, bonds, resolutions, rules and regulations in force on the effective date of this Charter shall remain in force until altered, amended or repealed by the City Council, and all rights of the City under existing franchises and contracts are preserved in full force.

CITY OF McLENDON-CHISHOLM HOME RULE CHARTER

CHAPTER FIFTEEN: ADOPTION OF CHARTER

SECTION 15.01 SUBMISSION AND ELECTION

This Charter shall be submitted to the qualified voters of the City of McLendon-Chisholm for adoption or rejection on the 3rd day of May, 2025, at which election, if a majority of the qualified voters voting in such election shall vote in favor of the adoption of this Charter, it shall then immediately become the governing law of the City of McLendon-Chisholm, Texas, until amended or repealed. It being impracticable to submit this Charter so that each subject may be voted on separately, it is hereby prescribed that the form of ballot to be used in such election shall be as follows to wit: ____ "FOR" ADOPTION OF A CHARTER ____ "AGAINST" ADOPTION OF A CHARTER This Home Rule Charter for the City of McLendon-Chisholm, Texas, is respectfully submitted to the City Council of the City of McLendon-Chisholm for the purpose of calling an election on the question of adoption of the Home Rule Charter this st day of 2025. This proposed Charter represents the recommendation of the majority of the membership and signatures are evidenced below.

Mark Russo, Chairperson

Karan McDonald

Dennis London, Vice-Chairperson

Melody Osorio

Jennifer Heldreth, Secretary

John Powers

James Adcox

Troy Reich

Anthony Crawford

Lesley Schwalje

Rich Dean

Beverly Stibbens

Roberta Dolen

Jody Wright

Jerry Brewer, Council Liasion



CITY COUNCIL – CITY OF MCLENDON-CHISHOLM, TEXAS

DATE: May 1, 2025

Applicant: Terry McCallum
2231 W. FM 550
Rockwall, Texas

Representative: Terry McCallum

Property owner: Build 205
%Terry McCallum
803 Village Green Drive
Rockwall, Texas 75087

Location: The property is a 2.275-acre tract of land located south of the intersection of SH 205 and FM 548, with frontage on SH 205. The Rockwall CAD property identification number is 10530.

CITY COUNCIL MEETING DATE: May 8, 2025

Note: The City Council has three options concerning consideration of plats: Approval; Approval with conditions; or disapproval. For Approval with conditions or Disapproval, the specific issue requiring amendment needs to be stated in the motion to approve with conditions or for disapproval.

REQUEST:

The applicant is requesting approval of a preliminary plat that provides for the creation of one lot on 2.275 acres of land located generally south of the southern city limits and south of the intersection with FM 548 with frontage on SH 205.

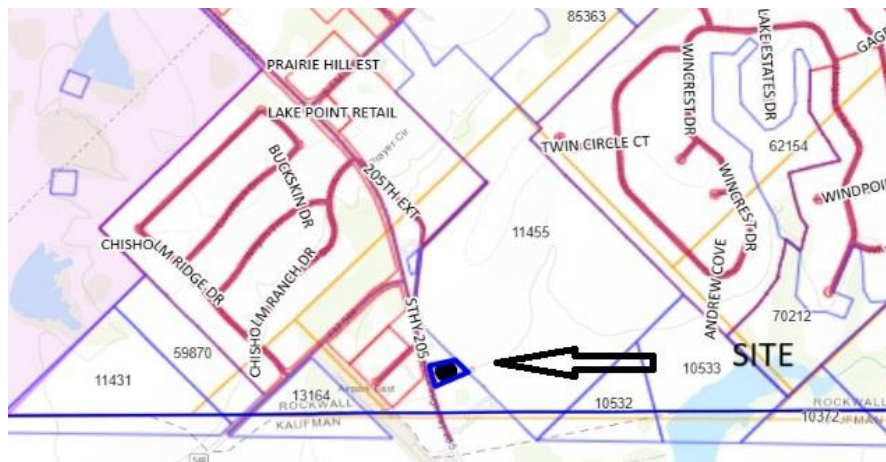
PLANNING AND ZONING COMMISSION RECOMMENDATION: Approval.

STAFF RECOMMENDATION: Approval.

NOTE: Full sized copies of the preliminary plat are available for review at McLendon-Chisholm City Hall.

[illegible]

Location:





City of McLendon-Chisholm
Staff Report

Date: May 9, 2025

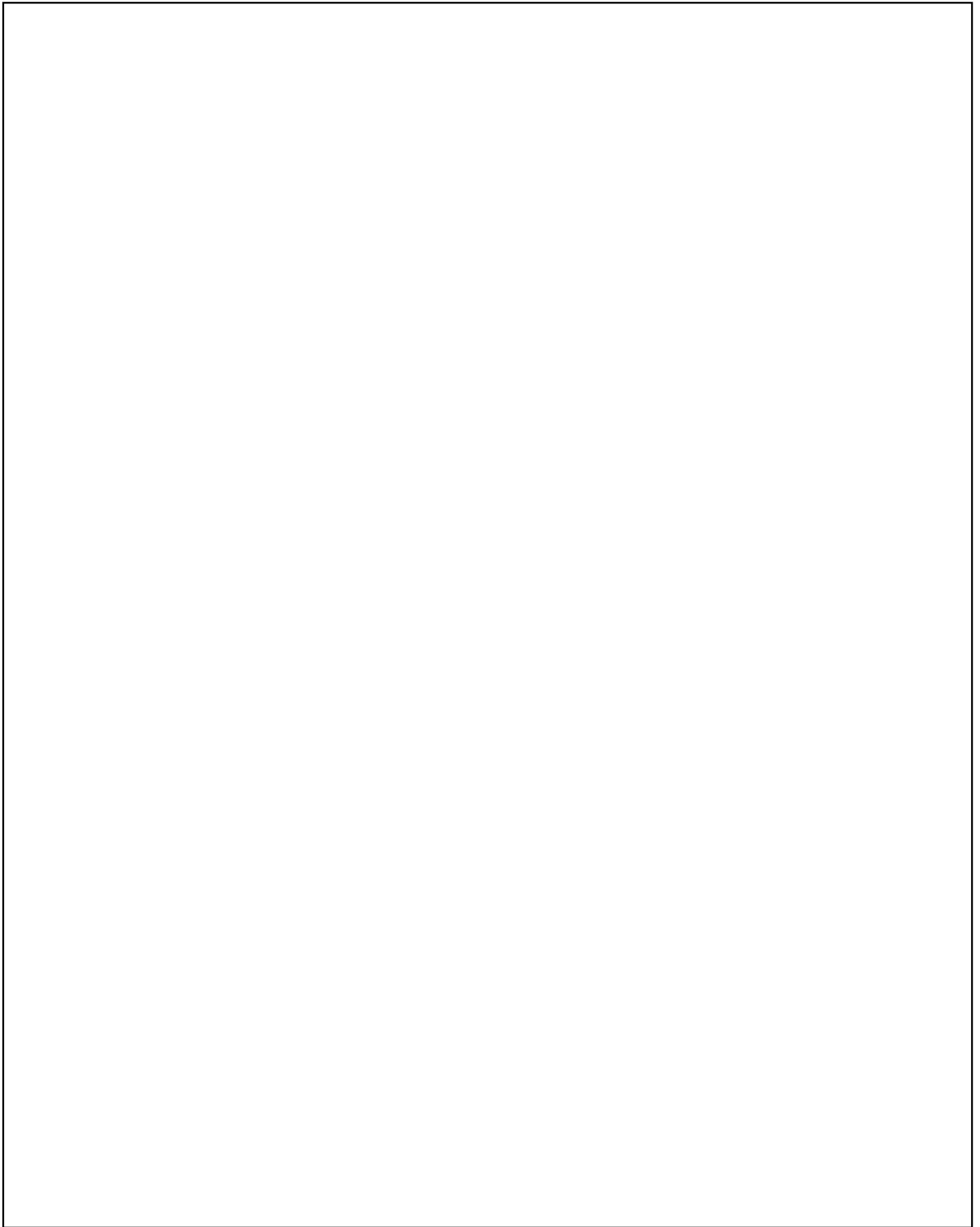
Agenda Item: Agenda Preparation

Financial Impact:

Staff Comments: **Agenda Preparation and Order of Business**

Section 1. Council members, the Mayor, or the City Manager may add items to the Council agenda, but to be considered for that meeting on which the items were submitted, all agenda items must be sent to the office of the City Secretary via electronic transmission, by 8:00 a.m. local time, eight (8) calendar days prior to the day of the Council meeting for which the items are submitted. Each agenda item submitted must also include an executive summary describing the purpose of the item, not to exceed one hundred and fifty (150) words. The City Secretary shall send, in a method and manner of communication which does not risk a possible quorum in violation of the Texas Open Meetings Act or create, encourage, allow, or risk any other violation of any State, federal or local law, a draft Council agenda to each Council member and the Mayor no later than 5:00 p.m., seven (7) calendar days prior to the Council meeting to which the agenda pertains. ~~Any agenda item submitted by a council member shall have a second sponsor for the item(s) requested to be placed on the agenda pursuant to section (b) below.~~ The City Secretary shall electronically transmit the final Council agenda and all supporting materials to each Council member in compliance with this section (a) and the Mayor no later than 5:00 p.m., ~~four (4)~~ **three (3)** calendar days prior to the appropriate Council meeting.

Presenter: Bev Stibbens, City Administrator



RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MCLENDON-CHISHOLM, TEXAS, ADOPTING A POLICY FOR AGENDA PREPARATION AND ORDER OF BUSINESS; PROVIDING FOR THE REPEAL OF ALL OTHER RESOLUTIONS IN CONFLICT WITH THIS RESOLUTION; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City, as a Type A general law municipality, is empowered under the Texas Local Government Code, Section 51.001, to adopt any rule, ordinance or police regulation that is for the good government of the City; and

WHEREAS, the preparation of a city's agenda in compliance with the Texas Open Meetings Act is one of the most crucial roles the staff of a city will undertake; and

WHEREAS, in an effort to assist Staff in this critically important process, this policy is necessary for the government, interest, welfare, or good order of the City of McLendon-Chisholm.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF MCLENDON-CHISHOLM, TEXAS, THAT:

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

SECTION 2. ADOPTION OF A POLICY FOR AGENDA PREPARATION AND ORDER OF BUSINESS The policy for Agenda Preparation, Sponsorship and Order of Business, attached hereto and incorporated herein as if set forth in full as Exhibit "A," is hereby adopted by the City Council of the City of McLendon-Chisholm.

SECTION 3. REPEAL OF CONFLICTING RESOLUTIONS This Resolution shall be cumulative of all provisions of Resolutions of the City except where the provisions of this Resolution are in direct conflict with the provisions of such Resolutions, in which event the conflicting provisions of such Resolutions are hereby repealed.

SECTION 4. SEVERABILITY It is hereby declared to be the intention of the City Council of the City of McLendon-Chisholm, Texas, that the phrases, clauses, sentences, paragraphs, and sections of this Resolution are severable, and if any phrase, clause, sentence, paragraph, or section of this Resolution should be declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs, or sections of this Resolution, since the same would have been enacted by the City Council without incorporation in this Resolution of such unconstitutional phrases, clause, sentence, paragraph, or section.

DULY PASSED and approved by the City Council of the City of McLendon-Chisholm, Texas, on this the 9th day of May 2025.

ATTEST:

BEV STIBBENS, CITY ADMINISTRATOR

APPROVED:

BRYAN MCNEAL, MAYOR

Exhibit A

Agenda Preparation and Order of Business

Section 1. Council members, the Mayor, or the City Manager may add items to the Council agenda, but to be considered for that meeting on which the items were submitted, all agenda items must be sent to the office of the City Secretary via electronic transmission, by 8:00 a.m. local time, eight (8) calendar days prior to the day of the Council meeting for which the items are submitted. Each agenda item submitted must also include an executive summary describing the purpose of the item, not to exceed one hundred and fifty (150) words. The City Secretary shall send, in a method and manner of communication which does not risk a possible quorum in violation of the Texas Open Meetings Act or create, encourage, allow, or risk any other violation of any State, federal or local law, a draft Council agenda to each Council member and the Mayor no later than 5:00 p.m., seven (7) calendar days prior to the Council meeting to which the agenda pertains. ~~Any agenda item submitted by a council member shall have a second sponsor for the item(s) requested to be placed on the agenda pursuant to section (b) below.~~ The City Secretary shall electronically transmit the final Council agenda and all supporting materials to each Council member in compliance with this section (a) and the Mayor no later than 5:00 p.m., ~~four (4)~~ **three (3)** calendar days prior to the appropriate Council meeting.

~~Section 2. At the beginning of each City Council meeting, just after the Call to Order, the presiding officer of the Council shall afford the Council OR City Manager the opportunity to alter the final order of business for that day's Council agenda. Setting the final order of the agenda shall be accomplished via majority vote and care shall be taken not to deliberate on the agenda items. The presiding officer of the Council meeting shall be required to follow this approved order of the agenda unless a change is deemed necessary and granted via two-thirds (2/3) vote of the City Council.~~

Section 3. At the end of the Council agenda the presiding officer shall afford the opportunity to any member of the City Council to make brief announcements and/or provide verbal and/or written information to the other members of the City Council however, such announcements or provision of information will not allow comment, immediate action, or deliberation by or from the Council. The Mayor, City Manager, and City Attorney shall be afforded such privilege also.



City of McLendon-Chisholm
Staff Report

Date: May 9, 2025

Agenda Item: Action and Consideration to allow staff to negotiate for an Enterprise Resource Planning System (ERP) for the City with an upfront cost of up to \$49,999 and an ongoing cost of up to \$4000 per month as well as hiring an Accounting Clerk, near time of implementation, at a standard rate for such a position in addition to the current employee benefits.

Financial Impact: Upfront costs for set up and design and ongoing costs for Hosted Maintenance and Support as well as salary and benefits for a new FTE.

Background: The City currently has many manual processes that leave room for errors and mistakes, as well as complicated record keeping difficulties. The City also uses QuickBooks Online for its accounting and payroll and a 3rd party billing company, Inframark, for its Utility Billing. An ERP would eliminate the cost and need for 3rd party billing, the cost of QuickBooks, and the complex manual recording and tracking processes. It would add interconnectivity for Accounting, Utility Billing, Planning, Permitting, Code Compliance, and more as well as an online record keeping system.

Presenter: Jeff White, Finance Director



City of McLendon-Chisholm
Staff Report

Date: May 9, 2025

Agenda Item: Travel Policy

Financial Impact:

Staff Comments: Travel policy updated to include no lodging provided for less than 50 miles from city hall

Presenter: Bev Stibbens, City Administrator

Travel Policy

Applicability of Travel Policy (Proposed changes in red)

It is the policy of the City of McLendon-Chisholm to reimburse the Mayor and Council, employees and other people who are authorized to represent the City at various conferences, meetings, conventions, seminars, and functions. The city recognizes that the public interest requires employees to travel at times to conduct City business. The city also recognizes that the public interest is served by the advancement of training and professional development of employees. It is the policy of the City to arrange travel on City business utilizing the most economic means available.

This policy is applicable to all City employees, **elected officials and contractors** and applies to all travel on City business outside the City limits and to all travel reimbursements, subject to budget limitations and authenticated expenses. The purpose of this policy is to establish general guidelines and provide uniformity in handling expenditure requests, and to establish proper accounting for allowable expenses.

Responsibility:

- Department Head – responsible for communicating and administering the provisions of this policy to employees and approving all travel requests within his/her department. Also, should strive to be proactive in planning for the department's travel needs in the annual budgeting process. It is the responsibility of the Department Head to ensure all travel expenses are accounted for within 30 calendar days from the date of return and the Travel Expense Report forwarded to the Finance Department.
- Employee – responsible for all pertinent information on the Travel Expense Report, indicating purpose of travel, location, type of transportation, departure date, return date, estimated expenditure and funds advanced.
- Finance Department – responsible for distributing travel funds in compliance with established policies and guidelines. The Finance Department should take into consideration the departmental travel budget and calculate the amount spent to date and forward the Travel Expense Report to the City Manager for approval.

Travel Authorization

The department head may authorize travel leave and expenses for City business outside the city. The City Manager's Department shall take care of all Mayor/City Council travel. Any employee traveling on official City business shall communicate with their supervisor as to where they can be reached while out of the City. All travel requests must be submitted on forms provided for that purpose.

Allowable Expenses

- **Registration** – The City will reimburse actual expenses incurred in registering for a conference, seminar, or meeting. A receipt must be furnished for reimbursement

purposes. The city encourages advance payment of fees to take advantage of any discounts available. However, any recreation expenses included in the registration (i.e., golf, tennis, runs, etc.) will not be reimbursed unless it's included as part of the itinerary.

- **Transportation** – The department head/supervisor will be expected to select the mode of transportation that is most economical to the city considering cost and time consumed. Normally, when travel is required for City business a city vehicle or personal car may be used when such travel distances are within a three hundred (300) mile radius. For travel beyond a three hundred (300) mile radius of the City, air transportation may be approved if authorized in the budget. All approved transportation expenses will be reimbursed as follows:
 - When employees use their personal vehicles, all travel mileage will be paid at the most recent IRS rate per mile (which can be found at www.irs.gov) plus parking fees.
 - When City vehicles are used, all expenses incidental to the use of such vehicle (parking, gasoline, oil, repairs, etc.) shall be reimbursed. Receipts will be required.
 - When air travel is permitted, employees will book their flight as far in advance as possible. Air travel reimbursement shall be limited to "coach" fares. Additionally, if the employee requires parking at the airport for twenty-four (24) hours or less, the employee will be reimbursed for the short-term parking rates. Requiring parking for twenty-five (25) hours or more, the reimbursement shall be at the long-term parking rate. Receipts will be required for reimbursement. A picture of the receipt is acceptable.
- Reimbursement will be made for the use of rental cars, Uber/taxi or bus fares, etc. provided such expenses are necessary and reasonable. Approval to rent a car should be obtained prior to the trip whenever possible. Employees are expected to obtain the lowest possible rates for cars. The City's current insurance provider covers insurance for rental vehicles if the employee is on city business. Therefore, it is not necessary for the employee to purchase additional liability/collision insurance for the contracted rental car.
- Alternate routes, which are desirable because of personal affairs of the traveler, can be used, but only on the traveler's time and with the traveler bearing the additional cost of the alternate route. Mileage and expenses incurred on alternate routes must be shown on the expense account that is turned in for reimbursement or for advance in funds request.
- **Meals** – Employees may use their City Purchasing cards or take the per diem rate. If issued the per diem rate no receipts are required to be submitted. A maximum daily allowance for meals will be provided based on the General Services Administration (GSA, which can be found at www.gsa.gov) guidelines for the location of travel. When an employee claims the allowance, any meals provided by the conference

will be deducted at the maximum allowable rate. Total allowance of reimbursement for travel includes a maximum of twenty percent (20%) for gratuity. Expenses for alcoholic beverages are not reimbursable. Receipts will be required for each meal and the travel expense report should include the date, location, and amount for each meal.

- **Lodging** – Employees are expected to make lodging reservations well in advance whenever possible, and to take other actions to ensure lodging is secured at a moderate rate. Reimbursement of lodgings shall be limited to single rates unless two or more employees occupy a single room or otherwise approved by the City Manager. It shall be the policy of the City to reimburse for only lodging that is economical and practical. **For travel conducted less than 50 miles from McLendon-Chisholm City Hall lodging will not be reimbursed.** Exceptions to this may be granted when the best-value hotel rooms are unavailable or where conferences are held in or nearby the hotel. Receipts for lodging must be provided to obtain reimbursement.
- Reimbursement will not be made for alcoholic beverages, entertainment expenses, or other sundry items not relevant to the public purpose of the travel, except when necessary to entertain dignitaries, state, federal or business representatives.
- **Entertainment** – The City realizes that from time to time, it is necessary to entertain dignitaries and state, federal, and business representatives whenever it may be deemed in the best interest of the city. Such expenses may be reimbursed at the discretion of the City Manager. Receipts will be required before reimbursement can be made. Whenever practical, prior authorization should be obtained from the City Manager.
- **Dependent Expenses** – There is no objection to a spouse/family member accompanying an employee on an out-of-town business trip; however, the city will not be financially responsible for the spouse/family member of the employee. Any additional expenses incurred such as travel, lodging, meals, or any other miscellaneous expenses will be the sole responsibility of the employee. The city will not reimburse the additional expenses.

13-1.3 Travel Expense Report Procedure

The employee will fill out all the pertinent expenditure information as part of the standard purchasing card reconciliation.