

“Exhibit A”

CHAPTER 150: BUILDING REGULATIONS

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GENERAL PROVISIONS

§ 150.01 SHORT TITLE.

This chapter shall be known, and may be sited, as the Building Ordinance of the City of Pflugerville, Texas.

(Ord. 295-89-01-10, passed 1-10-89)

§ 150.02 CITY CONSTRUCTION CODE.

The following codes, copies of which are on file in the office of the City Secretary, are hereby adopted as the City Construction Code, which is adopted by reference and made a part of this code as if set forth in full herein. The City Construction Code will apply to all construction within the city, except as otherwise specifically provided in the City of Pflugerville, Texas Code of Ordinances.

(A) The following codes published by the International Code Council:

- (1) International Building Code, with appendices G, H, and I, 2009 Edition.
- (2) International Residential Code, with amendments, with appendices G, H, and J, 2009 Edition.
- (3) International Plumbing Code, 2009 Edition.
- (4) International Mechanical Code, 2009 Edition.
- (5) International Code Council Electrical Code, 2009 Edition.
- (6) International Fuel Gas Code, 2009 Edition.
- (7) International Energy Conservation Code, 2009 Edition.
- (8) International Fire Code, 2009 Edition, with appendices.
- (9) International Existing Building Code, 2009 Edition.
- (10) International Property Maintenance Code, 2009 Edition.

(B) National Electrical Code, 2008 Edition, published by the National Fire Protection Association.

(Ord. 295-89-01-10, passed 1-10-89; Am Ord. 320-90-07-10, passed 7-10-90; Ord 386-93-10-12, passed 10-12-93; Ord. 453-97-02-25, passed 2-25-97; Ord. 531-99-02-23, passed 2-23-99; Ord571-99-12-14, passed 12-14-99; Ord659-02-01-08, passed 1-8-02; Ord 742-04-03-09, passed 3-9-04; Ord 876-07-04-24, § 1, passed 4-27-07; Ord. 936-8-02-26, passed 2-26-08; Ord. 964-08-09-09, passed 9-9-08)

Cross-reference:

Fire marshal, see§30.02

§150.03 APPLICABILITY

The regulations of this chapter and the City Construction Code shall be applicable to the erection, construction, enlargement, alteration, repair, moving, removal, demolition, conversion, occupancy, equipment, and maintenance of all buildings or structures within the corporate limits of the city, except to the extent a provision hereof is specifically made applicable to the extraterritorial jurisdiction of the city.

(Ord. 295-89-01-10, passed 1-10-89)

§150.04 DEFINITION

For the purpose of this chapter, the term *NEW CONSTRUCTION* means the construction of a new primary use building on the lot.

(Ord. 295-89-01-10, passed 1-10-89)

§150.05 RELATIONSHIP TO OTHER ORDINANCES.

(A) Unless otherwise specifically provided, the City Construction Code shall be construed to supplement this chapter and all other ordinances of the city and shall not be construed to rescind or repeal any part or portion of said ordinances. In the event of irreconcilable conflict between the codes adopted in Section 150.02 above, the most restrictive of the conflicting provisions will prevail.

(B) The Building Official shall coordinate the requirements of the City Construction Code and the ordinances set out in division (A), above, toward preventing duplication of efforts where the City Construction Code and such other ordinances call for substantially the same procedures or standards.

§ 150.06 POSTING OF CITY'S CONTACT INFORMATION BY BUILDERS.

(A) Posting Notice. All builders who sell homes on lots and who receive some type of permit from the City ("Builders") shall post notice of the City Planning Department's contact information in an area of the Builder's sales office that is readily accessible by the public, in the form designated by the City Planning Department. A copy of the required notice shall be provided by the city Planning Department at 100 East Main Street, Suite 400, Pflugerville, Texas 78660.

(B) Distributing Notice. All Builders shall provide the city Planning Department's contact information to all prospective purchasers at the same time the Builder provides any other written information to the purchaser. This written information includes but is not limited to any promotional materials distributed to the purchaser at the Builder's sales offices within the city.

(C) Fines for Failure to Comply. Failure to comply with this ordinance may result in a fine as authorized by Title 1, Chapter 10, § 10.99 of the City Code.

(Ord. 712-03-07-22, passed 7-22-03)

§ 150.07 NATIONAL ELECTRICAL CODE AMENDMENT

(A) Section 230.41 of the *National Electrical Code, 2008 edition* adopted by the city, is hereby amended to read as follows:

230.41 Insulation of Service-Entrance Conductors. Service-entrance conductors entering or on the exterior of buildings or other structures shall be insulated.

Delete Exceptions.

(B) Section 230.43 of the *National Electrical Code, 2008 edition* adopted by the city, is hereby amended to read as follows:

230.43 Wiring Methods for 600 Volts, Nominal, or Less.

Service-entrance conductors shall be installed in accordance with the applicable requirements of this *Code* covering the type of wiring method used and shall be limited to the following methods:

1. Rigid Metallic Conduit (RMC)
2. Intermediate Metal Conduit (IMC)
3. Electrical Metallic Tubing (EMT), or
4. Rigid Nonmetallic Conduit (RNC) will be approved.
5. A service mast supporting the service drop must be a minimum of 2" diameter and shall be either Rigid Metallic Conduit (RMC) or Intermediate Metal Conduit (IMC). No couplings are to be installed above the roof line. The mast must penetrate a minimum of 18" above the high side of the roof deck. Any mast over 3' in length, measured from the high side of the roof deck, must be properly guyed so as to relieve the strain of the service drop.

(C) Section 230.70 (A) (1) of the *National Electrical Code, 2008 edition* adopted by the city, is hereby amended to read as follows:

230.70 (A) (1) Readily Accessible Location. The service disconnecting means shall be installed at a readily accessible location outside of a building or structure.

Exception: Services disconnecting means over 1200 amps shall be located a maximum of 25 ft. travel distance from the exterior entrance inside a commercial building. Disconnecting means shall be accessible to the exterior of the building at all times and shall not be located above the first floor of a multi-level building.

(D) Section 230.82 (3) of the *National Electrical Code, 2008 edition* adopted by the city, is hereby amended to read as follows:

230.82 Equipment Connected to the Supply Side of Service Disconnect

(3) A meter disconnect shall be installed on the supply side of 480Y/277-volt services with self contained meter sockets. The meter disconnect switches shall be nominally rated not in excess of 600 volts and have a short-circuit current rating equal to or greater than the available short-circuit current. The metal housings and service enclosures shall be grounded in accordance with Part V of Article 250. A meter disconnect switch shall be capable of interrupting the load served. The meter disconnect is not the service disconnecting means. An additional service

disconnect shall be installed on the load side of the meter in accordance with Section 230.70(A) (1).

(E) Section 310.5 of the *National Electrical Code, 2008 edition* adopted by the city, is hereby amended to read as follows:

310.5 Minimum Size of Conductors.

Solid and stranded conductors may not be smaller than No. 12 copper or No. 6 aluminum or copper-clad aluminum.

Exception No. 1: For flexible cords, as permitted by **Section 400.12 Minimum Size.**

Exception No. 2: For fixture wire, as permitted by **Section 402.6 Minimum Size.**

Exception No. 3: For motors rated 1 hp or less, as permitted by **Section 430.22(F) Separate Terminal Enclosure.**

Exception No. 4: For cranes and hoists, as permitted by **Section 610.14 Rating and Size of Conductors.**

Exception No. 5: For elevator control and signaling circuits, as permitted by **Section 620.12 Minimum Size of Conductors.**

Exception No. 6: For Class 1, Class 2, and Class 3 circuits, as permitted by **Article 725 Class 1, Class 2, and Class3 Remote-Control, Signaling, and Power-Limited Circuits**

Exception No. 7: For fire alarm circuits, as permitted by **Article 760 Fire Alarm Systems.**

Exception No. 8: For motor-control circuits, as permitted by **Section 430.72 Overcurrent Protection.**

Exception No. 9: For control and instrumentation circuits, as permitted by **Section 727.6 Construction.**

Exception No. 10: For electrical signs and outline lighting, as permitted in **Section 600.31(B) Insulation and Size, and 600.32(B) Insulation and Size.**

(F) Section 320.108 of the *National Electrical Code, 2008 edition* adopted by the city, is hereby amended to read as follows:

320.108 Equipment Grounding Conductor. Type AC cables shall provide an adequate path for fault current as required by 250.4(A) (5) or (B)(4) to act as an equipment grounding conductor. In addition only Type AC cable containing an insulated grounding conductor will be approved.

(G) Section 334.10 (3) of the *National Electrical Code, 2008 edition* adopted by the city, is hereby amended to read as follows:

334.10 Uses Permitted

(3) A new or altered commercial building shall be wired using an approved raceway system.

Exception: Non-metallic cable may remain in a commercial building if the structure is a remodel only of a wood frame structure that was converted from an existing residential building to commercial. The structure must be supplied by a 120/240-volt, single-phase electrical service.

(H) Section 408.36, exception 1, of the *National Electrical Code, 2008 edition* adopted by the city, is hereby amended to read as follows:

408.36 Overcurrent Protection.

Exception No. 1: A main circuit breaker shall be required in all panelboards used as service equipment. This overcurrent protective device shall be located within or adjacent to the panelboard.

(I) Section 410.36 (B) of the *National Electrical Code, 2008 edition* adopted by the city, is hereby amended to read as follows:

410.36 (B) Suspended Ceiling. Framing members of suspended ceilings shall not be used to support luminaries (fixtures). A fixture shall have a minimum of two support wires on opposite corners from each other. Support wires shall be the same gage as the ceiling support wire. Support wire shall be secured at both ends and shall be identified from any other support wires in ceilings. All electrical equipment installed to the suspended ceiling shall require additional support wires. Luminaries in fire rated ceilings shall be supported on all four corners.

(J) Section 422.16 (B) of the *National Electrical Code, 2008 edition* adopted by the city, is hereby amended to read as follows:

422.16(B) (1) Electrically Operated Kitchen Waste Disposers. Electrically operated kitchen waste disposers shall be cord-and-plug connected with a flexible cord identified as suitable for the purpose in the installation instructions of the appliance manufacturer, where all of the following conditions are met:

1. The appliance shall be listed for cord-and-plug connection.
2. The flexible cord shall be terminated with a grounding-type attachment plug.
 - *Exception: A listed kitchen waste disposer distinctly marked to identify it as protected by a system of double insulation, or its equivalent, shall not be required to be terminated with a grounding-type attachment plug.*
3. The length of the cord shall not be less than 18" nor over 36".
4. Receptacles shall be located to avoid physical damage
5. The receptacle shall be accessible without having to remove the waste disposer.

422.16(B) (2) Built-in Dishwashers and Trash Compactors. Built-in dishwashers and trash compactors shall be cord-and-plug connected with a flexible cord identified as suitable for the purpose in the installation instructions of the appliance manufacturer, where all of the following conditions are met:

6. The appliance shall be listed for cord-and-plug connection.
7. The flexible cord shall be terminated with a grounding-type attachment plug.
 - *Exception: A listed kitchen dishwasher or trash compactor distinctly marked to identify it as protected by a system of double insulation, or its equivalent, shall not be required to be terminated with a grounding-type attachment plug.*
8. The length of the cord shall be 36” minimum and 48” maximum measured from the face of the attachment plug to the plane of the rear of the appliance.
9. Receptacles shall be located to avoid physical damage.
10. The receptacle shall be accessible without having to remove the appliance served.

422.16(B) (4) Range Hoods. Range hoods shall be cord-and-plug connected with a flexible cord identified as suitable for use on range hoods in the installation instructions of the appliance manufacturer, where all of the following conditions are met:

11. The appliance shall be listed for cord-and-plug connection.
12. The flexible cord shall be terminated with a grounding-type attachment plug.
 - *Exception: A listed kitchen waste disposer distinctly marked to identify it as protected by a system of double insulation, or its equivalent, shall not be required to be terminated with a grounding-type attachment plug.*
13. The length of the cord shall not be less than 18” nor over 36”.
14. Receptacles shall be located to avoid physical damage to the flexible cord.
15. The receptacle shall be accessible without removal of the range hood.

§ 150.10 PLUMBING CODE AMENDMENT

(A) Section 101.1 of the *International Plumbing Code, 2009 Edition*, adopted by the city, is hereby amended to read as follows:

Section 101.1 Title. These regulations shall be known as the Plumbing Code of the City of Pflugerville hereinafter referred to as “this code.”

(B) Section 106.6.2 of the *International Plumbing Code, 2009 Edition*, adopted by the city, is hereby amended to read as follows:

Section 106.6.2 Fee schedule. The fees for all plumbing work are as indicated in the resolution adopted under Section 150.41 of the city’s Code of Ordinances.

(C) Section 106.6.3 of the *International Plumbing Code, 2009 Edition*, adopted by the city, is hereby amended to read as follows:

Section 106.6.3 Fee refunds. The Code Official may authorize the refunding of fees as follows:

1. The full amount of any fee paid hereunder that was erroneously paid or collected.
2. Not more than eighty percent (80%) of the permit fee paid when no work has been done under a permit issued in accordance with this code.
3. Not more than fifty percent (50%) of the plan review fee paid when an application for a permit is withdrawn or cancelled before any plan review effort has been expended.

(D) Section 108.4 of the *International Plumbing Code, 2009 Edition*, adopted by the city, is hereby amended to read as follows:

108.4 Violation Penalties. Any person who violates a provision of this code or fails to comply with any of the requirements thereof or who erects, installs, alters, or repairs plumbing work in violation of the approved construction documents or directive of Building Official, or of a permit or certificate issued under the provisions of this code, is subject to the penalties as set forth in Section 150.99 of the City's Code of Ordinances.

(E) Section 108.5 of the *International Plumbing Code, 2009 Edition*, adopted by the city, the last sentence, is hereby amended to read as follows:

Any person who continues any work in or about the structure after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, is subject to the penalties set forth in Section 150.99 of the city's Code of Ordinances.

(F) Section 305.1 of the *International Plumbing Code, 2009 Edition*, adopted by the city, the last sentence, is hereby amended to read as follows:

Minimum wall thickness of material must be 0.025 to 0.0059 inches.

(G) Section 305.6.1 of the *International Plumbing Code, 2009 Edition*, adopted by the city, is hereby amended to read as follows:

305.6.1 Sewer Depth. Building sewers that connect to private sewage disposal systems must be a minimum of eighteen inches (18") below finished grade at the point of septic tank connection. Building sewers shall be a minimum of twelve inches (12") below grade.

(H) Section 410 of the *International Plumbing Code, 2009 Edition*, adopted by the city, is hereby amended to read as follows:

410.1 Approval. Drinking fountains shall conform to ASME A112.19.1M, ASME A112.19.2M, or ASME A112.19.9M and water coolers shall conform to ARI 1010. Drinking fountains and water coolers shall conform to NSF 61, Section 9. Where water is served in restaurants, drinking fountains shall not be required. In other occupancies, where drinking fountains are required, water coolers or bottled water dispensers shall be permitted to be substituted for not more than 50 percent of the required drinking fountains. In occupancies with an occupant load of 15 or less, water coolers or bottled water dispensers shall be permitted to be substituted for the required drinking fountain.

(I) Section 418 of the *International Plumbing Code, 2009 Edition*, adopted by the city, is hereby amended by adding the following section:

418.4 Minimum service sink requirements. In occupancies with an occupant load of 15 or less, service sinks shall not be required.

(J) Section 6 of the *International Plumbing Code, 2009 Edition*, adopted by the City, is hereby amended by adding the following section:

Section 614 Cross-Connection Control Program

614.1 General.

614.1.2 No water service connection shall be made to any establishment where a potential or actual contamination hazard exists unless the water supply is protected in accordance with the Texas Commission on Environmental Quality (TCEQ) Rules and Regulations for Public Water Systems (290 Rules) and this ordinance. The water purveyor shall discontinue water service if a required backflow prevention assembly is not installed, maintained, and tested in accordance with the 290 Rules and this ordinance.

614.2 Backflow Prevention Assembly Installation, Testing and Maintenance.

614.2.1 It is the responsibility of the irrigation permit applicant to have the backflow prevention assembly tested immediately upon installation by a licensed backflow prevention assembly tester and certified to be operating within specifications. Backflow prevention assemblies which are installed to provide protection against health hazards must also be tested and certified to be operating within specifications at least annually by a recognized backflow prevention assembly tester. These annual test reports must be submitted to the City of Pflugerville upon completion of the test.

614.2.2 All backflow prevention assemblies shall be installed and tested in accordance with the manufacturer's instructions, the American Water Works Association's Recommended Practice for Backflow Prevention and Cross-Connection Control Manual (Manual M14) or the University of Southern California Manual of Cross-Connection Control.

614.2.3 Assemblies shall be repaired, overhauled, or replaced at the expense of the customer whenever said assemblies are found to be defective. Original forms of such test, repairs, and overhaul shall be kept and submitted to the City of Pflugerville within five (5) working days of the test, repair, or overhaul of each backflow prevention assembly.

614.2.4 No backflow prevention assembly or device shall be removed from use, relocated, or other assembly or device substituted without the approval of the City of Pflugerville. Whenever the existing assembly or device is moved from the present location or can not be repaired, the backflow assembly or device shall be replaced with a backflow prevention assembly or device that complies with this section, the American Water Works Association's Recommended Practice for Backflow Prevention and Cross-Connection Control Manual (Manual M14) or the University of Southern California Manual of Cross-Connection Control, current edition, or the current Plumbing Code of the City of Pflugerville, whichever is more stringent.

614.2.5 Test gauges used for backflow prevention assembly testing shall be tested for accuracy at least annually in accordance with the American Water Works Association's Recommended Practice for Backflow Prevention and Cross-Connection Control Manual (Manual M14), current edition, or the University of Southern California Manual of Cross-Connection Control, current edition. The original calibration form must be submitted to the City of Pflugerville within five (5) working days after calibration.

614.2.6 A recognized backflow prevention assembly tester must hold a current license from the Texas Commission on Environmental Quality.

614.3 Customer Service Inspections

614.3.1 A customer service inspection shall be completed prior to providing continuous water service to all new construction, on any existing service when the water purveyor has reason to believe that cross-connections or other contaminant hazard exist, or after any material improvement, correction, or addition to the private water distribution facilities.

614.3.2 Only individuals with the following credentials shall be recognized as capable of conducting a customer service inspection.

614.3.2.1 Plumbing Inspectors and Water Supply Protection Specialists that have been licensed by the State Board of Plumbing Examiners.

614.3.2.2 Customer Service Inspectors that have been licensed by the Texas Commission on Environmental Quality.

614.4 The Customer Service Inspection must certify that:

614.4.1 No direct connection between the public drinking water supply and a potential source of contamination is permitted. Potential sources of contamination shall be isolated from the public water system by a properly installed air gap or an appropriate backflow prevention assembly.

614.4.2 No cross-connection between a public water supply and a private water source exists. Where an actual properly installed air gap is not maintained between the public water supply and a private water supply

(K) Section 904.1 of the *International Plumbing Code, 2009 Edition*, adopted by the city, is hereby amended to read as follows:

904.1 Roof Extension. All open vent pipes that extend through the roof must be terminated at least six inches (6") above the roof, except that where a roof is to be used for any purpose other than weather protection, the vent extensions must be run at least seven feet (7') above the roof.

(L) Section 1002.4 of the *International Plumbing Code, 2009 Edition*, adopted by the city, is hereby amended to read as follows:

1002.4 Trap Seals. Each fixture trap shall have a liquid seal of not less than 2 inches and not more than 4 inches, or deeper for special designs relating to accessible fixtures. Where a trap seal is subject to loss by evaporation, a trap seal primer valve shall be installed. A trap seal

primer valve shall conform to ASSE 1018 or ASSE 1044 and are subject to Building Official approval.

§ 150.11 INTERNATIONAL BUILDING CODE AMENDMENT

(A) Section 101.1 of the *International Building Code, 2009 Edition*, adopted by the city, is hereby amended to read as follows:

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

(B) Section 107.1 of the *International Building Code, 2009 Edition*, adopted by the city, is hereby amended to read as follows:

107.1 General. Submittal documents consisting of construction documents, statement of special inspections, geotechnical report and other data shall be submitted in five sets with each permit application. For all non-residential new construction and remodel projects, the construction documents shall be prepared by a design professional registered with the State of Texas.

(C) Section 111.1 of the *International Building Code, 2009 Edition*, adopted by the city, the first sentence, is hereby amended to read as follows:

111.1 Use and Occupancy. No building or structure shall be used or occupied, and no change in the existing occupancy of a building or structure or portion thereof shall be made, until the Building Official has issued a certificate of occupancy therefore as provided herein. Issuance of a certificate of occupancy shall not be construed as an approval of a violation of the provisions of this code or other ordinance of the jurisdiction.

§ 150.12 INTERNATIONAL RESIDENTIAL CODE AMENDMENT

(A) Section 101.1 of the *International Residential Code, 2009 Edition*, adopted by the city, is hereby amended to read as follows:

101.1 Title. These provisions shall be known as the Residential Code for One- and Two-Family Dwellings of the City of Pflugerville, and shall be cited as such and will be referred to herein as “this code.”

(B) Table R301.2(1) of the *International Residential Code, 2009 Edition*, adopted by the city, is hereby amended to read as follows:

Table R301.2 (1)
CLIMATIC AND GEOGRAPHIC DESIGN CRITERIA

GROUND SNOW LOAD	WIND DESIGN		SEISMIC DESIGN CATEGORY	SUBJECT TO DAMAGE FROM			WINTER DESIGN TEMP	ICE SHIELD UNDER-LAYMENT REQ'D	FLOOD HAZARDS	AIR FREEZING INDEX	MEAN ANNUAL TEMP
	Speed (mph)	Topographic effects		Weathering	Frost Line Depth	Termite					
5 lb/sq.ft	90	No	A	Negligible	12	Mod. to heavy	28	No	FIRM c. 2008	30	68.1

(C) Section P2903.10 of the *International Residential Code, 2009 Edition*, adopted by the city, is hereby deleted in its entirety.

(D) Section P3008.1 of the *International Residential Code, 2009 Edition*, adopted by the city, is hereby amended to read as follows:

P3008.1 General. Fixtures on the first floor of a foundation where the foundation is located at or below the flood level rim of the next upstream manhole cover of the public sewer shall be protected from backflow of sewage by installing an approved backwater valve. Fixtures located on elevated floors of a building above the flood level rim of the next upstream manhole shall not discharge through the backwater valve. Backwater valves shall be provided with access.

(E) Section P3104.1 of the *International Residential Code, 2009 Edition*, adopted by the city, is hereby amended to read as follows:

P3104.1 Connection. All individual branch and circuit vents shall connect to a vent stack, stack vent or extend to the open air.

Exception: Individual, branch and circuit vents shall be permitted to terminate to an air admittance valve upon approval by the Building Official.

(F) Section P3201.6 of the *International Residential Code, 2009 Edition*, adopted by the city, is hereby amended to read as follows:

P3201.6 Number of Fixtures per Trap. Each plumbing fixture shall be separately trapped by a water seal trap placed as close as possible to the fixture outlet. The vertical distance from the fixture outlet to the trap weir shall not exceed 24 inches. The height of a clothes washer standpipe above a trap shall conform to Section P2706.2. Fixtures shall not be double trapped.

(G) Section R1004 of the *International Residential Code, 2009 Edition*, adopted by the city, is hereby amended to add the following Section:

R1004.5 Factory built fireplace air spaces and chases. No electrical, mechanical, or plumbing, except for the combustion air vent and gas line feed associated with the firebox, shall intrude into the airspace enclosing the firebox or any chase for chimney components associated with the fireplace.

§ 150.13 FIRE CODE AMENDMENT

(A) Section 101.1 of the *International Fire Code, 2009 Edition*, is hereby amended to read as follows:

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

(B) Section 105.3.3 of the *International Fire Code, 2009 edition*, is hereby amended to read as follows:

Section 105.3.3 Occupancy prohibited before approval. The building or structure shall not be occupied prior to the code official issuing a permit that indicates that applicable

provisions of this code have been met for any new structure or a change in an existing occupancy.

(C) Section 308.1.7 of the *International Fire Code, 2009 Edition*, is hereby amended to read as follows:

Section 308.1.7 Religious ceremonies. When, in the opinion of the code official, adequate safeguards have been taken, participants in religious ceremonies are allowed to carry hand-held candles. Hand-held candles shall not be passed from one person to another while lighted. Use of open flame devices in any Class A Occupancy, (except for religious ceremonies), shall be approved and permitted by the code official.

(D) Section 308.1.4 of the *International Fire Code, 2009 Edition*, is hereby amended to read as follows:

Section 308.1.4 Open-flame cooking devices. Charcoal burners and other flame cooking devices shall not be operated on combustible balconies or within 10 ft. of combustible construction. Propane cooking devices shall not be stored on combustible balconies.

Exceptions:

1. One- and two-family dwellings.

(E) Section 311.2.2 of the *International Fire Code, 2009 Edition*, is hereby amended to read as follows:

Section 311.2.2 Fire protection. Fire alarm, sprinkler and standpipe systems shall be maintained in an operable condition at all times. Any impairment to or malfunction of the fire alarm, sprinkler or standpipe system must be reported to the fire department.

(F) Section 503.3 of the *International Fire Code, 2009 edition*, is hereby amended to read as follows:

Section 503.3 Marking. Where required by the fire code official, approved signs or other approved notices shall be provided for fire apparatus roads to identify such roads or prohibit the obstruction thereof. Signs or notices shall be maintained in a clean and legible condition at all times and be replaced or repaired when necessary to provide adequate visibility. All required fire lanes shall be provided and maintained with fire lane striping that consists of six-inch (6”) wide red background stripe with four-inch (4”) high white letters stating “NO PARKING FIRE LANE” painted upon the red stripe every 15- to 25-feet along the entire length of the fire lane, showing the exact boundary of the fire lane. Fire lane markings shall be on the vertical surface of the curb unless otherwise approved by the fire code official.

(G) Section 503.6 of the *International Fire Code, 2009 Edition*, is hereby amended to read as follows:

Section 503.6 Security gates. The installation of security gates across a fire apparatus road shall be approved by the fire chief. Where security gates are installed, they shall have a approved means of emergency operation, including a means of operation without power and a means of operation with a Knox Box. The security gate and emergency operation shall be maintained operational at all times. Electric gate operators, where provided, shall be listed in accordance with UL 325. Gates intended for automatic operation shall be designed, constructed and installed to comply with the requirements of ASTM F 2200.

(H) Section 505.1 of the *International Fire Code, 2009 Edition*, is hereby amended to read as follows:

Section 505.1 Address identification. New and existing buildings shall have approved address numbers, building numbers, or approved building identification placed in a position to be plainly legible and visible from the street or road fronting the property. These numbers shall contrast with their background. Address numbers shall be Arabic numerals or alphabet letters. Numbers shall be a minimum of 6 inches (153 mm) high with a minimum stroke width of 0.5 inch (12.7 mm). If a building is (located) more than 150ft. from the street, an address shall be posted at the street entrance.

(I) Section 508.5.1 of the *International Fire Code, 2009 Edition*, is hereby amended to read as follows:

Section 507.5.1 Where required. Where a portion of the facility or building hereafter constructed or moved into or within the jurisdiction is more than 300 feet (91.5 m) from a hydrant on a fire apparatus access road, as measured by an approved route around the exterior of the facility or building, on-site fire hydrants and mains shall be provided where required by the code official.

Exceptions:

1. For Group R-3 and Group U occupancies, the distance requirement shall be 600 feet (183 m).
2. For buildings equipped throughout with an approved automatic sprinkler system installed in accordance with Section 903.3.1.1 or 903.3.1.2, the distance requirement shall be 600 feet (183 m).

(J) Section 605.5.1 of the *International Fire Code, 2009 Edition*, is hereby amended to read as follows:

Section 605.5.1 Power supply. Extension cords shall be plugged directly into an approved receptacle, power tap or multiplug adapter with surge protection and, except for approved multiplug extension cords, shall serve only one portable appliance.

(K) Section 903.2.7 of the *International Fire Code, 2009 Edition*, is hereby amended to read as follows:

Section 903.2.8 Group R. An automatic sprinkler system installed in accordance with Section 903.3 shall be provided throughout all buildings with a Group R fire area, except those classified as Group R-3.

(L) Section 903.1.2.1 of the *International Fire Code, 2009 Edition*, is hereby amended to read as follows:

Section 903.3.1.2.1 Sprinkler protection shall be provided for all exterior balconies and ground floor patios, including closets or storage areas accessed from balconies and patios, of dwelling units where the building is of Type V construction. Sidewall sprinklers that are used to protect such areas shall be permitted to be located such that their deflectors are within 1 inch (25 mm) to 6 inches (152 mm) below the structural members, and a maximum distance of 14 inches (356 mm) below the deck of the exterior balconies that are constructed of open wood joist construction.

(M) Section 2205.5 of the *International Fire Code, 2009 edition*, is hereby amended to read as follows:

Section 2205.5 Fire extinguishers. Approved portable fire extinguishers complying with Section 906 with a minimum rating of 4-A:40-B:C shall be provided and located such that an extinguisher is not more than 75 feet (22860 mm) from pumps, dispensers or storage tank fill-pipe openings.

(N) Chapter 24 of the *International Fire Code, 2009 edition*, is hereby amended to read as follows:

Chapter 24 TENTS, CANOPIES, OTHER MEMBRANCE STRUCTURES, AND PORTABLE OR MOBILE KITCHENS AND OR TRAILERS USED AS SUCH

(O) Section 3406.2.7 of the *International Fire Code, 2009 edition*, is hereby amended to read as follows:

Section 3406.2.7 Portable fire extinguishers. Portable fire extinguishers with a minimum rating of 4A:40B:C and complying with Section 906 shall be provided where required by the fire code official.

§ 150.14 MISCELLANEOUS CODE AMENDMENTS

(A) Section 101.1 of the *International Mechanical Code, 2009 Edition*, is hereby amended to read as follows:

101.1 Title. These regulations shall be known as the Mechanical Code of the City of Pflugerville, hereinafter referred to as “this code.”

(B) Section 101.1 of the *International Code Council Electrical Code, 2009 Edition*, is hereby amended to read as follows:

101.1 Title. These regulations shall be known as the Electrical Code of the City of Pflugerville, hereinafter referred to as “this code.”

(C) Section 101.1 of the *International Fuel Gas Code, 2009 Edition*, is hereby amended to read as follows:

101.1 Title. These regulations shall be known as the Fuel Gas Code of the City of Pflugerville, hereinafter referred to as “this code.”

(D) Section 101.1 of the *International Energy Conservation Code, 2009 Edition*, is hereby amended to read as follows:

101.1 Title. These regulations shall be known as the Energy Conservation Code of the City of Pflugerville, hereinafter referred to as “this code.”

(E) Section 101.1 of the *International Existing Building Code, 2009 Edition*, is hereby amended to read as follows:

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

(F) Section 101.1 of the *International Property Maintenance Code, 2009 Edition*, is hereby amended to read as follows:

101.1 Title. These regulations shall be known as the Property Maintenance Code of the City of Pflugerville, hereinafter referred to as “this code.”

SPECIAL REQUIREMENTS

§ 150.20 SWIMMING POOLS

(A) Notwithstanding anything to the contrary, as defined in subsection (B) below, are deemed to be structures coming within the scope of the City Construction Code.

(B) For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

ENCLOSURE. A continuously joined structure which is constructed so as not to have openings, holes, or gaps larger than four inches in any dimension, except for doors and gates, including, but not limited to, fences, walls, buildings, or similar structures. An enclosure must be a minimum of four feet in height and must completely surround the swimming pool.

SWIMMING POOL. Any outdoor structure of excavation more than 24 inches in depth used, or suitable to be used, for bathing or swimming purposes, together with buildings, equipment, and appurtenances used in connection therewith.

(C) Swimming pools shall be maintained completely within an enclosure of sufficient strength to prevent access to the pool. All gates or doors opening through such enclosure shall be equipped with a self-closing and self-latching device; provided, however, that the door of any dwelling structure which forms a part of an enclosure need not be so equipped. In addition, all pool yard enclosures, as defined by TEX. HEALTH AND SAFETY CODE, Chapter 757, shall comply with the standards for that enclosure as are required or permitted by that chapter of the HEALTH AND SAFETY CODE.

(D) The city may repair, replace, secure, or otherwise remedy an enclosure or fence that is damaged, deteriorated, substandard, dilapidated, or otherwise in a state that poses a hazard to the public health, safety, and welfare. The city may also require the owner of the property on which the swimming pool or enclosure or fence is situated, after notice and hearing as provided in this section, to repair, replace, secure, or otherwise remedy an enclosure or fence of a swimming pool that the city or an appropriate city official, agent, or employee determines violates the minimum standards adopted under this section.

(E) If the enclosure or fence is on unoccupied property or is on property occupied only by persons who do not have a right of possession of the property, the city shall give notice to the owner, in accordance with the procedures set out in this section, of the city's action to repair, replace, secure, or otherwise remedy an enclosure or fence of a swimming pool.

(F) If the city incurs expenses under this section, the city may assess the expenses on, and the city has a lien against, unless it is a homestead as protected by the state constitution, the property on which the swimming pool or the enclosure or fence is situated. The lien is extinguished if the property owner or another person having an interest in the legal title to the property reimburses the city for the expenses. The lien arises and attaches to the property at the time the notice of the lien is recorded in the office of the county clerk. The notice must contain the name and address of the owner if that information can be determined with a reasonable effort, a legal description of the real property on which the swimming pool or enclosure or fence is situated, the amount of expenses incurred by the city, and the balance due. The lien is a privileged lien subordinate only to Tax liens and all previously recorded bona fide mortgage liens attached to the real property to which the city's lien attaches.

(G) A city official, agent, or employee, acting under the authority granted by this section, may enter any unoccupied premises at a reasonable time to inspect, investigate, or enforce the powers granted under this section. After providing a minimum of 24-hours' notice to the occupant, a city official, agent or employee acting under the authority of this section may enter any occupied premises to inspect, investigate, or enforce the powers granted under this section. The city and its officials, agents, or employees shall be immune from liability for any acts or omissions not knowingly done that are associated with actions taken in an effort to eliminate the dangerous conditions posed by an enclosure or fence that is damaged, deteriorated, substandard, dilapidated, or otherwise in a state that poses a hazard to the public health, safety, and welfare, and for any previous or subsequent conditions on the property.

(H) The authority granted by this section is in addition to that granted by any other law. (TEX. LOC. GOV'T. CODE, § 214.101)

(I) The city may foreclose a lien on property under this section in a proceeding related to the property brought under TEX. TAX CODE, Chapter 33, Subchapter E. (TEX. LOC. GOV'T. CODE, § 214.102) (Ord. 295-89-01-10, passed 1-10-89) Penalty, see § 150.99

~~§ 150.21~~ ~~TRENCH SAFETY.~~

~~(A) On a project for the city in which trench excavation will exceed a depth of five feet, the bid documents provided to all bidders and the contract must include:~~

~~(1) —A reference to the Occupational Safety and Health Administration standards for trench safety in effect during the period of construction of the project;~~

~~(2) A copy of special shoring requirements, if any, of the city, with a separate pay item for the special shoring requirements;~~

~~(3) A copy of any geotechnical information that was obtained by the owner for use by the contractor in the design of the trench safety system; and~~

~~(4) A separate pay item for trench excavation safety protection.~~

~~(B) The separate pay item for trench excavation safety protection must be based on the linear feet of trench excavated. The separate pay item for special shoring requirements, if any, of the city must be based on the square footage of shoring used.~~

~~(C) The bidder must attend a prebid conference to coordinate a geotechnical investigation of the project site by bidders. In awarding a contract, the city may not consider a bid from a bidder who failed to attend a required prebid conference.~~

~~(D) This section does not apply to a person subject to:~~

~~(1) The safety standards adopted under TEX. REV. CIV. STAT., Art 6053-1; and~~

~~(2) The administrative penalty provisions of TEX. REV. CIV. STAT., 6053-2. (TEX. HEALTH & SAFETY CODE. §756.023) (Ord. 295-89-01-10, passed 1-10-89)~~

§ 150.22 SIDEWALKS

(A) The installation of sidewalks shall be required in connection with new construction on a:

- (1) Residential lot in a subdivision approved after March 17, 1980; or
- (2) Commercial lot.

(B) Construction of sidewalks shall conform with the standards set out in the city's Subdivision Ordinance.

(C) The Building Official is authorized to permit sidewalks that do not comply with the minimum required sidewalk width set out in the Subdivision Ordinance in those areas where the width of the dedicated right-of-way will not allow compliance with such requirements.

(Ord. 295-89-01-10, passed 1-10-89) Penalty, see § 150.99

Cross-reference:

Streets and Sidewalks, see Chapter 96

Subdivisions, see Chapter 156

§ 150.23 CONCRETE WORK.

Concrete work done in connection with new construction shall be in conformance with the following requirements:

(A) Concrete flatwork placed within a street right-of-way, including but not limited to sidewalks, driveways, curbs, and gutters, shall be bedded with at least two inches of clean washed sand.

(B) Concrete curbs and gutters within a street right-of-way which are removed to allow access to a lot shall be saw-cut at all construction joints or otherwise cut so as to produce a clean, even joint.

(C) Expansion joints shall be installed at the property line of concrete driveways and at all joints between new and existing construction.

(D) Sidewalk ramps for handicap access shall be located at each intersection of a sidewalk and street.

(E) The area between the curb and sidewalk shall be excavated or filled to provide a uniform grade comparable to the adjacent street grade and shall be located so that ground level at the right-of-way line is no more than two feet, nor less than three inches, above or below the adjacent curb grade.

(Ord. 295-89-01-10, passed 1-10-89) Penalty, see § 150.99

§ 150.24 CONSTRUCTION DEBRIS

All construction sites must be kept clean. Trash and debris associated with any construction may not be allowed to migrate to other lots, properties, or rights-of-way. Each new construction site or lot must have a solid-sided trash container of at least eight feet square and four feet high. The trash in the container must be removed and properly disposed of without allowing the container to be overfilled. All trash or debris that drifts or spills onto the site, other lots, properties, or rights-of-way must be picked up and securely placed in the trash container or otherwise properly disposed of on a daily basis.

(Ord. 453-97-02-25, passed 2-25-97; Am Oed. 532-99-02-23, passed 2-23-99)

§ 150.25 WATER CUTOFF VALVES

A water cutoff valve must be installed adjacent to the water meter box on the customer's side of the meter. This valve must be in a separate box that is at least six inches in diameter. The box must have a metal lid that is located level with or about the finished grade. The valve must be uncovered and accessible upon completion of the water service being connected. If the valve box is located in a paved or other drive area, the box and lid must be of a type approved for such an area. The valve box in nondrive areas must be equal to or exceed PVC SDR-35.

(Ord. 453-97-02-25, passed 2-25-97)

§ 150.26 SEWER LINE CLEANOUTS

A sewer line cleanout must be installed at the property line or at the point of connection to the public sewer system whichever is closer to the building served by the line. This cleanout must be equal in size to the sewer line it is servicing; however, a six-inch cleanout is the maximum required unless otherwise required by the plumbing code. This cleanout is in addition to the cleanouts required by the plumbing code; but if this cleanout is within five feet of a cleanout required by the plumbing code, then only the cleanout required by the plumbing code is needed. This cleanout must be level with or above the finished grade. If the cleanout is located in

a paved area or other driving area it must be constructed to withstand such use, otherwise it must be of the same material as the sewer line or heavier. The lid must be a screw on type and approved for such use.

(Ord. 453-97-02-25, passed 2-25-97)

§ 150.27 WATER LINES UNDER SIDEWALKS

Water lines must be continuous, without connections or joint and sleeved, under sidewalks for residential construction.

(Ord. 453-97-02-25, passed 2-25-97)

§ 150.28 SIDEWALKS

Sidewalks may be continuous without joints; however, where joints are utilized, the sidewalk joint must be made with the use of #3 rebar dowels 12 inches in length spaced a minimum of 24 inches on center.

(Ord. 453-97-02-25, passed 2-25-97; Am. Ord. 742-04-03-09, passed 3-9-04)

§ 150.29 FILLING TRENCHES

Whenever a trench is dug that will be under the sidewalk, driveway, or any other concrete, if the trench is made with anything other than a trencher that digs a trench wider than six inches, the trench must be backfilled with wetted sand or the fill dirt must be compacted by mechanical means. Fill dirt may not contain rocks or stones larger than ½ inch in diameter.

(Ord. 453-97-02-25, passed 2-25-97)

§ 150.30 PORTABLE TOILETS

Each construction site or lot must have a properly maintained portable toilet. Two adjacent construction sites or lots under common ownership and concurrent construction may share a portable toilet. All portable toilets must remain on the construction site throughout the construction process and must not be placed in the street, on a utility easement or in a right-of-way. Portable toilets must be periodically serviced to prevent unclean conditions and regularly monitored to ensure proper functioning and location. The portable toilet must be removed within two working days after construction is complete.

(Ord. 532-99-02-23, passed 2-23-99)

ADMINISTRATION AND ENFORCEMENT

§§ 150.35-150.39 RESERVED

Editor's Note-Former section 150.35, pertaining to the application of the building code to the construction code and deriving from Ordinance 295-89-01-10, adopted January 10, 1989, was repealed in its entirety by Ordinance 936-8-02-26, adopted February 26, 2008. Former section 150.36, pertaining to the building official and deriving from Ordinance 295-89-01-10, adopted January 10, 1989, was repealed in its entirety by Ordinance 936-8-02-26, adopted February 26, 2008. Former section 150.37, pertaining to inspection and deriving from Ordinance 295-89-01-10, adopted January 10, 1989, was repealed in its entirety by Ordinance 936-8-02-26, adopted February 26, 2008. Former section 150.38, pertaining to building permit periods and deriving from Ordinance 357-92-8-11, adopted August 11, 1992, was repealed in its entirety by Ordinance 936-8-02-26, adopted February 26, 2008. Former section 150.39, pertaining to final inspections and deriving from Ordinance 357-92-8-11, adopted August 11, 1992, was repealed in its entirety by Ordinance 936-8-02-26, adopted February 26, 2008.

§ 150.40 APPEALS

(A) *General.* The Board of Adjustment created under the charter shall sit ex-officio as the Board of Appeals under the City Construction Code or any element thereof. This section shall govern appeals taken from actions of an administrative official pursuant to the City Construction Code, or any element thereof.

(B) *Basis.* Appeals may be made to the Board of Adjustment by an aggrieved person:

(1) Where it is alleged there is an error in any order, requirement, decision, or determination made by an administrative official in the enforcement of this chapter; or

(2) To authorize in specific cases such variances from the terms of this chapter or the City Construction Code as will not be contrary to the public interest, where, owing to special conditions, a literal enforcement of the provisions of this chapter or the City Construction Code will result in unnecessary hardship, and so that the spirit of this chapter and the City Construction Code shall be observed and substantial justice done.

(C) *Procedure.*

(1) A written application for appeal to the Board of Adjustment must be taken within 15 days after the decision from which an appeal is taken has been rendered. The application shall be filed with the City Secretary, specifying the grounds therefor, and shall be accompanied by payment of fee as prescribed in § 150.41.

(2) The officer from whom the appeal is taken shall forthwith transmit to the Board of Adjustment all the papers constituting the record upon which the action appealed from was taken.

(D) *Hearing.*

(1) The Board shall hold a public hearing on all appeals made to it. At the public hearing any interested party may appear in person, by agent, or by attorney. The burden of proof shall be on the applicant to establish the necessary facts to warrant favorable action by the board on any appeal. Any interpretation or variance granted or authorized by the Board under the provisions of this chapter shall authorize the issuance of a building permit in accordance with the interpretation or variance, provided that all other requirements of this chapter are met.

(2) Notice of such public hearing shall be given by publishing the same in the official newspaper of the city at least one time, not less than 15 days prior to the date set for the hearing, stating the time and place of such hearing.

(E) *Stay.* An appeal stays all proceedings in furtherance of the action that is appealed, unless the official from whom the appeal is taken certifies in writing to the Board facts supporting the official's opinion that a stay would cause imminent peril to life or property. In that case, the proceedings may be stayed only by a restraining order granted by the Board or a court of record on application, after notice to the official, if due cause is shown.

(TEX. LOC. GOV'T. CODE, § 211.010(C))

(F) *Decision of Board.*

(1) The Board shall decide the appeal within 45 days from the date of its filing with the City Secretary.

(2) In exercising its powers, the Board may, in conformity with the provisions of the statutes of the State of Texas, as existing or hereafter amended, reverse or affirm, wholly or partly, or modify the order, requirement, decision, or determination appealed from, make such order, requirement, decision, or determination as ought to be made, and have all the powers of the officer from whom the appeal is taken. The Board shall have the power to impose reasonable conditions to be complied with by the applicant.

(3) The concurring vote of three-fourths of the members of the Board shall be necessary to reverse any order, requirement, decision, or determination of any such administrative official, to decide in favor of the applicant on any matter upon which it is required to pass under this chapter, or to effect any variance in the chapter.

(G) *Rehearings.*

(1) No appeal to the Board for the same or related matter shall be allowed to be brought by the same applicant prior to the expiration of six months from a previous ruling by the Board on any appeal to such body.

(2) If other property in the immediate vicinity has, within the six month period in subsection (1), above, been changed or acted on by the board or City Council so as to alter the facts and conditions on which the previous Board action was based, such change of circumstances shall permit the rehearing of an appeal by the Board prior to the expiration of the six-month period.

(3) Any alterations in facts or conditions shall in no way have any force on law to compel the Board, after a rehearing, to grant a subsequent appeal. Such subsequent appeal shall be considered entirely on its merits and on the peculiar and specific conditions related to the property on which the appeal is brought.

(H) *Appeal of Board's Decision.*

(1) Any person or persons, jointly or severally aggrieved by any decision of the Board, or any taxpayer or any officer or board of the municipality may present to a court of jurisdiction a petition, duly verified, setting forth that such decision is illegal, in whole or on part, specifying the grounds of illegality.

(2) The petition shall be presented to the court within ten days after the filing of the decision in the office of the Board and not thereafter.

(Ord. 295-89-01-10, passed 1-10-89; Am.Ord. 321-90-08-14, passed 8-14-90; Ord. 667-02-05-28, passed 5-28-02)

§ 150.41 FEES

(A) *Establishment.* The City Council shall establish by resolution a schedule of fees to be paid in connection with applications under this chapter. The schedule of fees shall be filed with this chapter in the office of the City Secretary and may be amended only by action of the City Council.

(B) *Administration.*

(1) All applicable fees shall be paid at the time of submission of an application under this chapter and are nonrefundable.

(2) No action shall be taken with respect to any application requiring payment of a fee under this chapter until such fee has been paid in full.

(3) A receipt for all fees paid under this chapter shall be furnished to the person paying, and such fees shall be turned over to the City Treasurer.

(C) *Reinspection Fees.* Notwithstanding the provisions of subsection (B)(1) above, reinspection fees shall be billed to the permit holder by the Building Official and paid directly to the Building Official.

(D) *Conflicting fee schedules.* In event of conflict between the City Construction Code, or any part thereof, and the fee schedule set forth in this chapter, this chapter shall be construed to prevail, and the City Construction Code, or such parts as are in conflict with the permit schedule set forth in this chapter, to the extent of said conflict, shall be considered as not having been enacted.

(Ord. 295-89-01-10, passed 1-10-89)

§ 150.99 PENALTY.

Any person convicted of violating any of the provisions of this chapter shall be guilty of a misdemeanor and shall, upon conviction, be fined in an amount not to exceed the following:

(A) \$2,000 for violations of the Plumbing Code, Fire Code, and Fire Code Standards; and

(B) Any person violating this section shall be subject to a fine of \$1,000. Each day that a violation occurs constitutes a separate offense.

(TEX. LOC. GOV'T CODE, § 214.101)

(C) \$500 for violations of all other provisions of this chapter.

(Ord. 295-89-01-10, passed 1-10-89; Ord. 778-05-03-22, passed 3-22-05)