

1. Agenda

Documents:

[NORTHLAKE TOWN COUNCIL AGENDA 11-12-20.PDF](#)

2. Council Packet

Documents:

[COUNCIL PACKET 11-12-20.PDF](#)

3. November 12, 2020 - MEETING SLIDE DECK

[NOVEMBER 12, 2020 - MEETING SLIDE DECK](#)



DAVID A. RETTIG, MAYOR
RENA HARDEMAN, COUNCIL PLACE 1
JIMMY LAMBERT, COUNCIL PLACE 2

BRIAN MONTINI, MAYOR PRO TEM, COUNCIL PLACE 3
ROGER SESSIONS, COUNCIL PLACE 4
DANNY SIMPSON, COUNCIL PLACE 5

**NORTHLAKE TOWN COUNCIL
REGULAR MEETING AGENDA
THURSDAY, NOVEMBER 12, 2020 AT 6:30 PM
1500 COMMONS CIRCLE SUITE 300 - NORTHLAKE, TEXAS 76226**

Notice is hereby given as required by Title 5, Chapter 551.041 of the Government Code that the Northlake Town Council will meet in a regular meeting on Thursday, November 12, 2020 at 6:30 pm at the Northlake Town Hall in the Chamber Room, 1500 Commons Circle, Suite 300, Northlake, Texas 76226. The items listed below are placed on the agenda for discussion and/or action.

1. Call to Order
Invocation
Pledge of Allegiance

Administer the Statement of Officer and Oath of Office to the following newly elected Council Members
Place 1 Rena Hardeman - Place 2 Michael C. Ganz - Place 3 Brian G. Montini

2. Public Input
This item is available for citizens to address the Town Council on any matter. The presiding officer may ask the citizen to hold his or her comment on an agenda item until that agenda item is reached. By law, no deliberation or action may be taken on the topic if the topic is not posted on the agenda. The presiding officer reserves the right to impose a time limit on this portion of the agenda.
3. Announcements, Proclamations and Presentations
 - A. FY 20 Quarterly Investment Report
 - B. FY 20 Quarterly Budget Report
 - C. Home Rule Charter Committee Update by Mayor Pro Tem Brian Montini
 - D. Request for a zoning change from Rural Residential (RR) to Industrial (I) for a 251.044 acre tract of land located at 10677 Harmonson Road
4. Consent Items
Any Council member may request an item on the Consent Agenda to be taken up for individual consideration
 - E. Approval of Resolution No. 20-33 authorizing Town Administrator to enter into a professional services agreement with Halff and Associates for engineering design and right-of-way acquisition

services to reconstruct and widen Faught Road (from Old Justin to Robson Ranch) not to exceed \$185,000

- F. Approval of Resolution No. 20-34 authorizing Town Administrator to enter into a professional services agreement with Halff and Associates for engineering design and right-way acquisition services to reconstruct and widen Florance Road (from Strader Rd to Yarbrough Way) not to exceed \$355,000

- G. Approval of the Town Council Meeting Minutes of 10-8-20

5. Action Items

- H. Appointment of a Mayor Pro Tem for a one (1) year term
- I. Approval of Resolution No. 20-35 consenting to the creation of Denton County Municipal Utility District No. 10 to contain certain territory within the extraterritorial jurisdiction of the Town of Northlake, Texas
- J. Approval of Resolution No. 20-36 consenting to the creation of the Oliver Creek Ranch Municipal Utility District to contain certain territory within the extraterritorial jurisdiction of the Town of Northlake, Texas
- K. Approval of Resolution No. 20-37 authorizing the Town Administrator to execute a contract with Baker Tilly to provide professional services for Charter Commission facilitation not to exceed the amount of \$60,000
- L. Approval of Resolution No. 20-38 authorizing the Town Administrator to award the bid and alternate No. 2 to 2L Construction LLC for the pavement repairs to Canyon Falls and Dale Earnhardt Way not to exceed the amount of \$605,000
- M. Approval of Resolution No. 20-39 authorizing the Town Administrator to award alternate bid No. 2 to Reliable Paving for reconstruction of Old Justin Road (from Faught Rd to Flanagan Farm Rd) not to exceed the amount of \$520,000
- N. Approval of Ordinance No. 20-1112A adoption of 2018 International Building Code, 2018 International Residential Code, 2018 International Existing Building Code, 2017 National Electrical Code, 2018 International Energy Conservation Code, 2018 International Mechanical Code, 2018 Plumbing Code, 2018 International Fuel Gas Code, 2018 International Swimming Pool and Spa Code and including certain amendments
- O. Approval of Ordinance No. 20-1112B amending Chapter 6 "Fire Prevention and Protection", Article 6.02 "Fire Code" of the Code of Ordinances of the Town of Northlake, Texas by adopting the 2018 Edition of the International Fire Code and local amendments
- P. Approval of Ordinance No. 20-1112C amending the Town of Northlake, Texas Code of Ordinances and Appendix "A Fee Schedule, providing water and sanitary sewer service fee updates; amending provisions related to water management stages

- Q. Consider modifying, continuing and/or suspending the First Amended Declaration of Local and Public Health Emergency as modified by the Town Council on April 23, 2020

6. Executive Session

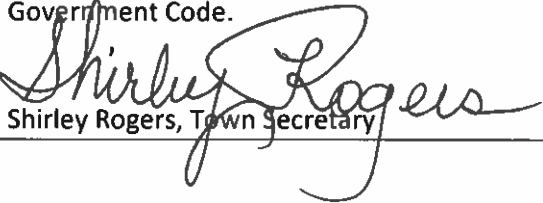
Pursuant to Texas Government Code, annotated, Chapter 551 Subchapter D:

- a. Section 551.071 authorizes a governmental body to consult with its attorney in an executive session to seek his or her advice on a legal matter. It provides as follows: A governmental body may not conduct a private consultation with its attorney except: (1) When the governmental body seeks the advice of its attorney about: (a) pending or contemplated litigation; or (b) a settlement offer; or (2) on a matter in which the duty of the attorney to the governmental body under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas clearly conflicts with this chapter. The Town Council may adjourn into executive session for consultation with the Town Attorney regarding:
 - i. Legal advice on any matter related to any posted agenda item;
 - ii. Legal advice related to development and annexation of the Chadwick Tracts, 6-acre and 3-acre tracts of land generally located at the corner of Cleveland Gibbs Road and Chadwick Parkway; and
 - iii. Legal advice related to development and annexation of the Henderson Tracts, seven tracts totaling 146 acres of land generally located at the southwest corner of FM 156 and Harmonson Road; and
 - iv. Legal advice related to development of the 6McFarm tracts totaling approximately 234.4 acres of land generally located north and east of Harmonson Road approx. 2,358 feet north of Victory Circle; and
 - v. Legal advice related to the development and annexation of the Hatfield, Brasher, Green Tract on approximately 97.9 acre tract of land generally located south of Evelyn Lane, west of Faight Road and north of Faith Lane in the extraterritorial jurisdiction of the Town; and
 - vi. Legal advice related to the development of the Charles Faight tracts totaling approximately 102.3 acres of land generally located north of Evelyn Lane, west of Faight Road, and south of Robson Ranch Road
 - vii. Legal advice related to the development and annexation of the Scrivner Tract totaling 44.8 acres of land generally located east of Florance Road approximately 2,533 feet north of FM 407; and
 - viii. Pending or contemplated litigation;
 - ix. Brandon K. Thrasher vs. Fort Worth Police Department, Northlake Police Department, Denton County Sheriff's Department, US District Court Case No. 4:20cv350-SDJ-KPJ; and

- x. Town of Northlake vs. City of Justin, Denton County District Court Cause No. 15-08170-367; and
- xi. City of Justin v. Toby Baker, Cause No. D-1-GN-20-002084;
- 7. Reconvene into Open Session
In accordance with Texas Government Code, Section 551, the Town Council will reconvene into Open Session and consider action, if any, on matters discussed in Executive Session
- 8. Adjourn

CERTIFICATION

I hereby certify that the above agenda was posted on the bulletin board at Town Hall 1500 Commons Circle, Suite 300, Northlake Texas on the 6th day of November 2020 by 6:30 pm in accordance with Chapter 551, Texas Government Code.


Shirley Rogers, Town Secretary

NOTE: The Town Council reserves the right to adjourn into executive session at any time during the course of this meeting to discuss any of the matters listed above as authorized by Texas Government Code Section 551.071(Consultation with Attorney); Section 551.072 (Deliberations about Real Property); 551.073 (Deliberations about Gifts and Donations); 551.074 (Personnel Matters); 551.076 (Deliberations about Security Devices); 551.087 (Economic Development Negotiations)



DAVID A. RETTIG, MAYOR
RENA HARDEMAN, COUNCIL PLACE 1
JIMMY LAMBERT, COUNCIL PLACE 2

BRIAN MONTINI, MAYOR PRO TEM, COUNCIL PLACE 3
ROGER SESSIONS, COUNCIL PLACE 4
DANNY SIMPSON, COUNCIL PLACE 5

**NORTHLAKE TOWN COUNCIL
REGULAR MEETING AGENDA
THURSDAY, NOVEMBER 12, 2020 AT 6:30 PM
1500 COMMONS CIRCLE SUITE 300 - NORTHLAKE, TEXAS 76226**

Notice is hereby given as required by Title 5, Chapter 551.041 of the Government Code that the Northlake Town Council will meet in a regular meeting on Thursday, November 12, 2020 at 6:30 pm at the Northlake Town Hall in the Chamber Room, 1500 Commons Circle, Suite 300, Northlake, Texas 76226. The items listed below are placed on the agenda for discussion and/or action.

1. Call to Order
Invocation
Pledge of Allegiance

Administer the Statement of Officer and Oath of Office to the following newly elected Council Members
Place 1 Rena Hardeman - Place 2 Michael C. Ganz - Place 3 Brian G. Montini

2. Public Input
This item is available for citizens to address the Town Council on any matter. The presiding officer may ask the citizen to hold his or her comment on an agenda item until that agenda item is reached. By law, no deliberation or action may be taken on the topic if the topic is not posted on the agenda. The presiding officer reserves the right to impose a time limit on this portion of the agenda.
3. Announcements, Proclamations and Presentations
 - A. FY 20 Quarterly Investment Report
 - B. FY 20 Quarterly Budget Report
 - C. Home Rule Charter Committee Update by Mayor Pro Tem Brian Montini
 - D. Request for a zoning change from Rural Residential (RR) to Industrial (I) for a 251.044 acre tract of land located at 10677 Harmonson Road
4. Consent Items
Any Council member may request an item on the Consent Agenda to be taken up for individual consideration
 - E. Approval of Resolution No. 20-33 authorizing Town Administrator to enter into a professional services agreement with Halff and Associates for engineering design and right-of-way acquisition

services to reconstruct and widen Faught Road (from Old Justin to Robson Ranch) not to exceed \$185,000

- F. Approval of Resolution No. 20-34 authorizing Town Administrator to enter into a professional services agreement with Halff and Associates for engineering design and right-way acquisition services to reconstruct and widen Florance Road (from Strader Rd to Yarbrough Way) not to exceed \$355,000

- G. Approval of the Town Council Meeting Minutes of 10-8-20

5. Action Items

- H. Appointment of a Mayor Pro Tem for a one (1) year term
- I. Approval of Resolution No. 20-35 consenting to the creation of Denton County Municipal Utility District No. 10 to contain certain territory within the extraterritorial jurisdiction of the Town of Northlake, Texas
- J. Approval of Resolution No. 20-36 consenting to the creation of the Oliver Creek Ranch Municipal Utility District to contain certain territory within the extraterritorial jurisdiction of the Town of Northlake, Texas
- K. Approval of Resolution No. 20-37 authorizing the Town Administrator to execute a contract with Baker Tilly to provide professional services for Charter Commission facilitation not to exceed the amount of \$60,000
- L. Approval of Resolution No. 20-38 authorizing the Town Administrator to award the bid and alternate No. 2 to 2L Construction LLC for the pavement repairs to Canyon Falls and Dale Earnhardt Way not to exceed the amount of \$605,000
- M. Approval of Resolution No. 20-39 authorizing the Town Administrator to award alternate bid No. 2 to Reliable Paving for reconstruction of Old Justin Road (from Faught Rd to Flanagan Farm Rd) not to exceed the amount of \$520,000
- N. Approval of Ordinance No. 20-1112A adoption of 2018 International Building Code, 2018 International Residential Code, 2018 International Existing Building Code, 2017 National Electrical Code, 2018 International Energy Conservation Code, 2018 International Mechanical Code, 2018 Plumbing Code, 2018 International Fuel Gas Code, 2018 International Swimming Pool and Spa Code and including certain amendments
- O. Approval of Ordinance No. 20-1112B amending Chapter 6 "Fire Prevention and Protection", Article 6.02 "Fire Code" of the Code of Ordinances of the Town of Northlake, Texas by adopting the 2018 Edition of the International Fire Code and local amendments
- P. Approval of Ordinance No. 20-1112C amending the Town of Northlake, Texas Code of Ordinances and Appendix "A Fee Schedule, providing water and sanitary sewer service fee updates; amending provisions related to water management stages

- Q. Consider modifying, continuing and/or suspending the First Amended Declaration of Local and Public Health Emergency as modified by the Town Council on April 23, 2020

6. Executive Session

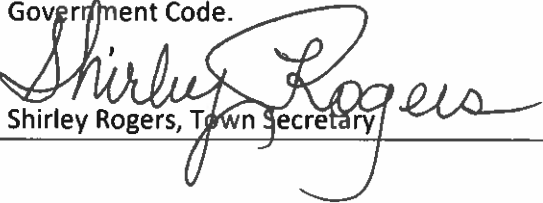
Pursuant to Texas Government Code, annotated, Chapter 551 Subchapter D:

- a. Section 551.071 authorizes a governmental body to consult with its attorney in an executive session to seek his or her advice on a legal matter. It provides as follows: A governmental body may not conduct a private consultation with its attorney except: (1) When the governmental body seeks the advice of its attorney about: (a) pending or contemplated litigation; or (b) a settlement offer; or (2) on a matter in which the duty of the attorney to the governmental body under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas clearly conflicts with this chapter. The Town Council may adjourn into executive session for consultation with the Town Attorney regarding:
 - i. Legal advice on any matter related to any posted agenda item;
 - ii. Legal advice related to development and annexation of the Chadwick Tracts, 6-acre and 3-acre tracts of land generally located at the corner of Cleveland Gibbs Road and Chadwick Parkway; and
 - iii. Legal advice related to development and annexation of the Henderson Tracts, seven tracts totaling 146 acres of land generally located at the southwest corner of FM 156 and Harmonson Road; and
 - iv. Legal advice related to development of the 6McFarm tracts totaling approximately 234.4 acres of land generally located north and east of Harmonson Road approx. 2,358 feet north of Victory Circle; and
 - v. Legal advice related to the development and annexation of the Hatfield, Brasher, Green Tract on approximately 97.9 acre tract of land generally located south of Evelyn Lane, west of Faight Road and north of Faith Lane in the extraterritorial jurisdiction of the Town; and
 - vi. Legal advice related to the development of the Charles Faight tracts totaling approximately 102.3 acres of land generally located north of Evelyn Lane, west of Faight Road, and south of Robson Ranch Road
 - vii. Legal advice related to the development and annexation of the Scrivner Tract totaling 44.8 acres of land generally located east of Florance Road approximately 2,533 feet north of FM 407; and
 - viii. Pending or contemplated litigation;
 - ix. Brandon K. Thrasher vs. Fort Worth Police Department, Northlake Police Department, Denton County Sheriff's Department, US District Court Case No. 4:20cv350-SDJ-KPJ; and

- x. Town of Northlake vs. City of Justin, Denton County District Court Cause No. 15-08170-367; and
- xi. City of Justin v. Toby Baker, Cause No. D-1-GN-20-002084;
- 7. Reconvene into Open Session
In accordance with Texas Government Code, Section 551, the Town Council will reconvene into Open Session and consider action, if any, on matters discussed in Executive Session
- 8. Adjourn

CERTIFICATION

I hereby certify that the above agenda was posted on the bulletin board at Town Hall 1500 Commons Circle, Suite 300, Northlake Texas on the 6th day of November 2020 by 6:30 pm in accordance with Chapter 551, Texas Government Code.


Shirley Rogers, Town Secretary

NOTE: The Town Council reserves the right to adjourn into executive session at any time during the course of this meeting to discuss any of the matters listed above as authorized by Texas Government Code Section 551.071(Consultation with Attorney); Section 551.072 (Deliberations about Real Property); 551.073 (Deliberations about Gifts and Donations); 551.074 (Personnel Matters); 551.076 (Deliberations about Security Devices); 551.087 (Economic Development Negotiations)

TOWN OF NORTHLAKE COUNCIL ITEM NO. 1

DATE: NOVEMBER 12, 2020

ITEM: CALL TO ORDER



TOWN OF NORTHLAKE COUNCIL ITEM NO. 2

DATE: NOVEMBER 12, 2020

ITEM: PUBLIC INPUT



TOWN OF NORTHLAKE COUNCIL ITEM NO. 3

DATE: NOVEMBER 12, 2020

ITEM: ANNOUNCEMENTS-PROCLAMATIONS-PRESENTATIONS



NORTHLAKE MAYOR AND COUNCIL COMMUNICATION

DATE: NOVEMBER 12, 2020

REF. DOC.: NORTHLAKE INVESTMENT POLICY UPDATED 2020

SUBJECT: FISCAL YEAR 2020 FOURTH QUARTER INVESTMENT REPORT



GOALS/OBJECTIVES:

- Operate Efficiently and Effectively (Council Goal)
- Sustain Balance Budget and low municipal tax rate (Mayor Goal)

BACKGROUND INFORMATION:

- Fiscal Year 2020, fourth quarter total cash and investment book value - \$24,696,908
- Fourth quarter total interest earnings - \$16,504
- Down 37% or \$9,731 from last quarter due to the decrease in the federal reserve lending rate
- Interest earnings expected to increase next quarter due to:
 - o Depositing 2020 Tax Note proceeds of \$7,000,000
 - o Shifting \$5,000,000 from Logic to the Lamar for higher interest rate



Town of Northlake
Quarterly Investment Report
For the Quarter Ended September 30, 2020

13 Weeks Treasury Bill Yield: 0.10%

Wells Fargo Bank

APR: 0.16%
Avg WAM* in Days : N/A

Investment Description	Beginning Balance	Deposits	Withdrawals	Interest	Ending Balance
Wells Fargo - Investment Account	\$ 1,144,334.48	\$ 3,000,000.00	\$ (500,000.00)	\$ 1,342.84	\$ 3,645,677.32
Wells Fargo - General Account	\$ 2,159,246.47	\$ 9,588,797.05	\$ (9,386,692.03)	\$	\$ 2,361,351.49
Wells Fargo - Payroll Account	\$ -	\$ 1,459,280.71	\$ (1,459,280.71)	\$	\$ -
First Financial Totals	\$ 3,303,580.95	\$ 14,048,077.76	\$ (11,345,972.74)	\$ 1,342.84	\$ 6,007,028.81

LOGIC

APR: 0.2565%
Avg WAM* in Days : 54

Investment Description	Beginning Balance	Deposits	Withdrawals	Interest	Ending Balance
LOGIC - 2016 Comb Tax Ltd. Surplus	\$ 1,336,947.97	\$ -	\$ -	\$ 1,117.55	\$ 1,338,065.52
LOGIC - General Fund	\$ 8,339,836.63	\$ 1,300,000.00	\$ (5,000,000.00)	\$ 6,153.82	\$ 4,645,990.45
LOGIC - CO'S Series 2018	\$ 329,928.20	\$ -	\$ -	\$ 275.83	\$ 330,204.03
LOGIC Totals	\$ 10,006,712.80	\$ 1,300,000.00	\$ (5,000,000.00)	\$ 7,547.20	\$ 6,314,260.00

LAMAR

APR: 0.40%
Avg WAM* in Days : 5 N/A

Investment Description	Beginning Balance	Deposits	Withdrawals	Interest	Ending Balance
Lamar - ICS Accounts	\$12,068,187.57	\$ 5,000,000.00	\$ (4,700,182.00)	\$ 7,614.32	\$ 12,375,619.89
LOGIC Totals	\$ 12,068,187.57	\$ 5,000,000.00	\$ (4,700,182.00)	\$ 7,614.32	\$ 12,375,619.89
Total Cash & Investments	\$ 25,378,481.32	\$ 20,348,077.76	\$ (21,046,154.74)	\$ 16,504.36	\$ 24,696,908.70

*WAM (Weighted Average Maturity) is the mean average of the periods of time remaining until the securities held are (1) scheduled to be repaid or (2) would be repaid upon demand or (3) are scheduled to have their interest rate readjusted to reflect current market rates.

The undersigned serves as the Investment Officer* for the Town of Northlake. I certify that all instruments held in the Town's investment portfolios for the period July 1, 2020 through September 30, 2020 (a) met the investment guidelines and complied with the investment strategies as authorized by the Town's Investment Policies, and (b) did not violate any applicable provisions of section 2256 of the Government Code of Texas.

SIGNED:

INVESTMENT OFFICER

DATE

11/4/2020

NORTHLAKE MAYOR AND COUNCIL COMMUNICATION

DATE: NOVEMBER 12, 2020

REF. DOC.: FISCAL YEAR 2019-2020 ADOPTED BUDGET

SUBJECT: FOURTH QUARTER FINANCIAL REPORT



GOALS/OBJECTIVES:

- Operate Efficiently and Effectively (Council Goal)
- Sustain Balance Budget and low municipal tax rate (Mayor Goal)

BACKGROUND INFORMATION:

- The Town of Northlake has traditionally used paper based financial reporting
- Moving forward Town will utilize OpenGov Reporting and Transparency
- The new tool offers many advantages:
 - Mobile Friendly
 - Customizable
 - Updates Daily
 - Interactive
- First round of online financials includes:
 - Budget to actual comparison for Fiscal Year 2019-2020
 - Year over year sales tax comparison
- More information and reports can be added to the page based on Town Council feedback
- New tool located on the Town of Northlake's website under the Finance Departments Page
- URL: <https://northlaketx.opengov.com>

NORTHLAKE MAYOR AND COUNCIL COMMUNICATION

DATE: NOVEMBER 12, 2020

REF. DOC. : PROCLAMATION NO. 20-6 HOME RULE CHARTER COMMISSION

SUBJECT: REGULAR UPDATES FROM CHARTER COMMISSION CHAIR AND
MAYOR PRO TEM LIAISON TO COUNCIL



STRATEGIC GOALS/OBJECTIVES:

- Control our Own Destiny; Plan and prepare for a future Home Rule Charter election (Council Goal)

BACKGROUND INFORMATION:

- October 8, 2020 - Mayor Rettig presented his appointment methodology and his appointees to the Northlake Home Rule Charter Commission
- October 16, 2020 – after receiving Council appointee requests, Mayor Rettig issued Proclamation 20-6 appointing twenty members to the Charter Commission with Mayor Pro Tem Montini as chair

CURRENT STATUS:

- All Charter Commission members have been contacted via email and phone
- First meeting scheduled for November 14, 2020

COUNCIL UPDATE:

- Mayor Pro Tem Montini will regularly update Council on the status of the Charter Commission

NORTHLAKE MAYOR AND COUNCIL COMMUNICATION

DATE: NOVEMBER 12, 2020

REF #: NORTHLAKE UNIFIED DEVELOPMENT CODE; THE PATHWAY TO
2040 NORTHLAKE COMPREHENSIVE PLAN UPDATE

SUBJECT: ZONING CHANGE REQUEST FOR 251-ACRE 6 MCFARM LLC TRACT



GOALS/OBJECTIVES:

- Responsibly Manage Growth; Adhere to the Comprehensive Plan (Council Goal)

ZONING CHANGE REQUEST INFORMATION:

Site:	Approximately 251 acres at 10677 Harmonson Road (see maps on following page)
Applicant:	Westgate Capital Group, LLC
Owner:	6 McFarm LLC
Current Zoning:	Rural Residential (RR) – Single-family residential and agricultural uses on minimum lot size of 5 acres
Proposed Zoning:	Industrial (I) – Industrial uses with no minimum lot size
Future Land Use Designation:	Mixed Use Character Area – This area is a destination center/area. There may be mixed-use developments with limited residential, shopping centers, entertainment districts, public amenities and services, or professional office buildings. Low to mid-rise buildings would be appropriate.
Future Land Use Proposed:	Business Park Character Area – Described generally as an employment center which may include hotels, distribution centers, corporate office campuses, educational facilities, technology centers, research facilities, retail, and restaurants. Limited manufacturing and warehouse uses may be allowed to support the employment centers.

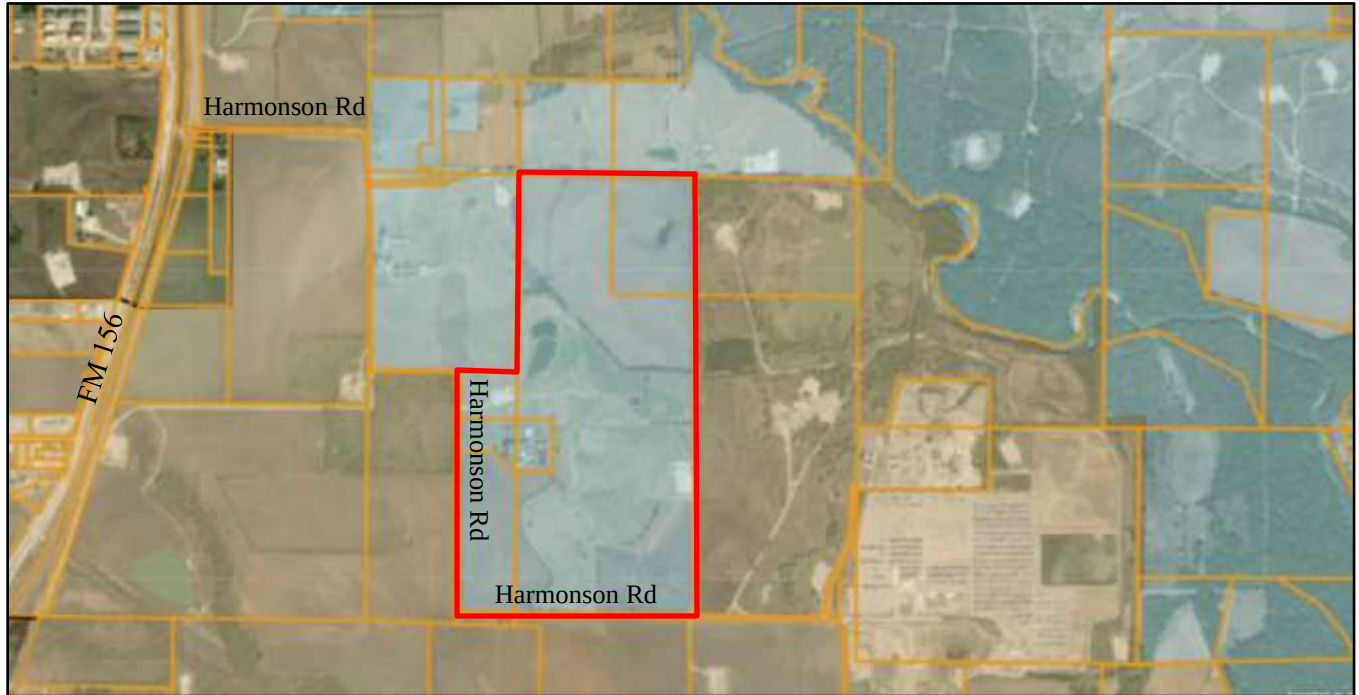
NEXT STEPS:

- Briefing scheduled at this meeting for Council to hear presentation on zoning change request from applicant and to ask any questions
- Public hearing and action on request scheduled for December 10, 2020 Town Council Meeting

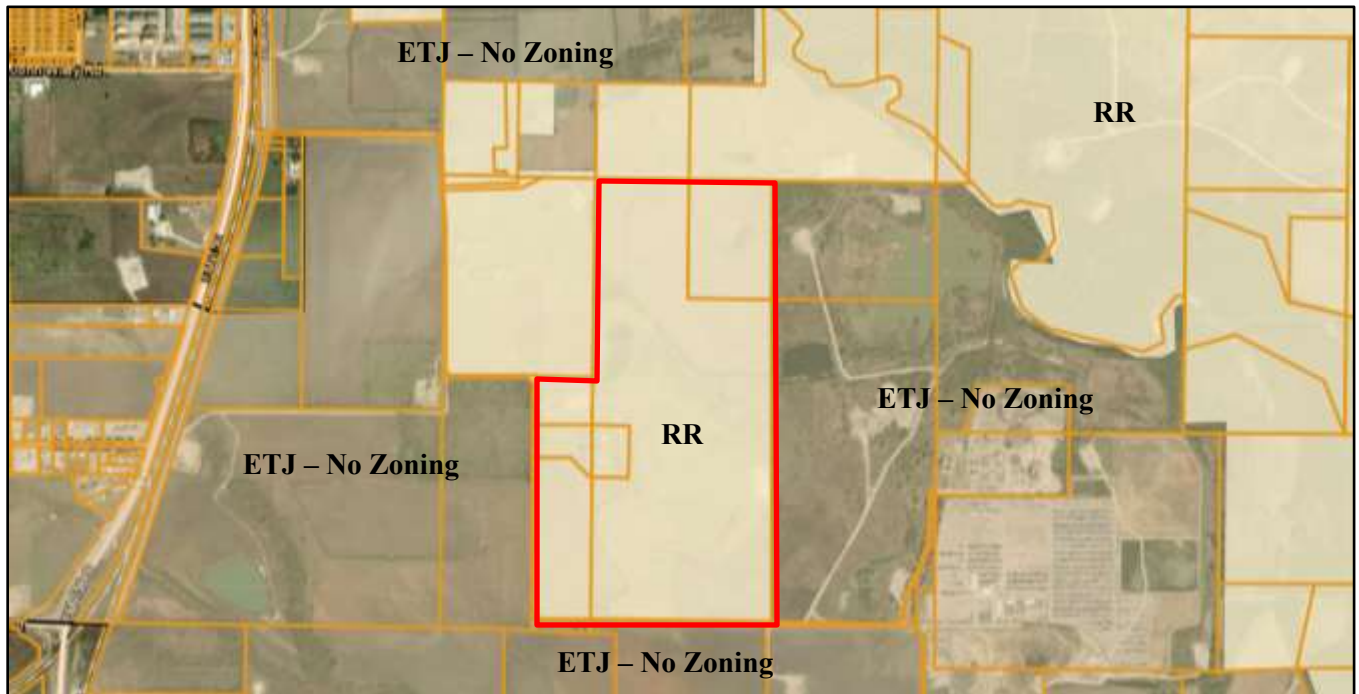
ATTACHMENTS:

- Letter of intent
- Concept plan for potential development of property after zoning change

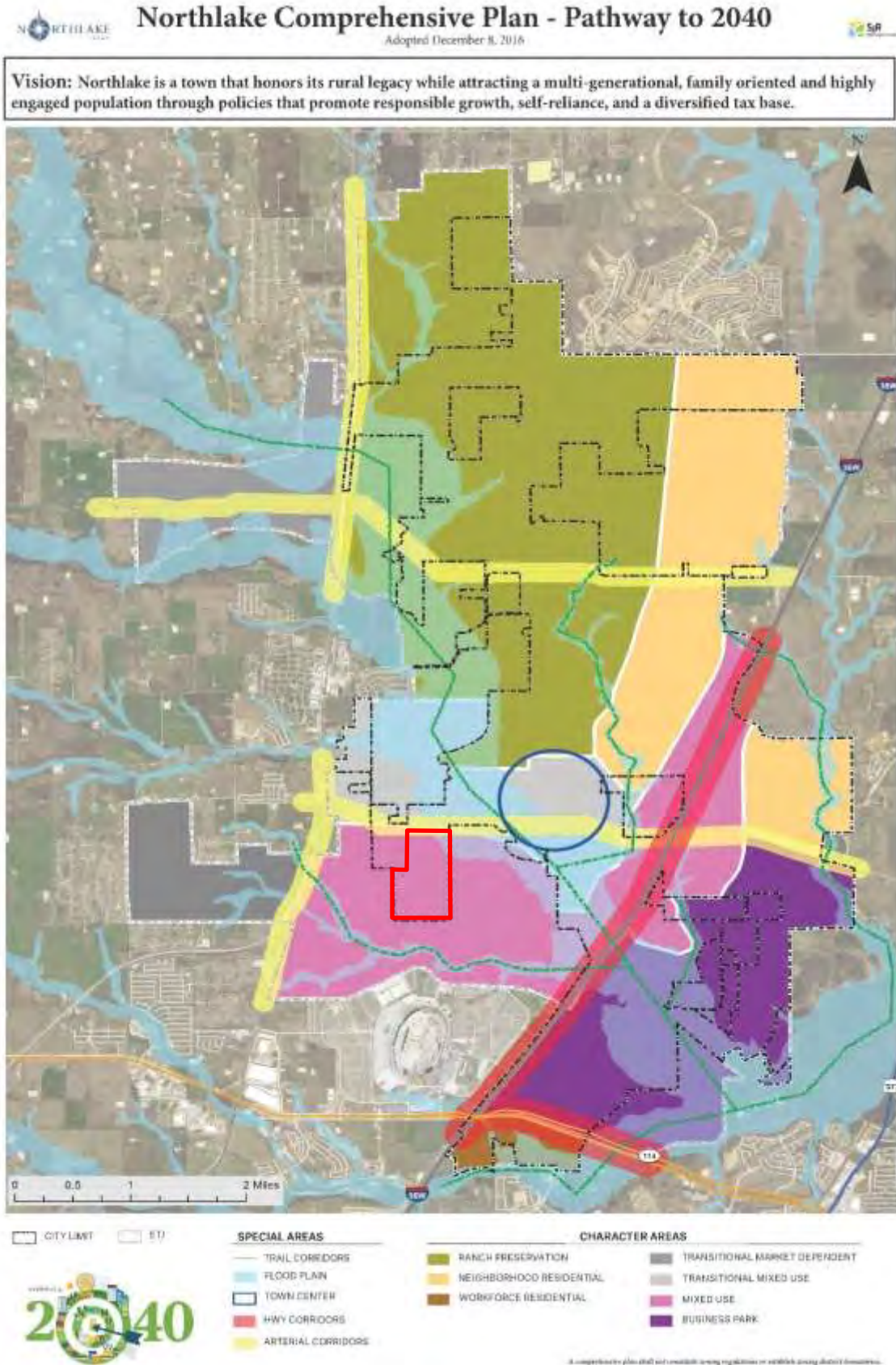
AERIAL MAP:



ZONING MAP:



FUTURE LAND USE MAP:



WESTGATE CAPITAL GROUP, LLC

6519 WESTGATE DRIVE
DALLAS, TEXAS 75254
TELEPHONE: (214) 289-0991
HILLSMAN@SWBELL.NET

October 26, 2020

Town of Northlake, Texas
1500 Commons Circle, Suite 300
Northlake, TX 76226

Attn: Nathan Reddin, Development Director
Drew Corn, Town Administrator

Re: Letter of Intent: Requesting an Amendment to the Town of Northlake Comprehensive Plan to change the designation of a 251.044 acre tract of land situated in the M.E.P. & P.R.R. Survey, Abstract No. 910, H. Anderson Survey, Abstract No. 25, and the S. A. Venters Survey, Abstract No. 1313, Town of Northlake, Denton County, Texas, (the "Property") from Mixed Use to Business Park.

Re: Letter of Intent: Proposed Rezoning of the Property owned by 6 McFarm, LLC (the "Owner") submitted by Westgate Capital Group, LLC (the "Applicant").

Dear Mr. Reddin and Mr. Corn:

Please let this letter serve as a request for an Amendment to the 2016 Northlake Comprehensive Plan (sometimes also referred to as the Pathway to 2040) to change the designation of the Property from Mixed Use to Business Park. This Amendment is required to facilitate the rezoning of the Property described below.

Enclosed is a Planning & Development Universal Application (the "Rezoning Application"). Please also let this letter also serve as a request to rezone the Property to Industrial as set forth in the Rezoning Application. The proposed land uses under the Rezoning Application will have a positive economic impact on the Town of Northlake. The Property is currently zoned Rural Residential. The submission of the Rezoning Application represents an opportunity to put this land to a more productive use and create economic development in the Town for the benefit of its residents.

Today, due to changed circumstances, the Property is better suited for Business Park uses than Mixed Use uses. The proposed Amendment and Rezoning Application will further the policies enunciated in the 2016 Comprehensive Plan. For example:

This change is compatible with the planned future uses for the surrounding properties.

It will not cause encroachment of incompatible uses into neighborhoods.

The potential impact on adjacent developments would be negligible.

Its proximity to Interstate 35 makes its location ideal for uses contemplated by the Business Park designation and is a location well suited for businesses that will add jobs.

The request promotes responsible growth, self-reliance/self-determination, and will assist in reaching the goal of establishing a diversified tax base for Northlake.

The request will help Northlake's economy to become more stable and resilient by turning unproductive land into a desirable Business Park site.

Since the 2016 Comprehensive Plan was enacted circumstances have changed with the addition of significant proposed Business Park projects on nearby properties making the Property unsuitable for Mixed Use uses.

In summary the proposed Comprehensive Plan Amendment from Mixed Use to Business Park and the proposed rezoning from Rural Residential to Industrial will promote responsible growth and have a positive economic impact on the Town. They represent an opportunity to put this land to a more productive use and create economic development opportunities in the Town for the benefit of its residents.

A check payable to the Town of Northlake in the amount of \$500 representing the Zoning Application fee has been previously delivered to the Town

Please review this letter and address any comments or issues with Thomas C. Hillsman at 214.289.0991 or hillsman@swbell.net. We further request approval and adoption of the Comprehensive Plan Amendment and Rezoning Application.

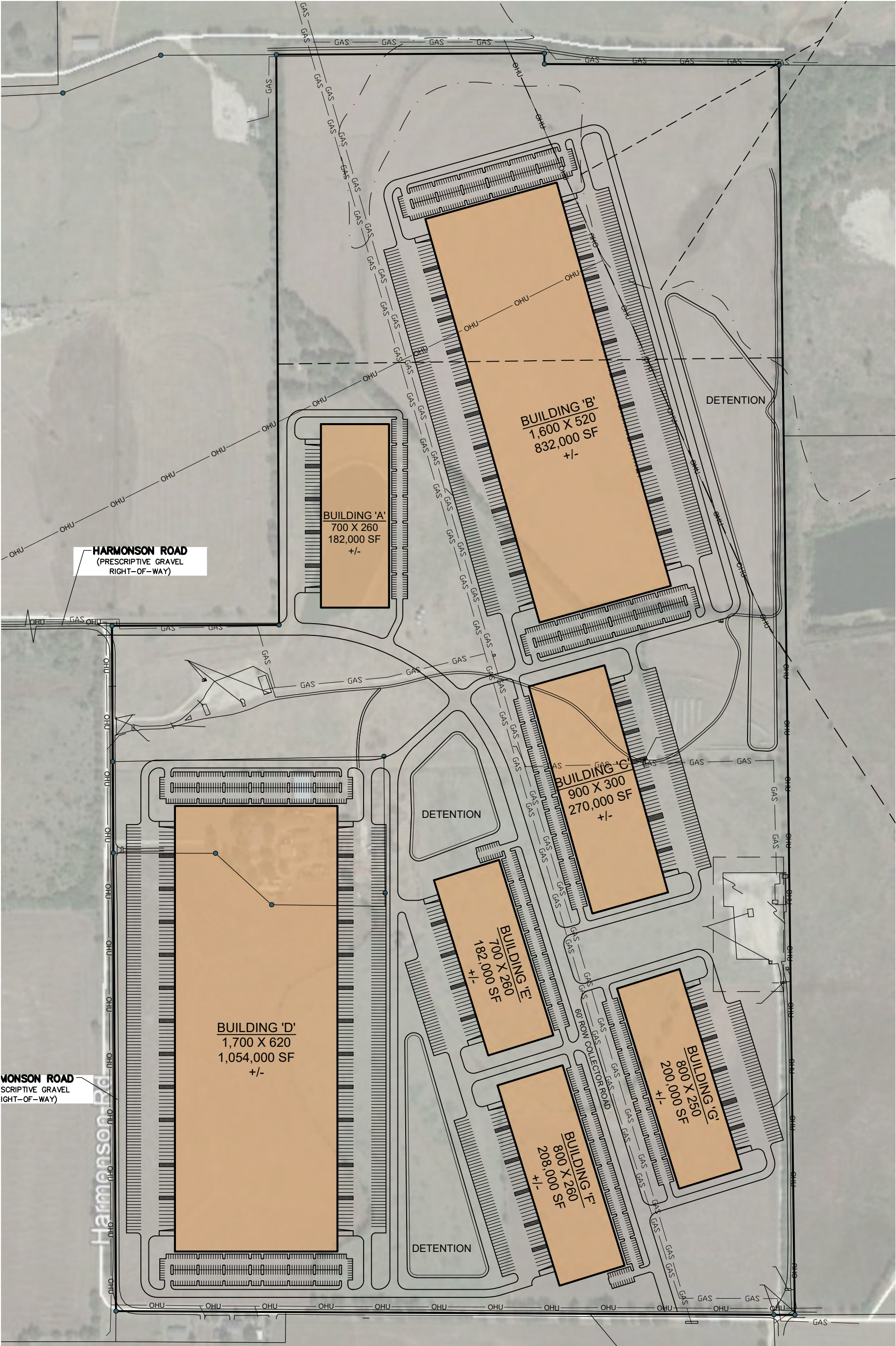
We appreciate the opportunity to work with you.

Very truly yours,

Westgate Capital Group, LLC

By: 

Thomas C. Hillsman
Managing Member



PRELIMINARY PURPOSES ONLY, ROADS AND BUILDINGS
(SIZES AND LOCATIONS) SUBJECT TO CHANGE

TOWN OF NORTHLAKE COUNCIL ITEM NO. 4

DATE: NOVEMBER 12, 2020

ITEM: CONSENT ITEMS



NORTHLAKE MAYOR AND COUNCIL COMMUNICATION

DATE: NOVEMBER 12, 2020

REF. DOC. : TOWN OF NORTHLAKE FISCAL YEAR 2020-2021 ADOPTED BUDGET

SUBJECT: FAUGHT ROAD RECONSTRUCTION DESIGN AND RIGHT-OF-WAY
ACQUISITION SERVICES NOT TO EXCEED \$185,000



STRATEGIC GOALS/OBJECTIVES:

- Systematically Invest in Infrastructure; Maintain and improve public roadways
- Effectively Manage Public Resources; Plan and budget for future community amenities

BACKGROUND INFORMATION:

- Project scope – reconstruction of Faught Road from Old Justin Road to Robson Ranch Road
- Design services - \$105,200 includes plans, specifications, estimates, bidding and construction
- Special services - \$77,240 includes surveys, geotechnical, right-of-way acquisition
- Total costs - \$182,440 of engineering services as proposed by Halff and Associates
- Total budget - \$2,400,000 as adopted in Fiscal Year 2020-2021 Capital Budget

COUNCIL DIRECTION:

- Authorize Town Administrator to enter into contract with Halff and Associates for Faught Road reconstruction design and right-of-way acquisition services not to exceed \$185,000.



TOWN OF NORTHLAKE, TEXAS
OFFICIAL RESOLUTION

NO. 20-33

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF NORTHLAKE, TEXAS, AUTHORIZING THE TOWN ADMINISTRATOR TO AMEND CONTRACT WITH HALFF AND ASSOCIATES FOR ENGINEERING DESIGN AND RIGHT-OF-WAY ACQUISITION SERVICES FOR RECONSTRUCTION OF FAUGHT ROAD

WHEREAS, the Town of Northlake issued \$7,000,000 principal amount of tax notes Series 2020 of which \$600,000 was dedicated to the Faught Road project; and

WHEREAS, the Town of Northlake collected \$600,000 in northwest sector and \$1,200,000 in northeast sector road impact fees; and

WHEREAS, the Town of Northlake fiscal year 2020-2021 proposed budget includes \$2,400,000 for the reconstruction of Faught Road from Robson Ranch to Old Justin; and

WHEREAS, the Town received a proposal from Halff Associates to perform engineering services for the design, survey, construction management and right-of-way acquisition for a specific project;

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF NORTHLAKE, TEXAS:

SECTION 1. The Town Administrator is hereby authorized to finalize and enter into a contract amendment with Halff and Associates whereby the Town will contract for engineering design services in an amount not to exceed \$185,000 for the reconstruction of Faught Road.

PASSED, APPROVED AND ADOPTED on this the 12th day of November 2020.

Town of Northlake, Texas

David Rettig, Mayor

Attest:

Shirley Rogers, Town Secretary

EXHIBIT "A"
SCOPE OF SERVICES
for
FAUGHT ROAD PAVEMENT RECONSTRUCTION
FROM OLD JUSTIN TO ROBSON RANCH
in
THE TOWN OF NORTHLAKE

1. Description

The purpose of the project is to remove and replace approximately 4,700 linear feet of Faught Road between Old Justin Road and Robson Ranch Road. Faught Road is a 22-foot wide chip seal pavement. A geotechnical investigation will be performed, and a pavement design will be provided to determine the appropriate thickness of the proposed asphalt pavement and subgrade. The width of the road will be increased from 22 to 24 feet. Additionally, the existing cross-culverts and driveway culverts will be replaced as necessary. Right-of-way acquisition will be necessary for this project.

2. Assumptions

A. The Consultant's services shall include only those that are normal and customary and are not represented as special services or those requiring expertise greater than that provided by other service providers.

3. Special Services

A. Surveying: The Consultant shall provide surveying services, which, in general, may be defined as normal services applicable to a project of this type. The following particulars will apply.

- (1) Vertical benchmarks shall be established such that all points of construction shall be within 500 feet of a benchmark. Benchmarks should not be subject to loss during construction. Fire hydrants and similar appurtenances are not to be used for benchmarks. The surveyor shall establish temporary benchmarks throughout the length of the project.
- (2) Topographic features will be surveyed along with any and all other features needed for design, review, permitting, construction, and inspection of the project. Coverage will extend beyond the proposed rights-of-way far enough to integrate the design with the adjacent properties.
- (3) Existing property corners, iron pins, etc. shall be tied in order to establish existing rights-of-way.

B. Geotechnical Engineering: The Consultant shall engage CMJ Engineering, Inc. to evaluate subsurface conditions. A total of five (5) sample borings to a depth of eight (8) feet below existing grades will be taken. An engineering report will be prepared to present the results of the field and laboratory data together with analyses of the results and recommendations. The report will address:

- (1) General soil and ground-water conditions
- (2) Recommendations for subgrade soil stabilization type, depth and concentration, including re-use of existing materials
- (3) Guidelines for pavement design
- (4) Earthwork recommendations

The Town will pay 110% of the subconsultant's fee to the Consultant.

C. ROW Document Preparation: Right-of-way exhibits and legal descriptions for all right-of-way required for construction of the project will be prepared as follows:

- (1) A maximum of three (3) individual exhibits/parcels shall be prepared on 8-1/2" x 11" paper and shall include area required, area remaining, parcel number, and owner of record. Individual exhibits shall be stamped, dated, and signed by a Registered Professional Land Surveyor. Additional parcels, if required, shall be prepared for an additional fee.
- (2) Legal descriptions for each parcel shall reference the volume, page, and owner of the parent tract and shall be incorporated into a standard Town of Northlake conveyance document as Exhibit "A". Individual parcels will be cross-referenced on the plans.
- (3) Upon approval of the right-of-way plans by the Town, the Consultant shall then stake and flag the taking for inspection by the appraiser and property owner. The documents, including legal description shall be furnished to the Town in Microsoft Word or PDF format.
- (4) Right-of-way acquisition services are not included in this scope of work.

D. ROW Consulting Services: Parcel acquisition, appraisal and title commitment for all right-of-way acquired for construction of the project will be prepared as follows:

- (1) Main Services

I. Project Administration

A. Negotiation of the Scope of Services for Work Authorization

1. ROW Consultant will visit project site with Town Personnel.

B. Communication

1. Maintain status reports of all parcel and project activities and provide weekly.
2. Provide schedule of all areas of work indicating anticipated start and end dates.
3. Attend weekly status meetings.
4. Prepare initial property owner contact list for use by Town in distribution of ROW Consultant introduction letters.

C. File Management

1. Project and parcel files will be kept at the Town. Working files will be kept in the ROW Consultant's project administrative office, but documents generated or received by the ROW Consultant will be forwarded to the Town as they are generated or received by the ROW Consultant.
2. Prepare invoices utilizing Town standard payment submissions forms with supporting documentation.
3. Maintain records of all payments including warrant/check number, amount, and date paid, etc.
4. Maintain copies of all correspondence and contacts with property owners.

II. Title and Closing Services

A. Secure preliminary title commitment or preliminary title search and 5-year sales data from the title company that will be providing title insurance.

1. The charges from the Title Company for the preliminary title commitments will be paid by the Town and are not be included in the Consultant's negotiated fee schedule.

B. Secure title commitments updates in accord with insurance rules and requirements for parcel payment submissions. The charges from the Title Company for the update of the title commitment will be paid by Town and should not be included in the Consultant's negotiated fee schedule.

C. Secure title insurance for all parcels acquired, insuring acceptable title. Written approval by Town required for any exception. The charges from the Title Company for the update of

the title insurance will be paid by Town and should not be included in the Consultant's negotiated fee schedule.

D. The curative services necessary to provide clear title to the Town is the responsibility of the Consultant and is to be included in the negotiated fee schedule for this service. Note: the Consultant's curative services do not include cost/expenses that qualify as payment of incidental expenses to transfer real property to the Town.

E. The Consultant has the responsibility of direct contact with the Title Company to obtain an updated title commitment along with other forms and certified copy of the instrument of conveyance when requesting the Parcel Payment from the Town.

F. The Consultant provides closing services in conjunction with the Title Company and at the discretion of the Town may be required to attend closings.

G. Any fee related to obtaining certified court documents and fees for recording same which are not collected at the closing of the parcel shall be direct pass through fees.

H. Consultant shall cause the recordation of all original instruments immediately after closing at the respective County Clerk's Office. The cost of recording fees and filing fees are paid by the Town and should not be included in the Consultant's negotiated fee schedule.

III. Negotiation Services

A. Analyze appraisal and appraisal review reports and confirm Town's approved value prior to making offer for each parcel.

B. Analyze preliminary title report to determine potential title problems, propose methods to cure title deficiencies.

C. Prepare and send the letter transmitting the Landowners' Bill of Rights by Certified Mail-Return Receipt Requested (CMRRR).

D. Prepare the initial offer letter, memorandum of agreement, instruments of conveyance, and any other documents required or requested by Town on applicable forms.

E. Contact each property owner or owner's designated representative, to present the written offer in person where practical, and deliver appraisal report and required brochures.

Maintain follow-up contacts and secure the necessary instruments upon acceptance of the offer for the closing.

F. Provide a copy of the appraisal report for the subject property exclusively to the property owner or authorized representative at the time of the offer. Maintain original signed Receipt of Appraisal for billing purposes.

G. Respond to property owner inquiries verbally and in writing within two business days.

H. Prepare a separate negotiator contact report for each parcel per contact on approved form.

I. Maintain parcel files of original documentation related to the purchase of the real property or property interests.

J. Advise property owner on the Administrative Settlement process. Transmit to Town any written counteroffer from property owners including supporting documentation, and Consultant recommendation regarding Administrative Settlements in accordance with Town policy and procedures.

K. Prepare final offer letter, documents of conveyance as necessary.

L. Appear and provide Expert Witness testimony as a Consultant when requested. The cost of the Consultant's expert witness testimony for trial is not part of this contract.

M. Issue Property Owner's Survey to property owner.

IV. Initial and Update Appraisal Service

A. Appraisers should provide advance notice of the date and time of their appraisal inspections of the subject property to the Consultant's Project Administrator in order to coordinate the appraiser's inspection.

B. Secure written permission from the owner to enter the property from which real estate is to be acquired. If the Appraiser, after diligent effort, is unable to secure the necessary letter of permission from the property owner, a waiver must be obtained in writing from the Town.

C. Prepare and conduct personal pre-appraisal contact with interest owner(s) for each parcel using acceptable Town forms.

D. Contact property owners or their designated representative to offer opportunity to accompany the appraiser on the appraiser's inspection of the subject property. Maintain record of contract in file.

E. For the initial appraisal, prepare complete appraisal report for each parcel to be acquired. These reports shall conform to Town policies and procedures along with the Uniform Standards of Professional Appraisal Practices as promulgated by the Appraisal Foundation.

F. For an updated appraisal, prepare complete appraisal update for the parcel to be acquired. These reports shall conform to Town policies and procedures along with the Uniform Standards of Professional Appraisal Practices.

G. As necessary, prepare written notification to the Town of any environmental concerns associated with the right of way to be acquired, which could require environmental re-mediation.

H. All completed appraisals will be administratively reviewed by the Town staff and recommend for approval by the Town staff.

1. Town staff coordinate with Consultant's review appraiser (if applicable) regarding revisions, comments, or additional information that may be required. The Consultant's review appraiser will then coordinate with the appraiser.

I. As necessary, the appraiser will coordinate with the review appraiser regarding revisions, comments, or additional information that may be required.

J. The fees for initial and updated appraisal assignments are based on separate appraisal assignments.

K. Beyond delivery of initial and update appraisal assignments, the appraiser can be called to provide preparation and testimony for a Special Commissioners Hearing. For this appraisal assignment, the fee for the preparation time and testimony must be based on the hourly rate shown in the Consultant's Fee Schedule.

(2) Additional Services - Additional services to be performed by Consultant, if authorized in writing by the Town, which are not included in the above-described Basic Services, are described below:

V. Relocation Assistance Services for Residential, Business, Personal Property, Mini Storage Units and Outdoor Advertising Signs

- A. Notify all Displacees and potential Displacees of eligibility for relocation assistance. At the time of initial contact, provide Displacees with a Relocation Assistance Packet consisting;
 - 1. Page one of the Relocation Advisory Assistance – Parcel Record form
 - 2. Displacee Move Plan
 - 3. Certification of Eligibility
 - 4. Relocation Assistance Brochure
- B. Provide on-going relocation assistance and advisory services to Displacees affected by acquisition of the property and deliver a completed Relocation Advisory Assistance – Parcel Record form signed by the Displacee to the Town.
- C. Locate, evaluate, and maintain files on comparable available housing to complete Right of Way Acquisition Services Contract.
- D. Compute and submit request for relocation housing/rental supplement to the Town Project Manager on the Supplemental Payment Estimate, Replacement Housing form with supporting Residential Property Evaluation forms with photos attached.
- E. Provide 90-day notice to vacate, if required by the Town, simultaneous with the delivery of relocation benefits package.
- F. Provide 30-day notice once property has been acquired by the Town. Note: the Displacee must be given no less than 90-day notice.
- G. Notify the Town Project Manager immediately if Displacee does not move after the 30-day notice expires.
- H. Perform a decent, safe, and sanitary inspection of the replacement housing in accordance with Town and State of Texas policy. Prepare and complete Replacement Housing Inspection form and submit to the Town Project Manager.
- I. For non-residential moves, Negotiated Self-Moves
 - 1. If a moving plan exceeds \$20,000, prepare moving plan with appropriate photos and sketches along with inventory of personal property to be moved for non-residential moves. This is required for pre-approval by the Town.

2. If the moving plan for a Negotiated Self-Move is less than \$20,000 the Consultant must submit Negotiated Self-Move Request with moving plan for the business owner or tenant. This includes photos, written inventory list, type of move requested, and project move date.

J. For all Negotiated Self-Moves, the Consultant is responsible for requesting moving estimates from moving companies. Moving estimates must be obtained by the Consultant and not the Displacee. Moving estimates must be prepared in writing and in the name of Town and not the Consultant.

K. Coordinate and monitor moves with displaced homeowners, business owners, and tenants and with moving companies in accordance with State and Town procedures.

L. Maintain relocation contact logs on Relocation Advisory Assistance - Parcel Record form journaling all attempted and completed contacts with all parties. This includes descriptions of the reasons and outcome for each contact.

M. Attend closings on replacement property if requested by any party involved, and assure supplemental payment is properly distributed.

N. Process and compute increased interest payments as required.

O. Relocation agent shall be available for any appeals or hearings. For this assignment, the fee for preparation and testimony will be a reasonable hourly rate, preapproved in writing by the Town Project Manager.

P. Prepare all relocation payment claim submissions for all Displacees in accordance with State and Town guidelines.

Q. Deliver warrants in accordance with Town guidelines.

R. Issue Relocation Survey to all Displacees.

S. Provide an executed Certification of Eligibility form with all Displacee claims.

VI. Condemnation Support

Consultant shall not act as the attorney for condemnation purposes. Town must self-perform legal services or contract with third party attorney.

Consultant shall provide those support services to Town or to Town's attorney as described below:

A. Pre-Hearing Support

1. Request updated Title Commitment from title Company.
2. Use information from the Title Commitment to identify interested parties. *
3. Submit information packet as requested by Condemning Attorney.
4. Request update of appraisal.
5. File original petition with County Court at Law or other appropriate Court for a cause number to be assigned.
6. File Lis Pendens including the cause number with the County Clerk's Office
7. Upon assignment of a court, file the Order Appointing Commissioners with the judge, retaining a copy of the Order for the files.
8. Following appointment of Commissioners by the judge, secure Oath of Commissioners signed by the Commissioners, Order Setting Hearing and Notice of Hearing signed by the Commissioners.
9. File all originals with the court and send copies to Town and Condemning Attorney.

B. Post-Hearing Support

1. File Award of the Commissioners with the court for the Judge's signature within 48 hours of hearing, unless on Friday or before a holiday when court will not be open.
2. Obtain certified copy of Award and provide to Town with request for funding in amount of Award.
3. Obtain Commissioners' Fees and submit to Town for payment.
4. File Award payment in registry of the court, file Notice of Deposit with the court and send certified copies to each defendant notifying them of the date of deposit. The Date of Deposit is the Date of Take.
5. Send written notices of the date of deposit to the Town and all interested parties.

* Updated Title Commitments shall be paid directly by Town.
Please refer to II. Title and Closing Services.

VII. Relocation Appeal(s)

A. Assist Town with coordination of approval process.

1. Submit appeal to town for review.

2. Provide support documentation.

VIII. Eviction Process

- A. Assist Town with Eviction Process.
 1. Maintain paperwork necessary for filing eviction.
 2. File necessary documents with court.
 3. Attend Hearing(s).

IX. Disposal of Property Services

- A. Provide a Release of Property to the Town Project Manager signed by the former owner stating that all personal property has been removed and any remaining items belong to the Town.
- B. Provide the Town Project Manager a copy of the plat and field notes, photographs of the property in a PDF format, a copy of the appraisal, and the Release of Property form when buildings are vacant and ready for disposal. The Town Project Manager will initiate the environmental surveys as needed.

X. Miscellaneous

- A. Testimony for Hearing(s) or appeals.
- B. Document/Form establishment.
- C. Reporting outside of typical status reports.

4. Basic Services

A. Construction Plans: The Consultant shall develop construction plans for review, permitting, bidding, construction, inspection and record keeping. In general, construction plans shall be consistent with normal practice for projects of this nature. The construction plans will consist of numerous sheets ordered as follows:

- (1) Cover Sheet and Sheet Index: The cover sheet shall include a location map. Additionally, the cover sheet shall show the project name, project number, date, Town logo, Professional's name, address, and telephone number and other items as may be specified. Following the cover sheet shall be a sheet index with drawings numbered consecutively and without subscripts.
- (2) Project General Notes and Legend: These sheets will include a listing of abbreviations, legend, and general notes.

- (3) Project Layout Sheet: The project layout sheet will be drawn to a scale of 1" = 50' and laid out with the north arrow up and to the right. The purpose of the project layout is to depict the project in a simplified view. Major items of work will be shown without excessive detail. Additionally, survey control points shall be shown.
- (4) Typical Sections: Typical sections shall be drawn to scales of 1" = 5' h and 1" = 2' v and shall depict a view looking north. As a minimum, typical sections will be drawn showing the relationship of the proposed street and existing and proposed improvements. Typical sections will include existing roadways, right-of-way lines, etc., along with all proposed roadway improvements and will depict all significant items of work.
- (5) Plan and Profile Sheets: Plan-profile sheets will be arranged from south to north with the north arrow up and to the right on the sheet(s). Plan-profile sheets will be drawn to scales of 1" = 20' h and 1" = 4' v. Stationing will be from south to north with the beginning station being set at approximately 1+00. Each plan-profile sheet will include no more than 500 feet of street; thus, leaving ample margins both left and right. The plan and profile station will align vertically on the sheet with the proposed centerline drawn parallel to the profile grid. When there is a centerline curvature, the plan-profile should be drawn so that as much of the plan view is in alignment as possible. Plan-profile sheets shall depict all existing and proposed items pertinent to the project.
- (6) Detail Sheets: The Town's standard drawings will be used as a beginning point in developing standard details for this project. They will be reviewed and modified for this project. Where other agency standards are used, such as TxDOT, they shall be reduced as necessary to fit on the Town's standard sheet format with complete title block.
- (7) Cross Sections: Cross sections shall be drawn to scales of 1" = 10' h and 1" = 5' v on sheets of 1" grids H and V. They shall be arranged from bottom to top of the sheet looking up station and shall show existing and proposed features and improvements. Generally, no more than eight (8) sections per sheet are to be plotted. Each section should extend beyond the easement and rights-of-way a sufficient distance to clearly show the relationship between the proposed improvements and the existing properties. Full sections will be drawn at critical locations, such as steep driveways, retaining walls, and at maximum spacings of 50 feet.
- (8) Miscellaneous: Construction plans will address erosion control. Complete traffic control plans will be the responsibility of the Contractor.

- (9) Review Plans: Preliminary plans shall then be prepared and submitted at the 60% milestone. Final plans shall be prepared and submitted at the 100% milestone. Also, the Consultant may submit plan sheets or working drawings to the Town for review and comment to reduce the number of revisions that otherwise would be required. During development of the plans, the Consultant shall attend meetings as needed. The Consultant shall, in company with the Town, perform at least one plans-in-hand review.
- (10) Design: The design of the project shall be in general accordance with the Town of Northlake ordinances, standard details, and good engineering practices. During the design phase, the Consultant shall contact various utility companies and obtain information relating to existing utility lines. The design should avoid major utility relocations, where practical.
- (11) Prints: The Consultant shall provide prints of construction plans for review and permitting. Five (5) sets of half-size (11"x17") plans will be submitted to the Town for each review stage. Construction plans shall be furnished full-size (22"x34") and half-size. Up to four (4) full-size and four (4) half-size final construction plans shall be furnished to the Town. Up to two (2) full-size and three (3) half-size final construction plans shall be furnished to the Contractor. Electronic files in PDF and DGN or DWG format shall be provided to the Town and Contractor for use during construction.
- (12) Generic Sheet List: Following is a general list of plan sheets required for each construction package.
- (a) Cover Sheet
 - (b) Sheet Index
 - (c) General Notes and Legend
 - (d) Project Layout
 - (e) Right-of-Way Map
 - (f) Typical Sections
 - (g) Demolition Plan
 - (h) Paving Plan & Profile
 - (i) Grading Plan
 - (j) Drainage Area Map
 - (k) Drainage Computations
 - (l) Culvert Plan & Profile
 - (m) Town of Northlake and/or TxDOT Standard Details
 - (n) Erosion Control Plan
 - (o) Town of Northlake Erosion Control Details
 - (p) Cross Sections

B. Specifications: The Consultant shall prepare a project manual and technical specifications required for bidding and constructing the project. The project manual will be provided in the Town's standard format. Only specifications amending or supplementing COG specifications need be furnished. Project manual, specifications, bid items and quantities shall be furnished on hard copy and by electronic file.

C. Estimates: Estimates of probable cost will be developed at each milestone submittal.

D. Construction Control Staking: The Contractor will provide construction staking.

E. Bidding, Construction, Closure:

(1) Bidding – During the bidding phase, the Consultant will assist the Town by addressing technical questions and preparing addenda. The Consultant will evaluate bids, attend the bid opening, prepare the bid tabulation and make recommendation for award of contract.

(2) Construction – The Consultant will not be responsible for the contractor's work, nor shall the Consultant be required to perform inspection services. The Consultant will handle any field changes and/or change orders which may become necessary for the orderly completion of the project. The Consultant will provide any major plan revisions that may be necessary for the orderly completion of the project. The Consultant will review and approve applications for payment prepared by the Contractor.

(3) Closure – The Consultant shall prepare record drawings, incorporating all changes provided by the Contractor and known variations to provide the Town the best possible set of record drawings. Final record drawings shall be furnished both electronically (PDF and CADD) and on paper. Additionally, shape files may be provided to update the Town's GIS maps.

F. Miscellaneous: Miscellaneous services not provided for herein and not generally associated with a project of this type will be paid for under an amendment to this Agreement and for an additional fee.

5. Schedule:

A. Completion of design surveys: 30 calendar days from date of written authorization to begin work.

- B. Completion/furnishing 60% preliminary plans, specifications, bid quantities, and construction cost estimate: 135 calendar days from date of written authorization to begin.
- C. Completion/furnishing 100% final plans, specifications, bid quantities, and construction cost estimate: 195 calendar days from date of written authorization to begin, excluding Town review time.
- D. Bidding services: 60 calendar days from Town's approval of final plans.
- E. Construction services: In accordance with construction schedule.
- F. Closure: 60 calendar days from the date of construction completion.

**EXHIBIT “B”
COMPENSATION
for
FAUGHT ROAD PAVEMENT RECONSTRUCTION
FROM OLD JUSTIN TO ROBSON RANCH
in
THE TOWN OF NORTHLAKE**

Exhibit “B” defines the basis of compensation to the Consultant for the services rendered.

- A. Basic Fee Services** – The basic fee for the services as described in Exhibit “A” will be **\$105,200** which includes printing, direct costs and computer charges normally associated with production of these services.

The basis of compensation for Basic Fee services shall be as follows:

1. \$57,900 for preparation of 60% preliminary plans, specification and estimates
2. \$38,600 for preparation of 100% final plans, specifications and estimates
3. \$8,700 for bidding and construction phase services

All items will be billed monthly based on actual completion of the tasks and may include partial payments of the total amounts designated for each item.

- B. Special Services** – Special Services will be billed monthly based on actual completion of the tasks and may include partial payments of the total amounts designated for each item. The following summarizes special services fees.

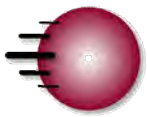
TASK DESCRIPTION	FEE
1. Boundary Survey Services	\$16,700
2. Topographic Survey Services	\$17,600
3. Geotechnical Engineering Services	\$6,490
4. ROW Documents (\$2,500/EA)	\$7,500
5. ROW Consulting Services by Parcel (\$9,400/EA)	\$28,200
6. Reimbursable Expenses (Printing, Deliveries, Mileage, etc.)	\$750
TOTAL SPECIAL SERVICES	\$77,240

The total maximum fee for all services is **\$182,440.00**.

EXHIBIT "B-1"
(SUPPLEMENT TO EXHIBIT "B")

FAUGHT ROAD PAVEMENT RECONSTRUCTION FROM OLD JUSTIN TO ROBSON RANCH
TOWN OF NORTHLAKE
ESTIMATED EFFORT

Project Phases and Tasks	QA/QC	Team Leader	Project Engineer	Engineer in Training	RPLS	2-Man Survey Crew	Survey Technician	CADD Technician	Clerical/ Administrative Support	Effort Subtotal	Fee Subtotal	Direct Costs	Project Total
Special Services													
<i>Surveying Services</i>													
Boundary Survey					13	48	48			109	\$16,700		\$16,700
Topographic Survey					6	48	56	12		122	\$17,600		\$17,600
<i>Geotechnical Engineering Services</i>													
Geotechnical Investigation, Report of Findings and Pavement Design												\$6,490.00	\$6,490
<i>Right-of-Way Documents</i>													
Row-of-way Documents (3 @ \$2,500/EA)											\$7,500		\$7,500
<i>Right-of-Way Consulting Services</i>													
Appraisal, Acquisition and Title Commitment (3 @ \$9,400/EA)											\$28,200		\$28,200
<i>Expenses</i>													
Reimbursable Expenses (mileage, printing & deliveries, etc.)												\$750.00	\$750
Subtotal Special Services					19	96	104	12		231	\$70,000	\$7,240.00	\$77,240
Basic Services													
QA/QC (60% & 100%)	8									8	\$1,900		\$1,900
Field Assessment			8	8						18	\$2,500		\$2,500
Cover Sheet (1)		0.25	0.5	2				1		3.75	\$500		\$500
Sheet Index (1)		0.25	0.5	2				1		3.75	\$500		\$500
General Notes and Legend (1)		1	2	2				1		6	\$800		\$800
Project Layout w/ Survey Control (1)		1	4	8				2		15	\$1,900		\$1,900
Right-of-Way Map (3)		4	12	24				1		41	\$5,500		\$5,500
Typical Sections (1)		1	4	8				2		15	\$1,900		\$1,900
Demolition Plan (3)		2	12	24				4		42	\$5,400		\$5,400
Pavement Plan & Profiles (10)		6	24	120				24		174	\$21,800		\$21,800
Grading Plan (5)		2	24	80				16		122	\$15,200		\$15,200
Drainage Area Map (1)		4	12	28				2		46	\$6,100		\$6,100
Drainage Computations		4	12	28				1		45	\$6,000		\$6,000
Culvert Plan & Profile (1)		4	12	30				2		48	\$6,300		\$6,300
Town of Northlake Standard Details		0.25	0.5	2				1		3.75	\$500		\$500
Erosion Control Plan (3)		2	12	24				1		39	\$5,100		\$5,100
Erosion Control Details		0.25	0.5	2				1		3.75	\$500		\$500
Cross Sections (12)		4	24	32				8		68	\$8,800		\$8,800
Quantities and Cost Estimates		2	4	8						14	\$1,900		\$1,900
Specifications / Project Manual		2	8	16						26	\$3,400		\$3,400
Subtotal Basic Services	8	42	176	448				68		742	\$96,500		\$96,500
Bidding and Construction Services													
Prepare Addenda		1	1	2						4	\$600		\$600
Attend Bid Opening, Bid Tabulation & Recommendation		4		12					2	18	\$2,500		\$2,500
Prepare Conformed Construction Set / Project Manual		0.5	2	2					2	6.5	\$800		\$800
Attend Pre-Construction Meeting		4		4						8	\$1,300		\$1,300
Review Applications for Payment			6	6						12	\$1,500		\$1,500
Prepare Final Change Order to Close Contract			2	2						4	\$500		\$500
Record Drawings			1	4				8		13	\$1,500		\$1,500
Subtotal Bidding and Construction Services		9.5	12	32				8	4	65.5	\$8,700		\$8,700
PROJECT TOTALS	8	51.5	188	480	19	96	104	88	4	1038.5	\$175,200	\$7,240	\$182,440



Proposal No. 20-7811
September 18, 2020

Halff Associates, Inc.
4000 Fossil Creek Boulevard
Fort Worth, Texas 76137-2720

Attn: Mr. Kevin Gronwaldt, P.E.

**PROPOSAL FOR:
GEOTECHNICAL ENGINEERING SERVICES
FAUGHT ROAD RECONSTRUCTION
CR 317/OLD JUSTIN ROAD TO ROBSON RANCH ROAD
NORTHLAKE, TEXAS**

Dear Mr. Gronwaldt:

INTRODUCTION

CMJ Engineering, Inc. (CMJ) is pleased to submit a proposal for providing geotechnical engineering services in conjunction with the above-referenced project. We prepared this proposal based on an email from you and on the preliminary scope submitted to this office.

The project, as currently planned, will consist of refurbishing Faught Road from Old Justin Road northward to Robson Ranch Road in Northlake, Texas. The project length is on the order of 0.9 mile. Re-construction surfacing may consist of either Portland cement concrete (PCC) or hot-mix asphalt concrete (HMAC).

For purposes of this proposal, it is assumed that all borings are accessible to truck-mounted drilling equipment. In addition, it is assumed that underground utilities at boring locations will be coordinated by CMJ Engineering, Inc. prior to field drilling.

SCOPE OF SERVICES

I. BASIC SERVICES

A. SUBSURFACE EXPLORATION

Experienced drillers and technicians will evaluate subsurface conditions with a total of five (5) sample borings to a depth of 8 feet below existing grades.

The field personnel will drill the borings using truck-mounted equipment. Cohesive and non-cohesive soil samples will be obtained using 3-inch diameter Shelby tube samplers and 2-inch diameter standard split-spoon samplers, respectively. In addition, rock encountered will be evaluated by use of Texas Department of Transportation (TXDOT) cone penetration tests. A soils logger will extrude the samples in the field, check the samples for consistency with a hand penetrometer, carefully wrap them to preserve their condition, and return them to the laboratory for testing. A log of each boring will be prepared to document field activities and results.

CMJ's personnel will locate the borings in the field using hand-held GPS equipment. Approximate locations of the borings will be shown on the plan of borings. Precise surveying of boring locations and elevations is not included in the cost estimate. These services may be provided as Additional Services upon request. At the completion of drilling operations, boreholes will be backfilled with drill cuttings, plugged at the surface by hand tamping, and capped with asphalt.

B. LABORATORY SERVICES

Considering the planned facilities, anticipated soil conditions and geology, laboratory tests will be required for classification purposes, and to determine strength characteristics. The following types of tests are therefore recommended:

- moisture content and soil identification
- liquid and plastic limit determinations
- unconfined compressive strength - soil
- unit weight determinations
- Eades and Grim lime series test
- Soluble sulfate tests

The specific types and quantities of tests will be determined based on geologic conditions encountered in the borings.

CMJ ENGINEERING, INC.

Halff Associates, Inc.
Proposal No. 20-7811
September 18, 2020
Page 3

C. ENGINEERING SERVICES

An engineering report will be prepared to present the results of the field and laboratory data together with our analyses of the results and recommendations. We will provide two copies of the report and an electronic copy. The report will address:

- general soil and ground-water conditions
- recommendations for pavement subgrade stabilization
- subgrade remediation recommendations, as appropriate
- earthwork recommendations
- guidelines for pavement design

Items other than those specified above, which are revealed by these studies or are necessitated by a change in project scope, may require revised field, laboratory, and engineering services. These services, if required and requested, will be performed as Additional Services. Additional Services are described in Section II.

D. COMPENSATION FOR BASIC SERVICES

It is proposed that the Basic Services described above be performed on a unit price basis, in accordance with the attached Basic Services Cost Estimate. Based on the anticipated scope and the attached Basic Services Cost Estimate, the total cost of the Basic Services should be on the order of \$5,800 to \$5,900. For budget purposes, a maximum cost of \$5,900 is recommended. This cost for Basic Services will not be exceeded without prior authorization.

The estimated costs shown in this proposal are based on the anticipated soil conditions. The final invoice will be based on the specific quantities drilled and tested. If unanticipated conditions are encountered during drilling, we will notify you accordingly.

E. SCHEDULE FOR BASIC SERVICES

Weather permitting, we plan to initiate these studies within seven days of receipt of notice to proceed, and anticipate that one working day will be required to complete the subsurface exploration for the site (weather conditions permitting). You will receive the final report approximately three weeks following the completion of the field phase. We will make preliminary design data available sooner if necessary.

CMJ ENGINEERING, INC.

Halff Associates, Inc.
Proposal No. 20-7811
September 18, 2020
Page 4

II. ADDITIONAL SERVICES

A. AUTHORIZATION AND SCOPE

Additional Services will be performed only if specifically requested and authorized by Client. Additional Services may consist of the following:

- Additional subsurface exploration, including quantities or items other than described in Basic Services.
- Bulldozer or other equipment services required to achieve access to boring locations.
- Stand-by time or time in excess of one-half hour required for travel between boring locations.
- Additional laboratory services, including quantities or items other than described in Basic Services.
- Additional insurance coverage or limits (if available) other than CMJ's standard policies.
- Additional engineering services, including personnel time and expenses for items not specifically described in Basic Services. This may include, but is not limited to, additional meetings requested by Client or Client's other consultants, assistance to Client in dealing with regulatory agencies, preparation and engineering assistance in legal proceedings, and evaluation of alternative designs for the project or relocation of structure, following initial submittal of the geotechnical report.
- Additional copies of the report, other than the number described in Basic Services.
- Any other required or requested services authorized by Client, other than those specifically described in Basic Services.

B. COMPENSATION AND SCHEDULE FOR ADDITIONAL SERVICES

Additional Services, when authorized by Client, will be in accordance with our Schedule of Fees. Additional Services will be performed at reasonable times and within reasonable schedules as requested by Client. Authorized Additional Services will be billed as a separate item on invoices and a description of the Additional Services will be provided.

III. TERMS AND CONDITIONS

The scope of services will be performed pursuant to the Subcontract Agreement with Halff Associates, Inc.

Thank you for the opportunity to present this proposal. Do not hesitate to call if you have any questions or if you have suggestions regarding changes to the agreement or to the proposed scope of services.

* * * * *

CMJ ENGINEERING, INC.

Halff Associates, Inc.
Proposal No. 20-7811
September 18, 2020
Page 5

We look forward to working with Halff Associates, Inc. on this project.

Respectfully submitted,
CMJ ENGINEERING, INC.

A handwritten signature in black ink, appearing to read "Sappington IV", with a long horizontal flourish extending to the right.

James P. Sappington IV, P.E.
President

copies submitted: (1) Mr. Kevin Gronwaldt, P.E.; Halff Associates, Inc. (by email)

CMJ ENGINEERING, INC.
GEOTECHNICAL ENGINEERING SERVICES
BASIC SERVICES COST ESTIMATE

PROPOSAL: 20-7811
DATE: SEPTEMBER 18, 2020
PROJECT: FAUGHT ROAD RECONSTRUCTION
CR 317/OLD JUSTIN ROAD TO ROBSON RANCH ROAD
NORTHLAKE, TEXAS

<u>SUBSURFACE EXPLORATION</u>	Quant.	Unit \$	Total \$
Mobilization (Drill Rig and Flagmen)	1	680.00	680.00
Soil Drilling-Intermittent Sampling (0-25 ft.)	40	15.50	620.00
Safety Cones and Signs	1	400.00	400.00
Asphalt Patch	5	25.00	125.00
Flagman (hr.)	5	95.00	475.00
Setup/Clean-up (hr.)	2	220.00	440.00
Underground Utility Check	1	160.00	160.00

Subtotal Subsurface Services			\$2,900.00
------------------------------	--	--	------------

<u>LABORATORY SERVICES</u>			
Moisture Content and Soil Identification	24	7.00	168.00
Liquid and Plastic Limits	7	60.00	420.00
Unconfined Compressive Strength-Soil	5	49.00	245.00
Unit Weight	5	13.00	65.00
Lime Series	1	317.00	317.00
Soluble Sulfate Tests	5	80.00	400.00

Subtotal Laboratory Services			\$1,615.00
------------------------------	--	--	------------

<u>ENGINEERING SERVICES</u>			
Senior Principal Engineer	3	139.00	417.00
Staff Engineer	8	96.00	768.00
Drafting & Secretarial Support	2	50.00	100.00
Misc. Expense (report production, mileage, etc.)	1	100.00	100.00

Subtotal Engineering Services			\$1,385.00
-------------------------------	--	--	------------

TOTAL ESTIMATE			\$5,900.00
----------------	--	--	------------

NORTHLAKE MAYOR AND COUNCIL COMMUNICATION

DATE: NOVEMBER 12, 2020

REF. DOC. : TOWN OF NORTHLAKE FISCAL YEAR 2020-2021 ADOPTED BUDGET

SUBJECT: FLORANCE ROAD RECONSTRUCTION DESIGN AND RIGHT-OF-WAY
ACQUISITION SERVICES NOT TO EXCEED \$355,000



STRATEGIC GOALS/OBJECTIVES:

- Systematically Invest in Infrastructure; Maintain and improve public roadways
- Effectively Manage Public Resources; Plan and budget for future community amenities

BACKGROUND INFORMATION:

- Project scope – reconstruction of Florance Road from Strader Road to Yarbrough Road
- Design services - \$100,200 includes plans, specifications, estimates, bidding and construction
- Special services - \$253,540 includes surveys, geotechnical, right-of-way acquisition
- Total costs - \$353,740 of engineering services as proposed by Halff and Associates
- Total budget - \$2,600,000 as adopted in Fiscal Year 2020-2021 Capital Budget

COUNCIL DIRECTION:

- Authorize Town Administrator to enter into contract with Halff and Associates for Florance Road reconstruction design and right-of-way acquisition services not to exceed \$355,000.



TOWN OF NORTHLAKE, TEXAS
OFFICIAL RESOLUTION

NO. 20-34

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF NORTHLAKE, TEXAS, AUTHORIZING THE TOWN ADMINISTRATOR TO AMEND CONTRACT WITH HALFF AND ASSOCIATES FOR ENGINEERING DESIGN AND RIGHT-OF-WAY ACQUISITION SERVICES FOR RECONSTRUCTION OF FLORANCE ROAD

WHEREAS, the Town of Northlake issued \$7,000,000 principal amount of tax notes Series 2020 of which \$2,600,000 was dedicated to the Florance Road project; and

WHEREAS, the Town of Northlake fiscal year 2020-2021 proposed budget includes \$2,600,000 for the reconstruction of Florance Road from Strader to Yarbrough; and

WHEREAS, the Town received a proposal from Halff Associates to perform engineering services for the design, survey, construction management and right-of-way acquisition for a specific project;

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF NORTHLAKE, TEXAS:

SECTION 1. The Town Administrator is hereby authorized to finalize and enter into a contract amendment with Halff and Associates whereby the Town will contract for engineering design services in an amount not to exceed \$355,000 for the reconstruction of Florance Road.

PASSED, APPROVED AND ADOPTED by the Town Council on this the 12th day of November 2020.

Town of Northlake, Texas

David Rettig, Mayor

Attest:

Shirley Rogers, Town Secretary

EXHIBIT "A"
SCOPE OF SERVICES
for
FLORANCE ROAD PAVEMENT RECONSTRUCTION
FROM STRADER TO YARBROUGH
in
THE TOWN OF NORTHLAKE

1. Description

The purpose of the project is to remove and replace approximately 5,300 linear feet of Florance Road between Strader Road and Yarbrough Way. Florance Road is a 22-foot wide chip seal pavement. A geotechnical investigation will be performed, and a pavement design will be provided to determine the appropriate thickness of the proposed asphalt pavement and subgrade. The width of the road will be increased from 22 to 24 feet. Additionally, the existing cross-culverts and driveway culverts will be replaced as necessary. Right-of-way acquisition will be necessary for this project.

2. Assumptions

A. The Consultant's services shall include only those that are normal and customary and are not represented as special services or those requiring expertise greater than that provided by other service providers.

3. Special Services

A. Surveying: The Consultant shall provide surveying services, which, in general, may be defined as normal services applicable to a project of this type. The following particulars will apply.

- (1) Vertical benchmarks shall be established such that all points of construction shall be within 500 feet of a benchmark. Benchmarks should not be subject to loss during construction. Fire hydrants and similar appurtenances are not to be used for benchmarks. The surveyor shall establish temporary benchmarks throughout the length of the project.
- (2) Topographic features will be surveyed along with any and all other features needed for design, review, permitting, construction, and inspection of the project. Coverage will extend beyond the proposed rights-of-way far enough to integrate the design with the adjacent properties.
- (3) Existing property corners, iron pins, etc. shall be tied in order to establish existing rights-of-way.

B. Geotechnical Engineering: The Consultant shall engage CMJ Engineering, Inc. to evaluate subsurface conditions. A total of five (5) sample borings to a depth of eight (8) feet below existing grades will be taken. An engineering report will be prepared to present the results of the field and laboratory data together with analyses of the results and recommendations. The report will address:

- (1) General soil and ground-water conditions
- (2) Recommendations for subgrade soil stabilization type, depth and concentration, including re-use of existing materials
- (3) Guidelines for pavement design
- (4) Earthwork recommendations

The Town will pay 110% of the subconsultant's fee to the Consultant.

C. ROW Document Preparation: Right-of-way exhibits and legal descriptions for all right-of-way required for construction of the project will be prepared as follows:

- (1) A maximum of seventeen (17) individual exhibits/parcels shall be prepared on 8-1/2" x 11" paper and shall include area required, area remaining, parcel number, and owner of record. Individual exhibits shall be stamped, dated, and signed by a Registered Professional Land Surveyor. Additional parcels, if required, shall be prepared for an additional fee.
- (2) Legal descriptions for each parcel shall reference the volume, page, and owner of the parent tract and shall be incorporated into a standard Town of Northlake conveyance document as Exhibit "A". Individual parcels will be cross-referenced on the plans.
- (3) Upon approval of the right-of-way plans by the Town, the Consultant shall then stake and flag the taking for inspection by the appraiser and property owner. The documents, including legal description shall be furnished to the Town in Microsoft Word or PDF format.
- (4) Right-of-way acquisition services are not included in this scope of work.

D. ROW Consulting Services: Parcel acquisition, appraisal and title commitment for all right-of-way acquired for construction of the project will be prepared as follows:

- (1) Main Services

I. Project Administration

A. Negotiation of the Scope of Services for Work Authorization

1. ROW Consultant will visit project site with Town Personnel.

B. Communication

1. Maintain status reports of all parcel and project activities and provide weekly.
2. Provide schedule of all areas of work indicating anticipated start and end dates.
3. Attend weekly status meetings.
4. Prepare initial property owner contact list for use by Town in distribution of ROW Consultant introduction letters.

C. File Management

1. Project and parcel files will be kept at the Town. Working files will be kept in the ROW Consultant's project administrative office, but documents generated or received by the ROW Consultant will be forwarded to the Town as they are generated or received by the ROW Consultant.
2. Prepare invoices utilizing Town standard payment submissions forms with supporting documentation.
3. Maintain records of all payments including warrant/check number, amount, and date paid, etc.
4. Maintain copies of all correspondence and contacts with property owners.

II. Title and Closing Services

A. Secure preliminary title commitment or preliminary title search and 5-year sales data from the title company that will be providing title insurance.

1. The charges from the Title Company for the preliminary title commitments will be paid by the Town and are not be included in the Consultant's negotiated fee schedule.

B. Secure title commitments updates in accord with insurance rules and requirements for parcel payment submissions. The charges from the Title Company for the update of the title commitment will be paid by Town and should not be included in the Consultant's negotiated fee schedule.

C. Secure title insurance for all parcels acquired, insuring acceptable title. Written approval by Town required for any exception. The charges from the Title Company for the update of

the title insurance will be paid by Town and should not be included in the Consultant's negotiated fee schedule.

D. The curative services necessary to provide clear title to the Town is the responsibility of the Consultant and is to be included in the negotiated fee schedule for this service. Note: the Consultant's curative services do not include cost/expenses that qualify as payment of incidental expenses to transfer real property to the Town.

E. The Consultant has the responsibility of direct contact with the Title Company to obtain an updated title commitment along with other forms and certified copy of the instrument of conveyance when requesting the Parcel Payment from the Town.

F. The Consultant provides closing services in conjunction with the Title Company and at the discretion of the Town may be required to attend closings.

G. Any fee related to obtaining certified court documents and fees for recording same which are not collected at the closing of the parcel shall be direct pass through fees.

H. Consultant shall cause the recordation of all original instruments immediately after closing at the respective County Clerk's Office. The cost of recording fees and filing fees are paid by the Town and should not be included in the Consultant's negotiated fee schedule.

III. Negotiation Services

A. Analyze appraisal and appraisal review reports and confirm Town's approved value prior to making offer for each parcel.

B. Analyze preliminary title report to determine potential title problems, propose methods to cure title deficiencies.

C. Prepare and send the letter transmitting the Landowners' Bill of Rights by Certified Mail-Return Receipt Requested (CMRRR).

D. Prepare the initial offer letter, memorandum of agreement, instruments of conveyance, and any other documents required or requested by Town on applicable forms.

E. Contact each property owner or owner's designated representative, to present the written offer in person where practical, and deliver appraisal report and required brochures.

Maintain follow-up contacts and secure the necessary instruments upon acceptance of the offer for the closing.

F. Provide a copy of the appraisal report for the subject property exclusively to the property owner or authorized representative at the time of the offer. Maintain original signed Receipt of Appraisal for billing purposes.

G. Respond to property owner inquiries verbally and in writing within two business days.

H. Prepare a separate negotiator contact report for each parcel per contact on approved form.

I. Maintain parcel files of original documentation related to the purchase of the real property or property interests.

J. Advise property owner on the Administrative Settlement process. Transmit to Town any written counteroffer from property owners including supporting documentation, and Consultant recommendation regarding Administrative Settlements in accordance with Town policy and procedures.

K. Prepare final offer letter, documents of conveyance as necessary.

L. Appear and provide Expert Witness testimony as a Consultant when requested. The cost of the Consultant's expert witness testimony for trial is not part of this contract.

M. Issue Property Owner's Survey to property owner.

IV. Initial and Update Appraisal Service

A. Appraisers should provide advance notice of the date and time of their appraisal inspections of the subject property to the Consultant's Project Administrator in order to coordinate the appraiser's inspection.

B. Secure written permission from the owner to enter the property from which real estate is to be acquired. If the Appraiser, after diligent effort, is unable to secure the necessary letter of permission from the property owner, a waiver must be obtained in writing from the Town.

C. Prepare and conduct personal pre-appraisal contact with interest owner(s) for each parcel using acceptable Town forms.

D. Contact property owners or their designated representative to offer opportunity to accompany the appraiser on the appraiser's inspection of the subject property. Maintain record of contract in file.

E. For the initial appraisal, prepare complete appraisal report for each parcel to be acquired. These reports shall conform to Town policies and procedures along with the Uniform Standards of Professional Appraisal Practices as promulgated by the Appraisal Foundation.

F. For an updated appraisal, prepare complete appraisal update for the parcel to be acquired. These reports shall conform to Town policies and procedures along with the Uniform Standards of Professional Appraisal Practices.

G. As necessary, prepare written notification to the Town of any environmental concerns associated with the right of way to be acquired, which could require environmental re-mediation.

H. All completed appraisals will be administratively reviewed by the Town staff and recommend for approval by the Town staff.

1. Town staff coordinate with Consultant's review appraiser (if applicable) regarding revisions, comments, or additional information that may be required. The Consultant's review appraiser will then coordinate with the appraiser.

I. As necessary, the appraiser will coordinate with the review appraiser regarding revisions, comments, or additional information that may be required.

J. The fees for initial and updated appraisal assignments are based on separate appraisal assignments.

K. Beyond delivery of initial and update appraisal assignments, the appraiser can be called to provide preparation and testimony for a Special Commissioners Hearing. For this appraisal assignment, the fee for the preparation time and testimony must be based on the hourly rate shown in the Consultant's Fee Schedule.

(2) Additional Services - Additional services to be performed by Consultant, if authorized in writing by the Town, which are not included in the above-described Basic Services, are described below:

V. Relocation Assistance Services for Residential, Business, Personal Property, Mini Storage Units and Outdoor Advertising Signs

- A. Notify all Displacees and potential Displacees of eligibility for relocation assistance. At the time of initial contact, provide Displacees with a Relocation Assistance Packet consisting;
 - 1. Page one of the Relocation Advisory Assistance – Parcel Record form
 - 2. Displacee Move Plan
 - 3. Certification of Eligibility
 - 4. Relocation Assistance Brochure
- B. Provide on-going relocation assistance and advisory services to Displacees affected by acquisition of the property and deliver a completed Relocation Advisory Assistance – Parcel Record form signed by the Displacee to the Town.
- C. Locate, evaluate, and maintain files on comparable available housing to complete Right of Way Acquisition Services Contract.
- D. Compute and submit request for relocation housing/rental supplement to the Town Project Manager on the Supplemental Payment Estimate, Replacement Housing form with supporting Residential Property Evaluation forms with photos attached.
- E. Provide 90-day notice to vacate, if required by the Town, simultaneous with the delivery of relocation benefits package.
- F. Provide 30-day notice once property has been acquired by the Town. Note: the Displacee must be given no less than 90-day notice.
- G. Notify the Town Project Manager immediately if Displacee does not move after the 30-day notice expires.
- H. Perform a decent, safe, and sanitary inspection of the replacement housing in accordance with Town and State of Texas policy. Prepare and complete Replacement Housing Inspection form and submit to the Town Project Manager.
- I. For non-residential moves, Negotiated Self-Moves
 - 1. If a moving plan exceeds \$20,000, prepare moving plan with appropriate photos and sketches along with inventory of personal property to be moved for non-residential moves. This is required for pre-approval by the Town.

2. If the moving plan for a Negotiated Self-Move is less than \$20,000 the Consultant must submit Negotiated Self-Move Request with moving plan for the business owner or tenant. This includes photos, written inventory list, type of move requested, and project move date.

J. For all Negotiated Self-Moves, the Consultant is responsible for requesting moving estimates from moving companies. Moving estimates must be obtained by the Consultant and not the Displacee. Moving estimates must be prepared in writing and in the name of Town and not the Consultant.

K. Coordinate and monitor moves with displaced homeowners, business owners, and tenants and with moving companies in accordance with State and Town procedures.

L. Maintain relocation contact logs on Relocation Advisory Assistance - Parcel Record form journaling all attempted and completed contacts with all parties. This includes descriptions of the reasons and outcome for each contact.

M. Attend closings on replacement property if requested by any party involved, and assure supplemental payment is properly distributed.

N. Process and compute increased interest payments as required.

O. Relocation agent shall be available for any appeals or hearings. For this assignment, the fee for preparation and testimony will be a reasonable hourly rate, preapproved in writing by the Town Project Manager.

P. Prepare all relocation payment claim submissions for all Displacees in accordance with State and Town guidelines.

Q. Deliver warrants in accordance with Town guidelines.

R. Issue Relocation Survey to all Displacees.

S. Provide an executed Certification of Eligibility form with all Displacee claims.

VI. Condemnation Support

Consultant shall not act as the attorney for condemnation purposes. Town must self-perform legal services or contract with third party attorney.

Consultant shall provide those support services to Town or to Town's attorney as described below:

A. Pre-Hearing Support

1. Request updated Title Commitment from title Company.
2. Use information from the Title Commitment to identify interested parties. *
3. Submit information packet as requested by Condemning Attorney.
4. Request update of appraisal.
5. File original petition with County Court at Law or other appropriate Court for a cause number to be assigned.
6. File Lis Pendens including the cause number with the County Clerk's Office
7. Upon assignment of a court, file the Order Appointing Commissioners with the judge, retaining a copy of the Order for the files.
8. Following appointment of Commissioners by the judge, secure Oath of Commissioners signed by the Commissioners, Order Setting Hearing and Notice of Hearing signed by the Commissioners.
9. File all originals with the court and send copies to Town and Condemning Attorney.

B. Post-Hearing Support

1. File Award of the Commissioners with the court for the Judge's signature within 48 hours of hearing, unless on Friday or before a holiday when court will not be open.
2. Obtain certified copy of Award and provide to Town with request for funding in amount of Award.
3. Obtain Commissioners' Fees and submit to Town for payment.
4. File Award payment in registry of the court, file Notice of Deposit with the court and send certified copies to each defendant notifying them of the date of deposit. The Date of Deposit is the Date of Take.
5. Send written notices of the date of deposit to the Town and all interested parties.

* Updated Title Commitments shall be paid directly by Town. Please refer to II. Title and Closing Services.

VII. Relocation Appeal(s)

- A. Assist Town with coordination of approval process.
1. Submit appeal to town for review.

2. Provide support documentation.

VIII. Eviction Process

- A. Assist Town with Eviction Process.
 1. Maintain paperwork necessary for filing eviction.
 2. File necessary documents with court.
 3. Attend Hearing(s).

IX. Disposal of Property Services

- A. Provide a Release of Property to the Town Project Manager signed by the former owner stating that all personal property has been removed and any remaining items belong to the Town.
- B. Provide the Town Project Manager a copy of the plat and field notes, photographs of the property in a PDF format, a copy of the appraisal, and the Release of Property form when buildings are vacant and ready for disposal. The Town Project Manager will initiate the environmental surveys as needed.

X. Miscellaneous

- A. Testimony for Hearing(s) or appeals.
- B. Document/Form establishment.
- C. Reporting outside of typical status reports.

4. Basic Services

A. Construction Plans: The Consultant shall develop construction plans for review, permitting, bidding, construction, inspection and record keeping. In general, construction plans shall be consistent with normal practice for projects of this nature. The construction plans will consist of numerous sheets ordered as follows:

- (1) Cover Sheet and Sheet Index: The cover sheet shall include a location map. Additionally, the cover sheet shall show the project name, project number, date, Town logo, Professional's name, address, and telephone number and other items as may be specified. Following the cover sheet shall be a sheet index with drawings numbered consecutively and without subscripts.
- (2) Project General Notes and Legend: These sheets will include a listing of abbreviations, legend, and general notes.

- (3) Project Layout Sheet: The project layout sheet will be drawn to a scale of 1" = 50' and laid out with the north arrow up and to the right. The purpose of the project layout is to depict the project in a simplified view. Major items of work will be shown without excessive detail. Additionally, survey control points shall be shown.
- (4) Typical Sections: Typical sections shall be drawn to scales of 1" = 5' h and 1" = 2' v and shall depict a view looking north. As a minimum, typical sections will be drawn showing the relationship of the proposed street and existing and proposed improvements. Typical sections will include existing roadways, right-of-way lines, etc., along with all proposed roadway improvements and will depict all significant items of work.
- (5) Plan and Profile Sheets: Plan-profile sheets will be arranged from south to north with the north arrow up and to the right on the sheet(s). Plan-profile sheets will be drawn to scales of 1" = 20' h and 1" = 4' v. Stationing will be from south to north with the beginning station being set at approximately 1+00. Each plan-profile sheet will include no more than 500 feet of street; thus, leaving ample margins both left and right. The plan and profile station will align vertically on the sheet with the proposed centerline drawn parallel to the profile grid. When there is a centerline curvature, the plan-profile should be drawn so that as much of the plan view is in alignment as possible. Plan-profile sheets shall depict all existing and proposed items pertinent to the project.
- (6) Detail Sheets: The Town's standard drawings will be used as a beginning point in developing standard details for this project. They will be reviewed and modified for this project. Where other agency standards are used, such as TxDOT, they shall be reduced as necessary to fit on the Town's standard sheet format with complete title block.
- (7) Cross Sections: Cross sections shall be drawn to scales of 1" = 10' h and 1" = 5' v on sheets of 1" grids H and V. They shall be arranged from bottom to top of the sheet looking up station and shall show existing and proposed features and improvements. Generally, no more than eight (8) sections per sheet are to be plotted. Each section should extend beyond the easement and rights-of-way a sufficient distance to clearly show the relationship between the proposed improvements and the existing properties. Full sections will be drawn at critical locations, such as steep driveways, retaining walls, and at maximum spacings of 50 feet.
- (8) Miscellaneous: Construction plans will address erosion control. Complete traffic control plans will be the responsibility of the Contractor.

- (9) Review Plans: Preliminary plans shall then be prepared and submitted at the 60% milestone. Final plans shall be prepared and submitted at the 100% milestone. Also, the Consultant may submit plan sheets or working drawings to the Town for review and comment to reduce the number of revisions that otherwise would be required. During development of the plans, the Consultant shall attend meetings as needed. The Consultant shall, in company with the Town, perform at least one plans-in-hand review.
- (10) Design: The design of the project shall be in general accordance with the Town of Northlake ordinances, standard details, and good engineering practices. During the design phase, the Consultant shall contact various utility companies and obtain information relating to existing utility lines. The design should avoid major utility relocations, where practical.
- (11) Prints: The Consultant shall provide prints of construction plans for review and permitting. Five (5) sets of half-size (11"x17") plans will be submitted to the Town for each review stage. Construction plans shall be furnished full-size (22"x34") and half-size. Up to four (4) full-size and four (4) half-size final construction plans shall be furnished to the Town. Up to two (2) full-size and three (3) half-size final construction plans shall be furnished to the Contractor. Electronic files in PDF and DGN or DWG format shall be provided to the Town and Contractor for use during construction.
- (12) Generic Sheet List: Following is a general list of plan sheets required for each construction package.
- (a) Cover Sheet
 - (b) Sheet Index
 - (c) General Notes and Legend
 - (d) Project Layout
 - (e) Right-of-Way Map
 - (f) Typical Sections
 - (g) Demolition Plan
 - (h) Paving Plan & Profile
 - (i) Grading Plan
 - (j) Drainage Area Map
 - (k) Drainage Computations
 - (l) Culvert Plan & Profile
 - (m) Town of Northlake and/or TxDOT Standard Details
 - (n) Erosion Control Plan
 - (o) Town of Northlake Erosion Control Details
 - (p) Cross Sections

B. Specifications: The Consultant shall prepare a project manual and technical specifications required for bidding and constructing the project. The project manual will be provided in the Town's standard format. Only specifications amending or supplementing COG specifications need be furnished. Project manual, specifications, bid items and quantities shall be furnished on hard copy and by electronic file.

C. Estimates: Estimates of probable cost will be developed at each milestone submittal.

D. Construction Control Staking: The Contractor will provide construction staking.

E. Bidding, Construction, Closure:

(1) Bidding – During the bidding phase, the Consultant will assist the Town by addressing technical questions and preparing addenda. The Consultant will evaluate bids, attend the bid opening, prepare the bid tabulation and make recommendation for award of contract.

(2) Construction – The Consultant will not be responsible for the contractor's work, nor shall the Consultant be required to perform inspection services. The Consultant will handle any field changes and/or change orders which may become necessary for the orderly completion of the project. The Consultant will provide any major plan revisions that may be necessary for the orderly completion of the project. The Consultant will review and approve applications for payment prepared by the Contractor.

(3) Closure – The Consultant shall prepare record drawings, incorporating all changes provided by the Contractor and known variations to provide the Town the best possible set of record drawings. Final record drawings shall be furnished both electronically (PDF and CADD) and on paper. Additionally, shape files may be provided to update the Town's GIS maps.

F. Miscellaneous: Miscellaneous services not provided for herein and not generally associated with a project of this type will be paid for under an amendment to this Agreement and for an additional fee.

5. Schedule:

A. Completion of design surveys: 30 calendar days from date of written authorization to begin work.

- B. Completion/furnishing 60% preliminary plans, specifications, bid quantities, and construction cost estimate: 135 calendar days from date of written authorization to begin.
- C. Completion/furnishing 100% final plans, specifications, bid quantities, and construction cost estimate: 195 calendar days from date of written authorization to begin, excluding Town review time.
- D. Bidding services: 60 calendar days from Town's approval of final plans.
- E. Construction services: In accordance with construction schedule.
- F. Closure: 60 calendar days from the date of construction completion.

**EXHIBIT “B”
COMPENSATION
for
FLORANCE ROAD PAVEMENT RECONSTRUCTION
FROM STRADER TO YARBROUGH
in
THE TOWN OF NORTHLAKE**

Exhibit “B” defines the basis of compensation to the Consultant for the services rendered.

- A. Basic Fee Services** – The basic fee for the services as described in Exhibit “A” will be **\$100,200** which includes printing, direct costs and computer charges normally associated with production of these services.

The basis of compensation for Basic Fee services shall be as follows:

1. \$54,900 for preparation of 60% preliminary plans, specification and estimates
2. \$36,600 for preparation of 100% final plans, specifications and estimates
3. \$8,700 for bidding and construction phase services

All items will be billed monthly based on actual completion of the tasks and may include partial payments of the total amounts designated for each item.

- B. Special Services** – Special Services will be billed monthly based on actual completion of the tasks and may include partial payments of the total amounts designated for each item. The following summarizes special services fees.

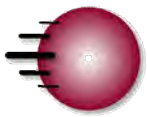
TASK DESCRIPTION	FEE
1. Boundary Survey Services	\$23,600
2. Topographic Survey Services	\$20,400
3. Geotechnical Engineering Services	\$6,490
4. ROW Documents (\$2,500/EA)	\$42,500
5. ROW Consulting Services by Parcel (\$9,400/EA)	\$159,800
6. Reimbursable Expenses (Printing, Deliveries, Mileage, etc.)	\$750
TOTAL SPECIAL SERVICES	\$253,540

The total maximum fee for all services is **\$353,740.00**.

EXHIBIT "B-1"
(SUPPLEMENT TO EXHIBIT "B")

FLORANCE ROAD PAVEMENT RECONSTRUCTION FROM STRADER TO YARBROUGH
TOWN OF NORTHLAKE
ESTIMATED EFFORT

Project Phases and Tasks	QA/QC	Team Leader	Project Engineer	Engineer in Training	RPLS	2-Man Survey Crew	Survey Technician	CADD Technician	Clerical/ Administrative Support	Effort Subtotal	Fee Subtotal	Direct Costs	Project Total
Special Services													
<i>Surveying Services</i>													
Boundary Survey					29	48	80			157	\$23,600		\$23,600
Topographic Survey					6	64	56	12		138	\$20,400		\$20,400
<i>Geotechnical Engineering Services</i>													
Geotechnical Investigation, Report of Findings and Pavement Design												\$6,490.00	\$6,490
<i>Right-of-Way Documents</i>													
Right-of-Way Documents (17 @ \$2,500/EA)											\$42,500		\$42,500
<i>Right-of-Way Consulting Services</i>													
Appraisal, Acquisition and Title Commitment (17 @ \$9,400/EA)											\$159,800		\$159,800
<i>Expenses</i>													
Reimbursable Expenses (mileage, printing & deliveries, etc.)												\$750.00	\$750
Subtotal Special Services					35	112	136	12		295	\$246,300	\$7,240.00	\$253,540
Basic Services													
QA/QC (60% & 100%)	8									8	\$1,900		\$1,900
Field Assessment			8	8						18	\$2,500		\$2,500
Cover Sheet (1)		0.25	0.5	2				1		3.75	\$500		\$500
Sheet Index (1)		0.25	0.5	2				1		3.75	\$500		\$500
General Notes and Legend (1)		1	2	2				1		6	\$800		\$800
Project Layout w/ Survey Control (1)		1	4	8				2		15	\$1,900		\$1,900
Right-of-Way Map (3)		4	12	24				1		41	\$5,500		\$5,500
Typical Sections (1)		1	4	8				2		15	\$1,900		\$1,900
Demolition Plan (3)		2	12	24				4		42	\$5,400		\$5,400
Pavement Plan & Profiles (11)		6	24	120				24		174	\$21,800		\$21,800
Grading Plan (6)		2	24	80				16		122	\$15,200		\$15,200
Drainage Area Map (1)		2	8	16				4		30	\$3,900		\$3,900
Drainage Computations		4	12	16				2		34	\$4,600		\$4,600
Culvert Plan & Profile (1)		2	8	24				4		38	\$4,900		\$4,900
Town of Northlake Standard Details		0.25	0.5	2				1		3.75	\$500		\$500
Erosion Control Plan (3)		2	12	24				1		39	\$5,100		\$5,100
Erosion Control Details		0.25	0.5	2				1		3.75	\$500		\$500
Cross Sections (14)		4	24	32				8		68	\$8,800		\$8,800
Quantities and Cost Estimates		2	4	8						14	\$1,900		\$1,900
Specifications / Project Manual		2	8	16						26	\$3,400		\$3,400
Subtotal Basic Services	8	38	168	418				73		705	\$91,500		\$91,500
Bidding and Construction Services													
Prepare Addenda		1	1	2						4	\$600		\$600
Attend Bid Opening, Bid Tabulation & Recommendation		4		12					2	18	\$2,500		\$2,500
Prepare Conformed Construction Set / Project Manual		0.5	2	2					2	6.5	\$800		\$800
Attend Pre-Construction Meeting		4		4						8	\$1,300		\$1,300
Review Applications for Payment			6	6						12	\$1,500		\$1,500
Prepare Final Change Order to Close Contract			2	2						4	\$500		\$500
Record Drawings			1	4				8		13	\$1,500		\$1,500
Subtotal Bidding and Construction Services		9.5	12	32				8	4	65.5	\$8,700		\$8,700
PROJECT TOTALS	8	47.5	180	450	35	112	136	93	4	1065.5	\$346,500	\$7,240	\$353,740



Proposal No. 20-7810
September 18, 2020

Halff Associates, Inc.
4000 Fossil Creek Boulevard
Fort Worth, Texas 76137-2720

Attn: Mr. Kevin Gronwaldt, P.E.

**PROPOSAL FOR:
GEOTECHNICAL ENGINEERING SERVICES
FLORANCE ROAD RECONSTRUCTION
STRADER ROAD TO YARBROUGH WAY
NORTHLAKE, TEXAS**

Dear Mr. Gronwaldt:

INTRODUCTION

CMJ Engineering, Inc. (CMJ) is pleased to submit a proposal for providing geotechnical engineering services in conjunction with the above-referenced project. We prepared this proposal based on an email from you and on the preliminary scope submitted to this office.

The project, as currently planned, will consist of refurbishing Florance Road from Strader Road northward to Yarbrough Way in Northlake, Texas. The project length is on the order of 1 mile. Re-construction surfacing may consist of either Portland cement concrete (PCC) or hot-mix asphalt concrete (HMAC).

For purposes of this proposal, it is assumed that all borings are accessible to truck-mounted drilling equipment. In addition, it is assumed that underground utilities at boring locations will be coordinated by CMJ Engineering, Inc. prior to field drilling.

SCOPE OF SERVICES

I. BASIC SERVICES

A. SUBSURFACE EXPLORATION

Experienced drillers and technicians will evaluate subsurface conditions with a total of five (5) sample borings to a depth of 8 feet below existing grades.

The field personnel will drill the borings using truck-mounted equipment. Cohesive and non-cohesive soil samples will be obtained using 3-inch diameter Shelby tube samplers and 2-inch diameter standard split-spoon samplers, respectively. In addition, rock encountered will be evaluated by use of Texas Department of Transportation (TXDOT) cone penetration tests. A soils logger will extrude the samples in the field, check the samples for consistency with a hand penetrometer, carefully wrap them to preserve their condition, and return them to the laboratory for testing. A log of each boring will be prepared to document field activities and results.

CMJ's personnel will locate the borings in the field using hand-held GPS equipment. Approximate locations of the borings will be shown on the plan of borings. Precise surveying of boring locations and elevations is not included in the cost estimate. These services may be provided as Additional Services upon request. At the completion of drilling operations, boreholes will be backfilled with drill cuttings, plugged at the surface by hand tamping, and capped with asphalt.

B. LABORATORY SERVICES

Considering the planned facilities, anticipated soil conditions and geology, laboratory tests will be required for classification purposes, and to determine strength characteristics. The following types of tests are therefore recommended:

- moisture content and soil identification
- liquid and plastic limit determinations
- unconfined compressive strength - soil
- unit weight determinations
- Eades and Grim lime series test
- Soluble sulfate tests

The specific types and quantities of tests will be determined based on geologic conditions encountered in the borings.

CMJ ENGINEERING, INC.

Halff Associates, Inc.
Proposal No. 20-7810
September 18, 2020
Page 3

C. ENGINEERING SERVICES

An engineering report will be prepared to present the results of the field and laboratory data together with our analyses of the results and recommendations. We will provide two copies of the report and an electronic copy. The report will address:

- general soil and ground-water conditions
- recommendations for pavement subgrade stabilization
- subgrade remediation recommendations, as appropriate
- earthwork recommendations
- guidelines for pavement design

Items other than those specified above, which are revealed by these studies or are necessitated by a change in project scope, may require revised field, laboratory, and engineering services. These services, if required and requested, will be performed as Additional Services. Additional Services are described in Section II.

D. COMPENSATION FOR BASIC SERVICES

It is proposed that the Basic Services described above be performed on a unit price basis, in accordance with the attached Basic Services Cost Estimate. Based on the anticipated scope and the attached Basic Services Cost Estimate, the total cost of the Basic Services should be on the order of \$5,800 to \$5,900. For budget purposes, a maximum cost of \$5,900 is recommended. This cost for Basic Services will not be exceeded without prior authorization.

The estimated costs shown in this proposal are based on the anticipated soil conditions. The final invoice will be based on the specific quantities drilled and tested. If unanticipated conditions are encountered during drilling, we will notify you accordingly.

E. SCHEDULE FOR BASIC SERVICES

Weather permitting, we plan to initiate these studies within seven days of receipt of notice to proceed, and anticipate that one working day will be required to complete the subsurface exploration for the site (weather conditions permitting). You will receive the final report approximately three weeks following the completion of the field phase. We will make preliminary design data available sooner if necessary.

CMJ ENGINEERING, INC.

Halff Associates, Inc.
Proposal No. 20-7810
September 18, 2020
Page 4

II. ADDITIONAL SERVICES

A. AUTHORIZATION AND SCOPE

Additional Services will be performed only if specifically requested and authorized by Client. Additional Services may consist of the following:

- Additional subsurface exploration, including quantities or items other than described in Basic Services.
- Bulldozer or other equipment services required to achieve access to boring locations.
- Stand-by time or time in excess of one-half hour required for travel between boring locations.
- Additional laboratory services, including quantities or items other than described in Basic Services.
- Additional insurance coverage or limits (if available) other than CMJ's standard policies.
- Additional engineering services, including personnel time and expenses for items not specifically described in Basic Services. This may include, but is not limited to, additional meetings requested by Client or Client's other consultants, assistance to Client in dealing with regulatory agencies, preparation and engineering assistance in legal proceedings, and evaluation of alternative designs for the project or relocation of structure, following initial submittal of the geotechnical report.
- Additional copies of the report, other than the number described in Basic Services.
- Any other required or requested services authorized by Client, other than those specifically described in Basic Services.

B. COMPENSATION AND SCHEDULE FOR ADDITIONAL SERVICES

Additional Services, when authorized by Client, will be in accordance with our Schedule of Fees. Additional Services will be performed at reasonable times and within reasonable schedules as requested by Client. Authorized Additional Services will be billed as a separate item on invoices and a description of the Additional Services will be provided.

III. TERMS AND CONDITIONS

The scope of services will be performed pursuant to the Subcontract Agreement with Halff Associates, Inc.

Thank you for the opportunity to present this proposal. Do not hesitate to call if you have any questions or if you have suggestions regarding changes to the agreement or to the proposed scope of services.

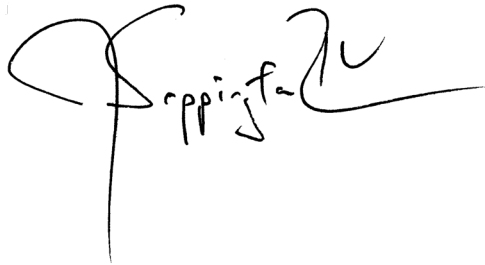
* * * * *

CMJ ENGINEERING, INC.

Halff Associates, Inc.
Proposal No. 20-7810
September 18, 2020
Page 5

We look forward to working with Halff Associates, Inc. on this project.

Respectfully submitted,
CMJ ENGINEERING, INC.

A handwritten signature in black ink, appearing to read "Sappington IV", with a long horizontal flourish extending to the right.

James P. Sappington IV, P.E.
President

copies submitted: (1) Mr. Kevin Gronwaldt, P.E.; Halff Associates, Inc. (by email)

CMJ ENGINEERING, INC.
GEOTECHNICAL ENGINEERING SERVICES
BASIC SERVICES COST ESTIMATE

PROPOSAL: 20-7810
DATE: SEPTEMBER 18, 2020
PROJECT: FLORANCE ROAD RECONSTRUCTION
STRADER ROAD TO YARBROUGH WAY
NORTHLAKE, TEXAS

<u>SUBSURFACE EXPLORATION</u>	Quant.	Unit \$	Total \$
Mobilization (Drill Rig and Flagmen)	1	680.00	680.00
Soil Drilling-Intermittent Sampling (0-25 ft.)	40	15.50	620.00
Safety Cones and Signs	1	400.00	400.00
Asphalt Patch	5	25.00	125.00
Flagman (hr.)	5	95.00	475.00
Setup/Clean-up (hr.)	2	220.00	440.00
Underground Utility Check	1	160.00	160.00
Subtotal Subsurface Services			\$2,900.00
<u>LABORATORY SERVICES</u>			
Moisture Content and Soil Identification	24	7.00	168.00
Liquid and Plastic Limits	7	60.00	420.00
Unconfined Compressive Strength-Soil	5	49.00	245.00
Unit Weight	5	13.00	65.00
Lime Series	1	317.00	317.00
Soluble Sulfate Tests	5	80.00	400.00
Subtotal Laboratory Services			\$1,615.00
<u>ENGINEERING SERVICES</u>			
Senior Principal Engineer	3	139.00	417.00
Staff Engineer	8	96.00	768.00
Drafting & Secretarial Support	2	50.00	100.00
Misc. Expense (report production, mileage, etc.)	1	100.00	100.00
Subtotal Engineering Services			\$1,385.00
TOTAL ESTIMATE			\$5,900.00



DAVID A. RETTIG, MAYOR
RENA HARDEMAN, COUNCIL PLACE 1
JIMMY LAMBERT, COUNCIL PLACE 2

BRIAN MONTINI, MAYOR PRO TEM, COUNCIL PLACE 3
ROGER SESSIONS, COUNCIL PLACE 4
DANNY SIMPSON, COUNCIL PLACE 5

**NORTHLAKE TOWN COUNCIL
MEETING MINUTES
THURSDAY, OCTOBER 8, 2020
1500 COMMONS CIRCLE SUITE 300 - NORTHLAKE, TEXAS 76226**

1. Mayor David Rettig called the workshop session to order at 6:35 pm, quorum present

Council Members present: David Rettig, Rena Hardeman, Jimmy Lambert, Brian Montini, Roger Sessions, Danny Simpson

Staff present: Drew Corn, Town Administrator; Nathan Reddin, Development Director; Robert Crawford, Chief of Police, Police Captain Mike Coleman; Eric Tamayo, Public Works Director; John Zagurski, Finance Director; Tara Barton, Marketing & Communications Coordinator; Jakob Bressler, Admin Intern, and Shirley Rogers, Town Secretary

Consultants present: Ashley Dierker, Town Counsel; Ben McGahey, PE, Town Engineer; Kimberly Miller, Hall and Associates; Boyd London, Financial Advisor, Hilltop Securities

Invocation given by Robert Balduc, Pastor St. Peters Church
Pledge of Allegiance led by Mayor David Rettig

2. Presentations

Metroport Chamber Annual Report Update presented by Sally Aldridge, President & CEO
Northwest ISD State of the District Update presented by Dr. Ryder Warren, Superintendent

3. Mayor Rettig issued the following Proclamations

Northlake Beautification Months FY 20-21 (No. 20-5)
Texas Municipal Court Week November 2-6, 2020 (No. 20-6)

4. Briefing Items

A. Home Rule Charter Commission Appointments presented by Mayor Rettig

- Mayor proposes a twenty-member commission
- Commission will self-organize their schedule, pace, etc. delivering their charter proposal by February in order to be included on the May 2021 ballot

- Two resident appointees from each larger neighborhood to ensure diverse viewpoints and representation
- One resident appointee by each Councilor
- Mayor Pro Tem appointment to commission as chair

B. Proposed Updates on Fire & Building Codes presented by Nathan Reddin

- ISO Building Codes effectiveness classification set to go up if not newer code not adopted
- Lower ISO rating can lead to lower insurance rates
- Difference between current codes and proposed codes are mostly minor and most builders in Northlake are building to newer codes
- Newer codes help maintain quality and preserve property values
- Proposed 2018 International Codes include IFC-NCTCOG Regional amendments
- Proposed 2018 Fire Code maintains current local amendments
- 2017 National Electrical Code with NCTCOG Regional Amendments

5. Mayor David Rettig called the regular meeting to order at 8:08 pm, all council members present

6. Public Input

- Joel McGregor, Northlake resident, stated his opposition to the town taking on any additional debt, opposed approval of Items I, L, M, N
- Bill Moore, Northlake resident, stated his support for Item K allowing for Off-Highway Vehicles with certain restrictions

7. Consent Items

Mayor Pro Tem Montini made the motion to approve the Consent Items listed below. 2nd by Council Member Sessions

Vote:	motion passed unanimous
For:	Montini, Sessions, Simpson, Lambert, Hardeman
Against:	none

- C. Resolution No. 20-28 authorizing the Town Administrator to enter into an agreement for the purchase of a one Public Works Department vehicle not to exceed \$80,000 and three Police Department Vehicles and Equipment not to exceed \$195,000
- D. Resolution No. 20-29 approving and authorizing the Town Administrator to enter into an agreement for the purchase of water meters and transmitters not to exceed \$300,000
- E. Resolution No. 20-30 authorizing participation in various cooperative purchasing programs in accordance with the Town's procurement policy; identifying those cooperative purchasing programs approved for town participation; authorizing execution of any and all necessary agreements for participation in the cooperative programs by the Town Administrator and approving related contracts
- F. Town Council Meeting Minutes of 9-10-20

8. Regular Items

- G. Ordinance approving a Development Agreement between the Town of Northlake, Texas, Northlake Economic Development Corporation, Northlake Community Economic Development Corporation and Richard Foster, Karen Elaine Lewis, Shannon N. Gierisch and Rachel P. Weis for a commercial development to be located on approx. 124 acres of land in the H. Anderson Survey, Abs. No. 25 and the A.

Gawltney Survey, Abs. No. 500 Denton County, Texas, authorizing the Town Administrator to execute said Development Agreement

- i. Mayor Rettig open the public hearing at 8:26 pm
no one came forward for or against
Mayor Rettig closed the public hearing at 8:26 pm

- ii. Council Member Simpson made the motion to approve Ordinance No. 20-1008A. 2nd by Mayor Pro Tem Montini

Vote: motion passed
For: Simpson, Montini, Sessions, Lambert
Against: Hardeman

- H. Ordinance approving the Development Agreement between the Town of Northlake, Texas, Northlake Economic Development Corporation, Northlake Community Development Corporation and Northlake 35, LLC for a commercial development to be located on approx. 250 acres of land in the Holland Anderson Survey, Abs. No. 25, H.W. Cocke Survey, Abs. No. 310, W.P. Harmonson and Ben Waters Survey, Abs. No. 642, William Murry Survey, Abs. No. 890 and Simeon E. Park Survey, Abs. No. 1005, Denton County, Texas and authorizing the Town Administrator to execute said Development Agreement

- i. Mayor Rettig open the public hearing at 9:04 pm
no one came forward for or against
Mayor Rettig closed the public hearing at 9:04 pm

- ii. Council Member Sessions made the motion to approve Ordinance No. 20-1008B. 2nd by Council Member Simpson

Vote: motion passed unanimous
For: Sessions, Simpson, Montini, Lambert, Hardeman
Against: none

Mayor Rettig made the following statement prior to Item I:

"In order not to disadvantage my employer which is engaged in securities acquisition in the market, I will be recusing myself from the discussion regarding issuing debt securities this evening. Mayor Pro Tem Montini will be leading the discussions."

Mayor Rettig turned the control of the meeting over to Mayor Pro Tem Montini and left the room.

- I. Council Member Simpson made the motion to approve Ordinance No. 20-1008C authorizing the issuance and sale of Town of Northlake, Texas, Tax Note, Series 2020; levying an annual ad valorem tax and providing for the security for and payment of said note; and enacting other provisions relating to the subject. 2nd by Council Member Sessions

Vote: motion passed unanimous
For: Simpson, Sessions, Montini, Lambert, Hardeman

Against: none
Boyd London, Financial Advisor, Hillstop Securities present for discussion

Mayor Rettig returned to the meeting and resumed control of meeting from Mayor Pro Tem Montini.

- J. Council Member Simpson made the motion to approve Ordinance No. 20-1008D amending the Code of Ordinances, Town of Northlake, by amending the Engineering Design Manual adopted by the Town on May 13, 2010 and maintained on file in the office of the Town Secretary; amending certain regulations related to street lights. 2nd by Council Member Lambert

Vote: motion passed unanimous
For: Simpson, Lambert, Sessions, Montini, Hardeman
Against: none

- K. Council Member Lambert made the motion to approve Ordinance No. 20-1008E amending the Code of Ordinances, Chapter 11 Traffic and Vehicles, adding Article 11.07 Off-Highway Vehicles; providing for the operation of Off-Highway Vehicles on certain roadways in the Town. 2nd by Council Member Hardeman

Vote: motion passed unanimous
For: Lambert, Hardeman, Montini, Sessions, Simpson
Against: none

- L. Council Member Sessions made the motion to approve an agreement between Robert Matthews d/b/a All American Animal Control and Town of Northlake for animal control services. 2nd by Mayor Pro Tem Montini

Vote: motion passed unanimous
For: Sessions, Montini, Hardeman, Lambert, Simpson
Against: none

- M. Council Member Hardeman made the motion to approve Resolution No. 20-31 approving and authorizing the Town Administrator to enter into an agreement for the preparation of a Risk & Resilience Assessment and Emergency Response Plan prepared by Halff Associates not to exceed \$55,000. 2nd by Council Member Lambert

Vote: motion passed unanimous
For: Hardeman, Lambert, Montini, Sessions, Simpson
Against: none

Ben McGahey, PE, VP Operations Manager and Kimberly Miller, Principal Planner for Resilience present for discussions

- N. Council Member Simpson made the motion to approve Resolution No. 20-32 authorizing the Town Administrator to enter into for the service of council meeting streaming using CARES Act Grant Funding not to exceed \$65,000. 2nd by Council Member Sessions

Vote: motion passed unanimous
For: Simpson, Sessions, Montini, Lambert, Hardeman
Against: none

- O. Council Member Hardeman made the motion to cancel the October 22nd, November 26th and December 24th council meetings. 2nd by Council Member Simpson

Vote: motion passed unanimous
For: Hardeman, Simpson, Sessions, Montini, Lambert
Against: none

- P. No action taken to modify, continue and/or suspend the First Amended Declaration of Local and Public Health Emergency as modified by the Town Council on April 23, 2020

9. By general consent, Mayor Rettig convened the Town Council into Executive Session at 9:26 pm to discuss the items listed below

Pursuant to Texas Government Code, annotated, Chapter 551 Subchapter D:

- a. Section 551.071 authorizes a governmental body to consult with its attorney in an executive session to seek his or her advice on a legal matter. It provides as follows: A governmental body may not conduct a private consultation with its attorney except: (1) When the governmental body seeks the advice of its attorney about: (a) pending or contemplated litigation; or (b) a settlement offer; or (2) on a matter in which the duty of the attorney to the governmental body under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas clearly conflicts with this chapter. The Town Council may adjourn into executive session for consultation with the Town Attorney regarding:
- i. Legal advice on any matter related to any posted agenda item;
 - ii. Legal advice related to development and annexation of the Chadwick Tracts, 6-acre and 3-acre tracts of land generally located at the corner of Cleveland Gibbs Road and Chadwick Parkway; and
 - iii. Legal advice related to development and annexation of the Henderson Tracts, seven tracts totaling 146 acres of land generally located at the southwest corner of FM 156 and Harmonson Road; and
 - iv. Legal advice related to the development and annexation of the Hatfield, Brasher, Green Tract on approximately 97.9 acre tract of land generally located south of Evelyn Lane, west of Faight Road and north of Faith Lane in the extraterritorial jurisdiction of the Town; and
 - v. Legal advice related to the development and annexation of the Nelson Tracts totaling 63.08 acres of land generally located east of IH-35W frontage road approximately 2,000 feet south of FM 1171; and
 - vi. Legal advice related to the development of the 6McFarm tracts totaling approximately 234.4 acres of land generally located north and east of Harmonson Road approx. 2,358 feet north of Victory Circle
 - vii. Legal advice related to the development of the Charles Faight tracts totaling approximately 102.3 acres of land generally located north of Evelyn Lane, west of Faight Road, and south of Robson Ranch Road
 - viii. Pending or contemplated litigation;
 - ix. Brandon K. Thrasher vs. Fort Worth Police Department, Northlake Police Department, Denton County Sheriff's Department, US District Court Case No. 4:20cv350-SDJ-KPJ;
 - x. Town of Northlake vs. City of Justin, Denton County District Court Cause No. 15-08170-367;

xi. City of Justin v. Toby Baker, Cause No. D-1-GN-20-002084;

b. Section 551.087 Deliberations regarding Economic Development Negotiations related to businesses locating in the Town

i. Deliberation regarding offer of financial or other incentives to a business prospect described as the Catherine Branch Project which includes the Foster and Buchanan tracts generally located at the northwest corner of IH-35W and Dale Earnhardt Way

c. Section 551.-074 Personnel Matters

i. Deliberation regarding the appointment, employment, evaluation, reassignment, duties, discipline or dismissal of a public officer or employee: Town Administrator annual performance evaluation

10. Mayor Rettig reconvened the Town Council into Open Session at 10:46 pm
No action was needed from Executive Session

11. Mayor Rettig adjourned the meeting at 10:46 pm

PASSED AND APPROVED by Town Council on the 12th day of November 2020

Town of Northlake, Texas

David Rettig, Mayor

Attest:

Shirley Rogers, Town Secretary

TOWN OF NORTHLAKE COUNCIL ITEM NO. 5

DATE: NOVEMBER 12, 2020

ITEM: ACTION ITEMS



NORTHLAKE MAYOR AND COUNCIL COMMUNICATION

DATE: NOVEMBER 12, 2020

REF. DOC.: LOCAL GOVERNMENT CODE 22.037, ALDERMANIC FORM OF
GOVERNMENT IN TYPE A GENERAL LAW MUNICIPALITY

SUBJECT: ANNUAL ELECTION OF MAYOR PRO TEMPORE



GOALS/OBJECTIVES:

- Operate Efficiently & Effectively

BACKGROUND INFORMATION:

- Following each general election, council allowed to appoint member of the council as mayor pro tempore
- At first meeting or as soon as practicable, mayor pro tempore election to occur for a term of one year
- If mayor fails, is unable, or refuses to act, the mayor pro tempore shall perform the mayor's duties
- If mayor and mayor pro tempore are absent, any council member may be appointed presiding officer

COUNCIL DIRECTION:

Appointment of a Mayor Pro Tem to serve for a one year term

NORTHLAKE MAYOR AND COUNCIL COMMUNICATION

DATE: NOVEMBER 12, 2020

REF. DOC.: APRIL 24, 2018, PETITION FOR CONSENT TO THE CREATION OF A MUNICIPAL UTILITY DISTRICT

SUBJECT: CONSENT TO CREATION OF DENTON COUNTY MUNICIPAL UTILITY DISTRICT NO. 10



GOALS/OBJECTIVES:

- Control our Own Destiny; Strategically manage ETJ annexations (Council Goal)

BACKGROUND INFORMATION:

- December 14, 2017, Resolution No. 17-37, Northlake Council consented to creation of West Denton County Fresh Water Supply District No. 1
- FWSD was never created by the Texas State Legislature due to ongoing lawsuit with City of Justin
- April 24, 2018, Town received petition for consent of the creation of a municipal utility district
- Town did not act on the petition to create MUD
- 2020 interlocal agreement with Fort Worth confirms Northlake's jurisdictional authority

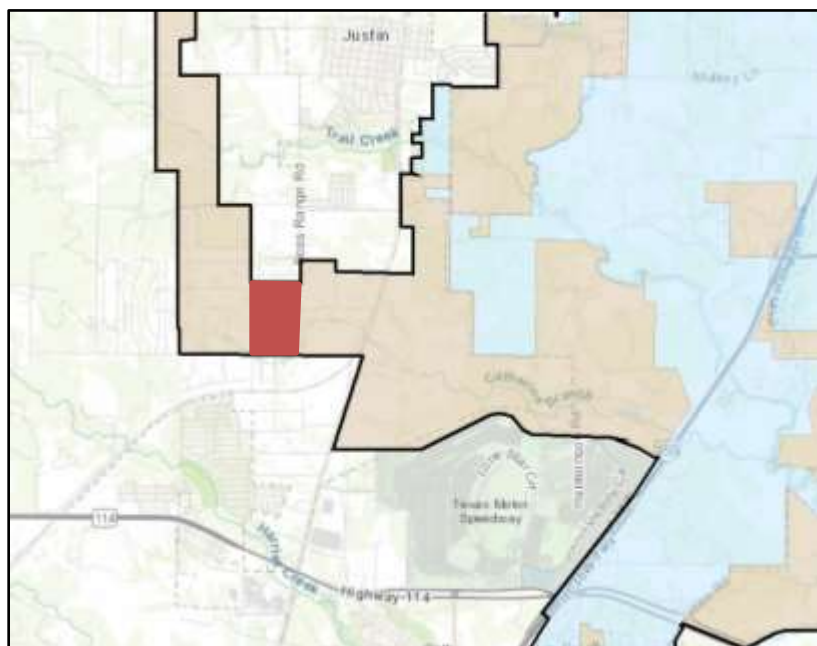
DEVELOPMENT OVERVIEW:

- **Site:** 136.309 acres located at the northwest corner of Sam Reynolds Road and Boss Range Road
- **Development:** Westview Trails
- **Developer:** Gary Baker Companies
- **Current Use:** Large undeveloped tract in ETJ
- **Proposed Use:** 372-lot single-family residential planned development

COUNCIL ACTION:

- Consent to creation of Denton County Municipal Utility District No. 10

Location Map



Concept Plan





TOWN OF NORTHLAKE, TEXAS
OFFICIAL RESOLUTION

No. 20-35

A RESOLUTION OF THE TOWN OF NORTHLAKE, TEXAS, AUTHORIZING CERTAIN TERRITORY WITHIN THE EXTRATERRITORIAL JURISDICTION OF THE TOWN OF NORTHLAKE, TEXAS, TO BE INCLUDED WITHIN DENTON COUNTY MUNICIPAL UTILITY DISTRICT NO. 10

WHEREAS, pursuant to Section 42.042 of the Texas Local Government Code a political subdivision whose purpose is in part to supply fresh water for domestic or commercial use or to furnish sanitary sewer services, roadways, or drainage, may not be created in the extraterritorial jurisdiction of a municipality unless the governing body of the municipality gives its written consent; and

WHEREAS, by petition dated April 24, 2018, Westview Trails, LLC, a Texas limited-liability company, did request the Town of Northlake (the "Town") to consent to the creation of a municipal utility district located within the extraterritorial jurisdiction of the Town, such district to be known as "Denton County Municipal Utility District No. 10" (the "District"), said District to encompass the land described in Exhibit "A"; and

WHEREAS, the Town desires to consent to the creation of the District.

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF NORTHLAKE, TEXAS:

Section 1. All of the matters and facts set out in the preamble hereof are true and correct.

Section 2. It is hereby found, determined and declared that a sufficient written notice of the date, hour, place and subject of this meeting of the Town Council was posted at a place convenient to the public at the Town Hall of the Town for the time required by law preceding this meeting, as required by the Open Meetings Law, Chapter 551, Texas Government Code, and that this meeting has been open to the public as required by law at all times during which this Resolution and the subject matter thereof has been discussed, considered and formally acted upon. Town Council further ratifies, approves and confirms such written notice and the contents and posting thereof.

Section 3. The Town does hereby consent to the creation of the District, subject to the following conditions and restrictions authorized by Section 42.042 of the Texas Local Government Code:

- A. The District shall construct all facilities to serve the land in the District in accordance with plans and specifications which have been approved by the Town;
- B. The Town shall have the right to inspect all facilities being constructed by the District;



TOWN OF NORTHLAKE, TEXAS
OFFICIAL RESOLUTION

- C. If the land in the District is subdivided into lots less than one (1) acre, the District must meet the fire flow requirements that are applicable to the Town;
- D. The District may not issue bonds or notes with a term greater than 20 years;
- E. The District may not issue bonds or notes later than seven (7) years after the creation of the District without prior approval from the Town;
- F. The District may not issue bonds, notes, or other debt such that the tax rate necessary to pay the District's obligations exceeds \$1.00 for every \$100 of property value in the District.
- G. The District may only issues bonds for the following purposes:
 - (i) to provide a water supply for municipal uses, domestic uses and commercial purposes;
 - (ii) to collect, transport, process, dispose of and control all domestic, industrial or communal wastes whether in fluid, solid or composite state;
 - (iii) to gather, conduct, divert and control local storm water or other local harmful excesses of water in the District and the payment of organization expenses, operation expenses during construction and interest during construction; and
 - (iv) to construct, maintain, and operate macadamized, graveled, and paved roads as provided by law.

Section 4. From time to time, the District may be divided into two (2) new districts if it has no outstanding bonded debt and is not levying ad valorem taxes, as set forth in the manner as prescribed by Sections 53.030 to 53.041 of Chapter 53, Texas Water Code. The two (2) new districts shall give the Town notice of such division promptly after it occurs. All of the conditions of this consent shall apply to all districts created from division of the District.

Section 5. This Resolution shall take effect immediately upon its adoption.

Passed and approved by the Town Council on 12th day of November 2020.

Town of Northlake, Texas

David Rettig, Mayor

Attest:

Shirley Rogers, Town Secretary

**PETITION FOR CONSENT TO THE CREATION
OF A MUNICIPAL UTILITY DISTRICT**

TO THE HONORABLE MAYOR AND TOWN COUNCIL OF THE TOWN OF NORTHLAKE,
TEXAS:

The undersigned (herein the "Petitioners"), acting pursuant to the provisions of Chapters 49 and 54, Texas Water Code, respectfully petition the Town Council of the Town of Northlake, Texas, for its written consent to the creation of a municipal utility district and would show the following:

I.

The name of the proposed District shall be DENTON COUNTY MUNICIPAL UTILITY DISTRICT NO. 10 (the "District").

II.

The District shall be created and organized under the terms and provisions of Article XVI, Section 59 of the Constitution of Texas and Chapters 49 and 54, Texas Water Code, together with all amendments and additions thereto.

III.

The District shall contain an area of 136.309 acres of land, more or less, situated in Denton County, Texas. All of the land to be included in the District is within the extraterritorial jurisdiction of the Town of Northlake, Texas (the "Town"). All of the land proposed to be included may properly be included in the District. The land proposed to be included within the District is described by metes and bounds in Exhibit "A", which is attached hereto and incorporated herein for all purposes (the "Land").

IV.

The undersigned hold fee simple title to the Land, which tract is described more particularly on Exhibit "A", attached hereto and incorporated herein. The undersigned hereby represent that it owns a majority in value of the Land (mineral interests are held differently) which is proposed to be included in the District, as indicated by the certificates of ownership provided by the Denton Central Appraisal District and conveyances of title recorded in the real property records of Denton County.

V.

The undersigned represents that there are no lienholders on the Land owned by the undersigned, and that there are no residents on the Land.

VI.

The general nature of the work to be done by the District at the present time is the (i) design, construction, acquisition, maintenance and operation of a waterworks and sanitary sewer system for domestic and commercial purposes, (ii) the construction, acquisition, improvement, extension, maintenance and operation of works, improvements, facilities, plants, equipment and appliances helpful or necessary to provide more adequate drainage for the District; (iii) and to control, abate and amend local storm waters or other harmful excesses of waters, and such other construction, acquisition, improvement,

maintenance and operation of such additional facilities, systems, plants and enterprises; and (iv) the construction, maintenance and operation of macadamized, graveled, or paved roads or turnpikes, or improvement in aid of those roads or turnpikes, inside or outside said district, as shall be consonant with all of the purposes for which the District is created.

VII.

There is, for the following reasons, a necessity for the above-described work. There is not now available within the area, a majority of which will be developed for single family residential use, an adequate waterworks system, sanitary sewer system, drainage and storm sewer system or road system. The health and welfare of the present and future inhabitants of the area and of the territories adjacent thereto require the purchase, design, construction, acquisition, ownership, operation, repair, improvement and extension of an adequate waterworks system, sanitary sewer system, drainage and storm sewer system, and road system. A public necessity, therefore, exists for the creation of the District, to provide for the purchase, design, construction, acquisition, ownership, operation, repair, improvement and extension of such waterworks system, sanitary sewer system and road system, and drainage and storm sewer system, to promote the purity and sanitary condition of the State's waters and the public health and welfare of the community. The construction of such waterworks system, sanitary sewer system and road system, and drainage and storm sewer system will not adversely affect water and sewer functions or utility rates within the City, nor will it adversely affect the City's bond rating.

VIII.

A preliminary investigation has been made to determine the cost of the proposed District's projects, and it is now estimated by the Petitioners, utilizing their best actual knowledge based upon such information as they have at this time, that such cost will be approximately Twelve Million Three Hundred Eighty Thousand Dollars (\$12,380,000).

WHEREFORE, Petitioners pray that this petition be heard and that the Town Council duly pass and approve an ordinance or resolution granting the consent to the creation of the District and authorizing the inclusion of the land described herein within the District.

[REMAINDER OF THIS PAGE INTENTIONALLY BLANK]

RESPECTFULLY SUBMITTED this _____ day of _____, 2018.

“Petitioner”

WESTVIEW TRAILS, LLC,
a Texas limited liability company

By:


Jared Baker, President

THE STATE OF Texas

§

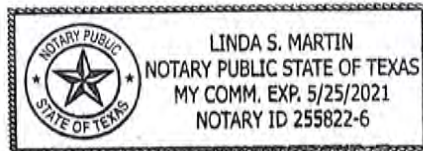
COUNTY OF Tarrant

§

§

This instrument was acknowledged before me on April 24, 2018, by Jared Baker, as President of Westview Trails, LLC, a Texas limited liability company, on behalf of said limited liability company.

(SEAL)





Notary Public in and for the
State of T E X A S

Linda S. Martin
Printed Name of Notary Public

My Commission Expires: 5/25/2021

THE STATE OF TEXAS

§

COUNTY OF DENTON

§

§

I, the Secretary of the Town of Northlake, Texas, do hereby certify that a signed copy of the Petition for Consent to the Creation of a Municipal Utility District has been filed in my office.

WITNESS MY HAND AND THE SEAL OF THE TOWN, this ____ day of _____, 2018.

(SEAL)

Town Secretary
Town of Northlake, Texas

EXHIBIT “A”

DECRPTION OF DENTON COUNTY MUNICIPAL UTILITY DISTRICT NO. 10
SITUATED IN THE MARY POLK SURVEY, ABSTRACT NUMBER 993
DENTON COUNTY, TEXAS

BEING all of that 136.014 acre (5,924,772 square foot) tract of land situated in the Mary Polk Survey, Abstract Number 993, Denton County, Texas; being all of that tract of land described in Special Warranty Deed with Vendor's Lien to Double B Land, LP as recorded in Document Number 2016-27540 of the Official Records of Denton County, Texas; said 136.014 acre tract of land being more particularly described by metes and bounds as follows:

BEGINNING, at a PK nail found at the southwest corner of said Double B Land tract and the most southeasterly corner of that tract of land described in Special Warranty Deed with Vendor's Lien to Pyong U Yi as recorded in Document Number 2005-55191 of the Official Records of Denton County, Texas; said point being in Sam Reynolds Road (a generally recognized public road, no record of dedication found);

THENCE, North 01° 32' 58" West, departing Sam Reynolds Road and along the west line of said Double B Land tract, a distance of 2,199.00 feet to a 5/8-inch iron rod found for corner; said point being the most easterly southeast corner of Foxbane Estates, an addition to Denton County as recorded in Cabinet H, Page 24 of the Plat Records of Denton County, Texas;

THENCE, North 01° 41' 20" West, continuing along the west line of said Double B Land tract, a distance of 798.63 feet to a point for corner; said point being the southwest corner of Huntwick Estates, Phase One B, an addition to Denton County as recorded in Cabinet M, Page 392 of the Plat Records of Denton County, Texas; from said point a disturbed 1/2-inch iron rod with illegible cap found bears N 07° 57' E, a distance of 0.7 feet;

THENCE, North 89° 47' 00" East, along the south line of said Phase One B and the north line of said Double B Land tract, a distance of 1,269.01 feet to a point for corner; from said point a disturbed 1/2-inch iron rod found bears S 15° 24' E, a distance of 0.4 feet;

THENCE, North 89° 47' 00" East, continuing along the north line of said Double B Land tract, at a distance of 729.47 feet passing a 1/2-inch iron rod with "GRANT ENGINEERING RPLS 4151" cap found at the southeast corner of Lot 8, Block 1, Huntwick Estates, Phase One A, an addition to Denton County as recorded in Cabinet M, Page 286 of the Plat Records of Denton County, Texas; continuing in all a total distance of 750.34 feet to a point for corner; said point being in the west line of that tract of land described as Tract I in Special Warranty Deed to Continental U.S. Management Corp. as recorded in Document Number 2014-121946 of the Official Records of Denton County, Texas;

THENCE, South 02° 09' 46" East, along the west line of said Double B Land tract, a distance of 1,388.36 feet to a PK nail found for corner; said point being in Boss Range Road (a generally recognized public road, no record of dedication found);

THENCE, South 01° 38' 10" East, continuing along the west line of said Double B Land tract and along Boss Range Road, a distance of 1,223.85 feet to a point for corner;

THENCE, South 89° 53' 00" West, departing Boss Range Road, at a distance of 21.42 feet passing a 3/4-inch iron rod found at the northeast corner of that tract of land described in Special Warranty Deed to Jerry S. Evans as recorded in Document Number 2015-92073 of the Official Records of Denton County, Texas; continuing in all a total distance of 383.18 feet to a 3/4-inch iron rod found at the northwest corner of said Evans tract;

THENCE, South 01° 34' 19" East, at a distance of 362.08 feet passing a 3/4-inch iron rod found at the southwest corner of said Evans tract; continuing in all a total distance of 374.53 feet to a point corner in the south line of said Double B Land tract and in said Sam Reynolds Road;

THENCE, South 89° 22' 03" West, along the south line of said Double B Land tract and said Sam Reynolds Road, a distance of 1,650.87 feet to the POINT OF BEGINNING and containing an area of 5,924,772 square feet or 136.014 acres of land, more or less.

Bearing system for this description is based on the Texas State Plane Coordinate System - NAD 83, North Central Zone 4202, based on observations made on April 17, 2018 with an applied combined scale factor of 1.00015063.

This document was prepared under 22 TAC §663.21, does not reflect the results of an on the ground survey, and is not to be used to convey or establish interests in real property except those rights and interests implied or established by the creation or reconfiguration of the boundary of the political subdivision for which it was prepared.

NORTHLAKE MAYOR AND COUNCIL COMMUNICATION

DATE: NOVEMBER 12, 2020

REF. DOC.: OCTOBER 12, 2020, PETITION FOR CONSENT TO THE CREATION OF A MUNICIPAL UTILITY DISTRICT

SUBJECT: CONSENT TO CREATION OF OLIVER CREEK RANCH MUNICIPAL UTILITY DISTRICT



GOALS/OBJECTIVES:

- Responsibly Manage Growth (Council Goal)

BACKGROUND INFORMATION:

- October 12, 2020, Town received petition for consent of the creation of a municipal utility district
- 2020 interlocal agreement with Fort Worth confirms Northlake's jurisdictional authority
- Portion of proposed MUD within Northlake ETJ

DEVELOPMENT OVERVIEW:

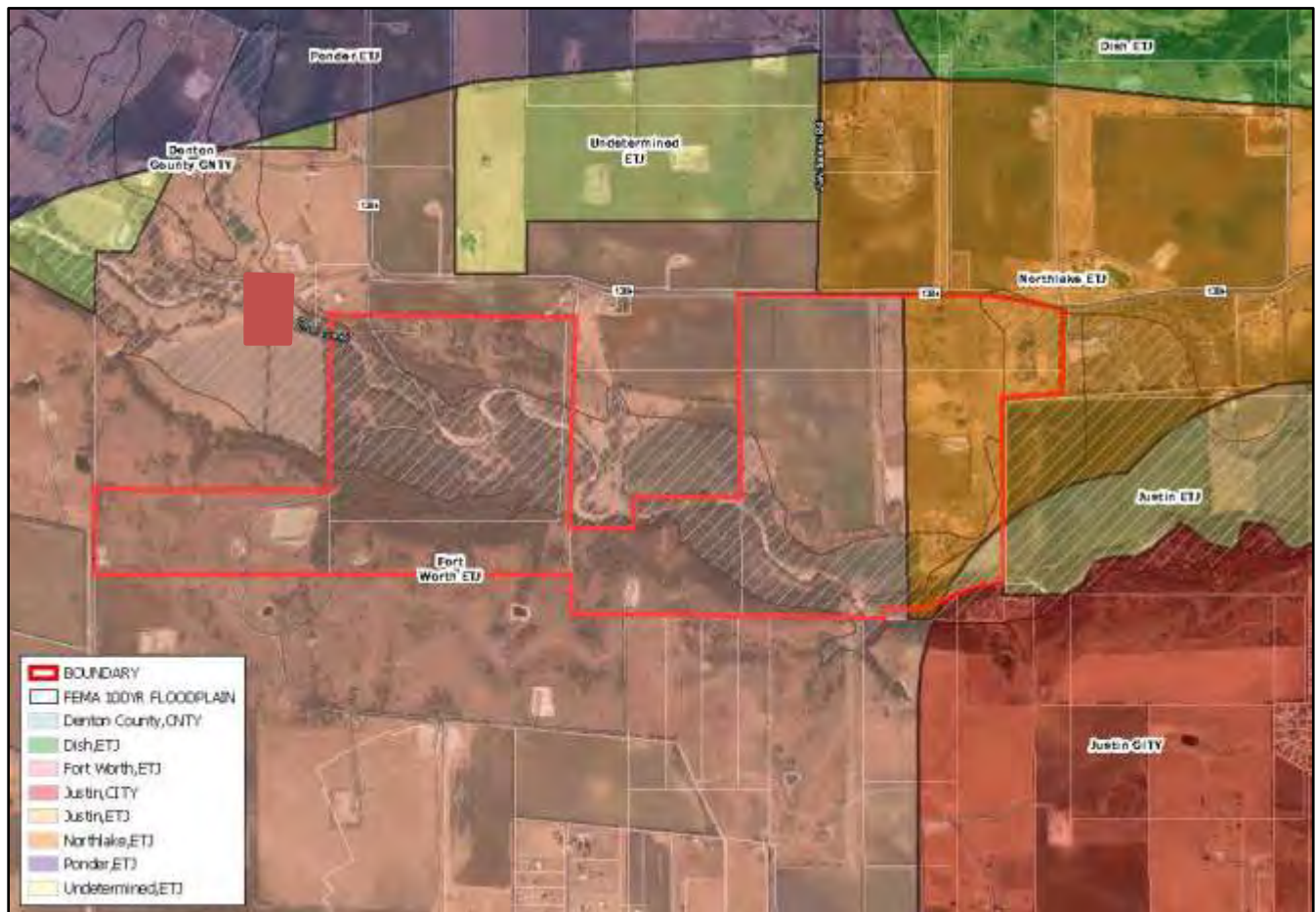
- **Site:** 565.61 acres located along Oliver Creek and south of FM 1384
- **Development:** Oliver Creek Ranch
- **Developer:** Shoop Partnership GP, LLC
- **Current Use:** Large undeveloped tract in Fort Worth and Northlake ETJ
- **Proposed Use:** single-family residential planned development

COUNCIL ACTION:

- Consent to creation of Oliver Creek Ranch Municipal Utility District

MAPS:

Location Map (including Jurisdictions)





TOWN OF NORTHLAKE, TEXAS
OFFICIAL RESOLUTION

No. 20-36

A RESOLUTION OF THE TOWN OF NORTHLAKE, TEXAS, CONSENTING TO THE CREATION OF THE OLIVER CREEK RANCH MUNICIPAL UTILITY DISTRICT TO CONTAIN CERTAIN TERRITORY WITHIN THE EXTRATERRITORIAL JURISDICTION OF THE TOWN OF NORTHLAKE, TEXAS

WHEREAS, pursuant to Section 42.042 of the Texas Local Government Code a political subdivision whose purpose is in part to supply fresh water for domestic or commercial use or to furnish sanitary sewer services, roadways, or drainage, may not be created in the extraterritorial jurisdiction of a municipality unless the governing body of the municipality gives its written consent; and

WHEREAS, by petition dated October 12, 2020, Glenn and Louise Shoop Family Partnership, Ltd. , a Texas limited liability partnership, did request the Town of Northlake (the "Town") to consent to the creation of a municipal utility district located within the extraterritorial jurisdiction of the Town, such district to be known as "Oliver Creek Ranch Municipal Utility District" (the "District"), said District to encompass the land described in Exhibit "A"; and

WHEREAS, the Town desires to consent to the creation of the District.

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF NORTHLAKE, TEXAS:

Section 1. All of the matters and facts set out in the preamble hereof are true and correct.

Section 2. It is hereby found, determined and declared that a sufficient written notice of the date, hour, place and subject of this meeting of the Town Council was posted at a place convenient to the public at the Town Hall of the Town for the time required by law preceding this meeting, as required by the Open Meetings Law, Chapter 551, Texas Government Code, and that this meeting has been open to the public as required by law at all times during which this Resolution and the subject matter thereof has been discussed, considered and formally acted upon. Town Council further ratifies, approves and confirms such written notice and the contents and posting thereof.

Section 3. The Town does hereby consent to the creation of the District, subject to the following conditions and restrictions authorized by Section 42.042 of the Texas Local Government Code:

A. The District shall construct all facilities to serve the land in the District in accordance with plans and specifications which have been approved by the Town;

B. The Town shall have the right to inspect all facilities being constructed by the District;



TOWN OF NORTHLAKE, TEXAS
OFFICIAL RESOLUTION

- C. If the land in the District is subdivided into lots less than one (1) acre, the District must meet the fire flow requirements that are applicable to the Town;
- D. The District may not issue bonds or notes with a term greater than 20 years;
- E. The District may not issue bonds or notes later than seven (7) years after the creation of the District without prior approval from the Town;
- F. The District may not issue bonds, notes, or other debt such that the tax rate necessary to pay the District's obligations exceeds \$1.00 for every \$100 of property value in the District.
- G. The District may only issue bonds for the following purposes:
- (i) to provide a water supply for municipal uses, domestic uses and commercial purposes;
 - (ii) to collect, transport, process, dispose of and control all domestic, industrial or communal wastes whether in fluid, solid or composite state;
 - (iii) to gather, conduct, divert and control local storm water or other local harmful excesses of water in the District and the payment of organization expenses, operation expenses during construction and interest during construction; and
 - (iv) to construct, maintain, and operate macadamized, graveled, and paved roads as provided by law.

Section 4. From time to time, the District may be divided into two (2) new districts if it has no outstanding bonded debt and is not levying ad valorem taxes, as set forth in the manner as prescribed by Sections 53.030 to 53.041 of Chapter 53, Texas Water Code. The two (2) new districts shall give the Town notice of such division promptly after it occurs. All of the conditions of this consent shall apply to all districts created from division of the District.

Section 5. This Resolution shall take effect immediately upon its adoption.

PASSED AND APPROVED on this the 12th day of November 2020.

Town of Northlake, Texas

Attest:

David Rettig, Mayor

Shirley Rogers, Town Secretary

COATS | ROSE

A PROFESSIONAL CORPORATION

MELISA MONTAGUE
PARALEGAL

MMONTAGUE@COATSROSE.COM
DIRECT: (972) 419-4782
FAX: (972) 702-0662

October 13, 2020

VIA FEDERAL EXPRESS

Ms. Shirley Rogers
City Secretary
Town of Northlake
1500 Commons Circle, Suite 300
Northlake, Texas 76226

Re: Proposed Oliver Creek Ranch Municipal Utility District of Denton County

Dear Ms. Rogers:

Enclosed please find a copy of the Petition for Consent to Creation of the proposed Oliver Creek Ranch Municipal Utility District of Denton County. Also enclosed are three (3) copies of a certificate of receipt of the petition. I would appreciate it if you would sign these certificates and return them to me in the enclosed overnight envelope.

If you need any additional information, please contact me at (972) 419-4782.

Very truly yours,



Melisa Montague

Enclosures

14755 PRESTON ROAD, SUITE 600, DALLAS, TEXAS 75254
PHONE: (972) 788-1600 FAX: (972) 702-0662
WEB: www.coatsrose.com

HOUSTON | AUSTIN | DALLAS | SAN ANTONIO | NEW ORLEANS | CINCINNATI
016804.000001\4815-1439-7386.v1

PETITION FOR CONSENT TO CREATION OF
OLIVER CREEK RANCH MUNICIPAL UTILITY DISTRICT OF DENTON COUNTY

THE STATE OF TEXAS §

COUNTY OF DENTON §

TO THE HONORABLE MAYOR AND TOWN COUNCIL OF THE TOWN OF NORTHLAKE:

The undersigned (collectively, the "Petitioner"), acting pursuant to the provisions of Chapters 49 and 54 of the Texas Water Code, and Section 42.042 of the Texas Local Government Code, respectfully petitions this Honorable Council for its consent to the creation of a municipal utility district, and for cause would respectfully show the following:

I.

The name of the proposed District shall be "Oliver Creek Ranch Municipal Utility District of Denton County" (the "District").

II.

The District shall be organized under the terms and provisions of Article III, Section 52, and Article XVI, Section 59, of the Texas Constitution, Chapters 49 and 54 of the Texas Water Code, together with all amendments and additions thereto.

III.

The District shall contain an area of approximately 565.61 acres of land (the "Property"), situated within Denton County, Texas, described by metes and bounds in Exhibit "A," attached hereto and incorporated herein. The District is located partially within the extraterritorial jurisdiction of the City of Fort Worth, Denton County, Texas, partially within the extraterritorial jurisdiction of the Town of Northlake, Denton County, Texas, and the District is not within the corporate limits or extraterritorial jurisdiction of any other city, town or village.

IV.

The undersigned constitutes a majority in value of the holders of title to the lands in the proposed District, as shown by the tax rolls and conveyances of record since the date of preparation of said county tax rolls. Petitioner submits this request in compliance with its rights and obligations in a contract with Astra Investments I, LLC, effective August 14, 2020.

V.

The proposed District shall be organized for the following purposes:

- (1) provide a water supply for the District for municipal and domestic uses;
- (2) collect, transport, process, dispose of and control all domestic, industrial, or communal wastes whether in fluid, solid, or composite state;
- (3) gather, conduct, divert and control local storm water or other local harmful excesses of water in the District;
- (4) construct, acquire, improve, maintain and operate macadamized, graveled, or paved roads and turnpikes, or other improvements in aid of those roads; and
- (5) such other construction, installation, maintenance, purchase, and operation of such additional facilities, systems, plants and enterprises as shall be consistent with the purposes for which the District is organized.

The aforementioned purposes may be accomplished by any mechanical and chemical means and processes incident, necessary or helpful to such purposes, to the extent authorized by law and the creation of the District, to the end that public health and welfare may be conserved and promoted, and the purity and sanitary condition of the State's waters protected, effected and restored.

VI.

The general nature of the work anticipated to be done by the District at the present time is: (i) the construction of a water distribution system for domestic purposes; (ii) the construction of a sanitary sewer system; (iii) the control, abatement and amendment of the harmful excess of waters and the reclamation and drainage of overflowed lands within the District; (iv) the construction and financing of macadamized, graveled, or paved roads and turnpikes, or improvements in aid of those roads; and (v) such other construction, installation, maintenance, purchase and operation of such other facilities, systems, plants and enterprises as shall be consistent with the purposes for which the District is organized, all to the extent authorized by law from time to time.

VII.

There is a necessity for the improvements above described because the District is located within an area which will experience a substantial and sustained residential growth within the foreseeable future, is urban in nature and is not supplied with adequate water, sanitary sewer, drainage facilities and services, or roads. The health and welfare of the future inhabitants of the District require the provision of adequate water, storm and sanitary sewer facilities and services, and roads.

The provisions of such water, storm and sanitary sewer facilities and services, and roads will conserve and preserve the natural resources of this State by promoting and protecting the purity and sanitary condition of the State's waters, and will promote and protect the public health and welfare of the community; therefore, a public necessity exists for the organization of said District.

The property cannot be developed without the creation of the District to finance the water, sanitary sewer, and drainage facilities and services, and roads; therefore, a public necessity exists.

VIII.

The proposed improvements are practicable and feasible, in that the terrain of the territory to be included in the proposed District is of such nature that water, storm and sanitary sewer facilities and services, and roads can be constructed or provided at a reasonable cost; and said territory will be rapidly developed for residential use.

IX.

A preliminary investigation has been instituted to determine the cost of the proposed improvements to be constructed by the District, and it is now estimated by those filing this petition, from such information as they have at this time, that the ultimate cost of such improvements will be approximately \$70,000,000.

X.

WHEREFORE, the undersigned respectfully pray that this Petition be granted in all respects and that the Town Council of the Town of Northlake, Texas, adopt a resolution giving its written consent to the creation of the District.

[THE REMAINDER OF THIS PAGE INTENTIONALLY LEFT BLANK]

RESPECTFULLY SUBMITTED this the 12 day of October, 2020.

PETITIONER:

GLENN AND LOUISE SHOOP FAMILY
PARTNERSHIP, LTD., a Texas limited
Partnership,

By: SHOOP PARTNERSHIP GP, LLC,
its General Partner

By: Nancy Shoop Caver Jeffery
Nancy Shoop Caver Jeffery,
Manager

STATE OF NEW MEXICO §
COUNTY OF Taos §

This instrument was acknowledged before me on the 12 day of October, 2020 by
Nancy Shoop Caver Jeffery, Manager of Shoop Partnership GP, LLC, the General Partner of
Glenn and Louise Shoop Family Partnership, Ltd., a Texas limited partnership.

Jamarcia M. Ramsey
Notary Public in and for The State Of New Mexico

exp. 01/30/22



EXHIBIT "A"

OLIVER CREEK RANCH

M.E.P. & P. Railroad Survey, Abstract No. 908
W. Harrison Survey, Abstract No. 523
S.F. Reynolds Survey, Abstract No. 1627
J. Simmons Survey, Abstract No. 1151
W. Reed Survey, Abstract No. 1071
Denton County, Texas

570.98 ACRE TRACT

All that certain 570.98 acre tract or parcel of land situated in the M.E.P. & P. Railroad Survey, Abstract Number 908, the W. Harrison Survey, Abstract Number 523, the S. F. Reynolds Survey, Abstract Number 1627, the J. Sutton Survey, Abstract Number 1151 and the W. Reed Survey, Abstract Number 1071 in the County of Denton, State of Texas, said tract being all of Tract I a called 38.17 acre tract, all of Tract IV a called 160 acre tract, all of Tract V a called 52.65 acre tract, all of Tract VI a called 64.7 acre tract and all of Tract VII a called 265.55 acre tract as described in deed to Glenn and Louise Shoop Family Partnership, Ltd., filed 15 February 2005, and recorded in County Clerks Number 2005-17852 of the Official Public Records of said Denton County Texas, and being more particularly described as follows;

BEGINNING for the southwest corner of the tract being described herein at found 1½ inch rebar with a plastic cap marked Coleman 4001 by a T-Post, said rebar being the southwest corner of said Tract VI, same being the northwest corner of a called 122.145 acre tract as described in deed to Johnson Bank, filed 24 August 2012, and recorded in County Clerks Number 2012-94347 of said Official Public Records, said rebar also being on the east line of a called Four Hundred Thirteen Acre tract as described in deed to JNJDF Ltd, filed 04 August 2008, and recorded in County Clerks Number 2008-85490 of said Official Public Records;

THENCE: North 00 degrees 06 minutes 11 seconds East, with the west line of said Tract VI, and with the east line of said JNJDF tract, and with a barbed wire fence, a distance of 1055.11 feet to a found Set Stone by a wood fence corner post for the northwest corner of said Tract VI, same being a northeast corner of said JNJDF tract, and said stone being on the south line of a called 228.8 acre tract as described in deed to Frank Wallace et ux, Edna E. Wallace, filed 10 May 1968, and recorded in Volume 566 Page 237 of the Deed Records of said Denton County, Texas;

THENCE: South 89 degrees 13 minutes 25 seconds East, with the north line of said Tract VI, and with the south line of said Wallace tract, and with a barbed wire fence, a distance of 2633.65 feet to a wood fence corner post for the northeast corner of said Tract VI, same being the southernmost southeast corner of said Wallace tract, and said post being on the west line of said Tract IV;

THENCE: North 00 degrees 07 minutes 19 seconds East, with the west line of said Tract IV, and with the east line of said Wallace tract, and with an old barbed wire fence and tree line, a distance of 2009.39 feet to a wood fence corner post for the northwest corner of said Tract IV, same being an ell corner of a called 8.35 acre tract as described in deed to Frank E. Wallace, Jr., filed 17 August 1961, and recorded in Volume 471 Page 579 of said Deed Records;

THENCE: South 88 degrees 59 minutes 56 seconds East, with the north line of said Tract IV, and with an old barbed wire fence and tree line, a distance of 2826.49 feet to a wood fence corner

post for the northeast corner of said Tract III, same being an ell corner of a called 185.4 acre tract as described in deed to Robert Baker Knox, filed 08 December 1943, and recorded in Volume 304 Page 339 of said Deed Records;

THENCE: South 01 degrees 10 minutes 06 seconds West, with the east line of said Tract III, and with the west line of said Knox tract, a distance of 2362.40 feet to a wood fence corner post for an ell corner of this tract, same being the western most northwest corner of said Tract V, and said post being the southern most southwest corner of said Knox Tract;

THENCE: North 89 degrees 41 minutes 24 seconds East, with the north line of said Tract V, and with the south line of said Knox tract, and with a barbed wire fence, a distance of 689.40 feet to a wood fence corner post for an ell corner of said Tract V, same being the southern most southeast corner of said Knox tract;

THENCE: North 00 degrees 40 minutes 55 seconds East, with the west line of said Tract V, and with the east line of said Knox tract, and with a barbed wire fence, a distance of 311.78 feet to a wood fence corner post for the northern most northwest corner of said Tract V, same being an ell corner of said Knox tract;

THENCE: North 89 degrees 19 minutes 09 seconds East, with the north line of said Tract V, and with the south line of said Knox tract, and with a barbed wire fence, a distance of 1240.70 feet to a wood fence corner post for an ell corner of this tract, said post being the northeast corner of said Tract V, same being the eastern most southeast corner of said Knox tract, and said post being on the west line of said Tract VII;

THENCE: North 00 degrees 23 minutes 18 seconds West, with the west line of said Tract VII, and with the east line of said Knox tract, and with an old barbed wire fence and tree line, a distance of 2290.64 feet to a set 1½ inch rebar on the south side of Farm to Market Road Number 1384 as described in deed to the State of Texas, filed 23 June 1950, and recorded in Volume 348 Page 262 of said deed records for a northwest corner of this tract;

THENCE: With the south line of said road the following five (5) calls:

South 89 degrees 43 minutes 00 seconds East, a distance of 919.41 feet to a set 1½ inch rebar for an angle point in the south line of said road,

South 89 degrees 59 minutes 19 seconds East, a distance of 1874.35 feet to a set 1½ inch rebar for the start of a curve to the right, having a central angle of 11 degrees 10 minutes 26 seconds,

thence with said curve to the right with an arc length of 177.84 feet, with a radius of 911.89 feet, with a chord bearing of South 84 degrees 24 minutes 06 seconds East, with a chord length of 177.55 feet,

South 78 degrees 48 minutes 32 seconds East, a distance of 700.75 feet to the start of a curve to the left, having a central angle of 03 degrees 23 minutes 36 seconds,

thence with said curve to the left with an arc length of 44.41 feet, with a radius of 749.85 feet, with a chord bearing of South 80 degrees 30 minutes 41 seconds East, with a chord length of 44.40 feet to a set 1½ inch rebar in a lane going south for the northeast corner of this tract, same being the northwest corner of Tract One, a called 165.08 acre tract as

described in deed to Henry A. Pennington et al, filed 03 August 1984, and recorded in Volume 1474 Page 811 of said Deed Records;

THENCE: South 00 degrees 21 minutes 00 seconds West, with the east line of said Tract VII, and with the west line of said Pennington tract, and with said lane, a distance of 973.41 feet to a set 1½ inch rebar for the most easterly southeast corner of said Tract VII, same being the southwest corner of said Pennington tract, said rebar also being on the north line of a called 184.9875 acre tract as described in deed to Susan H. Michaud et al, filed 24 May 1999, and recorded in Volume 4345 Page 516 of said Official Public Records;

THENCE: South 87 degrees 10 minutes 00 seconds West, with the south line of said Tract VII, and with the north line of said Michaud tract, a distance of 712.46 feet to a set 1½ inch rebar for an ell corner of said Tract VII, same being the northwest corner of said Michaud tract;

THENCE: South 00 degrees 13 minutes 01 seconds East, with the east line of said Tract VII, and with the west line of said Michaud tract, a distance of 2055.21 feet to a set 1½ inch rebar for the southern most southeast corner of said Tract VII, same being the northern most northeast corner of a called 131.9 acre tract as described in deed to Carter Real Estate L.P., filed 11 August 2010, and recorded in County Clerks Number 2010-78660;

THENCE: With the south line of said Tract VII the following ten (10) calls:

South 80 degrees 38 minutes 21 seconds East, passing at 24.5 feet a wood fence corner post, and continuing on said course with a barbed wire fence, a total distance of 197.40 feet to a point,

South 79 degrees 48 minutes 06 seconds West, with said fence, a distance of 122.22 feet,

South 77 degrees 15 minutes 37 seconds West, with said fence, a distance of 173.28 feet,

South 75 degrees 33 minutes 19 seconds West, with said fence, a distance of 59.27 feet,

South 70 degrees 53 minutes 37 seconds West, with said fence, a distance of 103.09 feet,

South 67 degrees 32 minutes 32 seconds West with said fence, a distance of 112.17 feet,

South 79 degrees 28 minutes 02 seconds West, with said fence, a distance of 146.75 feet to a wood fence corner post,

South 78 degrees 00 minutes 08 seconds West, with said fence, a distance of 72.98 feet to a found Set Stone at the base of a wood fence corner post, said stone being the most northerly northwest corner of a called 41 acre tract as described in deed to Carter Family Trust, filed 08 July 1991, and recorded in Volume 3014 Page 141 of said Deed Records,

South 89 degrees 40 minutes 49 seconds West, leaving said fence, a distance of 136.91 feet to a set 1½ inch rebar for an ell corner of said Tract VII,

South 00 degrees 19 minutes 11 seconds East, with the east line of said Tract VII, a distance of 136.70 feet to a set 1½ inch rebar for the southernmost southeast corner of this tract, and said rebar being on the north line of said Carter 41 acre tract;

THENCE: South 88 degrees 49 minutes 57 seconds West, with the north line of said Carter 41 acre tract, a distance of 506.57 feet to a found rod for the western most northwest corner of said Carter 41 acre tract, same being the monumented and occupied northeast corner of a called 131.6291 acre tract as described in deed to Marey E. Smith et al, filed 12 August 1991, and recorded in Volume 3038 Page 702 of the Real Property Records of said Denton County, Texas;

THENCE: South 86 degrees 30 minutes 29 seconds West, with a barbed wire fence being the occupied north line of said Mary Smith tract, a distance of 130.74 feet to an angle point in said fence;

THENCE: South 88 degrees 05 minutes 08 seconds West, with said barbed wire fence and occupied north line of said Mary Smith tract, a distance of 888.24 feet to a wood fence corner post for the northwest corner of said Mary Smith tract, same being the northeast corner of a called 18.00 acre tract as described in deed to Anne E. Smith, filed 12 August 1991, and recorded in Volume 3028 Page 731 of said Real Property Records;

THENCE: With an existing barbed wire fence and occupied line the following four (4) calls:

North 88 degrees 19 minutes 54 seconds West, a distance of 342.20 feet to found 3/8 inch rebar,

South 89 degrees 52 minutes 01 seconds West, a distance of 690.08 feet to a found 3/8 inch rebar,

South 89 degrees 08 minutes 49 seconds West, a distance of 205.87 feet to a found 1/2 inch rebar,

North 89 degrees 44 minutes 49 seconds West, a distance of 418.46 feet to a found 1/2 inch rebar at the base of a wood fence corner post, said post being the northwest corner of a called 18.0 acre tract as described in deed to Laura Carter Johnson, filed 12 August 1991, and recorded in Volume 3038 Page 713 of said Real Property Records, same being the eastern most northeast corner of said Johnson Bank tract;

THENCE: South 89 degrees 51 minutes 07 seconds West, with the south line of said Tract V, and with the north line of said Bank tract, a distance of 651.30 feet to a found 1/2 inch rebar in a Stone Mound for the southwest corner of said Tract V, same being an ell corner of said Bank tract, said rebar also being the southwest corner of said Simmons Survey, same being an inner ell corner of the W. Brookfield Survey, Abstract Number 34;

THENCE: North 00 degrees 38 minutes 39 seconds East, with the west line of said Tract V, and with the east line of said Bank tract, and with the west line of said Simmons Survey, same being the east line of said Brookfield Survey, a distance of 352.67 feet to a found 1/2 inch rebar in a Stone Mound for an ell corner of this tract, said rebar being the southeast corner of said Tract III, same being the northern most northeast corner of said Bank tract, said rebar also being the northernmost corner of said Brookfield Survey, same being the southeast corner of said Reynolds Survey;

THENCE: North 89 degrees 32 minutes 14 seconds West, with the north line of said Bank tract, and passing at 987.43 feet a found capped iron rod, and continuing on said course and passing at 2776.49 feet a set 1/2 inch rebar, and continuing on said course and passing at 4527.46 feet a

found capped iron rod and continuing on said course a total distance of 5409.39 feet to the **POINT OF BEGINNING** and containing 570.98 acres of land.

SAVE & EXCEPT

5.370 ACRE TRACT

DESCRIPTION, of a 5.370-acre tract of land situated in the William Reed Survey, Abstract No. 1071, Denton County, Texas; said tract being part of that certain 36.75-acre tract of land described as the Fourth Part of Tract VII in General Warranty Deed to Glenn and Louise Shoop Family Partnership, Ltd. as recorded in Document No. 2005-17852 of the Official Public Records of Denton County, Texas; said 5.370-acre tract being more particularly described by metes and bounds as follows:

COMMENCING, at a 1/2-inch iron rod with "OWEN 5560" cap found in the south right-of-way line of Farm to Market Road 1384 (an 80-foot right-of-way); said point being the northeast corner of that certain 36.75-acre tract of land described as the Third Part of said Tract VII and the northwest corner of that certain tract of land described as Tract One in Warranty Deed to Henry A. Pennington, Jr., et al as recorded in Volume 1474, Page 811 of the Deed Records of Denton County, Texas;

THENCE, South 00 degrees 21 minutes 00 seconds East, departing the said south right-of-way line of Farm to Market Road 1384 and with the east line of the said Third Part of Tract VII and a west line of said Pennington tract, a distance of 973.41 feet to a 1/2-inch iron rod with "OWEN 5560" cap found; said point being a northeast corner of said Fourth Part of Tract VII, the southwest corner of said Pennington tract, and in the north line of that certain tract of land described in Special Warranty Deed to Susan H. Michaud, et al as recorded in Volume 4345, Page 516 of said Deed Records;

THENCE, South 87 degrees 10 minutes 00 seconds West, with a south line of said Fourth Part of Tract VII and the said north line of said Michaud tract, a distance of 712.46 feet to a 1/2-inch iron rod with "OWEN 5560" cap found; said point being the northwest corner of said Michaud tract;

THENCE, South 00 degrees 13 minutes 01 seconds East, with an east line of said Fourth Part of Tract VII and the west line of said Michaud tract, a distance of 1,418.48 feet to the **POINT OF BEGINNING**;

THENCE, South 00 degrees 13 minutes 01 seconds East, continuing with an east line of said Fourth Part of Tract VII and the west line of said Michaud tract, a distance of 636.73 feet to a point for corner; said point being the southeast corner of said Fourth Part of Tract VII and a northwest corner of that certain tract of land described in Special Warranty Deed to Justin Timberbrook, LLC as recorded in Document No. 2016-55837 of said Official Public Records;

THENCE, with the south line of said Fourth Part of Tract VII and the north line of said Justin Timberbrook tract, the following six (6) calls:

South 80 degrees 38 minutes 21 seconds West, passing at a distance of 24.50 feet to a wood fence corner post, continuing along a barbed wire fence a total distance of 197.40 feet to a point for corner;

South 79 degrees 48 minutes 06 seconds West, continuing along said fence, a distance of 122.22 feet to a point for corner;

South 77 degrees 15 minutes 37 seconds West, continuing along said fence, a distance of 173.28 feet to a point for corner;

South 75 degrees 33 minutes 19 seconds West, continuing along said fence, a distance of 59.27 feet to a point for corner;

South 70 degrees 53 minutes 37 seconds West, continuing along said fence, a distance of 103.09 feet to a point for corner;

South 67 degrees 32 minutes 32 seconds West, continuing along said fence, a distance of 13.97 feet to a point for corner; said point being the beginning of a non-tangent curve to the right;

THENCE, in a northeasterly direction with said curve to the right, departing the south line of said Fourth Part of Tract VII and the north line of said Justin Timberbrook tract and over and across said Fourth Part of Tract VII, having a central angle of 22 degrees 12 minutes 30 seconds, a radius of 2,640.00 feet, a chord bearing and distance of North 39 degrees 41 minutes 13 seconds East, 1,016.89 feet, and an arc distance of 1,023.29 feet to the **POINT OF BEGINNING**;

CONTAINING: 5.370 acres or 233,922 square feet of land, more or less.

NET AREA: 565.61 acres

AFFIDAVIT

THE STATE OF TEXAS §
COUNTY OF DENTON §

I, Shirley Rogers, Town Secretary of the Town of Northlake, hereby certify that on October _____, 2020 I received a copy of the Petition for Consent to Creation of Oliver Ranch Municipal Utility District No. 1 of Denton County, a copy of which is attached hereto as Exhibit "A."

Shirley Rogers
Town Secretary of the Town of Northlake

THE STATE OF TEXAS §
COUNTY OF DENTON §

This instrument was acknowledged before me on this ____ day of _____, 2020, by Shirley Rogers, Town Secretary of the Town of Northlake.

Notary Public in and for the State of Texas

(NOTARY SEAL)

NORTHLAKE MAYOR AND COUNCIL COMMUNICATION

DATE: NOVEMBER 12, 2020

REF DOC.: TOWN OF NORTHLAKE PROCLAMATION NO. 20-6

SUBJECT: CHARTER COMMISSION FACILITATORS



GOALS/OBJECTIVES:

- Control our Own Destiny; Plan and prepare for a future Home Rule Charter Election (Council Goal)

BACKGROUND INFORMATION:

- October 8, 2020 - Mayor Rettig presented his appointment methodology and his appointees to the Northlake Home Rule Charter Commission
- October 16, 2020 – after receiving Council appointee requests, Mayor Rettig issued Proclamation 20-6 appointing twenty members to the Charter Commission with Mayor Pro Tem Montini as chair
- Staff, on behalf of the Commission, secured Northwest ISD Outdoor Learning Center for meetings
- Mayor Pro Tem Montini met with consultants with Baker Tilly and The Elim Group to facilitate

CHARTER COMMISSION PROCESS:

- Initial kickoff meeting and commission orientation
- Four to five workshop meetings to develop proposed charter
- Consultants to facilitate meetings to ensure all participants contribute, all areas discussed, all appropriate research material provided, and all meeting notes and products transcribed
- Town Attorney and Town Administrator to provide legal and administrative advice, respectively
- Mayor Pro Tem to routinely update Town Council on progress of commission
- Proposed charter language provided to Council by end of January 2021
- Town Council to call charter election at February 11, 2021 Council meeting
- Electorate consider charter at May 1, 2021 municipal election

COUNCIL ACTION:

- Approve consulting contract with Baker Tilly to plan, research, facilitate and summarize workshops



TOWN OF NORTHLAKE, TEXAS
OFFICIAL RESOLUTION

NO. 20-37

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF NORTHLAKE, TEXAS, AUTHORIZING THE TOWN ADMINISTRATOR TO EXECUTE A CONTRACT WITH BAKER TILLY TO PROVIDE PROFESSIONAL SERVICES, CHARTER COMMISSION FACILITATION, TO THE TOWN NOT TO EXCEED \$60,000.

WHEREAS, the Town Council of the Town of Northlake, Texas, has determined that a public need and necessity exists for the Town to seek the provision of professional services to the Town by consultants who possess the necessary skill and acumen to provide such services to the Town; and

WHEREAS, the Town Council has determined that it is advisable and in the best interests of the Town to authorize the Town Administrator to enter into a specific contract with a consultant in order to provide for the provision of professional services in the nature of charter commission facilitation to the Town;

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF NORTHLAKE, TEXAS:

SECTION 1. All of the above premises are true and correct legislative and factual findings of the Town Council, and they are hereby approved, ratified and incorporated into the body of this resolution as if copied in their entirety.

SECTION 2. That the Town Council hereby finds and determines that a public purpose and necessity exists for the Town to enter into professional services contract for the provision of charter commission facilitation services for the Northlake Home Rule Charter Commission with consultation from Town staff and other Town consultants.

SECTION 3. That the Town Administrator is hereby authorized, on behalf of the Town to execute a contract, not to exceed \$60,000, with Baker Tilly for charter commission facilitation services with legal advice from the Town Attorney.

PASSED AND APPROVED on this the 12th day of November 2020.

Town of Northlake, Texas

Attest:

David Rettig, Mayor

Shirley Rogers, Town Secretary

October 30, 2020

Mr. Drew Corn
Town Administrator
The Town of Northlake, Texas
1400 FM 407
Northlake, TX 76247

RE: Engagement Letter Agreement Related to Services

Dear Mr. Corn,

This letter agreement (the "Engagement Letter") is to confirm our understanding of the basis upon which Baker Tilly US, LLP ("Baker Tilly") and its affiliates are being engaged by the Town of Northlake, Texas (the "Client") to assist the Client with advisory services.

Scope, Objectives and Approach

It is anticipated that projects undertaken in accordance with this Engagement Letter will be at the request of the Client. The scope of services, additional terms and associated fee for individual engagements will be contained in a Scope Appendix or Appendices to this Engagement Letter. Authorization to provide services will commence upon execution and return of this Engagement Letter and one or more Appendices.

Management's Responsibilities

It is understood that Baker Tilly will serve in an advisory capacity with the Client. The Client is responsible for management decisions and functions, and for designating an individual with suitable skill, knowledge or experience to oversee the services we provide. The Client is responsible for evaluating the adequacy and results of the services performed and accepting responsibility for such services. The Client is responsible for establishing and maintaining internal controls, including monitoring ongoing activities.

The procedures we perform in our engagement will be heavily influenced by the representations that we receive from Client personnel. Accordingly, false representations could cause material errors to go undetected. The Client, therefore, agrees that Baker Tilly will have no liability in connection with claims based upon our failure to detect material errors resulting from false representations made to us by any Client personnel and our failure to provide an acceptable level of service due to those false representations.

The ability to provide service according to timelines established and at fees indicated will rely in part on receiving timely responses from the Client. The Client will provide information and responses to deliverables within the timeframes established in a Scope Appendix unless subsequently agreed otherwise in writing.

The responsibility for auditing the records of the Client rests with the Client's separately retained auditor and the work performed by Baker Tilly shall not include an audit or review of the records or the expression of an opinion on financial data.

Ownership of IP

Unless otherwise stated in a specific Scope Appendix, subject to Baker Tilly's rights in Baker Tilly's Knowledge (as defined below), Client shall own all intellectual property rights in the deliverables developed under the applicable Scope Appendix or Appendices ("Deliverables"). Notwithstanding the

foregoing, Baker Tilly will maintain all ownership right, title and interest to all Baker Tilly's Knowledge. For purposes of this Agreement "Baker Tilly's Knowledge" means Baker Tilly's proprietary programs, modules, products, inventions, designs, data, or other information, including all copyright, patent, trademark and other intellectual property rights related thereto, that are (1) owned or developed by Contractor prior to the Effective Date of this Agreement or the applicable Scope Appendix or Appendices ("Baker Tilly's Preexisting Knowledge") (2) developed or obtained by Baker Tilly after the Effective Date, that are reusable from Client to Client and project to project, where Client has not paid for such development; and (3) extensions, enhancements, or modifications of Baker Tilly's Preexisting Knowledge which do not include or incorporate Client's confidential information. To the extent that any Baker Tilly Knowledge is incorporated into the Deliverables, Baker Tilly grants to Client a non-exclusive, paid up, perpetual royalty-free worldwide license to use such Baker Tilly Knowledge in connection with the Deliverables, and for no other purpose without the prior written consent of Baker Tilly. Additionally, Baker Tilly may maintain copies of its work papers for a period of time and for use in a manner sufficient to satisfy any applicable legal or regulatory requirements for records retention.

Timing and Fees

Specific services will commence upon execution and return of a Scope Appendix to this Engagement Letter and our professional fees will be based on the rates outlined in such Scope Appendix.

Unless otherwise stated, in addition to the fees described in a Scope Appendix the Client will pay all of Baker Tilly's reasonable out-of-pocket expenses incurred in connection with the engagement. All out of pocket costs will be passed through at cost and will be in addition to the professional fee.

Dispute Resolution

Except for disputes related to confidentiality or intellectual property rights, all disputes and controversies between the parties hereto of every kind and nature arising out of or in connection with this Engagement Letter or the applicable Scope Appendix or Appendices as to the existence, construction, validity, interpretation or meaning, performance, nonperformance, enforcement, operation, breach, continuation, or termination of this Agreement or the applicable Scope Appendix or Appendices as shall be resolved as set forth in this section using the following procedure: In the unlikely event that differences concerning the services or fees provided by Baker Tilly should arise that are not resolved by mutual agreement, both parties agree to attempt in good faith to settle the dispute by engaging in mediation administered by the American Arbitration Association under its mediation rules for professional accounting and related services disputes before resorting to litigation or any other dispute resolution procedure. Each party shall bear their own expenses from mediation and the fees and expenses of the mediator shall be shared equally by the parties. If the dispute is not resolved by mediation, then the parties agree to expressly waive trial by jury in any judicial proceeding involving directly or indirectly, any matter (whether sounding in tort, contract, or otherwise) in any way arising out of, related to, or connected with this Agreement or the applicable Scope Appendix or Appendices as or the relationship of the parties established hereunder.

Because a breach of any the provisions of this Engagement Letter or the applicable Scope Appendix or Appendices as concerning confidentiality or intellectual property rights will irreparably harm the non-breaching party, Client and Baker Tilly agree that if a party breaches any of its obligations thereunder, the non-breaching party shall, without limiting its other rights or remedies, be entitled to seek equitable relief (including, but not limited to, injunctive relief) to enforce its rights thereunder, including without limitation protection of its proprietary rights. The parties agree that the parties need not invoke the mediation procedures set forth in this section in order to seek injunctive or declaratory relief.

Limitation on Damages

To the extent allowed under applicable law, the aggregate liability (including attorney's fees and all other costs) of either party and its present or former partners, principals, agents or employees to the other party related to the services performed under an applicable Scope Appendix or Appendices shall not exceed the fees paid to Baker Tilly under the applicable Scope Appendix or Appendices to which the claim relates, except to the extent finally determined to have resulted from the gross

negligence, willful misconduct or fraudulent behavior of the at-fault party. Additionally, in no event shall either party be liable for any lost profits, lost business opportunity, lost data, consequential, special, incidental, exemplary or punitive damages, delays or interruptions arising out of or related to this Engagement Letter or the applicable Scope Appendix or Appendices as even if the other party has been advised of the possibility of such damages.

Each party recognizes and agrees that the warranty disclaimers and liability and remedy limitations in this Engagement Letter are material bargained for bases of this Engagement Letter and that they have been taken into account and reflected in determining the consideration to be given by each party under this Engagement Letter and in the decision by each party to enter into this Engagement Letter.

The terms of this section shall apply regardless of the nature of any claim asserted (including, but not limited to, contract, tort or any form of negligence, whether of you, Baker Tilly or others), but these terms shall not apply to the extent finally determined to be contrary to the applicable law or regulation. These terms shall also continue to apply after any termination of this Engagement Letter.

You accept and acknowledge that any legal proceedings arising from or in conjunction with the services provided under this Engagement Letter must be commenced within twelve (12) months after the performance of the services for which the action is brought, without consideration as to the time of discovery of any claim.

Other Matters

In the event Baker Tilly is requested by the Client; or required by government regulation, subpoena, or other legal process to produce our engagement working papers or its personnel as witnesses with respect to its Services rendered for the Client, so long as Baker Tilly is not a party to the proceeding in which the information is sought, Client will reimburse Baker Tilly for its professional time and expenses, as well as the fees and legal expenses incurred in responding to such a request.

Neither this Engagement Letter, any claim, nor any rights or licenses granted hereunder may be assigned, delegated, or subcontracted by either party without the written consent of the other party. Either party may assign and transfer this Engagement Letter to any successor that acquires all or substantially all of the business or assets of such party by way of merger, consolidation, other business reorganization, or the sale of interest or assets, provided that the party notifies the other party in writing of such assignment and the successor agrees in writing to be bound by the terms and conditions of this Engagement Letter.

In the event that any provision of this Engagement Letter or statement of work contained in a Scope Appendix hereto is held by a court of competent jurisdiction to be unenforceable because it is invalid or in conflict with any law of any relevant jurisdiction, the validity of the remaining provisions shall not be affected, and the rights and obligations of the parties shall be construed and enforced as if the Engagement Letter or statement of work did not contain the particular provisions held to be unenforceable. The unenforceable provisions shall be replaced by mutually acceptable provisions which, being valid, legal and enforceable, come closest to the intention of the parties underlying the invalid or unenforceable provision. If the Services should become subject to the independence rules of the U.S. Securities and Exchange Commission with respect to Client, such that any provision of this Engagement Letter would impair Baker Tilly's independence under its rules, such provision(s) shall be of no effect.

Termination

Both the Client and Baker Tilly have the right to terminate this Engagement Letter or any work being done under an individual Scope Appendix at any time after reasonable advance written notice. On termination, all fees and charges incurred prior to termination shall be paid promptly. Unless otherwise

agreed to by the Client and Baker Tilly, the scope of services provided in a Scope Appendix will terminate 60 days after completion of the services in such Appendix.

Important Disclosures

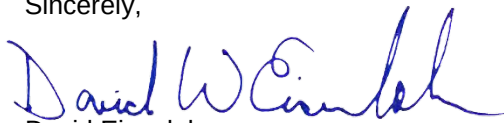
Incorporated as Attachment A and part of this Engagement Letter are important disclosures. These include disclosures that apply generally and those that are applicable in the event Baker Tilly is engaged to provide municipal advisory services.

This Engagement Letter, including the attached Disclosures as updated from time to time, comprises the complete and exclusive statement of the agreement between the parties, superseding all proposals, oral or written, and all other communications between the parties. Both parties acknowledge that work performed pursuant to the Engagement Letter will be done through Scope Appendices executed and made a part of this document.

Any rights and duties of the parties that by their nature extend beyond the expiration or termination of this Engagement Letter shall survive the expiration or termination of this Engagement Letter or any statement of work contained in a Scope Appendix hereto.

If this Engagement Letter is acceptable, please sign below and return one copy to us for our files.

Sincerely,

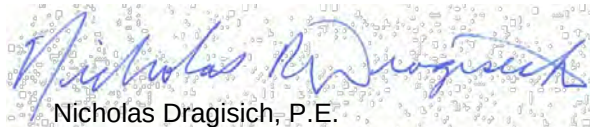


David Eisenlohr

Managing Director

T: +1 (214) 577 6525

E: david.eisenlohr@bakertilly.com



Nicholas Dragisich, P.E.

Firm Director

T: +1 (651) 223 3012

E: nick.dragisich@bakertilly.com

Signature Section:

The terms as set forth in this Engagement Letter are agreed to on behalf of the Client by:

Name: _____

Title: _____

Date: _____

Attachment A

Important Disclosures

Non-Exclusive Services

Client acknowledges and agrees that Baker Tilly, including but not limited to Baker Tilly US, LLP, Baker Tilly Municipal Advisors, LLC, Baker Tilly Capital, LLC, and Baker Tilly Investment Services, LLC, is free to render municipal advisory and other services to the Client or others and that Baker Tilly does not make its services available exclusively to the Client.

Affiliated Entities

Baker Tilly US, LLP is an independent member of Baker Tilly International. Baker Tilly International Limited is an English company. Baker Tilly International provides no professional services to clients. Each member firm is a separate and independent legal entity and each describes itself as such. Baker Tilly US, LLP is not Baker Tilly International's agent and does not have the authority to bind Baker Tilly International or act on Baker Tilly International's behalf. None of Baker Tilly International, Baker Tilly US, LLP, nor any of the other member firms of Baker Tilly International has any liability for each other's acts or omissions. The name Baker Tilly and its associated logo is used under license from Baker Tilly International Limited.

Baker Tilly Investment Services, LLC ("BTIS"), a U.S. Securities and Exchange Commission ("SEC") registered investment adviser, may provide services to the Client in connection with the investment of proceeds from an issuance of securities. In such instances, services will be provided under a separate engagement, for an additional fee. Notwithstanding the foregoing, Baker Tilly may act as solicitor for and recommend the use of BTIS, but the Client shall be under no obligation to retain BTIS or to otherwise utilize BTIS relative to Client's investments. The fees paid with respect to investment services are typically based in part on the size of the issuance proceeds and Baker Tilly may have incentive to recommend larger financings than would be in the Client's best interest. Baker Tilly will manage and mitigate this potential conflict of interest by this disclosure of the affiliated entity's relationship, a Solicitation Disclosure Statement when Client retains BTIS's services and adherence to Baker Tilly's fiduciary duty and/or fair dealing obligations to the Client.

Baker Tilly Capital, LLC ("BTC") Baker Tilly Capital, LLC ("BTC") is a limited service broker-dealer specializing in merger and acquisition, capital sourcing, project finance and corporate finance advisory services. BTC does not participate in any municipal offerings advised on by its affiliate Baker Tilly Municipal Advisors. Any services provided to Client by BTC would be done so under a separate engagement for an additional fee.

Baker Tilly Municipal Advisors ("BTMA") is registered as a "municipal advisor" pursuant to Section 15B of the Securities Exchange Act and rules and regulations adopted by the SEC) and the Municipal Securities Rulemaking Board ("MSRB"). As such, BTMA may provide certain specific municipal advisory services to the Client. BTMA is neither a placement agent to the Client nor a broker/dealer. The offer and sale of any Bonds is made by the Client, in the sole discretion of the Client, and under its control and supervision. The Client acknowledges that BTMA does not undertake to sell or attempt to sell bonds or other debt obligations and will not take part in the sale thereof.

Baker Tilly, may provide services to the Client in connection with human resources consulting, including, but not limited to, executive recruitment, talent management and community survey services. In such instances, services will be provided under a separate scope of work for an additional fee. Certain executives of the Client may have been hired after the services of Baker Tilly were utilized and may make decisions about whether to engage other services of Baker Tilly or its subsidiaries. Notwithstanding the foregoing, Baker Tilly may recommend the use of Baker Tilly or a subsidiary, but the Client shall be under no obligation to retain Baker Tilly or a subsidiary or to otherwise utilize either relative to the Client's activities.

Conflict Disclosure Applicable to Municipal Advisory Services Provided by BTMA.

Legal or Disciplinary Disclosure. BTMA is required to disclose to the SEC information regarding criminal actions, regulatory actions, investigations, terminations, judgments, liens, civil judicial actions, customer complaints, arbitrations and civil litigation involving BTMA. Pursuant to MSRB Rule G-42, BTMA is required to disclose any legal or disciplinary event that is material to the Client's evaluation of BTMA or the integrity of its management or advisory personnel.

There are no criminal actions, regulatory actions, investigations, terminations, judgments, liens, civil judicial actions, customer complaints, arbitrations or civil litigation involving BTMA. Copies of BTMA filings with the SEC can currently be found by accessing the SEC's EDGAR system Company Search Page which is currently available at <https://www.sec.gov/edgar/searchedgar/companysearch.html> and searching for either Baker Tilly Municipal Advisors, LLC or for our CIK number which is 0001616995. The MSRB has made available on its website (www.msrb.org) a municipal advisory client brochure that describes the protections that may be provided by MSRB rules and how to file a complaint with the appropriate regulatory authority.

Contingent Fee. The fees to be paid by the Client to BTMA are or may be based on the size of the transaction and partially contingent on the successful closing of the transaction. Although this form of compensation may be customary in the municipal securities market, it presents a conflict because BTMA may have an incentive to recommend unnecessary financings, larger financings or financings that are disadvantageous to the Client. For example, when facts or circumstances arise that could cause a financing or other transaction to be delayed or fail to close, BTMA may have an incentive to discourage a full consideration of such facts and circumstances, or to discourage consideration of alternatives that may result in the cancellation of the financing or other transaction.

Hourly Fee Arrangements. Under an hourly fee form of compensation, BTMA will be paid an amount equal to the number of hours worked multiplied by an agreed upon billing rate. This form of compensation presents a potential conflict of interest if BTMA and the Client do not agree on a maximum fee under the applicable Appendix to this Engagement Letter because BTMA will not have a financial incentive to recommend alternatives that would result in fewer hours worked. In addition, hourly fees are typically payable by the Client whether or not the financing transaction closes.

Fixed Fee Arrangements. The fees to be paid by the Client to BTMA may be in a fixed amount established at the outset of the service. The amount is usually based upon an analysis by Client and BTMA of, among other things, the expected duration and complexity of the transaction and the work documented in the Scope Appendix to be performed by Baker Tilly. This form of compensation presents a potential conflict of interest because, if the transaction requires more work than originally contemplated, Baker Tilly may suffer a loss. Thus, Baker Tilly may recommend less time-consuming alternatives, or fail to do a thorough analysis of alternatives.

BTMA manages and mitigates conflicts related to fees and/or other services provided primarily through clarity in the fee to be charged and scope of work to be undertaken and by adherence to MSRB Rules including, but not limited to, the fiduciary duty which it owes to the Client requiring BTMA to put the interests of the Client ahead of its own and BTMA's duty to deal fairly with all persons in its municipal advisory activities.

To the extent any additional material conflicts of interest have been identified specific to a scope of work the conflict will be identified in the respective Scope Appendix. Material conflicts of interest that arise after the date of a Scope Appendix will be provided to the Client in writing at that time.

RE: Town of Northlake, Texas Charter Commission Support Services **DATE: October 30, 2020**

This Scope Appendix is attached by reference to the above-named engagement letter (the "Engagement Letter") between The Town of Northlake (the "Client") and Baker Tilly US, LLP ("BT") and relates to services to be provided by BT to the Client.

Scope of Work

BT, with the support of the Elim Group, will perform the following services in support of the Town of Northlake Charter Commission:

- Meet with the Charter Commission Chair, legal counsel and Town Administrator, if appropriate, to initiate the charter development process, clarify roles and responsibilities, and discuss Commission meeting schedules, topics, public outreach and engagement, if any, and other administrative and procedural matters.
- Gather resource and reference materials for members of the Commission. These could include, for instance, the National Civic League Model Charter and Guide for Charter Commissions, the Texas Municipal League guide to Home Rule Charters, copies of applicable state statutes, and sample charters from comparable Texas communities.
- Plan and facilitate a Charter Commission "kickoff" workshop to introduce the Commission members to the legal and consulting team, orient the Commission members to the scope of their responsibilities, review the charter drafting process and timeline, and conduct a teambuilding and brainstorming activity to establish a high-level vision of the desired Town of Northlake governance structure.
- Facilitate and summarize up to six ½ day Charter Commission workshops organized around specific charter sections, such as, for example:
 - Workshop 1 - Kickoff meeting and Commission Orientation
 - o Introductions, reading materials, schedule, purpose, logistics, etc.
 - Workshop 2 - First work session
 - o Basic framework of model charter (i.e., chapters)
 - Workshop 3 - Second work session
 - o Analysis of charters from surrounding communities
 - Workshop 4 - Third work session
 - o Components unique to Northlake, if any
 - Workshop 5 - Fourth work session
 - o Final draft of charter
 - Workshop 6 - Make-up session, if needed

Timing

- Baker Tilly is prepared to commence work within 10 days of notice to proceed
- Meetings and workshops will be conducted on an approximately biweekly intervals, based on the schedule agreed in the initial project planning meeting.
- The expected duration of the engagement is three months, from early November 2020 through early February 2021.

Deliverables

- Workshop agendas and supporting materials as necessary
- Summary workshop notes

Client Responsibilities

The services, fees and delivery schedule for this assignment are based upon the following assumptions, representations, or information supplied by Client:

- Client will assign a senior-level point of contact to provide overall guidance and direction to the project consultant. BT is entitled to rely on the information and direction provided by the assigned client representative.
- Client will assist BT with the collection of requested background data, documents, and material and will be responsible for reproduction and distribution of printed materials as needed.
- Client or Client's legal counsel will be responsible for preparing Charter language, ballot propositions, and other legal instruments and documentation as required.
- Appropriate members of the Client staff will be available to participate in meetings and workshops as reasonably required for project completion.
- Adherence to project timelines and estimated fees is dependent upon the availability of client personnel and Charter Commission participation.
- Client will provide appropriate meeting space, audiovisual support, food and beverage and other event support services as required for Charter Commission meetings.
- Client will assist BT in keeping the project within the predefined scope to ensure timely and on-budget completion of the engagement.

Compensation and Invoicing

BT will complete the scope of services described herein on a time and materials basis, billed at the following hourly rates for professional services, plus direct project-related costs. Total costs will not exceed \$60,000 without the prior written authorization of the Client. Invoices will be submitted monthly and are payable upon receipt.

Title	Hourly Rate
Partner/Principal/Managing Director	\$300
Director/Senior Manager	\$225
Manager	\$200
Senior Consultant	\$160
Staff Consultant	\$125

Conflicts of Interest

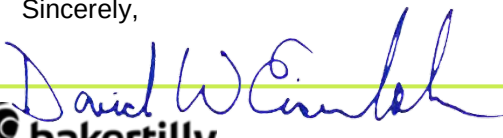
Attachment A to the Engagement Letter contains important disclosure information that applies to this Scope Appendix. We are unaware of any additional conflicts of interest related to this Scope Appendix that exist at this time.

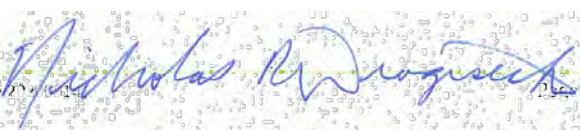
Termination

This Scope Appendix will terminate according to the terms of the Engagement Letter.

If this Scope Appendix is acceptable, please sign below and return one copy to us for our files. We look forward to working with you on this project.

Sincerely,





(Scope Appendix) SA 2 of 3

**SCOPE APPENDIX to
Engagement Letter dated: October 30, 2020
Between The Town of Northlake, Texas and
Baker Tilly US, LLP**

David Eisenlohr
Managing Director
T: +1 (214) 577 6525
E: david.eisenlohr@bakertilly.com

Nicholas Dragisich, P.E.
Firm Director
T: +1 (651) 223 3012
E: nick.dragisich@bakertilly.com

Signature Section:

The services and terms as set forth in this Scope Appendix are agreed to on behalf of the Client by:

Name: _____

Title: _____

Date: _____

NORTHLAKE MAYOR AND COUNCIL COMMUNICATION

DATE: NOVEMBER 12, 2020

REF. DOC. : TOWN OF NORTHLAKE FISCAL YEAR 2020-2021 ADOPTED BUDGET

SUBJECT: ROAD FAILURE REPAIRS OF SECTIONS OF DALE EARNHARDT WAY,
EAGLETON LANE, APPLEWOOD LANE AND UPLANDS DRIVE



STRATEGIC GOALS/OBJECTIVES:

- Systematically Invest in Infrastructure; Maintain and improve public roadways

BACKGROUND INFORMATION:

- Road failures occurred along Dale Earnhardt Way with insufficient minimum concrete depth
- Road failures occurred along sewer line below Eagleton, Applewood and Uplands due to insufficient compaction of fill materials
- Town seeks award of performance bonds for both projects
- Town engaged Halff and Associates to design repairs and develop bid documents
- Requests for proposal were advertised and the Town received three sealed bids
- Lowest responsible bidder was 2L Construction LLC with a bid of \$944,035
 - o Base bid - \$597,687 (Dale Earnhardt, Eagleton, Applewood, Uplands to Arbor Glen)
 - o Alternate No. 1 - \$342,348 (Uplands from Arbor Glen to Silver Lace)
 - o Alternate No. 2 - \$4,000 (repairs to sidewalks and ramps)
- Component budget for the road failures was \$600,000
- Contract separately with geotechnical service to monitor subsurface conditions

RECOMMENDATION:

- Award base bid and alternate no. 2 in amount of \$601,687, and contract with 2L Construction LLC for road failure repair



TOWN OF NORTHLAKE, TEXAS
OFFICIAL RESOLUTION

No. 20-38

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF NORTHLAKE, TEXAS, AUTHORIZING THE TOWN ADMINISTRATOR TO CONTRACT WITH 2L CONSTRUCTION, LLC FOR PAVEMENT REPAIRS TO SECTIONS OF DALE EARNHARDT WAY, EAGLETON LANE, APPLEWOOD LANE AND UPLANDS DRIVE.

WHEREAS, the Town Council of the Town of Northlake, Texas, understands the need to provide a safe and reliable road system to customers and the public; and

WHEREAS, the Town has project savings from Certificates of Obligation (Series 2018) proceeds to fund this project; and

WHEREAS, of the \$600,000 was budgeted for the pavement repair project; and

WHEREAS, alternate bids were sought to address the areas of greatest failure; and

WHEREAS, the Town has issued a request for bid for the project, received three bids and has qualified the lowest bidder, 2L Construction, LLC; and

WHEREAS, to stay within budget and address the areas of greatest need; and

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF NORTHLAKE, TEXAS:

SECTION 1. All of the above premises are true and correct legislative and factual findings of the Town Council, and they are hereby approved, ratified and incorporated into the body of this resolution as if copied in their entirety.

SECTION 2. That the Town Council hereby finds and determines that a public purpose and necessity exists for the Town to enter into a construction contract for the pavement repair of various road sections with consultation from Town staff and other Town consultants.

SECTION 3. The Town Administrator is hereby authorized, on behalf of the Town, to finalize and enter into a construction contract with 2L Construction, LLC whereby the Town will receive pavement repairs at a cost not to exceed \$605,000.00.



TOWN OF NORTHLAKE, TEXAS
OFFICIAL RESOLUTION

PASSED AND APPROVED on this the 12th day of November 2020.

Town of Northlake, Texas

David Rettig, Mayor

Attest:

Shirley Rogers, Town Secretary



November 2, 2020
AVO 41686

Mr. Drew Corn
Town Administrator
Town of Northlake
1500 Commons Circle, Suite 300
Northlake, Texas 76226

Re: Canyon Falls and Dale Earnhardt Way Pavement Repairs.

Dear Mr. Corn:

Bids were opened on the above-referenced project on Tuesday, October 13, 2020, at the Town of Northlake. Three (3) bids were received. Below is a summary of the bids:

	2L Construction, LLC	GRod Construction, LLC	Urban Infraconstruction, LLC
BASE BID	\$597,687.00	\$663,988.00	\$1,120,800.00
ALTERNATE NO. 1	\$342,348.00	\$366,465.00	\$462,540.00
ALTERNATE NO. 2	\$4,000.00	\$2,900.00	\$4,850.00
TOTAL	\$944,035.00	\$1,033,353.00	\$1,588,190.00

2L Construction, LLC was the low bidder for the Base Bid and any combination of the Base Bid and Added Alternates No. 1 and No. 2. We have contacted the City of Arlington, the City of Lewisville, and the City of North Richland Hills who have awarded similar projects to 2L Construction, LLC to verify their qualifications.

In a conversation with Mr. Eric Seebock with the City of Arlington in reference to 2L Construction, LLC's performance on Eden Road Park Improvements project, Mr. Seebock emphasized the fact that 2L Construction, LLC did an outstanding job on the project. He stated that 2L Construction, LLC finished the scope of work within the time and budget allotted with great quality work and no change orders on their behalf except a change order that was made by the City of Arlington. Mr. Seebock also emphasized the fact that 2L Construction, LLC had no warranty issues whatsoever and that he would recommend 2L Construction, LLC to anyone with similar projects as he looks forward to working with them again.



Mr. Drew Corn
November 2, 2020
Page 2

We also spoke with Mr. Toby McGuire from the City of Lewisville concerning 2L Construction, LLC's work on projects in Lewisville. Mr. McGuire spoke highly of 2L Construction, LLC's work on a Community Development Block Grant (CDBG) project that involved concrete pavement and he emphasized that they finished the scope of work ahead of time within the allotted budget despite having a minor change order involving a water service. He also stated that they produced great quality work and were quick at completing the punch lists. Mr. McGuire emphasized that they were prompt and effective in communication and would recommend them to anyone with similar projects because 2L Construction performed its work efficiently.

The City of North Richland Hills has also awarded similar projects to 2L Construction, LLC. Joe Pack from the City of North Richland Hills spoke to us about the John Barfield and Calloway Branch Multi-use Trails project that was constructed by 2L Construction, LLC and consisted of 4.7 miles of 10' wide concrete pavement. Mr. Pack spoke highly of the great job executed by 2L Construction, LLC and he stressed the fact that there were no change orders generated by 2L Construction, LLC except those that came up due to the plans being unfeasible at certain locations. Mr. Pack also stated that there were no complaints whatsoever during construction given the fact that 2L Construction, LLC performed all work inhouse hence completing the project in time and within the allotted budget. Mr. Pack also spoke highly of Donnie Leonardo and Chip Fisher for the great work they performed and stated he would highly recommend 2L Construction, LLC to anyone with similar projects.

After considering the bid price, reputation of the bidder, and the quality of the bidders' services, Halff Associates has determined that **2L Construction, LLC is the lowest responsible bidder and recommends award of the contract dependent on the Town's selection of Added Alternates for the project.**

Please call me at (817) 764-7486 if you have any questions or comments.

Sincerely,

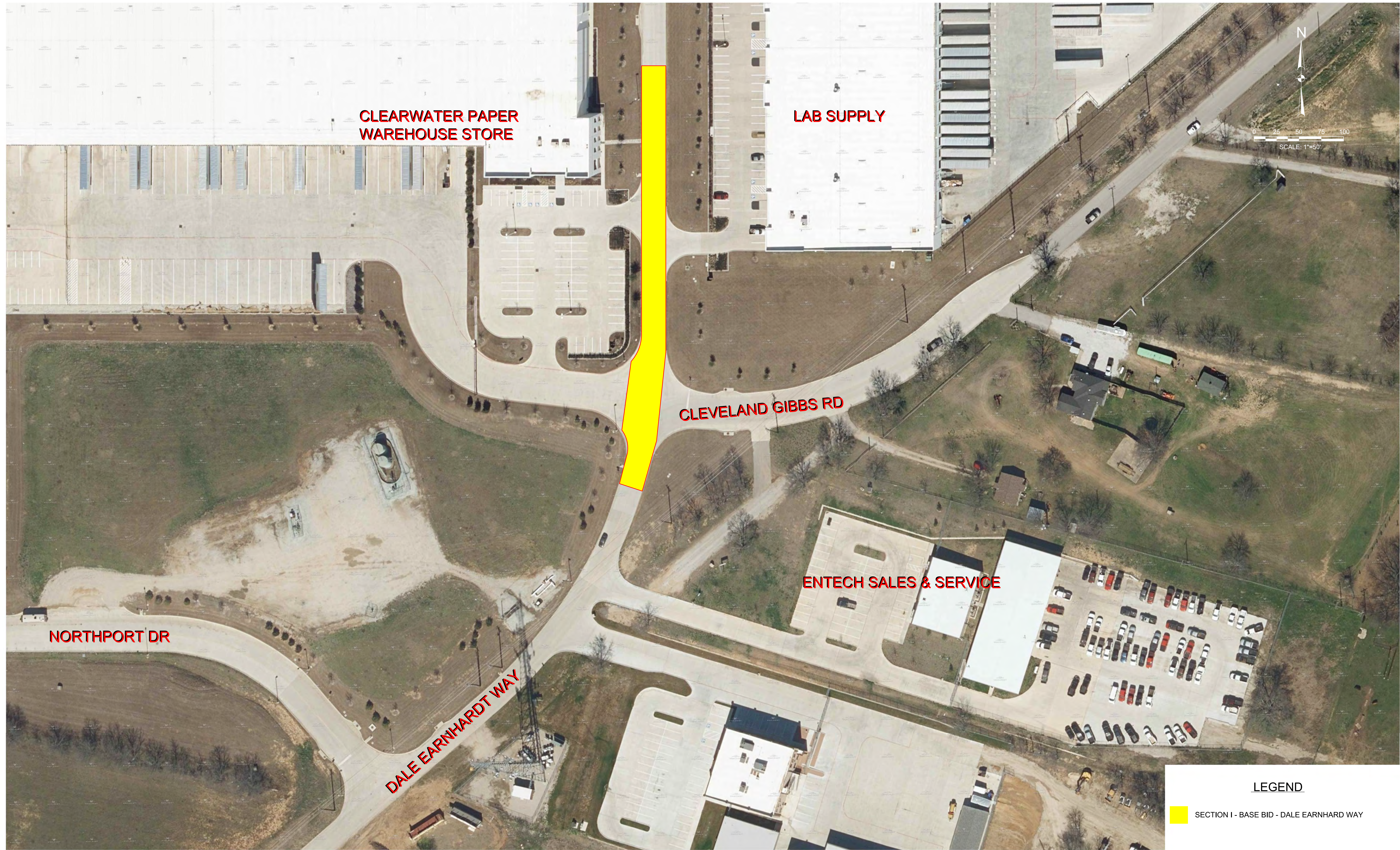
HALFF ASSOCIATES, INC.

A handwritten signature in blue ink that reads "David M. Smith".

David M. Smith, P.E.

Attachment

11/2/2020 4:11:24 PM ch3803 I:\41000s\41686\001\CADD\Sheets\FTW\41686-D, EARNHARDT EXHIBIT.dgn PDF_2D\CLIP_FTW_CR_300.dft



NOT FOR CONSTRUCTION

ENGINEER:	DAVID M. SMITH
P.E. NUMBER:	102401
DATE:	11/02/2020

CANYON FALLS AND DALE EARNHARDT WAY
PAVEMENT REPAIRS

PROJECT TITLE

DALE EARNHARDT WAY
PROJECT LAYOUT

SHEET TITLE

HALFF
4000 FOSSIL CREEK BLVD
FORT WORTH, TEXAS 76137-2797
TEL (817) 847-1422
FAX (817) 232-9784
TBPELS Engineering Firm #312

OCTOBER
2020

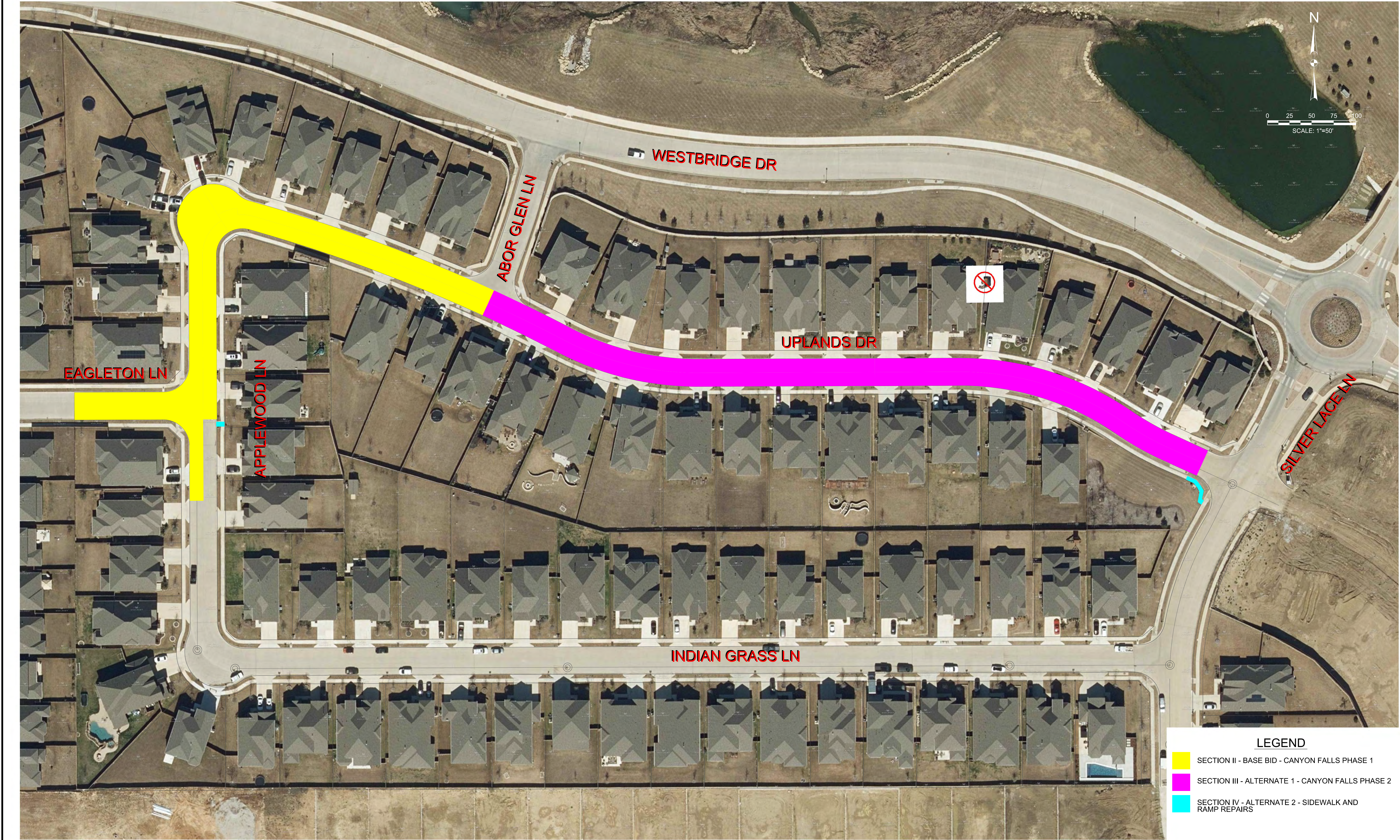
DATE

SHEET
OF
1
2

CANYON FALLS AND DALE EARNHARDT WAY PAVEMENT REPAIRS

TOWN FILE NO. TR-20-10

11/2/2020 4:14:15 PM ch3803 I:\41000s\41686\001\CADD\Sheets\FTW\41686-CANYON FALLS EXHIBIT.dgn PDF_2DCLIP_FTW_CR_300.plt



- LEGEND**
- SECTION II - BASE BID - CANYON FALLS PHASE 1
 - SECTION III - ALTERNATE 1 - CANYON FALLS PHASE 2
 - SECTION IV - ALTERNATE 2 - SIDEWALK AND RAMP REPAIRS



NOT FOR CONSTRUCTION

ENGINEER: DAVID M. SMITH
P.E. NUMBER: 102401
DATE: 11/02/2020

CANYON FALLS AND DALE EARNHARDT WAY
PAVEMENT REPAIRS

PROJECT TITLE

CANYON FALLS
PAVEMENT REPAIR PHASES

SHEET TITLE

HALFF
4000 FOSSIL CREEK BLVD
FORT WORTH, TEXAS 76137-2797
TEL (817) 847-1422
FAX (817) 232-9784
TBPELS Engineering Firm #312

OCTOBER
2020

DATE

SHEET
OF
2
2

NORTHLAKE MAYOR AND COUNCIL COMMUNICATION

DATE: NOVEMBER 12, 2020

REF. DOC. : TOWN OF NORTHLAKE FISCAL YEAR 2020-2021 ADOPTED BUDGET

SUBJECT: ROAD RECONSTRUCTION OF OLD JUSTIN ROAD FROM FAUGHT TO FLANAGAN FARM



STRATEGIC GOALS/OBJECTIVES:

- Systematically Invest in Infrastructure; Maintain and improve public roadways

BACKGROUND INFORMATION:

- Old Justin Road reconstruction identified by Council as capital project priority
- Remainder of Old Justin Road to be reconstructed by Belmont Fresh Water Supply District
- Original budget - \$350,000, Source - Series 2016 Certificates of Obligation project savings
- Town engaged Halff and Associates to design road reconstruction
- Sidewalk installation along Faught and unforeseen drainage issues increased costs
- Two alternate bids sought:
 - No. 1 - Drainage contained on existing ROW requiring installation of guard rail
 - No. 2 - Drainage easement expanded on adjacent property without guard rail
- Adjacent property owners prefer Alternate No. 2 and willing to work with Town
- Requests for proposal were advertised and the Town received seven sealed bids
- Lowest responsible bidder was Reliable Paving with a bid of \$518,112.40 for alternate No. 2
- Additional funds will be found from other project savings

RECOMMENDATION:

- Award base bid with alternate no. 2 in amount of \$520,000, and contract with Reliable Paving for road reconstruction



TOWN OF NORTHLAKE, TEXAS
OFFICIAL RESOLUTION

No. 20-39

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF NORTHLAKE, TEXAS, AUTHORIZING THE TOWN ADMINISTRATOR TO CONTRACT WITH RELIABLE PAVING, LLC FOR RECONSTRUCTION AND WIDENING OF OLD JUSTIN ROAD FROM FAUGHT ROAD TO FLANAGAN FARM DRIVE

WHEREAS, the Town Council of the Town of Northlake, Texas, understands the need to provide a safe and reliable road system to customers and the public; and

WHEREAS, the Town has project savings from Certificates of Obligation (Series 2018) proceeds and other projects to fund this project; and

WHEREAS, of the \$350,000 was budgeted for the road reconstruction project; and

WHEREAS, the scope increased to include sidewalk along Faught Road; and

WHEREAS, as designed commenced, project costs increased due to additional drainage measures; and

WHEREAS, alternate bids were sought to avoid installing guard rails along rural roadway; and

WHEREAS, the Town has issued a request for bid for the project, received seven bids and has qualified the lowest bidder, Reliable Paving, LLC; and

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF NORTHLAKE, TEXAS:

SECTION 1. All of the above premises are true and correct legislative and factual findings of the Town Council, and they are hereby approved, ratified and incorporated into the body of this resolution as if copied in their entirety.

SECTION 2. That the Town Council hereby finds and determines that a public purpose and necessity exists for the Town to enter into a construction contract for the road reconstruction of Old Justin Road from Faught to Flanagan Farm with consultation from Town staff and other Town consultants.

SECTION 3. The Town Administrator is hereby authorized, on behalf of the Town, to finalize and enter into a construction contract with Reliable Paving, LLC whereby the Town will receive road reconstruction at a cost not to exceed \$520,000.00.



TOWN OF NORTHLAKE, TEXAS
OFFICIAL RESOLUTION

PASSED AND APPROVED on this the 12th day of November 2020.

Town of Northlake, Texas

David Rettig, Mayor

Attest:

Shirley Rogers, Town Secretary

Old Justin Road Reconstruction Project

Engineer recommendation unavailable at time of packet delivery. Engineer is contacting references and will have a recommendation prior to the November 12, 2020 Council meeting. Recommendation will be sent via email as soon as available.

NORTHLAKE MAYOR AND COUNCIL COMMUNICATION

DATE: NOVEMBER 12, 2020

REF DOC.: BUILDING CODES (ARTICLE 4.02 OF THE CODE OF ORDINANCES)

SUBJECT: BUILDING CODES UPDATE



GOALS/OBJECTIVES:

- Responsibly Manage Growth (Council Goal)

CURRENT BUILDING CODES:

- 2006 International Codes (I-Codes) adopted in 2009
 - o International Building Code (IBC)
 - o International Residential Code (IRC)
 - o International Existing Building Code (IEBC)
 - o International Energy Conservation Code (IECC)
 - o International Mechanical Code (IMC)
 - o International Plumbing Code (IPC)
 - o International Fuel Gas Code (IFGC)
- 2005 National Electrical Code (NEC) adopted in 2009
All adopted codes include North Central Texas Council of Governments (NCTCOG) Regional amendments

WHY ADOPT NEWER CODES?

- ISO Building Codes Effectiveness Classification set to go up if newer code not adopted. Lower ISO rating can lead to lower insurance rates.
- The differences between the current codes and proposed codes are mostly minor, and most builders in Northlake are already building to newer codes.
- The proposed newer code will be more consistent with other municipalities in the region.
- Newer codes help maintain quality and preserve property values.

PROPOSED BUILDING CODES:

- 2018 International Codes (I-Codes)
 - o International Building Code (IBC)
 - o International Residential Code (IRC)
 - o International Existing Building Code (IEBC)
 - o International Energy Conservation Code (IECC)
 - o International Mechanical Code (IMC)
 - o International Plumbing Code (IPC)
 - o International Fuel Gas Code (IFGC)
 - o International Swimming Pool and Spa Code (ISPSC)
- 2017 National Electrical Code (NEC)
All proposed codes include North Central Texas Council of Governments (NCTCOG) Regional amendments

RESOURCES:

- 2018 I-Codes available online at <https://codes.iccsafe.org/codes/i-codes>
- NCTCOG Regional Codes Coordinating Committee <https://codes.iccsafe.org/content/IFC2018P4>

COUNCIL DIRECTION:

- Adopt 2018 I-Code building codes with amendments to be effective on January 1, 2021



TOWN OF NORTHLAKE, TEXAS
OFFICIAL ORDINANCE

NO. 20-1112A

AN ORDINANCE OF THE TOWN OF NORTHLAKE, TEXAS, AMENDING ARTICLE 4.02, "TECHNICAL AND CONSTRUCTION CODES AND STANDARDS AMENDING OF SECTION 4.02.051 TO ADOPT THE 2018 INTERNATIONAL BUILDING CODE AND AMENDMENTS THERETO; BY THE AMENDING SECTION 4.02.101 TO ADOPT THE 2018 INTERNATIONAL RESIDENTIAL CODE AND AMENDMENTS THERETO; BY THE AMENDMENT OF SECTION 4.02.151 TO ADOPT THE 2018 INTERNATIONAL EXISTING BUILDING CODE AMENDMENTS THERETO; AMENDMENT OF SECTION 4.02.231 TO ADOPT THE 2017 NATIONAL ELECTRICAL CODE AND CERTAIN AMENDMENTS THERETO; AMENDING SECTION 4.02.301 TO ADOPT THE 2018 INTERNATIONAL ENERGY CONSERVATION CODE AND AMENDMENTS THERETO; AMENDING SECTION 4.02.351 TO ADOPT THE 2018 INTERNATIONAL MECHANICAL CODE AND AMENDMENTS THERETO; AMENDING SECTION 4.02.401 TO ADOPT THE 2018 INTERNATIONAL PLUMBING CODE AND AMENDMENTS THERETO; AMENDING SECTION 4.02.451 TO ADOPT THE 2018 INTERNATIONAL FUEL GAS CODE AND AMENDMENTS THERETO; ADDING DIVISION 10. ADOPTING THE 2018 INTERNATIONAL SWIMMING POOL AND SPA CODE AND AMENDMENTS THERETO; PROVIDING FOR A PENALTY; PROVIDING FOR THE REPEAL OF ORDINANCES IN CONFLICT HEREWITH; AND PROVIDING FOR SEVERABILITY, PUBLICATION, AND AN EFFECTIVE DATE.

WHEREAS, the Town of Northlake, Texas (the "Town") is a Type-A general law municipality in the State of Texas possessed of any and all powers accorded to it by the Constitution and laws of the State of Texas; and

WHEREAS, the Town Council possesses, pursuant to the Texas Local Government Code, the authority to regulate the construction of structures in the Town and, where applicable, in the Town's extraterritorial jurisdiction ("ETJ"); and

Whereas, the Town has previously adopted certain codes regulating the construction of structures in the Town; and

WHEREAS, the Town Council finds that the adoption of the International Swimming Pool and Spa Code and the updated versions of the International Building Code, International Residential Code, International Mechanical Code, International Plumbing Code, International Fuel Gas Code, International Energy Conservation Code, and National Electrical Code is in the best interest of the health, safety and welfare of the citizens of the Town.

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



TOWN OF NORTHLAKE, TEXAS
OFFICIAL ORDINANCE

SECTION 1. All of the above premises are found to be true and correct legislative determinations and are hereby incorporated into the body of this Ordinance as if copied in their entirety.

SECTION 2. The Code of Ordinances of the Town of Northlake, Texas, Section 4.02.051, is hereby amended and shall read as follows:

“Sec. 4.02.051 International Building Code and Amendments adopted

The Town Council hereby adopts the 2018 edition of the International Building Code. Copies of the Code and the amendments thereto, as referenced in this Section, are on file in the office of the Town Secretary for permanent record and inspection. In addition thereto, The Town council hereby adopts the Recommended Amendments to the 2018 International Building Code prepared by the North Central Texas Council of Governments, which are attached to the Ordinance adopting these codes as Attachment A. Attachment A is not set out herein, but is on file and available for inspection in the office of the Town secretary. The chief building official, or his authorized representative, is hereby authorized and directed to enforce all provisions of the International Building Code, as adopted herein and as amended.”

SECTION 3. The Code of Ordinances of the Town of Northlake, Texas, Section 4.02.101, is hereby amended and shall read as follows:

“Sec. 4.02.101 International Residential Code and Amendments adopted

The Town Council hereby adopts the 2018 edition of the International Residential Code. Copies of the Code and the amendments thereto, as referenced in this Section, are on file in the office of the Town Secretary for permanent record and inspection. In addition thereto, The Town council hereby adopts the Recommended Amendments to the 2018 International Residential Code prepared by the North Central Texas Council of Governments, which are attached to the Ordinance adopting these codes as Attachment B. Attachment B is not set out herein, but is on file and available for inspection in the office of the Town secretary. The chief building official, or his authorized representative, is hereby authorized and directed to enforce all provisions of the International Residential Code, as adopted herein and as amended.”

SECTION 4. The Code of Ordinances of the Town of Northlake, Texas, Section 4.02.151, is hereby amended and shall read as follows:



TOWN OF NORTHLAKE, TEXAS
OFFICIAL ORDINANCE

“Sec. 4.02.151 International Existing Building Code and Amendments adopted

The Town Council hereby adopts the 2018 edition of the International Existing Building Code. Copies of the Code and the amendments thereto, as referenced in this Section, are on file in the office of the Town Secretary for permanent record and inspection. In addition thereto, the Town council hereby adopts the Recommended Amendments Code prepared by the North Central Texas Council of Governments, which are attached to the Ordinance adopting these codes as Attachment C. Attachment C is not set out herein, but is on file and available for inspection in the office of the Town secretary. The chief building official, or his authorized representative, is hereby authorized and directed to enforce all provisions of the International Existing Building Code, as adopted herein and as amended.”

SECTION 5. The Code of Ordinances of the Town of Northlake, Texas, Section 4.02.231, is hereby amended and shall read as follows:

“Sec. 4.02.231 National Electrical Code and Amendments adopted

The Town Council hereby adopts the 2017 edition of the National Electrical Code. Copies of the Code and the amendments thereto, as referenced in this Section, are on file in the office of the Town Secretary for permanent record and inspection. In addition thereto, The Town council hereby adopts the Recommended Amendments to the 2017 National Electrical Code prepared by the North Central Texas Council of Governments, which are attached to the Ordinance adopting these codes as Attachment D. Attachment D is not set out herein, but is on file and available for inspection in the office of the Town secretary. The chief building official, or his authorized representative, is hereby authorized and directed to enforce all provisions of the National Electrical Code, as adopted herein and as amended.”

SECTION 6. The Code of Ordinances of the Town of Northlake, Texas, Section 4.02.301, is hereby amended and shall read as follows:

“Sec. 4.02.301 International Energy Conservation Code and Amendments adopted

The Town Council hereby adopts the 2018 edition of the International Energy Conservation Code. Copies of the Code and the amendments thereto, as referenced in this Section, are on file in the office of the Town Secretary for permanent record and inspection. In addition thereto, The Town council hereby adopts the Recommended Amendments to the 2018 International Energy Conservation Code prepared



TOWN OF NORTHLAKE, TEXAS
OFFICIAL ORDINANCE

by the North Central Texas Council of Governments, which are attached to the Ordinance adopting these codes as Attachment E. Attachment E is not set out herein, but is on file and available for inspection in the office of the Town secretary. The chief building official, or his authorized representative, is hereby authorized and directed to enforce all provisions of the International Energy Conservation Code, as adopted herein and as amended.”

SECTION 7. The Code of Ordinances of the Town of Northlake, Texas, Section 4.02.351, is hereby amended and shall read as follows:

“Sec. 4.02.351. International Mechanical Code and Amendments adopted

The Town Council hereby adopts the 2018 edition of the International Mechanical Code. Copies of the Code and the amendments thereto, as referenced in this Section, are on file in the office of the Town Secretary for permanent record and inspection. In addition thereto, The Town council hereby adopts the Recommended Amendments to the 2018 International Mechanical Code prepared by the North Central Texas Council of Governments, which are attached to the Ordinance adopting these codes as Attachment F. Attachment F is not set out herein, but is on file and available for inspection in the office of the Town secretary. The chief building official, or his authorized representative, is hereby authorized and directed to enforce all provisions of the International Mechanical Code, as adopted herein and as amended.”

SECTION 8. The Code of Ordinances of the Town of Northlake, Texas, Section 4.02.401, is hereby amended and shall read as follows:

“Sec. 4.02.401 International Plumbing Code and Amendments adopted

The Town Council hereby adopts the 2018 edition of the International Plumbing Code. Copies of the Code and the amendments thereto, as referenced in this Section, are on file in the office of the Town Secretary for permanent record and inspection. In addition thereto, The Town council hereby adopts the Recommended Amendments to the 2018 International Plumbing Code prepared by the North Central Texas Council of Governments, which are attached to the Ordinance adopting these codes as Attachment G. Attachment G is not set out herein, but is on file and available for inspection in the office of the Town secretary. The chief building official, or his authorized representative, is hereby authorized and directed to enforce all provisions of the International Plumbing Code, as adopted herein and as amended.”

SECTION 9. The Code of Ordinances of the Town of Northlake, Texas, Section 4.02.451, is hereby amended and shall read as follows:

“Sec. 4.02.451 International Fuel Gas Code and Amendments adopted



TOWN OF NORTHLAKE, TEXAS OFFICIAL ORDINANCE

The Town Council hereby adopts the 2018 edition of the International Fuel Gas Code. Copies of the Code and the amendments thereto, as referenced in this Section, are on file in the office of the Town Secretary for permanent record and inspection. In addition thereto, The Town council hereby adopts the Recommended Amendments to the 2018 International Fuel Gas Code prepared by the North Central Texas Council of Governments, which are attached to the Ordinance adopting these codes as Attachment H. Attachment H is not set out herein, but is on file and available for inspection in the office of the Town secretary. The chief building official, or his authorized representative, is hereby authorized and directed to enforce all provisions of the International Fuel Gas Code, as adopted herein and as amended."

SECTION 10. Article 4.02 of the Code of Ordinances of the Town of Northlake, Texas, is hereby amended to add Division 10, Section 4.02.501, and shall read as follows:

"Division 10. Swimming Pool and Spa Code

Sec. 4.02.501 International Swimming Pool and Spa Code and Amendments adopted

The Town Council hereby adopts the 2018 edition of the International Swimming Pool and Spa Code. Copies of the Code and the amendments thereto, as referenced in this Section, are on file in the office of the Town Secretary for permanent record and inspection. In addition thereto, The Town council hereby adopts the Recommended Amendments to the 2018 International Swimming Pool and Spa Code prepared by the North Central Texas Council of Governments, which are attached to the Ordinance adopting these codes as Attachment I. Attachment I is not set out herein, but is on file and available for inspection in the office of the Town secretary. The chief building official, or his authorized representative, is hereby authorized and directed to enforce all provisions of the International Swimming Pool and Spa Code, as adopted herein and as amended."

SECTION 11. CONFLICTS.

All ordinances and provisions of the Town of Northlake, Texas, that are in conflict with this Ordinance shall be, and the same are, hereby repealed, and all ordinances and provisions of ordinances of said Town not so repealed are hereby retained in full force and effect.

SECTION 12. SEVERABILITY.

That it is the intent of the Town Council that each paragraph, sentence, subdivision, clause, phrase, or section of this Ordinance be deemed severable and, should any such paragraph, sentence, subdivision, clause, phrase, or section be declared invalid or unconstitutional for any reason, such



TOWN OF NORTHLAKE, TEXAS
OFFICIAL ORDINANCE

declaration of invalidity or unconstitutionality shall not be construed to affect the validity of those provisions of this Ordinance left standing, nor the validity of any ordinances of the Town of Northlake.

SECTION 13. PENALTY.

Any person, firm or corporation who violates, disobeys, omits, neglects or refuses to comply with or who resists the enforcement of any of the provisions of this Ordinance shall be fined not more than Two Thousand Dollars (\$2,000.00) for each offense. Each day that a violation is permitted to exist shall constitute a separate offense.

SECTION 14. PUBLICATION.

The caption of this ordinance shall be published in accordance with the provisions of the Texas Local Government Code.

SECTION 15. EFFECTIVE DATE.

This Ordinance shall become effective on January 1, 2021.

PASSED, APPROVED AND ADOPTED by the Town Council of the Town of Northlake, Texas, on this the 12th day of November 2020.

Town of Northlake, Texas

David Rettig, Mayor

Attest:

Shirley Rogers, Town Secretary

Approved as to form:

Ashley Dierker, Town Attorney

EXHIBIT “A”

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

The following sections, paragraphs, and sentences of the *2018 International Building Code* are hereby amended as follows: Standard type is text from the IBC. Underlined type is text inserted. ~~Lined through type is deleted text from IBC.~~ A double asterisk (**) at the beginning of a section identifies an amendment carried over from the 2015 edition of the code and a triple asterisk (***) identifies a new or revised amendment with the 2018 code.

Explanation of Options A and B:

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

****Section 101.4; change to read as follows:**

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

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

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

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

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

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

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

103.1 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 [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.)

EXHIBIT “A”

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

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

****Section 105.2 Work exempt from permit; under sub-title entitled “Building” delete items 1, 2, 10 and 11 and re-number as follows:**

Building:

- ~~1. One-story detached accessory structures used as tool and storage sheds, playhouses and similar uses, provided the floor area does not exceed 120 square feet (11 m²).~~
- ~~2. Fences not over 7 feet (1829 mm) high.~~
- ~~3. 1. (Remainder Unchanged)~~
- ~~4. 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

EXHIBIT “A”

inspections are called for when not ready.)

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

109.8 Work without a permit.

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

109.8.2 Fee. An investigation fee, in addition to the permit fee, shall be collected whether or not a permit is subsequently issued. The investigation fee shall be equal to the amount of the permit fee required by this code or the city fee schedule as applicable. The payment of such investigation fee shall not exempt the applicant from compliance with all other provisions of either this code or the technical codes nor from penalty prescribed by law.

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

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

*****Section 110.3.5; Lath, gypsum board and gypsum panel product inspection; Delete exception**

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

(Reason: Lath or gypsum board inspections are not typically performed in this area.)

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

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

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

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

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

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

EXHIBIT “A”

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

****Section 202; change definition of “Atrium” as follows:**

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

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

*****Section 202; add-amend definition of “Repair Garage” as follows:**

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

(Reason: The code references aligns with fire code.)

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

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

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

Option 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.)

EXHIBIT “A”

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

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

****Section 403.3.2; change to read as follows:**

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

Exception: {No change to exception.}

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

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

(Reason: Consistent with amended atrium definition.)

****Section 406.3.3.1 Carport separation; add sentence to read as follows:**

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

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

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

EXHIBIT “A”

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

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

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

506.3.1 Minimum percentage of perimeter. [Existing Text remains]

In order to be considered as accessible, if not in direct contact with a street or fire lane, a minimum 10-foot wide pathway meeting fire department access from the street or approved fire lane shall be provided.

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

*****Section 602.1.1; add sentence to read as follows:**

602.1.1 Minimum Requirements. [Existing Text to remain]

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

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

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

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

Exceptions:

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

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

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

718.3 Draftstopping in floors. [Body of text unchanged]

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

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

EXHIBIT “A”

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

718.4 Draftstopping in attics. [Body of text unchanged]

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

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

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

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

1. The piping between the Fire Department Connection (FDC) and the standpipe shall be backflushed or inspected by approved camera when foreign material is present or when caps are missing, and also hydrostatically tested for all FDC's on any type of standpipe system. Hydrostatic testing shall also be conducted in accordance with NFPA 25 requirements for the different types of standpipe systems.
2. For any manual (dry or wet) standpipe system not having an automatic water supply capable of flowing water through the standpipe, the tester shall connect hose from a fire hydrant or portable pumping system (as approved by the *fire code official*) to each FDC, and flow water through the standpipe system to the roof outlet to verify that each inlet connection functions properly. Confirm that there are no open hose valves prior to introducing water into a dry standpipe. There is no required pressure criteria at the outlet. Verify that check valves function properly and that there are no closed control valves on the system.
3. Any pressure relief, reducing, or control valves shall be tested in accordance with the requirements of NFPA 25. All hose valves shall be exercised.
4. If the FDC is not already provided with approved caps, the contractor shall install such caps for all FDC's as required by the *fire code official*.
5. Upon successful completion of standpipe test, place a blue tag (as per Texas Administrative Code, Fire Sprinkler Rules for Inspection, Test and Maintenance Service (ITM) Tag) at the bottom of each standpipe riser in the building. The tag shall be check-marked as “Fifth Year” for Type of ITM, and the note on the back of the tag shall read “5 Year Standpipe Test” at a minimum.
6. The procedures required by Texas Administrative Code Fire Sprinkler Rules with regard to Yellow Tags and Red Tags or any deficiencies noted during the testing, including the required notification of the local Authority Having Jurisdiction (*fire code official*) shall be followed.
7. Additionally, records of the testing shall be maintained by the owner and contractor, if applicable, as required by the State Rules mentioned above and NFPA 25.
8. Standpipe system tests where water will be flowed external to the building shall not be conducted during freezing conditions or during the day prior to expected night time freezing conditions.
9. Contact the *fire code official* for requests to remove existing fire hose from Class II and III standpipe systems where employees are not trained in the utilization of this firefighting equipment. All standpipe hose valves must remain in place and be provided with an approved cap and chain when approval is given to remove hose by the *fire code official*.

EXHIBIT “A”

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

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

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

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

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

Automatic Sprinklers shall not be installed in elevator machine rooms, elevator machine spaces, and elevator hoistways, other than pits where such sprinklers would not necessitate shunt trip requirements under any circumstances. Storage shall not be allowed within the elevator machine room. Signage shall be provided at the entry doors to the elevator machine room indicating “ELEVATOR MACHINERY – NO STORAGE ALLOWED.”

(Reason: Firefighter and public safety. This amendment eliminates the shunt trip requirement of the International Building Code Section 3005.5 for the purpose of elevator passenger and firefighter safety. This amendment is contingent on the Building Code amendment eliminating the Exceptions to Section 3005.4, such that passive fire barriers for these areas are maintained. The exception deletion is due to the fact that such telecom areas pose an undue fire risk to the structural integrity of the building.)

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

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

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

****Option A**

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

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

Exceptions:

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

2. _____ Occupancies _____ in _____ Group _____ F-2.

EXHIBIT "A"

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 (46-764 10 668 mm) or more above the lowest level of fire department vehicle access, measured to the finished floor.

Exceptions:

1. Open parking structures in compliance with Section 406.5 of the *International Building Code, having no other occupancies above the subject garage.*
2. ~~Occupancies in Group F-2.~~

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

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

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

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

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

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

903.3.1.1.1 Exempt Locations. When approved by the *fire code official*, automatic sprinklers shall not be required in the following rooms or areas where such ...*{text unchanged}*... because it is damp, of fire-resistance-rated construction or contains electrical equipment.

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

EXHIBIT “A”

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

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

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

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

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

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

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

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

****Section 903.3.1.4; add to read as follows:**

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

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

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

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

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

(Reason: In the last few years, severe winters brought to light several issues with current practices for sprinklering attics, not the least of which was wet-pipe sprinklers in ventilated attics provided with space heaters, etc. for freeze protection of such piping. This practice is not acceptable for the protection of water-filled piping in a ventilated attic space as it does not provide a reliable means of maintaining the minimum 40 degrees required by NFPA, wastes energy, and presents a potential ignition source to the

EXHIBIT “A”

attic space. Listed antifreeze is specifically included because NFPA currently allows such even though there is no currently listed antifreeze at the time of development of these amendments. The intent of this amendment is to help reduce the large number of freeze breaks that have occurred in the past with water-filled wet-pipe sprinkler systems in the future, most specifically in attic spaces.)

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

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

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

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

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

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

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

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

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

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

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

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

*****Section 905.3; add Section 905.3.9 and exception to read as follows:**

905.3.9 Buildings Exceeding 10,000 sq. ft. In buildings exceeding 10,000 square feet in area per story and where any portion of the building's interior area is more than 200 feet (60960 mm) of travel, vertically and horizontally, from the nearest point of fire department vehicle access, Class I automatic wet or manual wet standpipes shall be provided.

Exceptions:

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

(Reason: Allows for the rapid deployment of hose lines to the body of the fire. Manual dry option added this edition.)

EXHIBIT “A”

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

1. In every required ~~interior~~ exit stairway, a hose connection shall be provided for each story above and below grade plane. Hose connections shall be located at the main floor landing between stories, unless otherwise approved by the fire code official.
2. {No change.}
3. In every exit passageway, at the entrance from the exit passageway to other areas of a building.

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

4. {No change.}
5. Where the roof has a slope less than four units vertical in 12 units horizontal (33.3-percent slope), each standpipe shall be provided with a two-way a-hose connection shall be located to serve the roof or at the highest landing of an interior exit stairway with stair access to the roof provided in accordance with Section 1011.12.
6. {No change.}
7. When required by this Chapter, standpipe connections shall be placed adjacent to all required exits to the structure and at two hundred feet (200') intervals along major corridors thereafter, or as otherwise approved by the fire code official.

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

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

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

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

****Section 907.1; add Section 907.1.4 to read as follows:**

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

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

****Section 907.2.1; change to read as follows:**

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

EXHIBIT “A”

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 907.2.12, Exception 3; change to read as follows:**

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

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

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

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

(Reason: Helps to reduce false alarms.)

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

907.6.1.1 Wiring Installation. All fire alarm systems shall be installed in such a manner that a failure of any single initiating device or single open in an initiating circuit conductor will not interfere with the normal

EXHIBIT “A”

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

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

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

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

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

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

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

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

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

2. Only manual smoke and heat removal shall ~~not~~ be required in areas of buildings equipped with early suppression fast-response (ESFR) sprinklers. Automatic smoke and heat removal is prohibited.
3. Only manual smoke and heat removal shall ~~not~~ be required in areas of buildings equipped with control mode special application sprinklers with a response time index of $50(m^*S)^{1/2}$ 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; add subsections 910.2.3 with exceptions to read as follows:**

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

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

Exception: Buildings of noncombustible construction containing only noncombustible materials.

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

Exception: Buildings of noncombustible construction containing only noncombustible materials.

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

EXHIBIT “A”

****Section 910.3; add section 910.3.4 to read as follows:**

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

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

Exception: Manual only systems per Section 910.2.

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

Exception: Listed gravity-operated drop out vents.

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

****Section 910.4.3.1; change to read as follows:**

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

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

****Section 912.2; add Section 912.2.3 to read as follows:**

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

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

*****Section 913.2.1; add Section 913.2.1.1 and exception to read as follows:**

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

EXHIBIT “A”

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

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

****Section 1006.2.2.7; add Section 1006.2.2.7 as follows:**

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

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

****Section 1009.8; add the following Exception 7:**

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

Exceptions:

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

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

****Section 1010.1.9.5 Bolt Locks; amend exceptions 3 and 4 as follows:**

Exceptions:

3. Where a pair of doors serves an occupant load of less than 50 persons in a Group B, F, M or S occupancy. (remainder unchanged)
4. Where a pair of doors serves a Group A, B, F, M or S occupancy (remainder unchanged)

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

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

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

(Reason: Regionally accepted alternate method.)

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

(Reason: Unenforceable.)

EXHIBIT “A”

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

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

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

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

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

(Reason: Gives building official discretion.)

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

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

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

****Table 2902.1; add footnote g to read as follows:**

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

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

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

2902.1.4 Additional fixtures for food preparation facilities. In addition to the fixtures required in this Chapter, all food service facilities shall be provided with additional fixtures set out in this section.

2902.1.4.1 Hand washing lavatory. At least one hand washing lavatory shall be provided for use by employees that is accessible from food preparation, food dispensing and ware washing areas. Additional hand washing lavatories may be required based on convenience of use by employees.

2902.1.4.2 Service sink. In new or remodeled food service establishments, at least one service sink or one floor sink shall be provided so that it is conveniently located for the cleaning of mops or similar wet floor cleaning tool and for the disposal of mop water and similar liquid waste. The location of the service sink(s) and/or mop sink(s) shall be approved by the **<Jurisdiction's>** health department.

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

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

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

EXHIBIT “A”

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

Exceptions:

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

(Reason: Provides specific Code recognition that elevators within atriums and within parking garages do not require hoistway enclosure protection. Amendment needed since specific Code language does not currently exist.)

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

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

Revise text to read:

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

(Remainder unchanged)

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

*****Section 3005.4 Machine rooms, control rooms, machinery spaces and control spaces; Delete exceptions and add two new exceptions to Section 3005.4 as follows:**

Exceptions:

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

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

****Section 3005.7 add a Section 3005.7 as follows:**

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

EXHIBIT “A”

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

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

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

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

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

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

****Section 3005.8; add Section 3005.8 as follows:**

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

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

Option A

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

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

Option B

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

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

EXHIBIT “A”

(Reason: 2018 IBC text does not address hoistways that are greater than 75'-0" in height that are both below grade and above grade but not located above the high rise classification nor does the IBC address hoistways wholly located above grade such as those that serve sky lobbies".)



End

EXHIBIT "B"

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

The following sections, paragraphs, and sentences of the *2018 International Residential Code* are hereby amended as follows: Standard type is text from the IRC. Underlined type is text inserted. ~~Lined through type is deleted text from IRC.~~ A double asterisk at the beginning of a section identifies an amendment carried over from the 2015 edition of the code and a triple asterisk identifies a new or revised amendment with the 2018 code.

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

The energy provisions in IRC Chapter 11 is deleted in its entirety.

Reference the 2018 IECC for energy code provisions and recommended amendments.

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

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

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

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

~~DEPARTMENT OF BUILDING SAFETY~~ [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" to read as follows:**

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

(Reason: To distinguish Townhouses on separate lots.)

EXHIBIT “B”

***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	Wind Special Region ^L	Windborne Debris Zone ^m		Weathering ^a	Frost Line Depth ^b	Termite ^c					
5 lb/ft	115 (3 sec- gust)/ 76 fastest mile	No	No	No	A	Moderate	6"	Very Heavy	22° F	No	Local Code	150	64.9° F

Delete remainder of table Manual J Design Criteria and footnote N

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

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

Exceptions: {previous exceptions unchanged}

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

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

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

Exceptions:

1. {existing text unchanged}
2. {existing text unchanged}
3. Two-family dwelling units that are also divided by a property line through the structure shall be separated as required for townhouses.

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

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

R302.5.1 Opening protection. Openings from a private garage directly into a room used for sleeping purposes shall not be permitted. Other openings between the garage and residence shall be equipped with solid wood doors not less than 13/8 inches (35 mm) in thickness, solid or honeycomb core steel doors not less than 13/8 inches (35 mm) thick, or 20-minute fire-rated doors. ~~Equipped with a self-closing or automatic-closing device.~~

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

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

Exception: {existing text unchanged} Spaces containing only a water closet or water closet and a lavatory may be ventilated with an approved mechanical recirculating fan or similar device designed to remove odors from the air.

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

EXHIBIT "B"

****Section R313.2 One and Two Family Dwellings; Delete this section and subsection in their entirety.**

(Reason: In 2009, the State Legislature enacted SB 1410, amending section 1301.551 subsection I of the occupation code, prohibiting cities from enacting fire sprinkler mandates one or two family dwellings only. However, jurisdictions with ordinances that required sprinklers for one or two family dwellings prior to and enforced before January 1, 2009, may remain in place.)

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

Exception:

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

(Reason: Revised exception for clarity. Code intent is to protect against the products of combustion.)

****Section R322 Flood Resistant Construction; deleted section.**

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

****Section R401.2; amended by adding a new paragraph following the existing paragraph to read as follows.**

Section R401.2. Requirements. {existing text unchanged} ...

Every foundation and/or footing, or any size addition to an existing post-tension foundation, regulated by this code shall be designed and sealed by a Texas-registered engineer.

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

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

R602.6.1 Drilling and notching of top plate. When piping or ductwork is placed in or partly in an exterior wall or interior load-bearing wall, necessitating cutting, drilling or notching of the top plate by more than 50 percent of its width, a galvanized metal tie not less than 0.054 inch thick (1.37 mm) (16 Ga) and ~~4 ½ inches (38) mm~~ 5 inches (127 mm) wide shall be fastened across and to the plate at each side of the opening with not less than eight 10d (0.148 inch diameter) having a minimum length of 1 ½ inches (38 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:**

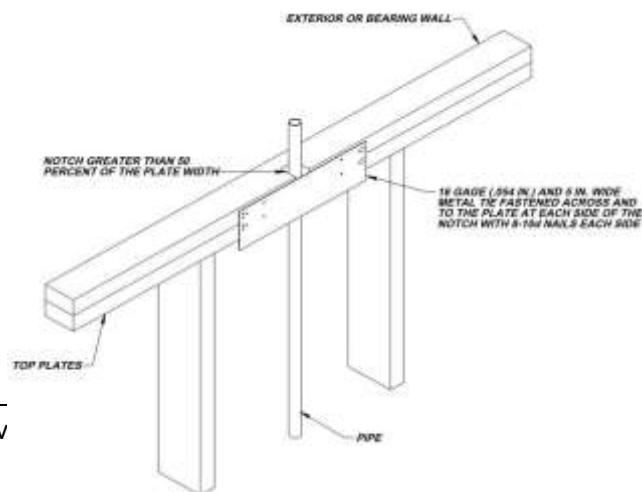


EXHIBIT “B”

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

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

R703.8.4.1.2 Veneer Ties for Wall Studs. In stud framed exterior walls, all ties may be anchored to studs as follows:

1. When studs are 16 in (407 mm) o.c., stud ties shall be spaced no further apart than 24 in (737 mm) vertically starting approximately 12 in (381 mm) from the foundation; or
2. When studs are 24 in (610 mm) o.c., stud ties shall be spaced no further apart than 16 in (483 mm) vertically starting approximately 8 in (254 mm) from the foundation.

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

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

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

Exceptions:

1. {text unchanged}
2. {text unchanged}
3. {text unchanged}
4. {text unchanged}
5. Non-classified roof coverings shall be permitted on one-story detached accessory structures used as tool and storage sheds, playhouses and similar uses, provided the floor area does not exceed (area defined by jurisdiction).

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

***** Chapter 11 [RE] – Energy Efficiency is deleted in its entirety; Reference the 2018 IECC for energy code provisions and recommended amendments.**

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

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

M1305.1.2 Appliances in attics. Attics containing appliances shall be provided . . . {bulk of paragraph unchanged} . . . side of the appliance. The clear access opening dimensions shall be a minimum of 20 inches by 30 inches (508 mm by 762 mm), and large enough to allow removal of the largest appliance. As a minimum, for access to the attic space, provide one of the following:

1. A permanent stair.

EXHIBIT “B”

2. A pull down stair with a minimum 300 lb (136 kg) capacity.
3. An access door from an upper floor level.

Exceptions:

1. The passageway and level service space are not required where the *appliance* can be serviced and removed through the required opening.
2. Where the passageway is unobstructed...*{remaining text unchanged}*

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

****Section M1411.3; change to read as follows:**

M1411.3 Condensate disposal. Condensate from all cooling coils or evaporators shall be conveyed from the drain pan outlet to ~~an approved place of disposal~~ a sanitary sewer through a trap, by means of a direct or indirect drain. *{remaining text unchanged}*

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

****Section M1411.3.1, Items 3 and 4; add text to read as follows:**

M1411.3.1 Auxiliary and secondary drain systems. *{bulk of paragraph unchanged}*

1. *{text unchanged}*
2. *{text unchanged}*
3. An auxiliary drain pan... *{bulk of text unchanged}*... with Item 1 of this section. A water level detection device may be installed only with prior approval of the *building official*.
4. A water level detection device... *{bulk of text unchanged}*... overflow rim of such pan. A water level detection device may be installed only with prior approval of the *building official*.

(Reason: Reflects standard practice in this area.)

****Section M1411.3.1.1; add text to read as follows:**

M1411.3.1.1 Water-level monitoring devices. On down-flow units ...*{bulk of text unchanged}*... installed in the drain line. A water level detection device may be installed only with prior approval of the *building official*.

(Reason: Reflects standard practice in this area.)

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

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

Exception: Makeup air is not required for exhaust systems installed for the exclusive purpose of space cooling and intended to be operated only when windows or other air inlets are open. Where all appliances in the house are of sealed combustion, power-vent, unvented, or electric, the exhaust hood system shall

EXHIBIT "B"

be permitted to exhaust up to 600 cubic feet per minute (0.28 m3/s) without providing makeup air. Exhaust hood systems capable of exhausting in excess of 600 cubic feet per minute (0.28 m3/s) shall be provided with a makeup air at a rate approximately to the difference between the exhaust air rate and 600 cubic feet per minute.

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

****Section M2005.2; change to read as follows:**

M2005.2 Prohibited locations. Fuel-fired water heaters shall not be installed in a room used as a storage closet. Water heaters located in a bedroom or bathroom shall be installed in a sealed enclosure so that *combustion air* will not be taken from the living space. Access to such enclosure may be from the bedroom or bathroom when through a solid door, weather-stripped in accordance with the exterior door air leakage requirements of the *International Energy Conservation Code* and equipped with an *approved self-closing device*. Installation of direct-vent water heaters within an enclosure is not required.

(Reason: Corresponds with the provisions of IFGC Section 303.3, exception #5.)

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

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

****Section G2415.2.1 (404.2.1) CSST; add a second paragraph to read as follows:**

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

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

(Reason: To protect homeowners and plumbers.)

*****Section G2415.12 (404.12) and G2415.12.1 (404.12.1); change to read as follows:**

G2415.12 (404.12) Minimum burial depth. Underground *piping systems* shall be installed a minimum depth of ~~42 inches (305 mm)~~ 18 inches (457 mm) below grade, ~~except as provided for in Section G2415.12.1.~~

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

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

****Section G2417.1 (406.1); change to read as follows:**

G2417.1 (406.1) General. Prior to acceptance and initial operation, all *piping* installations shall be inspected and *pressure tested* to determine that the materials, design, fabrication, and installation practices comply with the requirements of this *code*. The *permit* holder shall make the applicable tests prescribed in Sections 2417.1.1 through 2417.1.5 to determine compliance with the provisions of this *code*. The *permit* holder shall give reasonable advance notice to the *building official* when the *piping system* is ready for testing. The *equipment*, material, power and labor necessary for the inspections and test shall be furnished by the *permit* holder and the *permit* holder shall be responsible for determining that the work will withstand the test pressure prescribed in the following tests.

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

****Section G2417.4; change to read as follows:**

EXHIBIT "B"

G2417.4 (406.4) Test pressure measurement. Test pressure shall be measured with a monometer or with a pressure-measuring device designed and calibrated to read, record, or indicate a pressure loss caused by leakage during the pressure test period. The source of pressure shall be isolated before the pressure tests are made. ~~Mechanical gauges used to measure test pressures shall have a range such that the highest end of the scale is not greater than five times the test pressure.~~

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

****Section G2417.4.1; change to read as follows:**

G2417.4.1 (406.4.1) Test pressure. The test pressure to be used shall be no less than 3 psig (20 kPa gauge), or at the discretion of the Code Official, the piping and valves may be tested at a pressure of at least six (6) inches (152 mm) of mercury, measured with a manometer or slope gauge, irrespective of design pressure. Where the test pressure exceeds 125 psig (862 kPa gauge), the test pressure shall not exceed a value that produces a hoop stress in the piping greater than 50 percent of the specified minimum yield strength of the pipe. For tests requiring a pressure of 3 psig, diaphragm gauges shall utilize a dial with a minimum diameter of three and one half inches (3 ½"), a set hand, 1/10 pound incrementation and pressure range not to exceed 6 psi for tests requiring a pressure of 3 psig. For tests requiring a pressure of 10 psig, diaphragm gauges shall utilize a dial with a minimum diameter of three and one-half inches (3 ½"), a set hand, a minimum of 2/10 pound incrementation and a pressure range not to exceed 20 psi. For welded piping, and for piping carrying gas at pressures in excess of fourteen (14) inches water column pressure (3.48 kPa) (1/2 psi) and less than 200 inches of water column pressure (52.2 kPa) (7.5 psi), the test pressure shall not be less than ten (10) pounds per square inch (69.6 kPa). For piping carrying gas at a pressure that exceeds 200 inches of water column (52.2 kPa) (7.5 psi), the test pressure shall be not less than one and one-half times the proposed maximum working pressure.

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

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

****Section G2417.4.2; change to read as follows:**

G2417.4.2 (406.4.2) Test duration. The test duration shall be held for a length of time satisfactory to the Building Official, but in no case for be not less than 40-fifteen (15) minutes. For welded piping, and for piping carrying gas at pressures in excess of fourteen (14) inches water column pressure (3.48 kPa), the test duration shall be held for a length of time satisfactory to the Building Official, but in no case for less than thirty (30) minutes.

(Reason: To comply with accepted regional practices.)

****Section G2420.1 (406.1); add Section G2420.1.4 to read as follows:**

G2420.1.4 Valves in CSST installations. Shutoff valves installed with corrugated stainless steel (CSST) piping systems shall be supported with an approved termination fitting, or equivalent support, suitable for the size of the valves, of adequate strength and quality, and located at intervals so as to prevent or damp out excessive vibration but in no case greater than 12-inches from the center of the valve. Supports shall be installed so as not to interfere with the free expansion and contraction of the system's piping, fittings, and valves between anchors. All valves and supports shall be designed and installed so they will not be disengaged by movement of the supporting piping.

(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:**

EXHIBIT “B”

G2420.5.1 (409.5.1) Located within the same room. The shutoff valve...*{bulk of paragraph unchanged}*... in accordance with the appliance manufacturer's instructions. A secondary shutoff valve must be installed within 3 feet (914 mm) of the firebox if appliance shutoff is located in the firebox.

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

****Section G2421.1 (410.1); add text and Exception to read as follows:**

G2421.1 (410.1) Pressure regulators. A line pressure regulator shall be ... *{bulk of paragraph unchanged}*... approved for outdoor installation. Access to regulators shall comply with the requirements for access to appliances as specified in Section M1305.

Exception: A passageway or level service space is not required when the regulator is capable of being serviced and removed through the required attic opening.

(Reason: To require adequate access to regulators.)

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

(Reason: To comply with accepted regional practices.)

****Section G2445.2 (621.2); add Exception to read as follows:**

G2445.2 (621.2) Prohibited use. One or more *unvented room heaters* shall not be used as the sole source of comfort heating in a *dwelling unit*.

Exception: Existing approved unvented room heaters may continue to be used in dwelling units, in accordance with the code provisions in effect when installed, when approved by the Building Official unless an unsafe condition is determined to exist as described in International Fuel Gas Code Section 108.7 of the Fuel Gas Code.

(Reason: Gives code official discretion.)

****Section G2448.1.1 (624.1.1); change to read as follows:**

G2448.1.1 (624.1.1) Installation requirements. The requirements for *water heaters* relative to access, sizing, relief valves, drain pans and scald protection shall be in accordance with this code.

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

*****Section P2603; add to read as follows:**

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

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

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

EXHIBIT “B”

P2603.5.1 Sewer depth. Building sewers that connect to private sewage disposal systems shall be a minimum of [number] inches (mm) below finished grade at the point of septic tank connection. Building sewers shall be a minimum of 12 inches (304 mm) below grade.

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

*****Section P2604; add to read as follows:**

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

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

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

P2801.6 Required pan.

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

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

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

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

****Section P2801.6.1; change to read as follows:**

Section P2801.6.1 Pan size and drain. The pan shall be not less than 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.

EXHIBIT “B”

4. Serve a single relief device and shall not connect to piping serving any other relief device or equipment.

Exception: Multiple relief devices may be installed to a single T & P discharge piping system when approved by the administrative authority and permitted by the manufactures installation instructions and installed with those instructions.

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

[remainder unchanged]

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

****Section P2902.5.3; change to read as follows:**

P2902.5.3 Lawn irrigation systems. The potable water supply to lawn irrigation systems shall be protected against backflow by an atmospheric-type vacuum breaker, a pressure-type vacuum breaker, a double-check assembly or a reduced pressure principle backflow preventer. A valve shall not be installed downstream from an atmospheric vacuum breaker. Where chemicals are introduced into the system, the potable water supply shall be protected against backflow by a reduced pressure principle backflow preventer.

(Reason: To provide clarity.)

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

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

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

- ~~1. The solvent cement used is third-party certified as conforming to ASTM D 2564~~
- ~~2. The solvent cement is used only for joining PVC drain, waste, and vent pipe and fittings in not pressure applications in sizes up to and including 4 inches (102mm) in diameter.~~

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

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

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

****Section P3112.2 Vent Collection; delete and replace with the following:**

P3112.2 Installation. Traps for island sinks and similar equipment shall be roughed in above the floor and may be vented by extending the vent as high as possible, but not less than the drainboard height and then returning it downward and connecting it to the horizontal sink drain immediately downstream from the vertical fixture drain. The return vent shall be connected to the horizontal drain through a wye-branch fitting and shall, in addition, be provided with a foot vent taken off the vertical fixture vent by means of a wye-branch immediately below the floor and extending to the nearest partition and then through the roof to the open air or may be connected to other vents at a point not less than six (6) inches (152 mm) above the flood level rim of the fixtures served. Drainage fittings shall be used on all parts of the vent below the floor level and a minimum slope of one-quarter (1/4) inch per foot (20.9 mm/m) back to the drain shall be maintained. The return bend used under the drain-board shall be a one (1) piece fitting or an assembly of a forty-five (45) degree (0.79 radius), a ninety (90) degree (1.6 radius) and a forty-five (45) degree (0.79

EXHIBIT “B”

radius) elbow in the order named. Pipe sizing shall be as elsewhere required in this Code. The island sink drain, upstream of the return vent, shall serve no other fixtures. An accessible cleanout shall be installed in the vertical portion of the foot vent.

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

END

EXHIBIT “C”

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

The following sections, paragraphs, and sentences of the 2018 *International Existing Building Code* are hereby amended as follows: Standard type is text from the IEBC. Underlined type is text inserted. ~~Lined through type is deleted text from IEBC.~~ A double asterisk (**) at the beginning of a section identifies an amendment carried over from the 2015 edition of the code and a triple asterisk (***) identifies a new or revised amendment with the 2018 code.

****Section 102.4; change to read as follows:**

[A] 102.4 Referenced codes and standards. The codes, when specifically adopted, and standards referenced in this code shall be considered part of the requirements of this code to the prescribed extent of each such reference and as further regulated in Sections 102.4.1 and 102.4.2.

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

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

Existing Building - A building, structure, or space, with an approved final inspection issued under a code edition which is at least 2 published code editions preceding the currently adopted building code; or a change of occupancy.

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

Existing Structure- A building, structure, or space, with an approved final inspection issued under a code edition which is at least 2 published code editions preceding the currently adopted building code; or a change of occupancy.

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

****Section 305.1; adds an exception to read as follows:**

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

(Reason: To coordinate with the IEBC and State Law.)

****Section 305.4.2; add Number 7 to the list of requirements as follows:**

7. At least one accessible family or assisted use toilet room shall be provided in accordance with Chapter 11 of the International Building Code.

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

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

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

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

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

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

EXHIBIT “C”

406.1 Material. Existing electrical wiring and equipment undergoing *repair* shall be allowed to be repaired or replaced with like material, in accordance with the requirements of NFPA 70.

(Reason: To ensure compliance with the NEC relative to any electrical repairs/replacement.)

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

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

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

504.1.2 Existing fire escapes. Existing fire escapes shall continue to be accepted as a component in the means of egress in existing buildings only. Existing fire escapes shall be permitted to be repaired or replaced.

(Reason: To add clarity and help reduce confusion associated with the amendment preventing new fire escapes.)

****Section 504.1.3; delete entire section:**

~~**504.1.3 New fire escapes.** New fire escapes for existing buildings shall be permitted only where exterior stairways cannot be utilized due to lot lines limiting stairway size or due to the sidewalks, alleys or roads at grade level. New fire escapes shall not incorporate ladders or access by windows.~~

(Reason: To generally require a higher level of egress protection.)

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

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

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

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

****Section 702.6; add a code reference to read as follows:**

702.6 Materials and methods. All new work shall comply with the materials and methods requirements in the *International Building Code*, *International Energy Conservation Code*, *International Mechanical Code*, National Electrical Code, and *International Plumbing Code*, as applicable, that specify material standards, detail of installation and connection, joints, penetrations, and continuity of any element, component, or system in the building.

(Reason: To provide a more complete list of potentially adopted codes.)

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

802.5.1 Minimum requirement. Every portion of ~~a floor, such as a balcony or a loading dock, open-sided walking surfaces, including mezzanines, equipment platforms, aisles, stairs, ramps and landings~~ that is more than 30 inches (762 mm) above the floor or grade below and is not provided with guards, or those in which the existing guards are judged to be in danger of collapsing, shall be provided with guards.

(Reason: To be consistent with Building Code requirements for guards and unsafe conditions.)

****Section 803.1; add sentence to read as follows:**

For the purpose of fire sprinkler protection and fire alarm requirements included in this section, the work area shall be extended to include at least the entire tenant space or spaces bounded by walls capable of resisting the passage of smoke containing the subject work area, and if the work area includes a corridor,

EXHIBIT “C”

hallway, or other exit access, then such corridor, hallway, or other exit access shall be protected in its entirety on that particular floor level.

(Reason: The intent is to avoid work area protection that would result in partial sprinkler or fire alarm protection. Partial sprinkler protection not delineated by walls would be a clear violation of NFPA 13 and would not allow the sprinkler to perform or function as intended. Also, partial fire alarm coverage is a clear violation of the Fire Code, NFPA 72, and ADA.)

****Section 803.2.4; change exception to read as follows:**

Exception: Supervision is not required where the Fire Code does not require such for new construction for the following:

- ~~1. Underground gate valve with roadway boxes.~~
- ~~2. Halogenated extinguishing systems.~~
- ~~3. Carbon dioxide extinguishing systems.~~
- ~~4. Dry and wet chemical extinguishing systems.~~
- ~~5. Automatic sprinkler systems installed in accordance with NFPA 13R where a common supply main is used to supply both domestic and automatic sprinkler systems and a separate shutoff valve for the automatic sprinkler system is not provided.~~

(Reason: The published exceptions are over-reaching and will result in inconsistencies among supervised protection systems and cause confusion for first responders as well.)

****Section 803.3; change section to read as follows:**

803.3 Standpipes. Refer to Section 1103.6 of the Fire Code for retroactive standpipe requirements.
~~{Delete rest of Section 804.3.}~~

(Reason: The Fire Code already requires standpipes in these buildings (greater than 50 ft.) retroactively in Section 1103.6. This new section would negate/lessen those retroactive provisions already contained in the Fire Code.)

****Section 805.2; remove Exception #1**

Exception 1. ~~Where the work area and the means of egress serving it complies with NFPA 101.~~

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

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

805.3.1.2 Fire Escapes required. For other than Group I-2, where more than one exit is required an existing ~~or newly constructed~~ fire escape complying with section 805.3.1.2.1 shall be accepted as providing one of the required means of egress.

(Reason: Higher level of safety by not allowing new fire escapes.)

****Section 805.3.1.2.1; change to read as follows:**

805.3.1.2.1 Fire Escape access and details - ...

1. [Remain unchanged]
2. Access to a new fire escape shall be through a door...
- 3. Item Deleted**
4. [Remain unchanged]
5. In all buildings of Group E occupancy up to and including the 12th grade, buildings of Group I occupancy, ~~rooming~~ boarding houses, and childcare centers, ladders of any type are prohibited on fire escapes used as a required means of egress.

(Reason: Higher level of safety by not allowing new fire escapes. Consistency with language and defined

EXHIBIT “C”

term in IBC.)

*****Section 805.5.2 Transoms; add language to read as follows:**

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

(Reason: Transom windows were historically a common practice in school buildings and each jurisdiction should evaluate the impact on their stakeholders and their community with regards to section.)

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

For the purpose of fire sprinkler protection and fire alarm requirements included in this section, the work area shall be extended to include at least the entire tenant space or spaces bounded by walls containing the subject work area, and if the work area includes a corridor, hallway, or other exit access, then such corridor, hallway, or other exit access shall be protected in its entirety on that particular floor level.

(Reason: The intent is to avoid work area protection that would result in partial sprinkler or fire alarm protection. Partial sprinkler protection not delineated by walls would be a clear violation of NFPA 13 and the Fire Code and would not allow the sprinkler system to perform or function as intended. Also, partial fire alarm coverage is a clear violation of the Fire Code, NFPA 72, and ADA.)

****Section 904.1.1; change sentence to read as follows:**

904.1.1 High-rise buildings. An automatic sprinkler system shall be provided in work areas of where the high-rise buildings. ~~has a sufficient municipal water supply for the design and installation of an automatic sprinkler system at the site.~~

(Reason: Level 3 alterations are affecting more than 50% of the existing high-rise building, and as such, sprinkler protection is more than justifiable, even when fire pumps, etc., are necessary. It is noted that the work area method is one of three different methods available to the designer/owner in the IEBC.)

*****Section 1103.3 Flood Hazard Areas; delete this section:**

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

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

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

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

1301.3.2 Compliance with other codes. Buildings that are evaluated in accordance with this section shall comply with the International Fire Code. ~~and International Property Maintenance Code.~~

(Reason: NCTCOG does not currently review the IPMC for recommended amendments at this time.)

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

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

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

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

END

EXHIBIT “D”

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

The following articles, paragraphs, and sentences of the 2017 *National Electrical Code (NEC)* are hereby amended as follows: Standard type is text from the NEC. Highlighted with gray shading is text inserted. Lined through type is deleted text from NEC. A double asterisk (**) at the beginning of an article identifies an amendment carried over from the 2014 edition of the code and a triple asterisk (***) identifies a new or revised amendment with the 2017 code.

****Article 100; add the following to definitions:**

Engineering Supervision. Supervision by a Qualified State of Texas Licensed Professional Engineer engaged primarily in the design or maintenance of electrical installations.

(REASON FOR CHANGE: To better define the qualifications for engineering supervision. This term is used twenty four times in the 2017 National Electrical Code.)

*****Article 100; remove the amendment to the following definition:**

Intersystem Bonding Termination. A device that provides a means for connecting intersystem bonding conductors for communication systems and other systems such as metallic gas piping systems to the grounding electrode system. ~~Bonding conductors for other systems shall not be larger than 6 AWG.~~

(REASON FOR CHANGE: Remove the above amendment. Updates to the 2017 National Electrical Code Article 250.94(A) only accommodate connecting communication systems to an intersystem bonding termination device, but Article 250.94(B) provides an alternative or other means. To allow for a termination point for other bonding conductors in addition to communication systems that are required by the various model codes. 6 AWG was chosen to coincide with the minimum size of bonding conductor required to the intersystem bonding jumper.)

****Article 110.2; change the following to read as follows:**

110.2 Approval. The conductors and equipment required or permitted by this Code shall be acceptable only if approved. Approval of equipment may be evident by listing and labeling of

EXHIBIT “D”

equipment by a Nationally Recognized Testing Lab (NRTL) with a certification mark of that laboratory or a qualified third party inspection agency approved by the AHJ.

Exception: Unlisted equipment that is relocated to another location within a jurisdiction or is field modified is subject to the approval by the AHJ. This approval may be by a field evaluation by a NRTL or qualified third party inspection agency approved by the AHJ.

~~Manufacturer's self-certification of any equipment shall not be used as a basis for approval by the AHJ.~~

Informational Note No. 1: See 90.7, Examination of Equipment for Safety, and 110.3, Examination, Identification, Installation, and Use of Equipment. See definitions of *Approved*, *Identified*, *Labeled*, and *Listed*.

Informational Note No. 2: Manufacturer's self-certification of equipment may not necessarily comply with U.S. product safety standards as certified by an NRTL.

Informational Note No. 3: National Fire Protection Association (NFPA) 790 and 791 provide an example of an approved method for qualifying a third party inspection agency.

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

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

(1) Garages. In each attached garage and in each detached garage with electric power. ~~The branch circuit supplying this receptacle(s) shall not supply outlets outside of the garage.~~ At least one receptacle outlet shall be installed for each car space.

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

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

*****Article 230.71(A); remove the amendment that added the following exception:**

~~Exception: Multi-occupant buildings. Individual service disconnecting means is limited to six for each occupant. The number of individual disconnects at one location may exceed six.~~

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

EXHIBIT “D”

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

*****Article 300.11; remove the amendment that added the following exception:**

~~Exception: Ceiling grid support wires may be used for structural supports when the associated wiring is located in that area, not more than two raceways or cables supported per wire, with a maximum nominal metric designation 16 (trade size 1/2”).~~

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

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

*****Article 310.15(B) (7); remove the amendment that changed the following to read as follows:**

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

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

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

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

500.8 Equipment.

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

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

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

Informational Note No. 3: Low ambient conditions require special consideration. Explosion proof or dust-ignition proof equipment may not be suitable for use at temperatures lower than -25°C

EXHIBIT “D”

(-13°F) unless they are identified for low-temperature service. However, at low ambient temperatures, flammable concentrations of vapors may not exist in a location classified as Class I, Division 1 at normal ambient temperature.

(A) Suitability. Suitability of identified equipment shall be determined by one of the following:

- (1) Equipment listing or labeling;
- (2) Evidence of equipment evaluation from a qualified testing laboratory or inspection agency concerned with product evaluation; or,
- (3) Evidence acceptable to the authority having jurisdiction such as a manufacturer's self-evaluation or ~~an owner's engineering judgment.~~ **an engineering judgment signed and sealed by a qualified Registered licensed Professional Engineer in the State of Texas.**

Informational Note: Additional documentation for equipment may include certificates demonstrating compliance with applicable equipment standards, indicating special conditions of use, and other pertinent information.

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

****Article 505.7 (A) changed to read as follows:**

505.7 Special Precaution.

Article 505 requires equipment construction and installation that ensures safe performance under conditions of proper use and maintenance.

Informational Note No. 1: It is important that inspection authorities and users exercise more than ordinary care with regard to the installation and maintenance of electrical equipment in hazardous (classified) locations.

Informational Note No. 2: Low ambient conditions require special consideration. Electrical equipment depending on the protection techniques described by 505.8(A) may not be suitable for use at temperatures lower than -20°C (-4°F) unless they are identified for use at lower temperatures. However, at low ambient temperatures, flammable concentrations of vapors may not exist in a location classified Class I, Zones 0, 1, or 2 at normal ambient temperature.

(A) Implementation of Zone Classification System. Classification of areas, engineering and design, selection of equipment and wiring methods, installation, and inspection shall be performed by ~~a qualified persons~~ **Registered licensed Professional Engineer in the State of Texas.**

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

EXHIBIT “D”

*****Article 517.30 Essential Electrical Systems for Hospitals; remove the amendment that created a new (H) and added the following language:**

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

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

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

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

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

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

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

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

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

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

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

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

EXHIBIT “D”

identified for the location. The conductor(s) shall not serve the sign body or sign enclosure where passing through.

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

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

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

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

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

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

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

680.25 Feeders.

These provisions shall apply to any feeder on the supply side of panelboards supplying branch circuits for pool equipment covered in Part II of this article and on the load side of the service equipment or the source of a separately derived system.

EXHIBIT “D”

(A) Wiring Methods.

(1) Feeders. Feeders shall be installed in rigid metal conduit, intermediate metal conduit. The following wiring methods shall be permitted if not subject to physical damage:

- (1) Liquidtight flexible nonmetallic conduit
- (2) Rigid polyvinyl chloride conduit
- (3) Reinforced thermosetting resin conduit
- (4) Electrical metallic tubing where installed on or in a building
- (5) Electrical nonmetallic tubing where installed within a building
- (6) Type MC Cable where installed within a building and if not subject to corrosive environment
- (7) ~~Nonmetallic sheathed cable~~
- (8) ~~Type SE cable~~

~~Exception: A feeder within a one-family dwelling or two-family dwelling unit between remote panelboard and service equipment shall be permitted to run in flexible metal conduit or an approved cable assembly that includes an insulated equipment grounding conductor within its outer sheath. The equipment grounding conductor shall comply with 250.24(A) (5).~~

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

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

END

EXHIBIT “E”

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

The following sections, paragraphs, and sentences of the *2018 International Energy Conservation Code* (IECC) are hereby amended as follows: Standard type is text from the IECC. Underlined type is text inserted. Lined through type is deleted text from IECC. A double (**) asterisk at the beginning of a section identifies an amendment carried over from the 2015 edition of the code and a triple (***) asterisk identifies a new or revised amendment with the 2018 code. Section numbers in parenthesis represent the corresponding numbers of the energy provisions of the 2018 *International Residential Code* for parallel amendments.

2018 IECC (Energy Provisions of the 2018 IRC)

****Section C102/R102 General; add Section C102.1.2 and R102.1.2 (N1101.4.1) to read as follows:**

C102.1.2 Alternative compliance. A building certified by a national, state, or local accredited energy efficiency program and determined by the Energy Systems Laboratory to be in compliance with the energy efficiency requirements of this section may, at the option of the Code Official, be considered in compliance. The United States Environmental Protection Agency's Energy Star Program certification of energy code equivalency shall be considered in compliance.

R102.1.2 (N1101.4.1) Alternative compliance. A building certified by a national, state, or local accredited energy efficiency program and determined by the Energy Systems Laboratory to be in compliance with the energy efficiency requirements of this section may, at the option of the Code Official, be considered in compliance. The United States Environmental Protection Agency's Energy Star Program certification of energy code equivalency shall be considered in compliance. Regardless of the program or the path to compliance, each 1- and 2-family dwelling shall be tested for air and duct leakage as prescribed in Section R402.4.1.2 (N1102.4.1.2) and R403.3.3 (N1103.3.3) respectively.

(Reason: This amendment is added to allow alternative compliance in accordance with Texas HB 1365, 78th Legislature. Codified in Chapter 388 Texas Building Energy Performance Standards: §388.003(i). The last sentence to Section R102.1.2 (N1101.4.1) was added to insure that every house is tested in accordance with the mandatory provisions of the code.)

Section R202 (N1101.6) Definitions; add the following definition:

****PROJECTION FACTOR.** The ratio of the horizontal depth of the overhang, eave or permanently attached shading device, divided by the distance measured vertically from the bottom of the fenestration glazing to the underside of the overhang, eave or permanently attached shading device.

(Reason: The amendment to Section 402.3.2 (N1102.3.2) Glazed fenestration SHGC was proposed by the TAB. ESL determined the proposal to be not less restrictive than the 2015 IECC. This added definition is necessary as part of that amendment. The amendment will provide additional options for SHGC selection.)

Section R202 (N1101.6) Definitions; add the following definition:

EXHIBIT “E”

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

CLIMATE ZONE	FENESTRATION U-FACTOR
3	0.32 0.35

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

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

CLIMATE ZONE	FENESTRATION U-FACTOR
3	0.32 0.35

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

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

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

Table R402.3.2 SHGC Multipliers for Permanent Projections ^a

Projection Factor	SHGC Multiplier (all Other Orientation)	SHGC Multiplier (North Oriented)
0 - 0.10	1.00	1.00
>0.10 – 0.20	0.91	0.95
>0.20 – 0.30	0.82	0.91
>0.30 – 0.40	0.74	0.87
>0.40 – 0.50	0.67	0.84
>0.50 – 0.60	0.61	0.81
>0.60 – 0.70	0.56	0.78
>0.70 – 0.80	0.51	0.76
>0.80 – 0.90	0.47	0.75
>0.90 – 1.00	0.44	0.73

^a North oriented means within 45 degrees of true north.

(Reason: The amendment to Section 402.3.2 Glazed fenestration SHGC was proposed by the TAB and ESL determined the proposal to be not less restrictive than the 2015 IECC. This added definition is necessary as part of that amendment. The amendment will provide additional options for SHGC selection.)

EXHIBIT “E”

****R402.4.1.2 (N1102.4.1.2) Testing; add a last paragraph to read as follows:**

Mandatory testing shall only be performed by individuals that are certified to perform air infiltration testing certified by national or state organizations as approved by the building official. The certified individuals must be an independent third-party entity, and may not be employed; or have any financial interest in the company that constructs the structure.

(Reason: The 2018 International Residential Code (IRC) and International Energy Conservation Code (IECC) includes enhanced emphasis on envelope infiltration and duct leakage. Significant changes in the residential energy requirements include more frequent requirement of performance testing for leakage. Residential Duct systems must be tested unless all ducts and equipment are located within the conditioned space. Envelope testing is required to demonstrate compliance with maximum allowable leakage rate. This language puts the regulatory authority on notice that the testing requires specialized credentials and establishes a conflict of interest baseline.)

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

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

The compliance equivalency is limited as follows:

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

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

TABLE R402.4.1.3 (N1102.4.1.3)^a

Envelope Component	Option #1	Option #2
R402.4 Air Leakage	≤ 4 ACH50	≤ 4 ACH50
Wall Insulation R-value	R13 + R3 ^b	R13 + R3 ^b

EXHIBIT “E”

Fenestration <i>U</i> -factor	≤ 0.32	≤ 0.32
Fenestration SHGC	≤ 0.25	≤ 0.25
Ceiling <i>R</i> -value	≥ R49	≥ R49
Duct Insulation <i>R</i> -value	R8	R6
Radiant Barrier Required	No	Yes

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

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

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

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

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

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

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

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

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

R402.4.1.5 Sampling options for R2 multifamily dwelling units. For buildings having three or more

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

EXHIBIT "E"

building official shall randomly select the three dwelling units for "Initial Testing." The building official may delegate the random selection to the designated 3rd party testing contractor.

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

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

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

R402.4.1.5.2 Failure to Meet Code Requirement(s). If any dwelling units within the identified "sample group" fail to meet a code requirement as determined by testing, the builder will be directed to correct the cause(s) of failure, and 30% of the remaining dwelling units in the "sample group" will be randomly selected for testing by the building official, or third-party testing contractor, regarding the specific cause(s) of failure.

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

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

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

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

**** R403.3.3 (N1103.3.3) Duct Testing (Mandatory); add a last paragraph to read as follows:**

Mandatory testing shall only be performed by individuals that are certified to perform duct testing leakage testing certified by national or state organizations as approved by the building official. The certified individuals must be an independent third-party entity, and may not be employed; or have any financial interest in the company that constructs the structure.

(Reason: The 2015 International Residential Code (IRC) and International Energy Conservation Code (IECC) includes enhanced emphasis on envelope infiltration and duct leakage. Significant changes in the

EXHIBIT “E”

residential energy requirements include more frequent requirement of performance testing for leakage. Residential Duct systems must be tested unless all ducts and equipment are located within the conditioned space. Envelope testing is required to demonstrate compliance with maximum allowable leakage rate. This language puts the regulatory authority on notice that the testing requires specialized credentials and establishes a conflict of interest baseline).

***** Section R403.3 Ducts; add a new section to read as follows:**

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

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

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

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

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

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

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

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

EXHIBIT “E”

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

EXHIBIT “E”

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

Exceptions:

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

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

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

****Section R405.6.2 (N1105.6.2); add the following sentence to the end of paragraph:**

Acceptable performance software simulation tools may include, but are not limited to, REM Rate™; Energy Gauge®; ICF International Beacon Residential; Ekotrope, HERS Module; Right-Energy HERS and IC3. Other performance software programs as listed by RESNET® and having the ability to provide a report as outlined in R405.4.2 may also be deemed acceptable performance simulation programs and may be considered by the building official.

(Reason: These performance software tools are listed by RESNET at the time of recommendation.)

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

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

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

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

CLIMATE ZONE	ENERGY RATING INDEX
3	65

¹ This table is effective until August 31, 2019.

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

EXHIBIT “E”

CLIMATE ZONE	ENERGY RATING INDEX
3	63

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

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

CLIMATE ZONE	ENERGY RATING INDEX
3	59

³ This table is effective on or after September 1, 2022.

(Reason: The tables reflect the values and time table set forth in HB1736, 84th Regular Session Codified in Chapter 388 Texas Building Energy Performance Standards: §388.003.)

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

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

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

END

EXHIBIT “F”

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

The following sections, paragraphs, and sentences of the *2018 International Mechanical Code* (IMC) are hereby amended as follows: Standard type is text from the IMC. Underlined type is text inserted. ~~Lined through type is deleted text from the IMC.~~ A double asterisk at the beginning of a section identifies an amendment carried over from the 2015 edition of the code and a triple asterisk identifies a new or revised amendment of the 2018 edition of the code.

Note: Historically the North Central Texas Council of Governments (NCTCOG) has limited Chapter 1 amendments in order to allow each city to insert their local policies and procedures. We now have suggested certain items to be brought to the attention of cities considering adoption of the code that may be of concern to several jurisdictions. **It is still intended to be discretionary to each city to determine which Chapter 1 amendments to include.**

***Section 102.8; change to read as follows:

102.8 Referenced Codes and Standards. The codes and standards referenced herein shall be those that are listed in Chapter 15 and such codes, when specifically adopted, and standards shall be considered part of the requirements of this code to the prescribed extent of each such reference. Where differences occur between provisions of this code and the referenced standards, the provisions of this code shall apply. Whenever amendments have been adopted to the referenced codes and standards, each reference to said code and standard shall be considered to reference the adopted amendments. Any reference to NFPA 70 shall mean the Electrical Code as adopted.

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

***Section 306.3; change to read as follows:

306.3 Appliances in Attics. Attics containing appliances shall be provided . . . *{bulk of paragraph unchanged}* . . . side of the appliance. The clear access opening dimensions shall be a minimum of 20 inches by 30 inches (508 mm by 762 mm), and large enough to allow removal of the largest appliance. As a minimum, for access to the attic space, provide one of the following:

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

Exceptions:

1. The passageway and level service space are not required where the appliance is capable of being serviced and removed... *{remainder of section unchanged}*

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

EXHIBIT “F”

***Section 306.5; change to read as follows:

306.5 Equipment and Appliances on Roofs or Elevated Structures. Where *equipment* requiring access or appliances are located on an elevated structure or the roof of a building such that personnel will have to climb higher than 16 feet (4877 mm) above grade to access, an interior or exterior means of access shall be provided. Exterior ladders providing roof access need not extend closer than 12 feet (2438 mm) to the finish grade or floor level below and shall extend to the *equipment* and appliances' level service space. Such access shall . . . {bulk of section to read the same} . . . on roofs having a slope greater than four units vertical in 12 units horizontal (33-percent slope). ... {remainder of text unchanged}.

(Reason: To assure access to roof appliances and provide options to not extend exterior ladders to grade. Consistent with IFGC amendments.)

**Section 306.5.1; change to read as follows:

306.5.1 Sloped Roofs. Where appliances, *equipment*, fans or other components that require service are installed on a roof having a slope of three units vertical in 12 units horizontal (25-percent slope) or greater and having an edge more than 30 inches (762 mm) above grade at such edge, a catwalk at least 16 inches in width with substantial cleats spaced not more than 16 inches apart shall be provided from the roof access to a level platform at the appliance. The level platform shall be provided on each side of the appliance to which access is required for service, repair or maintenance. The platform shall be not less than 30 inches (762 mm) in any dimension and shall be provided with guards. The guards shall extend not less than 42 inches (1067 mm) above the platform, shall be constructed so as to prevent the passage of a 21-inch-diameter (533 mm) sphere and shall comply with the loading requirements for guards specified in the *International Building Code*...{remainder of text unchanged}.

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

**Section 306; add Section 306.6 to read as follows:

306.6 Water Heaters Above Ground or Floor. When the mezzanine or platform in which a water heater is installed is more than eight (8) feet (2438 mm) above the ground or floor level, it shall be made accessible by a stairway or permanent ladder fastened to the building.

Exception: A maximum 10 gallon water heater (or larger with approval) is capable of being accessed through a lay-in ceiling and the water heater installed is not more than ten (10) feet (3048 mm) above the ground or floor level and may be reached with a portable ladder.

(Reason: To provide safe access to water heaters and to provide lighting and receptacle for maintenance of equipment. Consistent with regional amendments to IFGC 306.7 and International Plumbing Code (IPC) 502.5.)

**Section 307.2.3; amend item 2 to read as follows:

2. A separate overflow drain line shall be connected to the drain pan provided with the equipment. Such overflow drain shall discharge to a conspicuous point of disposal to alert occupants in the event of a stoppage of the primary drain. The overflow drain line shall connect to the drain pan at a higher level than the primary drain connection. However, the conspicuous point shall not create a hazard such as dripping over a walking surface or other areas so as to create a nuisance.

(Reason: Greater specificity in prohibited locations for condensate discharge. Consistent with regional amendment to IPC 314.2.1.)

**Section 403.2.1; add an item 5 to read as follows:

5. Toilet rooms within private dwellings that contain only a water closet, lavatory, or combination

EXHIBIT “F”

thereof may be ventilated with an approved mechanical recirculating fan or similar device designed to remove odors from the air.

(Reason: Consistent with common regional practice. Consistent with regional amendment to International Residential Code (IRC) R303.3.)

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

501.3 Exhaust Discharge. The air removed by every mechanical exhaust system shall be discharged outdoors at a point where it will not cause a public nuisance and not less than the distances specified in Section 501.3.1. The air shall be discharged to a location from which it cannot again be readily drawn in by a ventilating system. Air shall not be exhausted into an attic, crawl space, or be directed onto walkways.

Exceptions:

1. Whole-house ventilation-type attic fans shall be permitted to discharge into the attic space of dwelling units having private attics.
2. Commercial cooking recirculating systems.
3. Where installed in accordance with the manufacturer's instructions and where mechanical or natural ventilation is otherwise provided in accordance with Chapter 4, listed and labeled domestic ductless range hoods shall not be required to discharge to the outdoors.
4. Toilet room exhaust ducts may terminate in a warehouse or shop area when infiltration of outside air is present.

(Reason: Provide a reasonable alternative in areas where a large volume of outside air is present.)

****Section 607.5.1; change to read as follows:**

607.5.1 Fire Walls. Ducts and air transfer openings permitted in fire walls in accordance with Section 705.11 of the International Building Code shall be protected with listed fire dampers installed in accordance with their listing. For hazardous exhaust systems see Section 510.1-510.9 IMC.

(Reason: Correspond with un-amended IBC 710.7.)

END

EXHIBIT “G”

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

The following sections, paragraphs, and sentences of the *2018 International Plumbing Code* are hereby amended as follows: Standard type is text from the IPC. Underlined type is text inserted. ~~Lined through type is deleted text from the IPC.~~ A double asterisk at the beginning of a section identifies an amendment carried over from the 2015 edition of the code and a triple asterisk identifies a new or revised amendment with the 2018 edition of the code.

Note: Historically NCTCOG has limited Chapter 1 amendments in order to allow each city to insert their local policies and procedures. We now have suggested certain items to be brought to the attention of cities considering adoption of the code that may be of concern to several jurisdictions. **It is still intended to be discretionary to each city to determine which Chapter 1 amendments to include.**

****Table of Contents, Chapter 7, Section 714; change to read as follows:**

714 Engineered ~~Computerized~~ Drainage Design 69

(Reason: Editorial change to make compatible with amendment to Section 714.1.)

*****Section 102.8; change to read as follows:**

102.8 Referenced codes and standards. The codes and standards referenced in this code shall be those that are listed in Chapter 15 and such codes, when specifically adopted, and standards shall be considered as part of the requirements of this code to the prescribed extent of each such reference. Where the differences occur between provisions of this code and the referenced standards, the provisions of this code shall be the minimum requirements. Whenever amendments have been adopted to the referenced codes and standards, each reference to said code and standard shall be considered to reference the adopted amendments. Any reference to NFPA 70 shall mean the Electrical Code as adopted.

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

****Sections 106.6.2 and 106.6.3; change to read as follows:**

106.6.2 Fee schedule. The fees for all plumbing work shall be as ~~indicated in the following schedule:~~ (JURISDICTION TO INSERT APPROPRIATE SCHEDULE) adopted by resolution of the governing body of the jurisdiction.

106.6.3 Fee Refunds. The code official shall establish a policy for authorize ~~authorize~~ authorizing the refunding of fees ~~as follows.~~ *{Delete balance of section}*

(Reason: This calls to attention of local jurisdictions considering adoption that they need a fee schedule and a refund policy.)

****Section 109; delete entire section and insert the following:**

EXHIBIT “G”

SECTION 109 MEANS OF APPEAL

109.1 Application for appeal. Any person shall have the right to appeal a decision of the code official to the board of appeals established by ordinance. The board shall be governed by the enabling ordinance.

(Reason: Most jurisdictions already have an ordinance establishing and governing an appeals board for this code. This also calls to the attention of jurisdictions not having such a board that it needs to be established.)

*****Section 305; change to read as follows:**

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

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

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

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

****Section 305.7; change to read as follows:**

305.7 Protection of components of plumbing system. Components of a plumbing system installed within 3 feet along alleyways, driveways, parking garages or other locations in a manner in which they could be exposed to damage shall be recessed into the wall or otherwise protected in an *approved* manner.

(Reason: Provide a common cutoff point to designate a general separation distance at which plumbing systems should be safe for consistency in enforcement.)

*****Section 306; change to read as follows:**

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

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

EXHIBIT “G”

****Section 314.2.1; change to read as follows:**

314.2.1 Condensate disposal. Condensate from all cooling coils and evaporators shall be conveyed from the drain pan outlet to an *approved* place of disposal. ... {text unchanged} ... Condensate shall not discharge into a street, alley, sidewalk, rooftop, or other areas so as to cause a nuisance.

(Reason: Greater specificity in prohibited locations for condensate discharge. It is the intent of this amendment to send condensate discharge into a sanitary sewer drain. Consistent with regional amendment to IMC 307.2.1.)

****Section 409.2; change to read as follows:**

409.2 Water connection. The water supply to a commercial dishwashing machine shall be protected against backflow by an air gap or backflow preventer in accordance with Section 608. (Remainder of section unchanged).

(Reason: Domestic dishwashing machines would be difficult to enforce and should already come equipped with backflow preventers. Consistent with regional amendments in IPC Section 608.)

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

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

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

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

*****Section 502.3; change to read as follows:**

502.3 Water heaters installed in attics. Attics containing a water heater shall be provided . . . {bulk of paragraph unchanged} . . . side of the water heater. The clear access opening dimensions shall be not less than 20 inches by 30 inches (508 mm by 762 mm) where such dimensions are large enough to allow removal of the water heater. As a minimum, for access to the attic space, provide one of the following:

1. A permanent stair.
2. A pull-down stair with a minimum 300 lb (136 kg) capacity.
3. An access door from an upper floor level.

EXHIBIT “G”

4. Access Panel may be used in lieu of items 1, 2, and 3 with prior approval of the Code Official due to building conditions.

Exceptions:

1. The passageway and level service space are not required where the appliance is capable of being serviced and removed... {remainder of text unchanged}

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

****Section 502.6; add Section 502.6 to read as follows:**

502.6 Water heaters above ground or floor. When the attic, roof, mezzanine or platform in which a water heater is installed is more than eight (8) feet (2438 mm) above the ground or floor level, it shall be made accessible by a stairway or permanent ladder fastened to the building.

Exception: A max 10-gallon water heater (or larger with approval) is capable of being accessed through a lay-in ceiling and a water heater is installed is not more than ten (10) feet (3048 mm) above the ground or floor level and may be reached with a portable ladder.

(Reason: To provide safe access to water heaters. (Consistent with regional amendments to IFGC 306.7 and IMC 306.3. Note reference to amendment above.)

*****Section 504.6; change to read as follows:**

504.6 Requirements for discharge piping. The discharge piping serving a pressure relief valve, temperature relief valve or combination thereof shall:

1. Not be directly connected to the drainage system.
2. Discharge through an air gap. ~~located in the same room as the water heater.~~
3. Not be smaller than the diameter of the outlet of the valve served and shall discharge full size to the air gap.
4. Serve a single relief device and shall not connect to piping serving any other relief device or equipment.

Exception: Multiple relief devices may be installed to a single T & P discharge piping system when approved by the administrative authority and permitted by the manufacture's installation instructions and installed with those instructions.

5. Discharge ~~to the floor, to the pan serving the water heater or storage tank, to a waste receptor an~~ approved location or to the outdoors.
6. Discharge in a manner that does not cause personal injury or structural damage.

EXHIBIT “G”

7. Discharge to a termination point that is readily observable by the building occupants.
8. Not be trapped.
9. Be installed so as to flow by gravity.
10. Terminate not more than 6 inches above and not less than two times the discharge pipe diameter above the floor or flood level rim of the waste receptor.
11. Not have a threaded connection at the end of such piping.
12. Not have valves or tee fittings.
13. Be constructed of those materials listed in Section 605.4 or materials tested, rated and *approved* for such use in accordance with ASME A112.4.1.
14. Be one nominal size larger than the size of the relief valve outlet, where the relief valve discharge piping is installed with insert fittings. The outlet end of such tubing shall be fastened in place

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

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

Section 504.7.1 Pan size and drain to read as follows: The pan shall be not less than 11/2 inches (38 mm) in depth and shall be of sufficient size and shape to receive all dripping or condensate from the tank or water heater. The pan shall be drained by an indirect waste pipe having a diameter of not less than 3/4 inch (19 mm). Piping for safety pan drains shall be of those materials listed in Table 605.4. Multiple pan drains may terminate to a single discharge piping system when *approved* by the administrative authority and permitted by the manufactures installation instructions and installed with those instructions.

****Section 608.1; change to read as follows:**

608.1 General. A potable water supply system shall be designed, installed and maintained in such a manner so as to prevent contamination from non-potable liquids, solids or gases being introduced into the potable water supply through cross-connections or any other piping connections to the system. Backflow preventer applications shall conform to applicable local regulations, Table 608.1, ~~except~~ and as specifically stated in Sections 608.2 through 608.16.10.

(Reason: To recognize local requirements.)

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

608.17.5 Connections to lawn irrigation systems.

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

EXHIBIT “G”

(Reason: To recognize regional practices.)

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

608.18 Protection of individual water supplies. An individual water supply shall be located and constructed so as to be safeguarded against contamination in accordance with applicable local regulations. Installation shall be in accordance with Sections 608.17.1 through 608.17.8.

(Reason: To allow local requirements to govern.)

Section 703.6; Delete

(Reason: not a standard practice in this region)

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

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

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

****Section 712.5; add Section 712.5 to read as follows:**

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

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

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

SECTION 713 **ENGINEERED COMPUTERIZED DRAINAGE DESIGN**

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

(Reason: Code was too restrictive.)

****Section 803.3; added to read as follows:**

803.3 Special waste pipe, fittings, and components. Pipes, fittings, and components receiving or intended to receive the discharge of any fixture into which acid or corrosive chemicals are placed shall be constructed of CPVC, high silicone iron, PP, PVDF, chemical resistant glass, or glazed ceramic materials.

EXHIBIT “G”

(Reason: To clarify the allowable materials which are specifically listed for chemical drainage applications.)

****Section 903.1; change to read as follows:**

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

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

*****Section 918.8; change to read as follows.**

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

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

****Section 1003; see note below:**

{Until the Health and Water Departments of the area can coordinate a uniform grease interceptor section, each city will have to modify this section individually.}

****Section 1106.1; change to read as follows:**

1106.1 General. The size of the vertical conductors and leaders, building storm drains, building storm sewers, and any horizontal branches of such drains or sewers shall be based on six (6) inches per hour ~~the 100-year hourly rainfall rate indicated in Figure 1106.1 or on other rainfall rates determined from approved local weather data.~~

(Reason: Specify the roof drain size normally used in the area.)

****Section 1108.3; change to read as follows:**

1108.3 Sizing of secondary drains. Secondary (emergency) roof drain systems shall be sized in accordance with Section 1106 ~~based on the rainfall rate for which the primary system is sized in Figure 1106.1 or on other rainfall rates determined from approved local weather data.~~ Scuppers shall be sized to prevent the depth of ponding water from exceeding that for which the roof was designed as determined by Section 1101.7. Scuppers shall not have an opening dimension of less than 4 inches (102 mm). The flow through the primary system shall not be considered when sizing the secondary roof drain system.

(Reason: Specify that overflow drainage is to be the same size as the normal roof drains.)

EXHIBIT “G”

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

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

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

END

EXHIBIT “H”

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

The following sections, paragraphs, and sentences of the *2018 International Fuel Gas Code* are hereby amended as follows: Standard type is text from the IFGC. Underlined type is text inserted. ~~Lined through type is deleted text from IFGC.~~ A double asterisk at the beginning of a section identifies an amendment carried over from the 2015 edition of the code and a triple asterisk identifies a new or revised amendment with the 2018 code.

****Section 101.2**

{Local amendments to Section 101.2 may be necessary to correspond with the State Plumbing Licensing Law.}

****Section 102.2; add an exception to read as follows:**

Exception: Existing dwelling units shall comply with Section 621.2.

(Reason: Previous code provisions made unvented heater provisions retroactive except as provided for in local amendment. This amendment and amendment to IFGC 621.2 better clarify what the code already states: existing systems may stay unless considered unsafe.)

****Section 102.8; change to read as follows:**

102.8 Referenced codes and standards. The codes and standards referenced in this code shall be those that are listed in Chapter 8 and such codes, when specifically adopted, and standards shall be considered part of the requirements of this code to the prescribed extent of each such reference. Where differences occur between provisions of this code and the referenced standards, the provisions of this code shall apply. Whenever amendments have been adopted to the referenced codes and standards, each reference to said code and standard shall be considered to reference the amendments as well. Any reference to NFPA 70 or the ICC *Electrical Code* shall mean the *Electrical Code* as adopted.

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

*****Section 306.3; change to read as follows:**

[M] 306.3 Appliances in attics. Attics containing appliances shall be provided . . . *{bulk of paragraph unchanged}* . . . side of the *appliance*. The clear *access* opening dimensions shall be a minimum of 20 inches by 30 inches (508 mm by 762 mm), and large enough to allow removal of the largest *appliance*. As a minimum, for access to the attic space, provide one of the following:

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

Exceptions:

1. The passageway and level service space are not required where the *appliance* is capable of being serviced and removed through the required opening.

EXHIBIT “H”

2. Where the passageway is not less than ... *{bulk of section to read the same}*.

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

*****Section 306.5; change to read as follows:**

[M] 306.5 Equipment and Appliances on Roofs or Elevated Structures. Where *equipment* requiring access or appliances are located on an elevated structure or the roof of a building such that personnel will have to climb higher than 16 feet (4877 mm) above grade to access, an interior or exterior means of access shall be provided. Exterior ladders providing roof access need not extend closer than 12 feet (2438 mm) to the finish grade or floor level below and shall extend to the *equipment* and appliances' level service space. Such access shall . . . *{bulk of section to read the same}* . . . on roofs having a slope greater than four units vertical in 12 units horizontal (33-percent slope). ... *{remainder of text unchanged}*.

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

****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 ~~42~~ 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

EXHIBIT "H"

tests are made. ~~Mechanical gauges used to measure test pressures shall have a range such that the highest end of the scale is not greater than five times the test pressure.~~

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

****Section 406.4.1; change to read as follows:**

406.4.1 Test pressure. ~~The test pressure to be used shall be no less than 4 1/2 times the proposed maximum working pressure, but no less than 3 psig (20 kPa gauge), or at the discretion of the Code Official, the piping and valves may be tested at a pressure of at least six (6) inches (152 mm) of mercury, measured with a manometer or slope gauge, irrespective of design pressure. Where the test pressure exceeds 125 psig (862 kPa gauge), the test pressure shall not exceed a value that produces a hoop stress in the piping greater than 50 percent of the specified minimum yield strength of the pipe. For tests requiring a pressure of 3 psig, diaphragm gauges shall utilize a dial with a minimum diameter of three and one half inches (3 1/2"), a set hand, 1/10 pound incrementation and pressure range not to exceed 6 psi for tests requiring a pressure of 3 psig. For tests requiring a pressure of 10 psig, diaphragm gauges shall utilize a dial with a minimum diameter of three and one-half inches (3 1/2"), a set hand, a minimum of 2/10 pound incrementation and a pressure range not to exceed 20 psi. For welded piping, and for piping carrying gas at pressures in excess of fourteen (14) inches water column pressure (3.48 kPa) (1/2 psi) and less than 200 inches of water column pressure (52.2 kPa) (7.5 psi), the test pressure shall not be less than ten (10) pounds per square inch (69.6 kPa). For piping carrying gas at a pressure that exceeds 200 inches of water column (52.2 kPa) (7.5 psi), the test pressure shall be not less than one and one-half times the proposed maximum working pressure.~~

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

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

****Section 409.1; add Section 409.1.4 to read as follows:**

409.1.4 Valves in CSST installations. Shutoff valves installed with corrugated stainless steel (CSST) piping systems shall be supported with an approved termination fitting, or equivalent support, suitable for the size of the valves, of adequate strength and quality, and located at intervals so as to prevent or damp out excessive vibration but in no case greater than 12-inches from the center of the valve. Supports shall be installed so as not to interfere with the free expansion and contraction of the system's piping, fittings, and valves between anchors. All valves and supports shall be designed and installed so they will not be disengaged by movement of the supporting piping.

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

****Section 410.1; add a second paragraph and exception to read as follows:**

Access to regulators shall comply with the requirements for access to appliances as specified in Section 306.

Exception: A passageway or level service space is not required when the regulator is capable of being serviced and removed through the required attic opening.

(Reason: To require adequate access to regulators.)

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

621.2 Prohibited use. One or more unvented room heaters shall not be used as the sole source of comfort heating in a dwelling unit.

EXHIBIT “H”

Exception: Existing *approved* unvented heaters may continue to be used in dwelling units, in accordance with the code provisions in effect when installed, when *approved* by the Code Official unless an unsafe condition is determined to exist as described in Section 108.7.

(Reason: Gives code official discretion.)



END

EXHIBIT "I"

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

The following sections, paragraphs, and sentences of the *2018 International Swimming Pool and Spa Code* are hereby amended as follows: Standard type is text from the ISPSC. Underlined type is text inserted. ~~Lined through type is deleted text from ISPSC.~~ A triple asterisk (***) identifies a new or revised amendment with the 2018 ISPSC code.

****Section 102.9; Change to read as follows:**

Section 102.9 Other laws. The provisions of this code shall not be deemed to nullify any provisions of local, state or federal law, to include but not limited to:

1. Texas Department of State Health Services (TDSHS); *Standards for Public Pools and Spas*; §285.181 through §285.208, (TDSHS rules do not apply to pools serving one- and two family dwellings or townhouses).
2. Texas Department of Licensing and Regulation (TDLR); *2012 Texas Accessibility Standards (TAS)*, TAS provide the scoping and technical requirements for accessibility for Swimming Pool, wading pools and spas and shall comply with *2012 TAS, Section 242.* (TAS rules do not apply to pools serving one- and two family dwellings or townhouses).

Exception: Elements regulated under Texas Department of Licensing and Regulation (TDLR) and built in accordance with TDLR approved plans, including any variances or waivers granted by the TDLR, shall be deemed to be in compliance with the requirements of this Chapter.

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

****Section 103.1; Change to read as follows:**

Section 103.1 Creation of enforcement agency. ~~The Department of Building Safety~~ **[INSERT OFFICIAL BUILDING DEPARTMENT NAME OF JURSDICTION]** is hereby created and the official in charge thereof shall be known as the *code official*. **[INSERT HEALTH DEPARTMENT NAME OF JURSDICTION]** is hereby created and the official in charge thereof shall be known as the *code official* for operation and maintenance of any *public swimming pool* in accordance this code, local and state law.

(Reason: Reminder to be sure ordinance reads the same as designed by the City & the operation of public pools is enforced through the City's appropriate department procedure.)

****Section 107.4; Delete entirely (covered by general provisions in Code of Ordinances):**

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

****107.5; Change to read as follows:**

107.5 Stop work orders. Upon notice from the code official, work on any system that is being done contrary to the provisions of this code or in a dangerous or unsafe manner shall immediately cease. Such notice shall be in writing and shall be given to the owner of the property, or to the owner's agent, or to the person doing the work. The notice shall state the conditions under which work is authorized to resume. Where an emergency exists, the code official shall not be required to give a written notice prior to

stopping the work. Any person who shall continue any work in or about the structure after having been served with a stop work order, except such work as that person is directed to perform to remove a

EXHIBIT "I"

violation or unsafe condition, shall be in violation of this code, liable to a fine of not less than [AMOUNT] dollars or more than [AMOUNT] dollars.

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

****Section 202; DEFINITIONS; insert definition; change to read as follows:**

[INSERT HEALTH DEPARTMENT NAME OF JURSDICTION]: [INSERT HEALTH DEPARTMENT NAME OF JURSDICTION] regulates the operation of public pools. Routine inspections on pools and spas open to the public are conducted to document compliance with the standards set forth in State law.

*(Reason: The operation of public pools is enforced through **[INSERT HEALTH DEPARTMENT NAME OF JURSDICTION]** procedures.)*

*****Section 305; Change to read as follows:**

305.1 General.

The provisions of this section shall apply to the design of barriers for restricting entry into areas having pools and spas. In one-and two-family dwellings and townhouses, where spas or hot tubs are equipped with a lockable safety cover complying with ASTM F1346 and swimming pools are equipped with a powered safety cover that complies with ASTM F1346, the areas where those spas, hot tubs or pools are located shall not be required to comply with Sections 305.2 through 305.7.

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

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

305.2 Outdoor swimming pools and spas. Outdoor pools and spas and indoor swimming pools shall be surrounded by a barrier that complies with Sections 305.2.1 through 305.7 and in accordance with the Texas Administrative Code, Texas Health and Safety Code 757 for public pools.

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

**** Add subsection 305.2.7.1; to read as follows:**

305.2.7.1 Chain link fencing prohibited. Chain link fencing is not permitted as a barrier in public pools built after January 1, 1994.

(Reason: To clarify specific Texas Health and Safety Code Chapter 757.003 (f).)

****Section 305.4 structure wall as a barrier; Changes as follows:**

305.4 Structure wall as a barrier. Where a wall of ~~a dwelling or structure~~ of a one and two family dwelling or townhouse or its accessory structure serves as part of a barrier and where doors or windows provide direct access to the pool or spa through that wall, one of the following shall be required:

1. Remainder Unchanged
2. Remainder Unchanged
3. Remainder Unchanged

The wall of a building with windows in accordance with 2018 International Building Code, Section 1030 in Group R2 occupancies shall not be used as part of pool enclosure. Other windows that are part of a pool

EXHIBIT "I"

yard enclosure shall be permanently closed and unable to be opened for public pools.

(Reason: To clarify specific Texas Health and Safety Code Chapter 757.007 & 2015 IBC, Section 1030.)

****Section 305.6; Change to read as follows:**

305.6 Natural barriers used in a one and two family dwelling or townhouse. In the case where the pool or spa area abuts the edge of a lake or other natural body of water, public access is not permitted or allowed along the shoreline, and required barriers extend to and beyond the water's edge a minimum of eighteen (18) inches, a barrier is not required between the natural body of water shoreline and the pool or spa.

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

****Section 307.1.4 Accessibility; Add exception to Section to 307.1.4 as follows:**

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

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

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

310.1 General. Suction entrapment avoidance for pools and spas shall be provided in accordance with APSP 7 or for public swimming pools in accordance with State of Texas Rules for Public Swimming Pools and Spas, Title 25 TAC Chapter 265 Subchapter L, Rule §265.190.

[Remainder unchanged]

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

****Section 313.7; Change to read as follows:**

313.7 Emergency shutoff switch for spas and hot tubs. ~~An emergency shutoff switch shall be provided to disconnect all power to recirculation and jet system pumps and air blowers. Emergency shutoff switches shall be provided with access; located within sight of pools and spas and located not less than 5 feet (5') horizontally from the inside walls of the pool or spa. A clearly labeled emergency shutoff or control switch for the purpose of stopping the motor(s) that provide power to the recirculation system and jet system shall be installed at a point readily accessible to the users and not less than 1.5 m (5 ft.) away, adjacent to, and within sight of the spa or hot tub. This requirement shall not apply to one and two family dwellings and townhouses.~~

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

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

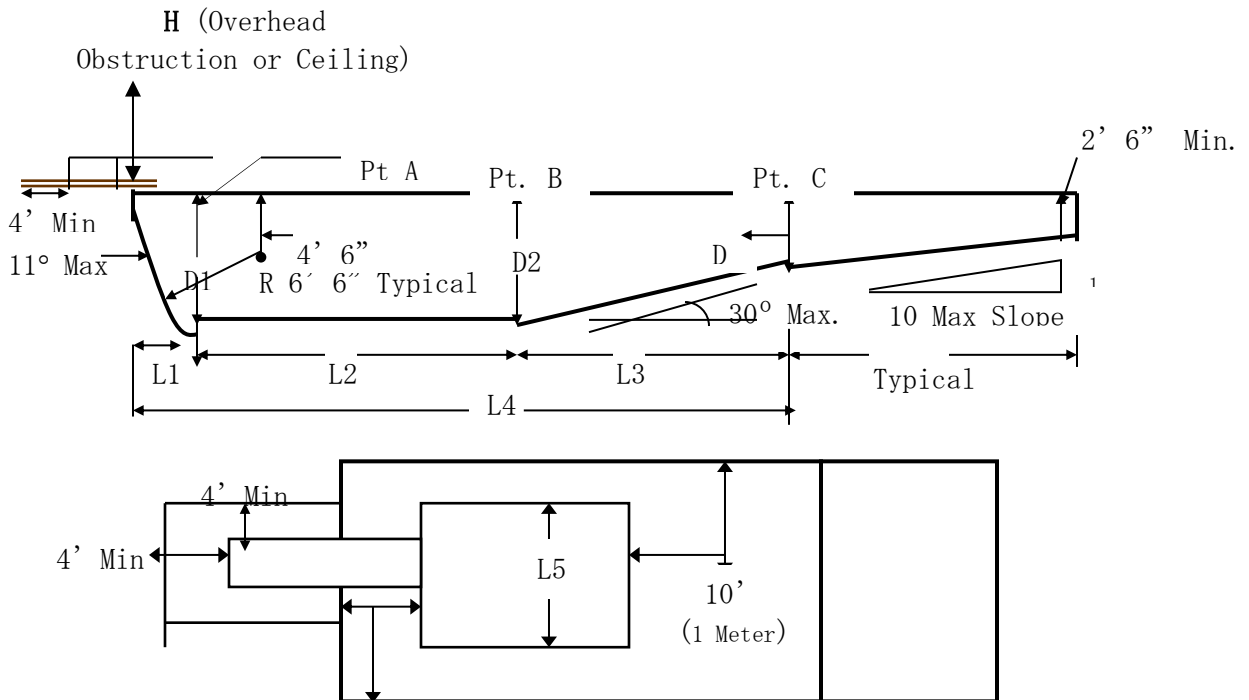
**** Section 402.12; Change to read as follows:**

402.12 Water envelopes. The minimum diving water envelopes shall be in accordance with Table 402.12 Texas department of State Health services, Administrative Code Title 25, Chapter 265, Section 186 (e) and Figure: 25 TAC 256.186 (e) (6). ~~(Delete Table 402.12 and Figure 402.12)~~

EXHIBIT "I"

ADD: Figure: 25 TAC §265.186 (e) (6)

Maximum Diving Board Height Over Water	¾ Meter	1 Meter	3 Meters
Max. Diving Board Length	12 ft.	16 ft.	16 ft.
Minimum Diving Board Overhang	2 ft. 6 in.	5 ft.	5 ft.
D1 Minimum	8 ft. 6 in.	11 ft. 2 in.	12 ft. 2 in.
D2 Minimum	9 ft.	10 ft. 10 in.	11 ft. 10 in.
D3 Minimum	4 ft.	6 ft.	6 ft.
L1 Minimum	4 ft.	5 ft.	5 ft.
L2 Minimum	12 ft.	16 ft. 5 in.	19 ft. 9 in.
L3 Minimum	14 ft. 10 in.	13 ft. 2 in.	13 ft. 11 in.
L4 Minimum	30 ft. 10 in.	34 ft. 7 in.	38 ft. 8 in.
L5 Minimum	8 ft.	10 ft.	13 ft.
H Minimum	16 ft.	16 ft.	16 ft.
From Plumbet to Pool Wall at Side	9 ft.	10 ft.	11 ft. 6 in.
From Plumbet to Adjacent Plumbet	10 ft.	10 ft.	10 ft.



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

****Section 402.13; Change to read as follows:**

402.13 Ladders for diving equipment. Ladders shall be provided with two grab rails or two handrails. There shall be a uniform distance between ladder treads, with a 7 inch (178 mm minimum) distance and 12 inch (305 mm) maximum distance. Supports, platforms, steps, and ladders for diving equipment shall be designed to carry the anticipated loads. Steps and ladders shall be of corrosion-resistant material, easily cleanable and with slip-resistant tread;

EXHIBIT "I"

Exception: ~~The distance between treads for the top and bottom riser can vary.~~

(Reason: To avoid conflict with 25 TAC Chapter 265.186 (c)(8)(d).)

****Section 411.2.1 & 411.2.2; Change to read as follows:**

411.2.1 Tread dimensions and area. Treads shall have a minimum unobstructed horizontal depth (i.e., horizontal run) of 12 inches and a minimum width of 20 inches. ~~not be less than 24 inches (607mm) at the leading edge. Treads shall have an unobstructed surface area of not less than 240 square inches (154838mm²) and an unobstructed horizontal depth of not less than 10 inches (254 mm) at the center line.~~

411.2.2 Risers. Risers for steps shall have a maximum uniform height of 10 inches, with the bottom riser height allowed to taper to zero except for the bottom riser, shall have a uniform height of not greater than 12 inches (305 mm) measured at the center line. ~~The bottom riser height is allowed to vary to the floor.~~

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

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

411.5.1 Swimouts. Swimouts, located in either the deep or shallow area of a pool, shall comply with all of the following:

1. Unchanged
2. Unchanged
3. Unchanged
4. The leading edge shall be visibly set apart and provided with a horizontal solid or broken stripe at least 1 inch wide on the top surface along the front leading edge of each step. This stripe shall be plainly visible to persons on the pool deck. The stripe shall be a contrasting color to the background on which it is applied, and the color shall be permanent in nature and shall be a slip-resistant surface

411.5.2 Underwater seats and benches. Underwater seats and benches, whether used alone or in conjunction with pool stairs, shall comply with all of the following:

1. Unchanged
2. Unchanged
3. Unchanged
4. Unchanged
5. The leading edge shall be visually set apart and provided with a horizontal solid or broken stripe at least 1 inch wide on the top surface along the front leading edge of each step. This stripe shall be

plainly visible to persons on the pool deck. The stripe shall be a contrasting color to the background on which it is applied, and the color shall be permanent in nature and shall be a slip-resistant surface.

6. Unchanged
7. Unchanged

(Reason: To avoid conflict with 25 TAC Chapter 265.184 (u) & 265.186 (c)(10).)

****Section 603.2; Change to read as follows:**

603.2 Class D-2 pools. ~~Where a Class D-2 pool has a bather-accessible depth greater than 4 1/2 feet~~

EXHIBIT "I"

~~(1372 mm), the floor shall have a distinctive marking at the 4 1/2 feet (1372 mm) water depth.~~

Class A and B pools: Class A and B pools over 5 feet deep: the transition point of the pool from the shallow area to the deep area of the pool shall be visually set apart with a 4-inch minimum width row of floor tile, a painted line, or similar means using a color contrasting with the bottom; and a rope and float line shall be provided between 1 foot and 2 feet on the shallow side of the 5-foot depth along and parallel to this depth from one side of the pool to the other side. The floats shall be spaced at not greater than 7-foot intervals; and the floats shall be secured so they will not slide or bunch up. The stretched float line shall be of sufficient size and strength to offer a good handhold and support loads normally imposed by users. If the owner or operator of the pool knows or should have known in the exercise of ordinary care that a rope or float is missing, broken, or defective, the problem shall be promptly remedied

(Reason: To avoid conflict with 25 TAC Chapter 265.199.)

****Section 610.5.1; Change to read:**

610.5.1 Uniform height of 9-10 inches. Except for the bottom riser, risers at the centerline shall have a maximum uniform height of 9-10 inches (229-254 mm). The bottom riser height shall be permitted to vary from the other risers.

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

*****Section 804 Diving Water Envelopes; Change to read as follows:**

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

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

END

NORTHLAKE MAYOR AND COUNCIL COMMUNICATION

DATE: NOVEMBER 12, 2020

REF DOC.: FIRE CODE (ARTICLE 6.02 OF THE CODE OF ORDINANCES)

SUBJECT: FIRE CODE UPDATE



GOALS/OBJECTIVES:

- Responsibly Manage Growth (Council Goal)

CURRENT FIRE CODE:

- 2009 International Fire Code (IFC) adopted in 2013
 - o Regional amendments recommended by the North Central Texas Council of Governments (NCTCOG) and Denton County Emergency Services District (ESD) No. 1 fire service providers
 - o Local amendments from current Fire Code

WHY ADOPT NEWER CODES?

- ISO Building Codes Effectiveness Classification set to go up if newer code not adopted. Lower ISO rating can lead to lower insurance rates.
- The differences between the current codes and proposed codes are mostly minor, and most builders in Northlake are already building to newer codes.
- The updated code will be more consistent with other municipalities in the region.
- The updated code will be consistent with the other communities served by the ESD.
- Newer codes help maintain quality and preserve property values.

PROPOSED FIRE CODE UPDATE:

- 2018 International Fire Code (IFC)
 - o Regional amendments recommended by NCTCOG and ESD in Exhibit A of the draft ordinance
 - o Maintain local amendments from current Fire Code (noted in red type in Exhibit A)
 - No permit for open burning, just log with Denton County
 - Fire sprinkler requirement for structures 5,000 square feet and above, including single-family residential structures
 - Residential fire sprinkler exemption if not served by municipal water system

RESOURCES:

- 2018 International Fire Code (IFC) <https://codes.iccsafe.org/content/IFC2018P4>
- NCTCOG Regional Codes Coordinating Committee <https://codes.iccsafe.org/content/IFC2018P4>
- Attached "Residential Fire Sprinkler Systems" presentation & "The truth about home fire sprinklers" flyer

COUNCIL DIRECTION:

- Adopt 2018 IFC with amendments to be effective on January 1, 2021



TOWN OF NORTHLAKE, TEXAS
OFFICIAL ORDINANCE

NO. 20-1112B

AN ORDINANCE OF THE TOWN OF NORTHLAKE, TEXAS, AMENDING CHAPTER 6, “FIRE PREVENTION AND PROTECTION,” ARTICLE 6.02, “FIRE CODE,” OF THE CODE OF ORDINANCES OF THE TOWN OF NORTHLAKE, TEXAS, BY ADOPTING THE 2018 EDITION OF THE INTERNATIONAL FIRE CODE, AND LOCAL AMENDMENTS TO THE INTERNATIONAL FIRE CODE; PROVIDING THAT THE ORDINANCE IS CUMULATIVE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR A PENALTY FOR VIOLATIONS; PROVIDING A SAVINGS CLAUSE; PROVIDING FOR PUBLICATION; AND ESTABLISHING THE EFFECTIVE DATE.

WHEREAS, the Town of Northlake, Texas (the “Town”) is a Type-A general law municipality in the State of Texas possessed of any and all powers accorded to it by the Constitution and laws of the State of Texas; and

WHEREAS, the Town Council of the Town of Northlake, Texas, has previously adopted a Fire Code to provide for the safety, health, welfare and protection of the citizens of Northlake; and

WHEREAS, the Town Council of the Town of Northlake, Texas, is of the opinion that the 2018 Edition of the International Fire Code, along with local amendments hereto, should be adopted as the official Code for the Town of Northlake.

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

Section 1. Chapter 6, “Fire Prevention and Protection,” Article 6.02, “Fire Code,” Section 6.02.001 and Section 6.02.002 of the Code of Ordinances, Town of Northlake, Texas, is hereby amended to read as follows:

Sec. 6.02.001 Adopted

The International Fire Code, 2018 edition, is hereby adopted and designated as the Fire Code for the Town of Northlake, Texas. A copy of the 2018 Edition of the International Fire Code is on file in the office of the town secretary.

Sec. 6.02.002 Amendments

The local amendments to the 2018 International Fire Code are not included herein but are hereby specifically saved from repeal and shall be maintained on file in the offices of the town.



TOWN OF NORTHLAKE, TEXAS
OFFICIAL ORDINANCE

Section 2. The International Fire Code, 2018 edition, as adopted herein is hereby amended as shown on Exhibit “A” attached hereto and incorporated herein for all purposes.

Section 3. **CUMULATIVE.** This Ordinance shall be cumulative of all provisions of ordinances of the Town of Northlake, Texas, except where the provisions of this ordinance are in direct conflict with the provisions of such ordinances, in which event the conflicting ordinances are hereby repealed.

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

Section 5. **VIOLATIONS AND PENALTIES.** Any person violating any provision of this ordinance shall be fined for each and every day during which any violation of any provision of this ordinance is committed, continued, or permitted in the maximum amount allowed by law as provided in Section 1.01.009 of the Town Code.

Section 6. **SAVINGS.** All rights and remedies of the Town of Northlake, Texas, are expressly saved as to any and all violations of the provisions of any ordinances affecting fire prevention and protection within the Town 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 7. **PUBLICATION.** The Town Secretary is hereby authorized and directed to cause the publication of the descriptive caption and penalty clause of this ordinance as an alternative method of publication provided by law.

Section 8. **EFFECTIVE DATE.** This Ordinance shall become effective on January 1, 2021.



TOWN OF NORTHLAKE, TEXAS
OFFICIAL ORDINANCE

PASSED, APPROVED AND ADOPTED by the Town Council of the Town of Northlake, Texas, on this the 12th day of November 2020.

Town of Northlake, Texas

David Rettig, Mayor

Attest:

Shirley Rogers, Town Secretary

Approved as to form:

Ashley Dierker, Town Attorney

Residential Fire Sprinkler Systems

Why Fire Sprinklers

- Fire Prevention and the purpose
- Emergency Management
- Life Safety, Incident Stabilization, Property conservation and what this means.
- Insurance savings

New and Existing Residential Fire Considerations

- Modern Fuels and less time before fire advances.
- Life Safety considerations
- Long Driveways and water access
- Multiple attic spaces and accesses
- Houses that are 5,000 sqft or greater generally cost over 750 thousand dollars.
- We consider these houses to be commercial SF tactic wise. (Resources needed)
- Fire sprinkler activation and how it works.
- Hidden rooms and offices
- Unfinished rooms for completion at a later date.
- Heavy smoke conditions and visibility (Time to locate fire)
- Residential Fire Sprinkled Structures. Rarely hear this fires on the news do to sprinkler putting fire out or keeping it in check until fire department arrives.

Recent home fire death outcome of banning fire sprinkler requirements

- <https://community.nfpa.org/community/home-fire-sprinkler-initiative/blog/2017/04/03/recent-home-fire-deaths-exemplify-outcome-of-banning-fire-sprinkler-requirements-in-new-homes>

Average Costs for a 5,000 sqft house

Below are average estimations for fire sprinkler costs from two sprinkler company's that do installations in our district.

First Company

- About \$8,700. For new construction.
- \$1.74 per sqft for our area

Second Company

- Roughly \$1.10 per Sqft.
- About \$4545. For New construction.

Why new homes burn faster

- http://www.click2houston.com/news/why-new-homes-burn-faster-than-old-ones_20151123151818837

NFPA Fire Statistics

- **Report:** NFPA's "[Home Structure Fires](#)" (PDF)
Author: Marty Ahrens
Issued: September 2016
- *This report examines causes and circumstances of home structure fires reported to local fire departments in the U.S. Estimates are provided of home fires and losses overall, and for fires in one- or two-family homes and for apartments or other multi-family housing. The discussion of major causes includes key findings from the more detailed reports on the topic. Victim age is also included.*
- **Report highlights**
- U.S. fire departments responded to an estimated average of 358,300 home structure fires per year during 2010-2014, which represents three-quarters of all structure fires.
- Home fires caused an annual average of
 - 2,560 civilian fire deaths, or 93% of all civilian structure fire deaths,
 - 12,720 civilian fire injuries, or 87% of all civilian structure fire injuries, and
 - \$6.7 billion in direct damage, or 69% of total direct damage in structure fires.
- On average, seven people died in U.S. home fires per day.
- Cooking equipment was the leading cause of home structure fires and home fire injuries and ties with heating as the second leading cause of home fire deaths.
- Smoking was the leading cause of civilian home fire deaths. Heating equipment was the second most common cause of home fires, fire deaths, (tied with cooking), and fire injuries.
- <http://www.nfpa.org/news-and-research/fire-statistics-and-reports/fire-statistics/fires-by-property-type/residential/home-structure-fires>

Modern fires V Legacy Fires

- <https://www.youtube.com/watch?v=aDNPhq5ggoE>
- According to the United States Fire Administration (USFA), on an average day in the United States, nine civilians perish in fires and 49 are injured, most of them in their own home. In a quick review of the Web site FirefighterCloseCalls.com, on just one day, the following house fire deaths and injuries were listed: A Rhode Island fire captain died of a heart attack at a house fire; in Tennessee, a firefighter's hands were burned at a house fire; New Orleans (LA) firefighters were injured when a duplex collapsed on them; and a Columbus (OH) firefighter was injured when he fell in a two-story home. <http://www.fireengineering.com/articles/print/volume-166/issue-4/features/house-fires-new-threats-new-tactics.html>

Town's of Argyle, Bartonville, Copper Canyon, Northlake

- **903.2 Where required.** Except as otherwise provided in this Code, approved automatic sprinkler systems shall be provided in all new buildings and structures, including residential, where the total fire area under roof is 5,000 square feet or greater and further provided in the locations described in this section. Reference in this code to fire sprinklers being required at 12,000 sq. ft. is changed to 5,000 sq. ft. All automatic sprinkler systems required by this code shall be electronically monitored by an automatic fire alarm system. The alarm system shall be connected to a direct dialer with alarm signals transmitted to a central station or proprietary monitoring station.
- **Exception:** Single family residential is not required to have system monitoring.

Town of Addison

- **Fire Sprinkler Ordinance Enforcement**
- Addison has one of the most progressive fire sprinkler ordinances in the country. Since 1992, with few exceptions, all new or remodeled structures larger than 500 square feet have been fully equipped with fire sprinklers. The division assists architects, developers and business owners with reasonable interpretations of fire codes and ordinances that affect them. Inspectors survey each new business for code compliance prior to issuing a Certificate of Occupancy. In addition, the division responds to any complaints of fire hazards in the community by the end of the business day on which they are received.
- https://www.addisontexas.net/index.php?section=fire-department_fire-prevention-and-marshals-office

The truth about home fire sprinklers

Fires in the home pose one of the biggest threats to the people of your community. In 2013, U.S. fire departments responded to an estimated 1,240,000 fires. These fires caused 3,240 civilian deaths. Of those deaths, 83% occurred in the home, the very place people feel most safe.

All national model safety codes include fire sprinklers as a minimum safety requirement for new home construction. Homes built without sprinklers lack a crucial element of fire protection.

Because sprinklers have been around for so long, the evidence is clear that they are a proven way to protect lives and property against fires at home – responding quickly and effectively to the presence of a nearby fire, and requiring minimal maintenance by homeowners.

Fast Facts

- In 2013, there was a civilian fire death every 2 hours and 42 minutes in the United States.
- The risk of dying in a home fire decreases by about 80% if sprinklers are present.
- Home fire sprinklers reduce direct property damage by about 70%.
- The cost of installation averages \$1.35 per sprinklered square foot for new construction.

MYTH: *“A smoke alarm provides enough protection.”*

FACT: Smoke alarms alert occupants to the presence of danger, but do nothing to extinguish the fire. In a fire, sprinklers can control and may even extinguish a fire in less time than it would take the fire department to arrive.

MYTH: *“Newer homes are safer homes.”*

FACT: In a fire, lightweight construction materials, used in many modern homes, burn quicker and fail faster. New homes often contain modern furnishings made of synthetic materials which, in a fire, can create a highly toxic environment, greater fuel load, and faster fire propagation.

MYTH: *“Home fire sprinklers often leak or activate accidentally.”*

FACT: Leaks are very rare, and are no more likely than leaks from a home's plumbing system. A sprinkler is calibrated to activate when it senses a significant heat change. They don't operate in response to smoke, cooking vapors, steam, or the sound of a smoke alarm.

MYTH: *“When a fire occurs, every sprinkler will activate and everything in the house will be ruined.”*

FACT: In the event of a fire, typically only the sprinkler closest to the fire will activate, spraying water directly on the fire, leaving the rest of the house dry and secure. Roughly 85% of the time, just one sprinkler operates.

MYTH: *“Sprinklers are unattractive and will ruin the aesthetics of the home.”*

FACT: New home fire sprinkler models are very unobtrusive, can be mounted flush with walls or ceilings, and can be concealed behind decorative covers.

MYTH: *“Sprinklers are not practical in colder climates, as the pipes will freeze and cause water damage.”*

FACT: With proper installation, sprinklers will not freeze. NFPA 13D, *Standard for the Installation of Sprinkler Systems in One- and Two-Family Dwellings and Manufactured Homes*, includes guidelines on proper insulation to prevent pipes from freezing.

MYTH: *“The water damage caused by sprinklers will be more extensive than fire damage.”*

FACT: In a fire, sprinklers quickly control heat and smoke. Any water damage from the sprinkler will be much less severe than the damage caused by water from firefighting hose lines. Fire departments use up to 10 times as much water to extinguish a home fire as fire sprinklers would use to extinguish the same fire.

Free information about home fire sprinklers



The Fire Sprinkler Initiative (FSI), a project of the National Fire Protection Association, aims to increase the number of new, one- and two-family homes protected by sprinklers. The FSI website offers free research and resources to help advocates promote the fact that sprinklers are necessary in new construction.
www.firesprinklerinitiative.org



The Home Fire Sprinkler Coalition (HFSC) is a leading resource for accurate, noncommercial information and materials about home fire sprinklers for consumers, the fire service, builders, and other professionals. HFSC offers free educational materials about sprinklers and how they provide affordable protection to your community.
www.homefiresprinkler.org

EXHIBIT "A"

Amendments to the 2018 International Fire Code.

The following sections of the 2018 Edition of the International Fire Code, the provisions of which shall be controlling within the limits of the Town of Northlake boundaries, are hereby amended for the purpose of consistency with specific past practices and the recommendations of the North Central Texas Council of Governments (NCTCOG) Fire Advisory Board and the Denton County Emergency Services District No. 1 (DCESD1). Black type is text from the NCTCOG and DCESD1 recommended amendments. Red type is text from local amendments approved by the Town of Northlake with previous fire codes.

General Terms

- (1) Code official or fire code official. The fire chief or designee, Fire Marshal or designee, or member of the fire department, charged with the duties of administration and enforcement of this code, or a duly authorized representative.
- (2) Jurisdiction. All references to "jurisdiction" shall mean the Town of Northlake, Texas.
- (3) Chief. All references to "Chief of the Bureau of Fire Prevention" shall be replaced with Fire Marshal."
- (4) Fire Marshal. All references to "Fire Marshal" shall include the Fire Marshal's designee.

Section 101.1 shall be amended to read as follows:

101.1 Title. These regulations shall be known as the fire code of the Town of Northlake, hereinafter referred to as "this Code."

Section 102.1 shall be amended to read as follows:

102.1 Construction and design provisions is amended by adding 102.1 #3 and 102.1.1 to read as follows:

Section 102.1 #3 Existing structures, facilities, and conditions when required in Chapter 11 or in specific sections of this code.

Section 102.1.1 Reconstruction and Remodel. A building that is being altered, remodeled or reconstructed where the cost of construction is equal to or greater than 25% of the appraised value of the structure, shall comply with current fire codes in regards to:

- (1) Panic hardware
- (2) Fire alarms
- (3) Exit lights
- (4) Emergency lighting
- (5) Exits and exit ways
- (6) Fire protection systems

Section 102.7 is amended by deleting and replacing with a new Section 102.7, to read as follows:

Section 102.7 Referenced codes and standards. The codes and standards referenced in this code shall be those that are listed in Chapter 80 of the International Fire Code (IFC) 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. Whenever amendments have been adopted to the referenced codes and standards, each reference to said code and standards shall be considered to reference the amendments as well. Any reference to NFPA 70 or the ICC Electrical Code shall mean the Electrical Code, as adopted.

102.7.1 Conflicts. Where conflicts occur between provisions of this code and referenced codes and standards, the provisions of this code shall apply.

102.7.2 Provisions in referenced codes and standards. Where the extent of the reference to a referenced code or standard includes subject matter that is within the scope of this code and any adopted amendments, the provisions of this code and any adopted amendments, as applicable, shall take precedence over the provisions in the referenced code or standard.

Section 102.7.3 shall be added to read as follows:

102.7.3 The most currently published editions of NFPA shall be the Referenced Codes adopted. Specific reference is made for the adoption of NFPA 3: Standard for Commissioning of Fire Protection Life Safety Systems, and NFPA 17A including all associated appendices, specifically Appendix B and NFPA 96: Standard for Ventilation Control and Fire Protection of Commercial Cooking Operations and Appendix B of NFPA 96.

Section 105.1.1; change to read as follows:

Section 105.1.1 Permits required. Permits required by this code shall be obtained from the fire code official.

Section 105.3.3; change to read as follows:

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

Section 105.6.51 shall be added to read as follows:

105.6.51 Model Rocketry. An operational permit is required for the demonstration and use of model rockets, in accordance with NFPA 1122.

Section 105.6.7.26 shall be added to read as follows:

Section 105.7.26 Electronic access control systems. Construction permits are required for the installation or modification of an electronic access control system, as specified in Chapter 10. A separate construction permit is required for the installation or modification of a fire alarm system that may be connected to the access control system. Maintenance performed in accordance with this code is not considered a modification and does not require a permit.

Section 106.3 shall be amended as follows:

106.3 Work commencing before permit issuance. Any person, firm, partnership, corporation, association, or other entity who commences any work, activity or operation regulated by this code

before obtaining the necessary permits shall be fined a minimum of \$250.00 or double the permit fee, whichever is greater. Each day work continues shall constitute a separate and distinct violation.

Section 110.3; change to read as follows:

Section 110.3 Notice of Violation; citation

Where the fire code official finds a building, premises, vehicle, storage facility or outdoor area that is in violation of this code, the fire code official is authorized to prepare a written notice of violation describing the conditions deemed unsafe and, where compliance is not immediate, specifying a time for re-inspection. The fire code official is authorized to issue citations alleging violations of this code for prosecution in the Municipal Court. Notice under this section is not a prerequisite to prosecution of violations of this code.

Section 110.4 Violation penalties. Shall be amended to read as follows:

Persons 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, repair, or do work in violation of the *approved construction documents*, or directive, of the *fire code official*, or of a permit, or a certificate, used under provisions of this code, shall be fined a minimum of \$500.00 or double the permit fee, whichever is greater. Each day that a violation continues after due notice has been served, shall be deemed a separate offense.

Section 110.4.2 shall be added to read as follows:

110.4.2 Citations. It is the intent of this division to achieve compliance by the traditional means of inspection, notification, granting of reasonable time to comply and re-inspection. After all reasonable means to gain compliance have failed, or when a condition exists that causes an immediate and/or extreme threat to life, property or safety from fire or explosion, the Fire Chief or his designee, who have the discretionary duty to enforce a code or ordinance may issue a notice to appear (citation) for the violation. Citations shall be issued only by qualified personnel as designated by the Fire Chief.

Notwithstanding any other provision of this code or of the International Fire Code a citation may be issued without prior notice and the opportunity to correct the condition or violation if the violation is determined to be an immediate threat to life safety.

Section 110.4.3 is added to read as follows:

110.4.3 Compliance with codes. Any person or entity that violates, disobeys, omits, neglects, or refuses to comply with, or who resists the enforcement of the provisions of this or other codes as referenced in this ordinance, shall be guilty of a misdemeanor and subject to the penalties as set forth in the Code of Ordinances of the Town. In addition to these penalties the fire code official or his or her designee is authorized to close any business, or shut down any operation when any hazard or condition exists therein that poses a serious and imminent threat to life or property. Any reasonable method may be used to affect closure, including, but not limited to, disconnection of utilities and padlocking of any doors. Any person in control of

or occupying any premises ordered closed, or performing or overseeing any operation ordered discontinued, who refuses an order to leave, or to discontinue is guilty of a misdemeanor and subject to the penalties described herein.

Section 112.4 shall be amended to read as follows:

112.4 Failure to comply. Any person, firm, or corporation who shall continue any work after having been served with a stop work order, except such work as that person, firm, or corporation is directed to perform to remove a violation or unsafe condition, shall be fined not less than Five Hundred Dollars (\$500.00) or more than Two Thousand Dollars (\$2,000.00).

Section 202. Shall be amended by adding new definitions to the existing list of definitions in Section 202 of the 2018 International Fire Code, to read as follows:

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

ANALOG INTELLIGENT ADDRESSABLE FIRE DETECTION SYSTEM. Any system capable of calculating a change in value by directly measurable quantities (voltage, resistance, etc.) at the sensing point. The physical analog may be conducted at the sensing point or at the main control panel. The system shall be capable of compensating for long-term changes in sensor response while maintaining a constant sensitivity. The compensation shall have a preset point at which a detector maintenance signal shall be transmitted to the control panel. The sensor shall remain capable of detecting and transmitting an alarm while in maintenance alert.

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

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

ATRIUM. An opening connecting three or more stories... {Remaining text unchanged}

CHANGE OF OCCUPANCY. A change in the purpose or level of activity within a building that involves a change of ownership, change in occupant, or the change in the designated use-type of the building as described in Chapter 3 of this code, and the application of the requirements of this code. The definition shall also apply to usage of the surrounding site and access to and from the building, structure or site, as necessary to achieve the purpose of this code, and to obtain compliance with other codes and ordinances of this jurisdiction. No building or lease space shall

be allowed to change use, occupant, ownership or classification types without meeting all the requirements of this code.

ELECTRICAL CODE. Electrical Code shall mean NFPA 70, the National Electrical Code, as adopted by this jurisdiction. For the purpose of this code, all references to NFPA 70 and/or the ICC Electrical Code shall be assumed to mean the Electrical Code as defined herein.

FIRE ALARM SYSTEM. A fire alarm system shall include but not limited to the following:

- Manual pull stations at all required exits.
- Notification throughout the entire building.
- Systems installed to monitor a fire sprinkler system shall also be considered a Fire Alarm System

FIRE AREA. The aggregate floor area enclosed and bounded by fire walls, fire barriers, exterior walls or horizontal assemblies of a building. Areas of the building not provided with surrounding walls shall be included in the fire area if such areas are included within the horizontal projection of the roof or floor above. For purposes of determining automatic sprinkler systems required by Section 903, a fire area shall be determined by the aggregate floor area enclosed and bounded by the exterior walls of a building and/or the horizontal projection of the roof.

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.

EMERGENCY ACCESS EASEMENT. An access road or fire lane located on private property dedicated by the owner(s) of the property to provide fire apparatus access.

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

FIREWORKS. Any composition or device for the purpose of producing a visible or an audible effect for entertainment purposes by combustion, deflagration, detonation, and/or activated by ignition with a match or other heat producing device that meets the definition of 1.4G fireworks or 1.3G fireworks as set forth herein

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

Any building classified as a group S Occupancy or Speculative Building exceeding 5,000 sq. ft. that has a clear height in excess of 14 feet, making it possible to be used for storage in excess of 12 feet, shall be considered to be high-piled storage. When a specific product cannot be identified, a fire protection system and life safety features shall be installed as for Class IV commodities, to the maximum pile height.

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

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

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

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

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

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

The following are not considered an upgrade or replacement:

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

Section 307.2 shall be deleted entirely.

Section 307.4 and 307.4.1 shall be deleted entirely.

Section 307.6 shall be added to read as follows.

Section 307.6 Logging of Open Burning. Persons desiring to kindle a fire for the recognized silvicultural or range or wildlife management practices, prevention of control of disease, pests, open burning, trench burns, bonfires or recreational fires shall first contact Denton County Office of Emergency Services (County Fire Marshal) and determine if the day of the burn is an approved burn day. Fires of these types are prohibited on non-burn days. Open fires must be logged with the Denton County Office of Emergency Services prior to kindling.

Section 308.1.4 shall be amended to read as follows:

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

Exceptions:

1. One- and two-family dwellings, except that LP-gas containers are limited to a water capacity not greater than 50 pounds (22.68 kg) [nominal 20 pound (9.08 kg) LP-gas capacity] with an aggregate LP-gas capacity not to exceed 100 pounds (5 containers).
2. Delete
3. LP-gas cooking devices having LP-gas containers with water capacity not greater than 2-½ pounds [nominal 1 pound (0.454 kg) LP-gas capacity].

Section 308.1.6.2, Exception 3 shall be amended to read as follows:

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

Section 308.1.6.3 shall be amended to read as follows.

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

Section 308 Open Flames is amended by adding Section 308.5 and subsections to read as follows:

Section 308.5 Open burning

The use of open flame cooking devices shall be as follows:

Section 308.5.1. Multifamily structure.

It shall be a violation of this code for any person to use, allow or permit the use of a fixed or portable grill or cooking device that uses an open flame or electrical heating element within ten (10) feet of any multi-family structure, under any covered portion of a multi-family structure, under any covered parking structure, on any roof or portion thereof.

Section 308.5.2 Sign.

It shall be a violation of this code for any person to own or manage any multi-family structure without installing and maintaining on each balcony, patio, landing or similar structure of each dwelling unit an approved sign readily visible to the occupants that prohibits the use of any grill, hibachi, smoker, electrical heating element, or similar apparatus within ten (10) feet of all apartment structures. Signs shall be at least thirty (30) square inches with the word "PROHIBITED" in one (1) inch letter, and the remaining message in at least one-fourth (1/4) inch letter, red on white, and provide the following warning:

PROHIBITED- THE USE OF ANY GRILL, HIBACHI, OR SMOKER IN OR WITHIN TEN FEET OF ALL APARTMENT STRUCTURES, PATIOS AND CARPORTS. NORTHLAKE FIRE CODE - FINE UP TO \$2000.00

Section 311.5; change to read as follows:

Section 311.5 Placards. The fire code official is authorized to require marking of any vacant or abandoned buildings or structures determined to be unsafe pursuant to Section 110 of this code relating to structural or interior hazards, as required by Section 311.5.1 through 311.5.5.

Section 403.5; change Section 403.5 to read as follows:

Section 403.5 Group E Occupancies. An approved fire safety and evacuation plan in accordance with Section 404 shall be prepared and maintained for Group E occupancies and for buildings containing both a Group E occupancy and an atrium. A diagram depicting two evacuation routes shall be posted in a conspicuous location in each classroom. Group E occupancies shall also comply with Sections 403.5.1 through 403.5.3.

Section 404.2.2; add Number 4.10 to read as follows:

Section 4.10 Fire extinguishing system controls.

Section 405.4; change Section 405.4 to read as follows:

Section 405.4 Time. The fire code official may require an evacuation drill at any time. Drills shall be held at unexpected times and under varying conditions to simulate the unusual conditions that occur in case of fire.

Section 501.4; change to read as follows:

Section 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 and before vertical construction with combustible material has begun.

Section 503.1.1 shall be amended to add the following paragraph:

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

Section 503.2.1 delete the exception and amended to read as follows:

503.2.1 Dimensions. Fire apparatus access roads shall have an unobstructed width of not less than 24 feet (7,315 mm), exclusive of shoulders, except for approved security

gates in accordance with Section 503.6, and an unobstructed vertical clearance of not less than sixteen (16) feet.

The requirements of Section D105 shall remain unchanged.

Section 503.2.2; change to read as follows:

Section 503.2.2 Authority. The fire code official shall have the authority to require an increase in the minimum access widths and vertical clearances where they are inadequate for fire or rescue operations.

Section 503.2.3; change Section 503.2.3 to read as follows:

503.2.3 Surface. Construction of all fire lanes shall be in accordance with the Unified Development Code, the Engineering Design Manual, and this section.

Fire lanes shall be constructed of a concrete surface capable of supporting the imposed loads of a 2-axle, 85,000 lb. fire apparatus. The design shall be based on the geotechnical investigation of the site, but shall meet the stated minimums.

Whenever forty percent (40%) of existing, non-conforming fire lanes are replaced within a twelve month period, the entire fire lane shall be replaced according to current standards.

All fire lanes shall be maintained and kept in a good state of repair at all times by the owner. It shall further be the responsibility of the owner to insure that all fire lane markings required by Section 503.3 be kept so that they are easily distinguishable by the public.

Appendix D; Change Appendix D102.1 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 apparatus weighing up to 85,000 pounds. Buildings 5,000 square feet or larger shall have fire apparatus roads on all four sides of the building to allow for adequate firefighting capabilities.

Appendix D Section 103 Minimum Specifications. Change D103.2 to read as follows:

D103.2 Grade. Fire apparatus access roads shall not exceed 6 percent in grade.

Section 503.3 shall be amended to read as follows:

503.3 Marking. Striping, signs, or other markings, when approved by the fire code official, shall be provided for fire apparatus access roads to identify such roads or prohibit the obstruction thereof. Striping, signs and other markings shall be maintained in a clean and

legible condition at all times and shall 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- TOW AWAY” or “FIRE LANE NO PARKING – TOW AWAY” shall appear in four inch (4”) white letters at 25 foot (25’) intervals on the red border markings along both sides of the fire lanes. Where a curb is available, the striping shall be on both the horizontal and vertical faces of the curb. The red paint shall meet the Texas Department of Highway and Public Transportation, (TXDOT), specification number TTP-115, chlorinated rubber paint or approved equal.
2. **Signs** – Signs shall read “NO PARKING FIRE LANE – TOW AWAY” or “FIRE LANE NO PARKING TOW AWAY” and shall be twelve inches (12”) wide and eighteen inches (18”) high. Signs shall be painted on a white background with letters and borders in red, using not less than two-inch (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. Signs may be installed on permanent buildings or walls or as approved by the Fire Code Official.

Section 503.2.4 shall be amended as follows:

503.2.4 Turning radius. The required turning radius of a fire apparatus access road shall be in accordance with this section.

Any such fire lane shall either connect both ends to a dedicated public street or fire lane or be provided with an approved turnaround having a minimum outer radius of fifty-four feet (54’) and an inside radius of thirty feet (30’).

Fire lane dimensions established by Appendix D, or other sections of this Code, shall be superseded by the criteria established by this section.

Section 503.2.7 shall be amended as follows:

503.2.7 Grade. The grade of the fire apparatus access road shall be within the limits established by the fire code official. In no case shall the grades along a fire apparatus access road exceed the following:

Along the Fire Apparatus Access Road – 6%

Cross Slope – 5%

Exception. The code official shall have the authority to adjust the grade along the fire lane when necessary for fire or rescue operations or based upon the hazard being protected or general topography of the lot. In no case shall the grade exceed nine percent (9%). Written approval from the fire code official shall be required.

Section 503.2.8 shall be amended to read as follows:

503.2.8 Angles of approach and departure. The angles of approach and departure for a fire apparatus access road shall be within the limits established by the fire code official. In no case shall the grades exceed the following:

1. Maximum Angle of Approach – 5%
2. Maximum Angle of Departure – 5%

Exception. The code official shall have the authority to adjust the grade along the fire lane when necessary for fire or rescue operations or based upon the hazard being protected or general topography of the lot. Written approval from the fire code official shall be required.

Section 503.4 shall be amended 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, stopping or standing of vehicles. The minimum widths and clearances established in Section 503.2.1 through 503.2.8 and any area marked as a fire lane as described in Section 503.3 shall be maintained clear of obstructions at all times. Unattended vehicles or other obstructions in the fire lane may be removed or towed at the expense of the registered owner.

Section 503.6 shall be amended to read as follows:

503.6. Security Gates. When mechanically operated gates or barriers are provided, or required, across a fire apparatus access road, an approved emergency vehicle traffic preemption device shall be provided compatible with the fire department's apparatus. The installation of security gates across a fire apparatus access road shall be approved by the Fire Marshal. Where security gates are installed, they shall have an approved means of emergency operation. The security gates and the 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.

Section 503.6.1.1 and subsections shall be added to read as follows:

503.6.1.1 Distance from street, sidewalk, roadway or right-of-way. Gates shall be located on private property a minimum of 30 feet from the property line being crossed by the drive or 50 feet from the nearest edge of roadway, whichever is greater.

Provisions shall be made to allow for egress from the property and 100' for stacking of vehicles at the entry, and for turnaround.

Section 503.6.1.2 Electronic operation. All main gates shall be electrically operated. A secondary/emergency power source must be available and brought online automatically upon loss of primary power to the access gates. The secondary/emergency power source shall automatically open the gates. A manual disconnect is required in the event of complete power failure. The manual disconnect shall be placed in a weather tight box, with a piano-type hinge on one side and a Knox Box PL-1 padlock and hasp on the other side.

Section 503.6.1.3 Open with key operated switch. All main gates shall open with the fire department Knox K.S. #2 key operated switch. The Knox key-operated switch shall be provided and installed by the owner. The key-operated switch shall be located 10 feet from the gate, on the left side of the approach, placed on a pedestal with the key switch facing the fire lane or road. The key switch shall be no closer than 4 feet 6 inches, or no farther than 5 feet 5 inches, from the ground.

Section 503.6.1.4 Access codes. It shall be the owner's responsibility to program the security gate and provide the fire department with the access code and to maintain Roanoke Fire-Rescue's accessibility through the assigned access code.

Section 503.6.1.5 Medians. Where a security gate is installed with a median, the entry side of the gate shall have a minimum opening of 30 feet (measured back of curb to back of curb).

Section 503.6.1.6 Optically controlled emergency entry devices. All electronic security gates, commercial properties and residential subdivisions, shall be equipped with an optically controlled emergency override device (Opticom) that is compatible with the optical activation device installed on fire apparatus. The devices shall be placed in both directions of travel to provide for the opening of gates as the fire apparatus approaches and exits the property. Permits for installation are required, and the Fire Marshal shall test and approve the installation upon completion, to determine compliance.

Section 505.1; change to read as follows:

Section 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. (See Appendix Q)

- 1) Address identification characters shall contrast with their background. Address numbers shall be Arabic numbers or alphabetical letters. Numbers shall not be spelled out. Each building number and letter shall be not less than six (6) inches high with a minimum one (1) inch stroke width. Each suite number and letter shall be not less than four (4) inches high with a minimum one-half (1/2) inch stroke width. Where required

by the fire code official, address numbers shall be provided in additional approved locations to facilitate emergency response.

- 2) Where access is by means of a private road, buildings do not immediately front a street, and/or cannot be viewed from the public way, a monument, pole or other sign with approved 6 inch (152.4 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 shall be maintained.

Exception:

R-3 Single Family occupancies shall have approved numerals of a minimum four (4) inches high with a minimum one-half (1/2) inch stroke width and a color contrasting with the background clearly visible and legible from the street fronting the property and rear alleyway where such alleyway exists.

Section 507.4; change to read as follows:

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

Section 507.5 Fire hydrant systems is amended and Sections added to read as follows:

Section 507.5 Fire hydrant systems. Fire hydrant systems shall comply with Section 507.5.1 through 507.5.7.

Section 507.5.1 Where required is amended by deleting the Section 507.5.1 Where required and replacing it with Section 507.5.1 Where required and subsections, to read as follows:

Section 507.5.1 Where required. When a portion of the facility or building hereafter constructed or moved into, or within the jurisdiction, is more than 500 feet from a hydrant on the 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 Fire Marshal.

Exception: For Group R-3 and Group U occupancies, the distance requirement shall be 300 feet.

Exception 2 is deleted.

Section 507.5.1.2 Location. The location of fire hydrants on private property or along fire access roads shall be approved by the Fire Marshal.

Section 507.5.1.2 Fire system connections to read as follows:

Section 507.5.1.2 Fire department system connections. Fire hydrants shall be located within a 100 foot hose lay of the Fire Department Connection (FDC). Fire Department Connections when remotely located, shall have a 42" by 42" concrete pad below each connection.

Section 507.5.1.3 Requirements when not on public street. Fire hydrants not installed on a public street shall be looped to provide a water supply from 2 directions.

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 hydrants, fire department inlet connections or protection systems control valves in a manner that would prevent such equipment or fire hydrants from being immediately discernable. The fire department shall not be deterred or hindered from gaining immediate access to fire protection equipment or fire hydrants.

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

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

Section 603.3.2 and 603.3.2.1; change to read as follows:

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

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

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

1. 660 gallons (2498 L) in unsprinklered buildings, where stored in a tank complying with UL 80, UL 142, or UL 2085 for Class III liquids, and also listed as a double-wall/secondary containment tank for Class II liquids.
2. 1320 gallons (4996 L) in buildings equipped with an automatic sprinkler system in accordance with Section 903.3.1.1, where stored in a tank with UL 142, or UL 2085 as a double-wall/secondary containment tank.
3. 3000 gallons (11356 L) where stored in protected above-ground tanks complying with UL 2085 and Section 5704.2.9.7 and the room is protected by an automatic sprinkler system in accordance with Section 903.3.1.1.

Section 607.2; change to read as follows:

607.2 Where Required. A Type I hood shall be installed at or above all commercial cooking appliances and domestic cooking appliances used for commercial purposes that produce grease vapors, including but not limited to cooking equipment used in fixed, mobile, or temporary concessions, such as trucks, buses, trailers, pavilions, or any form of roofed enclosure, as required by the fire code official.

Exceptions:

1. Tents, as provided for in Chapter 31 shall have a flame rating tag sewn into the material which indicates compliance with NFPA 701 Standard Methods of Fire Tests for Flame Propagation of Textiles and Films.
2. {No change to existing Exception.}

Additionally, fuel gas and power provided for such cooking appliances shall be interlocked with the extinguishing system, as required by Section 904.12.2. Fuel gas containers and piping/hose shall be properly maintained in good working order and in accordance with all applicable regulations.

Section 704.1; now 704.1.1 change to read as follows:

704.1.1 Enclosure. Interior vertical shafts including, but not limited to, stairways, elevator hoist-ways, service and utility shafts, that connect two or more stories of a building shall be enclosed or protected in accordance with the codes in effect at the time of construction but, regardless of when constructed, not less than as required in Chapter 11. New floor openings in existing buildings shall comply with the International Building Code.

Section 807.2; change to read as follows:

807.2 Combustible Decorative Materials. In occupancies in Groups A, E, I, and R-1, and dormitories in Group R-2, curtains, draperies, fabric hangings and other similar combustible decorative materials suspended from walls or ceilings shall comply with Section 807.3 and shall not exceed 10 percent of the specific wall area to which they are attached.

Section 807.5.2.2 and 807.5.2.3; change to read as follows:

807.5.2.2 Artwork in Corridors. Artwork and teaching materials shall be limited on the walls of corridors to not more than 50 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.

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.

Section 901 General is amended by changing Section 901.3 and 901.5 as shown in the International Fire Code to read as follows:

Section 901.3.1 Permit required. Permits shall be required as set forth in Section 105.6 and 105.7 and as required by this section. A permit shall be required for the installation, reconsideration, modification, moving or alteration of any life safety system including but not limited to fire sprinkler systems, fire alarm systems, fixed extinguishing systems, access control systems and carbon dioxide sensing and monitoring systems. Work shall not begin on any system without first obtaining a permit. Any person, firm, or corporation who that violates this requirement shall be liable for a fine that is two-times the cost of the Permit or Five Hundred Dollars (\$500.00), whichever is greater.

Exemption: Emergency repairs, due to system malfunctions or discharging, may begin, providing a permit is obtained as soon as possible, but no later than the next business day.

Section 901.3.2 Permit application. The permit application shall be submitted to the office of the Fire Marshal, through the DCESD1 Permitting Department and must have attached to the application detailed construction plans and a copy of the applicant's state license. The following shall be included with the plan submission: a CD, or other media, as approved by the Fire Marshal, containing state license, plan drawings, calculations, and spec sheets, in PDF format.

Section 901.3.3 Permit fee. The permit fee for the construction, repair, alteration, or relocation of a fixed system shall be in accordance with the fee schedule adopted by the Town of Northlake.

Section 901.5 Installation acceptance testing. Fire detection and alarm systems, fire extinguishing systems, fire hydrant systems, fire standpipe systems, fire pump systems, private fire service mains, and all other fire protection systems, and appurtenances thereto, shall be subject to acceptance tests, as contained in the installation standards

and as approved by the fire code official. The fire code official shall be notified before any required acceptance testing. No system shall be approved until a complete inspection of materials and a functional test has been completed and witnessed by the Fire Marshal. The installer/technician must be present for all inspections and testing.

Section 901.6.1; add Section 901.6.1.1 to read as follows:

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

1. The piping between the Fire Department Connection (FDC) and the standpipe shall be back flushed or inspected by approved camera when foreign material is present or when caps are missing, and also hydrostatically tested for all FDC's on any type of standpipe system. Hydrostatic testing shall also be conducted in accordance with NFPA 25 requirements for the different types of standpipe systems.
2. For any manual (dry or wet) standpipe system not having an automatic water supply capable of flowing water through the standpipe, the tester shall connect hose from a fire hydrant or portable pumping system (as approved by the fire code official) to each FDC, and flow water through the standpipe system to the roof outlet to verify that each inlet connection functions properly. Confirm that there are no open hose valves prior to introducing water into a dry standpipe. There is no required pressure criteria at the outlet. Verify that check valves function properly and that there are no closed control valves on the system.
3. Any pressure relief, reducing, or control valves shall be tested in accordance with the requirements of NFPA 25. All hose valves shall be exercised.
4. If the FDC is not already provided with approved caps, the contractor shall install such caps for all FDC's as required by the fire code official.
5. Upon successful completion of standpipe test, place a blue tag (as per Texas Administrative Code, Fire Sprinkler Rules for Inspection, Test and Maintenance Service (ITM) Tag) at the bottom of each standpipe riser in the building. The tag shall be check-marked as "Fifth Year" for Type of ITM, and the note on the back of the tag shall read "5 Year Standpipe Test" at a minimum.
6. The procedures required by Texas Administrative Code Fire Sprinkler Rules with regard to Yellow Tags and Red Tags or any deficiencies noted during the testing, including the required notification of the local Authority Having Jurisdiction (fire code official) shall be followed.
7. Additionally, records of the testing shall be maintained by the owner and contractor, if applicable, as required by the State Rules mentioned above and NFPA 25.
8. Standpipe system tests where water will be flowed external to the building shall not be conducted during freezing conditions or during the day prior to expected night time freezing conditions.
9. Contact the fire code official for requests to remove existing fire hose from Class II and III standpipe systems where employees are not trained in the utilization of this firefighting equipment. All standpipe hose valves must remain in place and be provided with an approved cap and chain when approval is given to remove hose by the fire code official.

Section 901.6.4; add Section 901.6.4 to read as follows:

901.6.4 False Alarms and Nuisance Alarms. False alarms and nuisance alarms shall not be given, signaled or transmitted or caused or permitted to be given, signaled or transmitted in any manner.

Section 901.7; shall be amended 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. Fire Watch is the responsibility of the property owner. The owner shall be required to hire a private security firm to supply two personnel for each of three 8 hour shifts or during the occupied hours of the business, to monitor for fire conditions and have the means necessary for contacting 911 immediately. The fire watch shall remain in effect until the life safety systems are back in service. Should the fire watch option be declined, the entire building shall be evacuated and closed until all repairs have been made, and a re-inspection has been performed the fire code official.

Section 901.8.2; change to read as follows:

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

1. The hose line(s) would not be utilized by trained personnel or the fire department.
2. If the occupant-use hose lines are removed, but the hose valves are required to remain as per the fire code official, such shall be compatible with local fire department fittings.

Add Sections 901.11 Certification, Section 901.12 Failure of system, and Section 901.13 Message alarms. To read as follows:

Section 901.11 Certification. A notarized certification indicating all work has been performed as permitted and that the work meets code requirements must be submitted at final inspection.

Section 901.12 Failure of system. All fire alarm systems shall be designed and constructed so the failure, malfunction, or removal of any single device, or failure of the wiring to a device does not interfere with the operation of other devices in the system.

Section 901.13 Message alarms. Pre-recorded or voice message fire alarms shall not be approved unless accompanied by a fire alarm signal of audio-visual devices that meet the minimum standards of the Americans with Disabilities Act (ADA).

Section 903.1.1; change to read as follows:

903.1.1 Alternative Protection. Alternative automatic fire-extinguishing systems complying with Section 904 shall be permitted in addition to automatic sprinkler

protection where recognized by the applicable standard or as approved by the fire code official.

Section 903 Automatic Sprinkler Systems is amended as follows:

Section 903.1.2 is amended by adding subsection 903.1.2 and 903.1.3 to read as follows:

903.1.2 Residential sprinklers. Unless specifically allowed by this Code, residential sprinkler systems installed in accordance with NFPA 13D or NFPA 13R shall not be granted exemptions or reductions, commonly known as “trade-offs” permitted by other requirements of this Code. Additionally, residential sprinkler systems installed in accordance with NFPA 13R shall include attic protection.

903.1.3 No CPVC Piping. No fire sprinkler system shall be installed using CPVC piping.

Exception: CPVC is allowed in private residences and townhomes.

Section 903.2; add paragraph to read as follows:

Automatic Sprinklers shall not be installed in elevator machine rooms, elevator machine spaces, and elevator hoist ways, other than pits where such sprinklers would not necessitate shunt trip requirements under any circumstances. Storage shall not be allowed within the elevator machine room. Signage shall be provided at the entry doors to the elevator machine room indicating “ELEVATOR MACHINERY – NO STORAGE ALLOWED.”

Section 903.2 Where required. Replace the exception and amend as follows:

Section 903.2.1.1 Group A-1, Section 903.2.1.3 Group A-3, and Section 903.2.1.4 Group A-4 are amended by deleting the number “12,000” in number one of each section and replacing it with the number “5,000”. The sections are also amended by adding the following exception:

Exceptions:

1. Open parking garages in compliance with Section 406.3 of the International Building Code, provided fire department standpipes and connections are installed in such a way that no portion of the garage is more than 100 feet, unobstructed hose lay from the connection.
2. Single-family residential which is not connected to the municipal water system is exempt from the requirement of an automatic sprinkler system even if the total fire area under roof is 5,000 square feet or greater.

Section 903.2.8 Group R is 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. An automatic sprinkler system shall be provided throughout all buildings with a Group R-2 occupancy where the fire area is 2 stories in height, including basements, or where the

building has more than 3 units. Any Group R-2 occupancy two (2) or more stories in height shall be required to have a sprinkler system meeting the requirements of NFPA Standard 13.

Section 903.2.9.2 Bulk storage of tires, Section is amended by deleting that section and replacing it with a new Section 903.2.9.2, to read as follows:

Section 903.2.9.2 Bulk storage of tires. Buildings and structures where the area for the storage of tires exceeds 10,000 cubic feet shall be equipped throughout with an automatic fire sprinkler system meeting the requirements of NFPA Standard 13.

Section 903.2.9; add Section 903.2.9.3 to read as follows:

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

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

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

Exceptions:
Delete

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 5,000 square feet or greater, under roof, an automatic sprinkler system shall be installed throughout all buildings and any portion of a building that meets any one of the following criteria listed below:

- (1) A building area 5,000 sq. feet or greater
- (2) A tenant space 5,000 sq. feet or greater
- (3) An existing building that is enlarged to 5,000 sq. feet or greater
- (4) An tenant space within an existing building that is enlarged to be 5,000 sq. feet or greater

For the purpose of this provision, firewalls and fire barriers shall not define separate buildings.

Exception: Delete

Section 903.3.1.1.1; change to read as follows:

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

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

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 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 less 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 non-combustible 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 non-combustible insulation.

Section 903.3.1.3; change to read as follows:

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

Section 903.3.1.4; add to read as follows:

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.

Section 903.3.1.4.1 Attics. Only dry-pipe, pre-action, 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.

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

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

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

Section 903.3.7 Fire Department Connections. Is amended by deleting that section and adding the following section, to read as follows:

Section 903.3.7 Fire Department Connections. The location of Fire Department Connections shall be approved by the fire code official. Locking caps, of an approved style or vendor may be required by the fire code official. Locking caps shall be installed as replacements for lost or damaged caps when deemed necessary by the fire code official to address tampering problems at existing facilities. The FDC shall be labeled as "FDC" with a white background and red reflective lettering that is a minimum of 6 inches in height for each letter. If the FDC is remote a six foot pole with a sign affixed to it shall be installed next to the FDC

Section 903.4; Amend Section 903.4 and add a second paragraph after the exceptions to read as follows:

Section 903.4 Sprinkler system supervision and alarms. Valves controlling the water supply for automatic sprinkler systems, pumps, tanks, water levels and temperatures, critical air pressures and water flow switches on all sprinkler systems, new and existing, shall be electrically supervised by a listed fire alarm control unit.

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

Section 903.4.2; add second paragraph to read as follows:

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

Section 903.4; add a second paragraph after the exceptions to read as follows:

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

Section 903.4.2; add second paragraph to read as follows:

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

Section 903.7 shall be added to read as follows:

Section 903.7 Automatic Sprinkler System Room Access. Sprinkler system risers providing protection for multi-family and commercial buildings must be located in a ground floor room directly accessible from the exterior of the building. The door shall be labeled as "SPRINKLER RISER ROOM" with a white background and red reflective lettering that is a minimum of 6 inches in height for each letter. The minimum size of the room shall be 36 sq. ft., with the minimum dimension being 6 ft. The outside edge of the Riser stub into the building shall be a minimum of eighteen inches (18") from the wall and riser piping, and once stacked shall be a minimum of eighteen inches (18") from the outside edge of the piping to the inside edge of the finished wall. When approved by the fire code official, smaller rooms may be permitted.

Section 903.8 Installation schedule is amended by adding 903.8 Installation schedule, to read as follows:

Section 903.8 Installation schedule. Approved fire sprinkler systems shall be operational in a building under construction when:

1. The building is sufficiently constructed to the point that the exterior sheathing and roof have been installed; or
2. At the start of combustible interior construction; or
3. When there is an accumulation of combustible material within the building including, but not limited to, building supplies, rubbish, and furniture, or
4. When the building goes under conditioned atmosphere.

Section 905.2; change to read as follows:

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

Section 905.3; add Section 905.3.9 and exception to read as follows:

905.3.9 Buildings. In buildings exceeding 10,000 square feet in area per story and where any portion of the building's interior area is more than 200 feet (60960 mm) of travel, vertically and horizontally, from the nearest point of fire department vehicle access, Class I automatic wet or manual wet standpipes shall be provided.

Exceptions:

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

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

1. In every required exit stairway, a hose connection shall be provided for each story above and below grade plane. Hose connections shall be located at every landing, on each story, unless otherwise approved by the fire code official.
2. {No change.}
3. In every exit passageway, at the entrance from the exit passageway to other areas of a building.
Exception: Where floor areas adjacent to an exit passageway are reachable from an exit stairway hose connection by a {remainder of text unchanged.}
4. {No change.}
5. Where the roof has a slope less than four units vertical in 12 units horizontal (33.3-percent slope), each standpipe shall be provided with a two-way hose connection located to serve the roof or at the highest landing of an exit stairway with stair access to the roof provided in accordance with Section 1011.12.
6. {No change.}

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

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

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

Section 907.1; add Section 907.1.4 and 907.1.4.1 to read as follows:

907.1.4 Design Standards. All alarm systems new or replacement shall be addressable. Alarm systems serving more than 20 smoke detectors shall be analog addressable. A system employing a DACT shall employ one telephone land line as the primary. In addition, one of the following transmission means shall be employed as the back-up line:

- One-way private radio alarm system
- Two-way RF multiplex system
- Transmission means complying with NFPA 72

Exception: Existing systems need not comply unless the total building remodel or expansion initiated after the effective date of this code, as adopted, exceeds 30% of the building. When cumulative building remodel or expansion exceeds 50% of the building must comply within 18 months of permit application.

Section 907.2; change, delete the second paragraph and replace with a paragraph to read as follows:

907.2 Where required in buildings and structures. An approved fire alarm system installed in accordance with the provisions of this code and NFPA 72 shall be provided in new buildings in accordance with Sections 907.2.1 through 907.2.23 and provide occupant notification in accordance with Section 907.5, unless other requirements are provided by another section of this code.

An approved fire alarm system shall be installed in existing buildings that are protected by a previously installed automatic sprinkler system in accordance with NFPA 72, 2019 Edition Chapter 1.4.2.

Section 907.2.1; change to read as follows delete exception:

907.2.1 Group A. A manual fire alarm system that activates the occupant notification system in accordance with Section 907.5 shall be installed in Group A occupancies having an occupant load 100 or more persons, or where the occupant load is more than 100 persons above or below the lowest level of exit discharge. Group A occupancies not separated from one another in accordance with Section 707.3.10 of the International

Building Code shall be considered as a single occupancy for the purposes of applying this section. Portions of Group E occupancies occupied for assembly purposes shall be provided with a fire alarm system as required for the Group E occupancy.

Section 907.2.3; change to read as follows:

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

Exceptions:

1. {No change.}

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

Section 907.2.12, Exception 3; change to read as follows:

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

Section 907.4.2; add Section 907.4.2.7 to read as follows:

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

Section 907.6.1; add Section 907.6.1.1 to read as follows:

907.6.1.1 Wiring Installation. All fire alarm systems shall be installed in such a manner that a failure of any single initiating device or single open in an initiating circuit conductor will not interfere with the normal operation of other such devices. All signaling line circuits (SLC) shall be installed in such a way that a single open will not interfere with the operation of any addressable devices (Class A). Outgoing and return SLC conductors shall be installed in accordance with NFPA 72 requirements for Class A circuits and shall have a minimum of four (4) feet separation horizontal and one (1) foot vertical between supply and return circuit conductors. The initiating device circuit (IDC) from a signaling line circuit interface device shall be wired Class A, provided the distance from the interface device to the initiating device is ten feet or less. All wiring, SLC, IDC, NAC shall be wired Class A. Minimum fire alarm design shall include a manual pull station at each exit and notification devices throughout.

Section 907.6.3; delete all four Exceptions.

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

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

Section 909.22; add to read as follows:

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

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

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

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

Exceptions:

1. Control wiring and power wiring utilizing a 2-hour rated cable or cable system.

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

Section 909.21.1.2 Standby Power.

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

Section 909.22.1.3 Acceptance and Testing.

Before the mechanical equipment is approved, the system shall be tested in the presence of the fire code official to confirm that the system is operating in compliance with these requirements.

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

2. Only manual smoke and heat removal shall 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 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.

Section 910.2; add subsections 910.2.3 with exceptions to read as follows:

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

1. In occupancies classified as Group H-2 or H-3, any of which are more than 5,000 square feet (1394 m^2) in single floor area.

Exception: Buildings of noncombustible construction containing only noncombustible materials.

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

Exception: Buildings of noncombustible construction containing only noncombustible materials.

Section 910.3; add section 910.3.4 to read as follows:

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

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

Exception: Manual only systems per Section 910.2.

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

Exception: Listed gravity-operated drop out vents.

Section 910.4.3.1; change to read as follows:

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

Section 912.2; add Section 912.2.3 to read as follows:

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

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

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

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

Section 914.3.1.2; change to read as follows:

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

Exception: {No change to exception}

Section 1003.6 Means of egress continuity is amended by adding Section 1003.6.1 vehicle parking, to read as follows:

Section 1003.6.1 Vehicle parking. No motor vehicle shall be parked within 10 feet of any patio, stairs, or egress path at any apartment, multi-family building, hotel, motel, educational occupancy or commercial structure, unless in an approved parking space.

Section 1006.2.2.7; add a new Section 1006.2.2.7 as follows:

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

Section 1009.1; add the following Exception 3:

Exceptions:

{Previous exceptions unchanged}

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

Section 1009.8; add the following Exception 7:

Exceptions:

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

Section 1010.1.9.5 Bolt Locks; amend Exceptions 3 and 4 to read as follows:

Exceptions:

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

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

Section 1015.8 Window Openings; change number 1 to read as follows:

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

Section 1020.1 Construction; add Exception 6 to read as follows:

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

Section 1024 Exit Passageways is amended by adding Section 1024.1.1 Exit ways – hotels, motels, and multi-family, to read as follows:

Section 1024.1.1 Exit ways – hotels, motels, and multi-family. All public exit ways and balconies shall be constructed of material having a minimum of a class “C” flame spread rating (75 to 200 flame spread). All balconies and landings utilized as exit ways shall have a minimum length of 8 feet and a minimum width of 4 feet.

Section 1029.1.1.1; delete this section. Spaces under Grandstands and Bleachers:

Section 1031.2; change to read as follows:

1031.2 Reliability. Required exit accesses, exits and exit discharges shall be continuously maintained free from obstructions or impediments to full instant use in the case of fire or other emergency. An exit or exit passageway shall not be used for any purpose that interferes with a means of egress.

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

Provide emergency signage as required by Section 606.3.

1103.5 Sprinkler Systems change to read as follows:

An automatic sprinkler system shall be provided in all existing buildings 5,000 square feet or larger in accordance with this section, when there is a change of owner, use or occupant and a hazard classification as defined in Chapter 4 of NFPA 13: Standard for the Installation of Sprinkler Systems is present. The fire sprinkler system installation shall be completed within twelve (12) months from the date of notification by the fire code official. The fire code official is authorized to decrease the installation timeframe based on the occupant and/or use of the building to ensure life safety.

Section 1103.5.1: add sentence to read as follows:

Fire sprinkler system installation shall be completed within twelve (12) months from date of notification by the fire code official.

Section 1103.5.3 Group I-2, Condition 2 change last sentence to read as follows:

The automatic sprinkler system shall be installed as established by adopting this ordinance and within twelve (12) months of notification by the fire code official.

Section 1103.5; add Section 1103.5.5 to read as follows:

1103.5.5 Spray Booths and Rooms. Existing spray booths and spray rooms shall be protected by an approved automatic fire-extinguishing system in accordance with Section 2404.

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

1103.7.7 Fire Alarm System Design Standards. Where an existing fire alarm system is upgraded or replaced, the devices shall be addressable.

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.

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

Section 1203; change and add to read as follows:

1203.1.1 {No change}

1203.1.2 {No change}

1203.1.3 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 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 1203.2.26, or elsewhere identified in this code, or any other referenced code.

1203.2.1 through 1203.2.3 {No change}

1203.2.4 Emergency Voice/alarm communications systems. Emergency power shall be provided for emergency voice/alarm communications systems in the following occupancies, or as specified elsewhere in this code, as required in Section 907.5.2.2.5. The system shall be capable of powering the required load for a duration of not less than 24 hours, as required in NFPA 72.

- Covered and Open Malls, Section 907.2.19 and 914.2.3
- Group A Occupancies, Sections 907.2.1 and 907.5.2.2.4.
- Special Amusement Buildings, Section 907.2.11
- High-rise Buildings, Section 907.2.12
- Atriums, Section 907.2.13
- Deep Underground Buildings, Section 907.2.18

1203.2.5 through 1203.2.13 {No change}

1203.2.14 Means of egress illumination. Emergency power shall be provided for means of egress illumination in accordance with Sections 1008.3 and 1104.5.1. minimum of ninety (90) minutes.

1203.2.15 Membrane Structures.

Emergency power shall be provided for exit signs in temporary tents and membrane structures in accordance with Section 3103.12.6. (90 minutes) Standby power shall be provided for auxiliary inflation systems in permanent membrane structures in accordance with Section 2702 of the International Building Code. (4 hours) Auxiliary inflation systems shall be provided in temporary air-supported and air-inflated membrane structures in accordance with section 3103.10.4.

1203.2.16 {No change}

1203.2.17 Smoke Control Systems.

Standby power shall be provided for smoke control systems in the following occupancies, or as specified elsewhere in this code, as required in Section 909.11:

- Covered Mall Building, International Building Code, Section 402.7
- Atriums, International Building Code, Section 404.7
- Underground Buildings, International Building Code, Section 405.8
- Group I-3, International Building Code, Section 408.4.2
- Stages, International Building Code, Section 410.2.5
- Special Amusement Buildings (as applicable to Group A's), International Building Code, Section 411.1
- Smoke Protected Seating, Section 1029.6.2.

1203.2.18 {No change}

1203.2.19 Covered and Open Mall Buildings.

Emergency power shall be provided in accordance with Section 907.2.19 and 914.2.3.

1203.2.20 Airport Traffic Control Towers.

A standby power system shall be provided in airport traffic control towers more than 65 ft. in height. Power shall be provided to the following equipment:

1. Pressurization equipment, mechanical equipment and lighting.
2. Elevator operating equipment.
3. Fire alarm and smoke detection systems.

1203.2.21 Smokeproof Enclosures and Stair Pressurization Alternative.

Standby power shall be provided for smokeproof enclosures, stair pressurization alternative and associated automatic fire detection systems as required by the International Building Code, Section 909.20.6.2.

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

1203.2.23 Elimination of Smoke Dampers in Shaft Penetrations. Standby power shall be provided when eliminating the smoke dampers in ducts penetrating shafts in accordance with the International Building Code, Section 717.5.3, exception 2.3.

1203.2.24 Common Exhaust Systems for Clothes Dryers. Standby power shall be provided for common exhaust systems for clothes dryers located in multistory structures in accordance with the International Mechanical Code, Section 504.10, Item 7.

1203.2.25 Hydrogen Cutoff Rooms. Standby power shall be provided for mechanical ventilation and gas detection systems of Hydrogen Cutoff Rooms in accordance with the International Building Code, Section 421.

1203.2.26 Means of Egress Illumination in Existing Buildings. Emergency power shall be provided for means of egress illumination in accordance with Section 1104.5 when required by the fire code official. (90 minutes in I-2, 60 minutes elsewhere.)

1203.3 through 1203.6 {No change}

1203.7 Energy Time Duration. Unless a time limit is specified by the fire code official, in this chapter or elsewhere in this code, or in any other referenced code or standard, the emergency and standby power system shall be supplied with enough fuel or energy storage capacity for not less than 2-hour full-demand operation of the system.

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

Section 2304.1; change to read as follows:

2304.1 Supervision of Dispensing. The dispensing of fuel at motor fuel-dispensing facilities shall be in accordance with the following:

1. Conducted by a qualified attendant; and/or, 2. Shall be under the supervision of a qualified attendant; and/or

3. Shall be an unattended self-service facility in accordance with Section 2304.3.

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

Section 2401.2; delete this section.

Section 3103.3.1; delete this section.

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

h. Where storage areas are protected by either early suppression fast response (ESFR) sprinkler systems or control mode special application sprinklers with a response time index of 50 (m • s) ¹/₂ or less that are listed to control a fire in the stored commodities with 12 or fewer sprinklers, installed in accordance with NFPA 13, manual smoke and heat vents or manually activated engineered mechanical smoke exhaust systems shall be required within these areas.

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

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

Section 3310.1; add sentence to end of paragraph to read as follows:

When fire apparatus access roads are required to be installed for any structure or development, they shall be approved prior to the time at which construction has progressed beyond completion of the foundation of any structure. Completion of the access road includes striping.

Section 5003.2.2.1 Design and Construction change #3 and #4 and add #6 to read as follows:

3. Automatic fail-safe emergency shutoff valves shall be installed on supply piping and tubing at the following locations:
{remainder of text unchanged}

4. Automatic emergency shutoff valves shall be identified and the location shall be clearly visible, accessible and indicated by means of a sign.

6. Bulk tank installations over 2,000 pounds will require an engineered foundation and construction permit per the 2018 International Building Code. Three complete sets of structural drawings, specifications and analysis (calculations) shall be provided and shall bear the seal of a licensed Texas professional engineer.

Section 5003.3.1.4 Responsibility for cleanup shall be amended by deleting Section 5003.3.1.4 Responsibility for cleanup in the IFC and replacing it with the following:

The person, firm or corporation, responsible for an unauthorized discharge or hazardous condition shall institute and complete all actions necessary to remedy the effects of such unauthorized discharge, whether sudden or gradual, at no cost to the jurisdiction. When deemed necessary, by the fire code official, cleanup may be initiated by the fire department, or by an authorized individual or firm. Costs associated with such cleanup shall be borne by the owner, operator, or other person responsible for the unauthorized discharge. Any costs associated with a fire department response to accomplish control and mitigation of an unauthorized discharge may be charged back to the person, firm, or corporation responsible for the release.

Section 5004.10 Supervision and monitoring. Shall be amended to read as follows:

Emergency alarm, detection and automatic fire-extinguishing systems required by Section 5004 shall be electrically supervised and monitored by an approved supervising station or, where approved, shall initiate an audible and visual signal at a constantly attended location. In buildings with a monitored sprinkler or fire alarm/detection system, the carbon dioxide (CO²) emergency alarm system shall be connected to the building fire alarm control panel. A fire alarm permit is required per the DCESD1 Fire Code.

Section 5601.1.3; change to read as follows:

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

Exceptions:

1. Only when approved for fireworks displays, storage, and handling of fireworks as allowed in Section 5604 and 5608.
2. The use of fireworks for approved fireworks displays as allowed in Section 5608.
{Delete remainder of text.}

Section 5703.6; add a sentence to read as follows:

5703.6 Piping Systems. Piping systems, and their component parts, for flammable and combustible liquids shall be in accordance with Sections 5703.6.1 through 5703.6.11. An approved method of secondary containment shall be provided for underground tank and piping systems.

Section 5704.2.9.5; change Section 5704.2.9.5 and add Section 5704.2.9.5.3 to read as follows:

5704.2.9.5 Above-ground Tanks Inside of Buildings. Above-ground tanks inside of buildings shall comply with Section 5704.2.9.5.1 and 5704.2.9.5.2 through 5704.2.9.5.3.
5704.2.9.5.1 {No change.}
5704.2.9.5.2 {No change.}

Section 5704.2.9.5.3 Combustible Liquid Storage Tanks Inside of Buildings.

1. The maximum aggregate allowable quantity limit shall be 3,000 gallons (11 356 L) of Class II or III combustible liquid for storage in protected aboveground tanks complying with Section 5704.2.9.7 when all of the following conditions are met:
2. The entire 3,000 gallon (11 356 L) quantity shall be stored in protected above-ground tanks;
The 3,000 gallon (11 356 L) capacity shall be permitted to be stored in a single tank or multiple smaller tanks;
3. The tanks shall be located in a room protected by an automatic sprinkler system complying with Section 903.3.1.1; and
4. Tanks shall be connected to fuel-burning equipment, including generators, utilizing an approved closed piping system.

The quantity of combustible liquid stored in tanks complying with this section shall not be counted towards the maximum allowable quantity set forth in Table 5003.1.1(1), and such tanks shall not be required to be located in a control area. Such tanks shall not be located more than two stories below grade.

Section 5704.2.9.6.1 shall be amended to read as follows:

5704.2.9.6.1 Locations where above ground tanks are prohibited. The storage of Class I and Class II liquids in permanent above ground tanks outside of buildings is prohibited within the Roanoke City Limits unless approved by Special Use Permit and with approval of the Fire Marshal.

Section 5704.2.11.4; add a sentence to read as follows:

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

Section 5704.2.11.4.2; change to read as follows:

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.

Section 5704.2.11.4.3; add Section 5704.2.11.4.3 to read as follows:

5704.2.11.4.3 Observation Wells. Approved sampling tubes of a minimum 4 inches in diameter shall be installed in the backfill material of each underground flammable or combustible liquid storage tank. The tubes shall extend from a point 12 inches below the average grade of the excavation to ground level and shall be provided with suitable surface access caps. Each tank site shall provide a sampling tube at the corners of the excavation with a minimum of 4 tubes. Sampling tubes shall be placed in the product line excavation within 10 feet of the tank excavation and one every 50 feet routed along product lines towards the dispensers, a minimum of two are required.

Delete Section 5707 Mobile Refueling in its entirety.

Section 6103.2.1; add Section 6103.2.1.8 to read as follows:

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

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

Exceptions:

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

Section 6104.3; add Section 6104.3.3 to read as follows:

6104.3.3 Spas, Pool Heaters, and Other Listed Devices. LP-gas containers are 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. Installation shall be in accordance with the Texas Administrative Code Title 16, Part 1, Chapter 9, Subchapter B.

Exception: Lots where LP-gas can be off-loaded wholly on the property where the tank is located may install up to 500 gallon above ground or 1,000 gallon underground approved containers.

Section 6107.4 and 6109.13; change to read as follows:

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

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

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

Appendix C103.1 Hydrant Spacing; shall be amended to read as follows and C103.2 and C103.3 shall be deleted:

C103 Fire Hydrant Spacing.

1. Commercial and Industrial Areas

- a. Fire hydrants shall be located no more than a five hundred foot (500') truck hose lay distance to all points of any structure or combustible storage area on the lot.
- b. Fire hydrants located on the opposite side of a street, designated as four lanes or larger on the current Master Thoroughfare Plan, shall not be considered acceptable for meeting hydrant coverage requirements.
- c. Fire hydrants shall be positioned to allow truck hose lays to follow normal traffic access to the site.
- d. Fire hydrants shall be spaced at no more than three hundred foot (300') intervals.

2. Residential Areas

- a. Fire hydrants shall be placed on block corners or near the center of the block to place every structure within a five hundred foot (500') truck hose lay distance from fire hydrant coverage.
- b. Fire hydrants located on the opposite side of a street, designated as four lanes or larger on the current City Thoroughfare Plan, shall not be considered acceptable for meeting hydrant coverage requirements.
- c. Fire hydrants shall be positioned to allow truck hose lays to follow normal traffic access to the site.
- d. Fire hydrants shall be spaced at no more than five hundred foot (500') intervals.

Appendix C104 Hydrant Spacing, shall be deleted entirely.

Appendix D103.5 Fire apparatus access road gates shall be amended to read as follows:

1. Where a single gate is provided, the gate width shall be not less than 24 feet. Where a fire apparatus access road consists of a divided roadway, the gate width shall be not less than 16 feet.

Appendix L

A Firefighter Air Replenishment System (FARS) will be required in all buildings/occupancy types that are 5 stories or more in height or 500,000 square feet or

greater in area under roof. See Appendix L of 2018 International Fire Code for all requirements.

Fire Department Address Guide for All Properties

Single Family Homes

Minimum 4" high, 5/8" contrasting numbers

Multi Family Communities (Apartments, condos, townhouses)

Street Address:

Minimum 12" high numbers with a 2" stroke with contrasting background.

- **12" high numbers with a 2" stroke are only acceptable when placed within approximately 75' of the road in which the property is addressed.**

Building Numbers:

Minimum 18" high numbers with a 3" stroke with contrasting background

- Buildings under 100' long: a minimum of one number per building.
- Buildings over 100' in length require a minimum of two numbers per building.

Apartment Spread Numbers/ Corridor Spread Numbers:

- Apartment spread numbers are to be a minimum 7" high numbers with a 1" stroke with contrasting background.
- Corridor spread numbers are to be a minimum 4" high number with a 5/8" brush stroke with contrasting background.
- Number example format:
301-310 3rd Floor
201-210 2nd Floor
101-110 1st Floor

Apartment Numbers:

Minimum 4" high numbers with a 5/8" stroke with contrasting background and visible from access road.

Large Office and Warehouse Buildings

Minimum 24" high numbers with a 4" stroke with contrasting background.

Address must be visible from all access directions.

- Buildings over 500' long will have two address locations if more than one access point is visible.
- Suite numbers are required for multi tenant complexes and shall be located over the **front door and on the rear door** with a 6" high x 1" brush stroke.

Shopping Centers, High Rise Buildings and Other Applications

Minimum 12" high numbers with a 2" stroke with contrasting background. Be visible from all access directions. Suite numbers are required over the door with a 6" high x 1" brush stroke.

- Buildings beyond 100' from the street and 10,000 square feet or more would need to install 18" x 3' address numbers.

Marquee and Monument

Addresses installed on a marquee or monument located next to the street will require numbers 12" high x 2" brush stroke to be located a minimum of 3 feet above grade. Numbers shall contrast with the background.

APPENDIX P PERMIT FEES

Section P105 General.

P101.1 The Town of Northlake shall collect the approved fees for inspections, annual permits, and other related permits as required by this Ordinance.

P101.2 Fire code construction permit fees shall be based on the contracted value of the work being permitted. Fees are as stated in the approved fee schedule and adopted by the Town. When a permit is required, the permit fee shall be doubled when work or construction has occurred without obtaining the appropriate permits.

P101.3 Fire Code operational permit fees shall be annual and due on the anniversary date of the permit issue, unless otherwise indicated on the permit.

P101.4 Payment of annual permit fees shall be the responsibility of the property owner, business owner/manager, contractor, or other responsible individual as applicable.

P101.5 The Fire Marshal may request copies of bid documents or other items to verify the estimated cost of construction when calculating permit fees.

P101.6 A permit application shall be submitted to the Development Services Department and must have detailed construction plans one (1) digital pdf copy and a copy of the applicant's State license as applicable attached to the application.

P101.7 Contractor documentation. Anyone desiring to do work for which a construction permit is required shall be required to provide certain documentation to the Development Services Department. Such documentation shall include, but not be limited to, a copy of all applicable State licenses and contact information.

P101.8 Work shall not begin on any construction requiring a fire code permit before the permit is obtained unless approved by the Fire Marshal.

P101.9 Inspection requests. It shall be the duty of the permit holder or their duly authorized agent to notify the fire code official when work is ready for inspection. It shall be the duty of the permit holder to provide access to and means for inspections of such work that are required by this Code.

P101.10 Approval required. Work shall not be done beyond the point indicated in each successive inspection without first obtaining the approval of the fire code official. The fire code official, upon notification, shall make the requested inspections and shall either indicate the portion of the construction that is satisfactory as completed, or notify the permit holder or his or her agent wherein the same fails to comply with this Code. Any

portions that do not comply shall be corrected and such portion shall not be covered or concealed until authorized by the fire code official.

P102 Required construction permits. For any and all new installations, and modifications to existing fire and life safety systems, including but not limited to **Sections P102.1 through P102.16** of this document and, **Section 105 Permits, of the 2018 Edition of the International Fire Code**. A construction permit issued by the Fire Marshal shall be required for work as set forth in the above referenced Sections.

P102.1 Automatic fire-extinguishing systems. The permit fee for the installation of or modification to any residential or commercial automatic fire-extinguishing system required by Section 105.7.1 and Section 903 as amended and adopted, shall be determined by the cost of construction and the fee shall be calculated based on the fee schedule as required by the most recent ordinances of the Town of Northlake.

P102.2 Battery Systems. The permit fee for the installation of stationary battery systems required by Section 105.7.2 shall be determined by the cost of construction and the fee shall be calculated based on the fee schedule as required by the most recent ordinances of the Town of Northlake.

P102.3 Compressed gases. The permit fee to install, repair damage to, abandon, remove, place temporarily out of service, or close or substantially modify a compressed gas system required by Section 105.7.4 shall be determined by the cost of construction and the fee shall be calculated based on the fee schedule as required by the most recent ordinances of the Town of Northlake.

P102.4 Cryogenic fluids. The permit fee for the installation of or alteration to outdoor stationary cryogenic fluid storage systems required by Chapter 55 and Section 105.7.5 shall be determined by the cost of construction and the fee shall be calculated based on the fee schedule as required by the most recent ordinances of the Town of Northlake.

P102.5 Fire alarm and detection systems and related equipment. The permit fee for the installation of or modification to fire alarm and detection systems and related equipment required by Section 105.7.7 shall be determined by the cost of construction and the fee shall be calculated based on the fee schedule as required by the most recent ordinances of the Town of Northlake.

P102.6 Fire pumps and related equipment. The permit fee for the installation of or modification to fire pumps and related fuel tanks, jockey pumps, controllers, and generators required by Section 105.7.8 shall be determined by the cost of construction and the fee shall be calculated based on the fee schedule as required by the most recent ordinances of the Town of Northlake.

P102.7 Flammable and combustible liquids. The permit fee for the installation of or repair or modification to a pipeline, tank, or other such items required by Section 105.7.9 shall be determined by the cost of construction and the fee shall be calculated based on the fee schedule as required by the most recent ordinances of the Town of Northlake.

P102.8 Hazardous materials. The permit fee for the installation, repair, abandonment, removal, closure, or modification to a storage facility or other area regulated by Chapter 50 as required by Section 105.7.13 shall be determined by the cost of construction and the fee shall be calculated based on the fee schedule as required by the most recent ordinances of the Town of Northlake.

P102.9 Industrial ovens. The permit fee for the installation of industrial ovens covered by Chapter 30 as required by Section 105.7.15 shall be determined by the cost of construction and the fee shall be calculated based on the fee schedule as required by the most recent ordinances of the Town of Northlake.

P102.10 LP-gas. The permit fee for the installation of or modification to an LP-gas system required by Section 105.7.16 shall be determined by the cost of construction and the fee shall be calculated based on the fee schedule as required by the most recent ordinances of the Town of Northlake.

P102.11 Spraying or dipping. The permit fee for the installation of or modification to a spray room, dip tank or booth required by Section 105.7.23 shall be determined by the cost of construction and the fee shall be calculated based on the fee schedule as required by the most recent ordinances of the Town of Northlake.

P102.12 Standpipe systems. The permit fee for the installation of, modification to or removal from service of a standpipe system required by Section 105.7.24 shall be determined by the cost of construction and the fee shall be calculated based on the fee schedule as required by the most recent ordinances of the Town of Northlake.

P102.13 Smoke control or exhaust systems. The permit fee for the installation of or modification to a smoke control or exhaust system required by Section 105.7.20 shall be determined by the cost of construction and the fee shall be calculated based on the fee schedule as required by the most recent ordinances of the Town of Northlake.

P102.14 Electronic access control systems. The permit fee for the installation of or modification to an electronic access control system as described in Section 105.7.26 shall be determined by the cost of construction and the fee shall be calculated based on the fee schedule as required by the most recent ordinances of the Town of Northlake.

P102.15 Gates across fire lanes. A permit is required for the installation of controlled access gates across required fire lanes as described in Section 105.7.12. The permit fee for the installation of or modification to controlled access gates across required fire lanes

shall be determined by the cost of construction and the fee shall be calculated based on the fee schedule as required by the most recent ordinances of the Town of Northlake.

P102.16 Tent and Membrane Structures. The permit fee for the installation of a tent or membrane structure as described in Section 105.6.45 shall be determined by the cost of construction and the fee shall be calculated based on the fee schedule as required by the most recent ordinances of the Town of Northlake.

P102.17 Fireworks Displays. A permit is required for the display of Fireworks as described in Section 5601.1.3 and Section 5608. The permit fee for fireworks displays shall be calculated based on the fee schedule as required by the most recent ordinances of the Town of Northlake.

NORTHLAKE MAYOR AND COUNCIL COMMUNICATION

DATE: NOVEMBER 12, 2020

REF. DOC.: NORTHLAKE CODE OF ORDINANCES, APPENDIX A FEE SCHEDULE,
NORTHLAKE CODE OF ORDINANCES, CHAPTER 12, SECTION 1.08.008



SUBJECT: UTILITY FEES AND CONSERVATION PENALTIES

GOALS/OBJECTIVES:

- Systematically Invest in Infrastructure (Council Goal)
- Responsibly Manage Growth (Council Goal)

BACKGROUND INFORMATION:

- During the utility rate study, updates to water ordinance and fee schedule identified
- Corrections related to water stages
 - o Reconcile water stage language between Chapter 12 and the fee schedule
- Billing efficiency changes
 - o \$10 charge for failure to provide billing stub when homebuilders pay on multiple accounts
 - o Waiving of credit card fees to encourage use and increase payment processing efficiency
- Billing reductions due to leaks or pools
 - o Ability to reduce billed consumption when filling a pool during winter averaging months
 - o Wholesale charge for water for higher consumption due to a leak

COUNCIL DIRECTION:

- Approve proposed changes to water conservation and fees schedule



TOWN OF NORTHLAKE, TEXAS
OFFICIAL ORDINANCE

NO. 20-1112C

AN ORDINANCE OF THE TOWN OF NORTHLAKE, TEXAS AMENDING THE CODE OF ORDINANCES, TOWN OF NORTHLAKE, TEXAS AND APPENDIX "A," "FEE SCHEDULE," TO THE CODE OF ORDINANCES, TOWN OF NORTHLAKE, TEXAS; PROVIDING WATER AND SANITARY SEWER SERVICE FEE UPDATES; AMENDING PROVISIONS RELATED TO WATER MANAGEMENT STAGES; PROVIDING THAT THIS ORDINANCE IS CUMULATIVE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A PENALTY CLAUSE; PROVIDING A SAVINGS CLAUSE; PROVIDING FOR PUBLICATION; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Town of Northlake, Texas is a Type A general-law municipality located in Denton County, created in accordance with the provisions of Chapter 6 of the Local Government Code and operating pursuant to the enabling legislation of the State of Texas; and

WHEREAS, the Town has previously established and promulgated the Town of Northlake's Fee Schedule to include various fees to include, without limitation: Building and Construction Fees; Temporary Vending Fees; Business Related Fees; Cost Recovery Fee Schedule; Development Application Fees; Public Works/Engineering Fees; Health Related Fees; Overweight Vehicle Permit Fees; Miscellaneous Fees; Fire and Public Safety Related Fees; Animal Control Fees; and Municipal Court Fees; and

WHEREAS, the Town Council has determined that the fees outlined in the Fee Schedule related to cost recovery for water and sewer service should be updated to reflect the currently applicable fees; and

WHEREAS, the Town Council has reviewed the proposed amendments to the Fee Schedule and hereby finds and determines that the amendments as set out herein are in the best interest of the Town of Northlake and promote the health and safety of the citizens of Northlake and the public at large.

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

SECTION 1.
AUTHORITY

This Ordinance is adopted pursuant to the police powers and authority given to general law cities by the constitution, codes, and general laws of the State of Texas, including but not limited to Chapters 51 and 552 of the Texas Local Government Code and Chapter 13 of the Texas Water Code.



TOWN OF NORTHLAKE, TEXAS
OFFICIAL ORDINANCE

SECTION 2.
PURPOSE

The purpose of this Ordinance is to provide for public health and general welfare, the efficient and effective provision of Town services and the protection of the environment and natural resources of the community. From and after the passage of this Ordinance all residential, business, commercial, and industrial occupancies and uses within the Town and to areas outside the Town within its service area shall conform to the following.

SECTION 3.
FINDINGS OF FACT

The foregoing findings and recitations set out in the preamble of this Ordinance are found to be true and correct and that they are hereby adopted by the Town Council and made a part hereof for all purposes as findings of fact.

SECTION 4.
ADMINISTRATIVE PROCESSING FEES

Subsection A4.001(b), "Miscellaneous Fees," of Section A4.001, "Water and sanitary sewer fee schedule," of Article A4.000, "Water and Sanitary Sewer Service Fees," of Appendix A, the Town of Northlake's Fee Schedule, is hereby amended to add Subsection A4.001(b)(6)- Subsection A4.001(b)(9) to read as follows:

(6) Administrative processing fee: \$10.00 per account to be charged when a customer fails to provide and fill out the applicable payment stub when paying by check on multiple utility accounts.

(7) Credit card fees: waived and paid for by the utility

(8) Filling a pool during Winter Averaging: A residential customer may be entitled to a consumption adjustment in the determination of winter averaging and subject to the following:

- (a) The customer must provide approved permit for the pool;
- (b) The customer must provide plans showing the volume of the pool;
- (c) Only one month's billing may be considered for adjustment;
- (d) The adjustment will not exceed the volume of the pool;
- (e) The adjustment will remove the volume capacity of the pool from the consumption total of the month during the winter average period;
- (f) The total adjustment cannot lessen the total monthly consumption than that of the prior monthly consumption;



TOWN OF NORTHLAKE, TEXAS
OFFICIAL ORDINANCE

(g) A resident may only receive one adjustment within a year period.

(9) Leak adjustment: A residential customer may be entitled to a billing adjustment upon providing proof of repairing a water leak in plumbing or water distributions lines on the customer side of the meter subject to the following:

- (a) Only one month's billing may be considered for adjustment;
- (b) The water use for the month during which the leak was found to exist must exceed a seasonal average by at least 50 percent;
- (c) The seasonal average may be established by using water use in months preceding or the corresponding three months of previous years, or any combination thereof;
- (d) The customer must provide to the town proof the water leak has been repaired;
- (e) The billing adjustment will charge the current rate for the seasonal average, and the wholesale rate for consumption above the seasonal average;
- (f) A resident may only receive one leak adjustment within a two-year period.

SECTION 5.

HIGH WATER USAGE DURING WATER MANAGEMENT STAGES

Section A4.002, "High Water Usage During Water Management Stages," of Article A4.000, "Water and Sanitary Sewer Service Fees," of Appendix A, the Town of Northlake's Fee Schedule, is hereby amended to read as follows:

"Section A4.002 High Water Usage During Water Management Stages.

- a) Stage 1: 10% rate increase for commercial irrigation and residential water meters with readings greater than 45,000 gallons per month, per account.
- (b) Stage 2: 20% rate increase for commercial irrigation and residential water meters with readings greater than 45,000 gallons per month, per account.
- (c) Stage 3: 20% rate increase for commercial irrigation and residential water meters with readings greater than 30,000 gallons per month, per account."

SECTION 6.

WATER MANAGEMENT STAGES



TOWN OF NORTHLAKE, TEXAS
OFFICIAL ORDINANCE

Subsection 12.08.008(d)(2)(B)(i)(e) of Section 12.08.008, "Water Management Stages," of Article 12.08, "Water Conservation," of Chapter 12, "Utilities, of the Code of Ordinances, Town of Northlake, Texas is hereby added to read as follows:

"Section 12.08.008 Water Management Stages.

(d) Stage 3. Water emergency.

(2) Actions available. Applied locally or to all customers, as necessary; some or all may be initiated:

(B) Begin additional mandatory water use restrictions as follows:

(i) Prohibit residential and commercial landscape watering with the following exceptions:

e. A 20% rate increase shall be initiated for high water usage (commercial irrigation or residential meters with readings greater than 30,000 gallons per month, per account).

****"

SECTION 7.
EFFECTIVE DATE OF FEES

The fees established in this Ordinance shall supersede all prior adopted rates and fees and shall become effective on December 1, 2020.

SECTION 8.
CUMULATIVE CLAUSE



TOWN OF NORTHLAKE, TEXAS
OFFICIAL ORDINANCE

This Ordinance shall be cumulative of all provisions of ordinances of the Town of Northlake, Texas except where the provisions of this Ordinance are in direct conflict with the provisions of such ordinances, in which event the conflicting provisions of such ordinances are hereby repealed.

SECTION 9.
SEVERABILITY CLAUSE

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

SECTION 10.
PENALTY CLAUSE

That any person, firm, or corporation violating any of the provisions or terms of this Ordinance shall upon conviction be punished by a fine not to exceed the sum of Five Hundred Dollars (\$500.00) for each offense, and each and every day such violation shall continue shall be deemed and constitute a separate offense.

SECTION 11.
SAVINGS CLAUSE

All rights and remedies of the Town of Northlake are expressly saved as to any and all violations of the provisions of the Code of Ordinance of the Town of Northlake, as amended, or any other ordinances affecting water and sewer rates 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 12.
PUBLICATION

The Town Secretary is hereby directed to publish the caption and penalty clauses as required by Section 52.011 of the Texas Local Government Code.



TOWN OF NORTHLAKE, TEXAS
OFFICIAL ORDINANCE

SECTION 13.
EFFECTIVE DATE

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

PASSED, APPROVED AND ADOPTED by the Town Council on this the 12th day of November 2020.

Town of Northlake, Texas

David Rettig, Mayor

Attest:

Shirley Rogers, Town Secretary

Approved as to form:

Ashley Dierker, Town Attorney

TOWN OF NORTHLAKE COUNCIL ITEM NO. 6

DATE: NOVEMBER 12, 2020

ITEM: EXECUTIVE SESSION



TOWN OF NORTHLAKE COUNCIL ITEM NO. 7

DATE: NOVEMBER 12, 2020

ITEM: OPEN SESSION



TOWN OF NORTHLAKE COUNCIL ITEM NO. 8

DATE: NOVEMBER 12, 2020

ITEM: ADJOURNMENT

