

**NOTICE OF REGULAR CITY COUNCIL MEETING
CITY OF TOMBALL, TEXAS**



MONDAY, NOVEMBER 18, 2019

6:00 P.M.

Notice is hereby given of a meeting of the Tomball City Council, to be held on Monday, November 18, 2019 at 6:00 P.M., City Hall, 401 Market Street, Tomball, Texas 77375, for the purpose of considering the following agenda items. All agenda items are subject to action. The Tomball City Council reserves the right to meet in a closed session for consultation with attorney on any agenda item should the need arise and if applicable pursuant to authorization by Title 5, Chapter 551, of the Texas Government Code.

1.0 Call to Order

2.0 Invocation

- Led by Pastor Salvatore Sberna III - People Church

3.0 Pledges to U.S. and Texas Flags

4.0 Public Comments and Receipt of Petitions *[At this time, anyone will be allowed to speak on any matter other than personnel matters or matters under litigation, for length of time not to exceed three minutes. No Council/Board discussion or action may take place on a matter until such matter has been placed on an agenda and posted in accordance with law.]*

5.0 Presentations:

- Pastor Brandon Guindon and Members of Real Life Ministries TX - Donation to Tomball Legacy Fund for Kids Club Program

6.0 Reports and Announcements

- November 22, 2019 – **Christmas Tree Lighting at the Depot** – 7:00 p.m.
- November 23, 2019 – **Tomball Holiday Parade**
- November 28-29, 2019 – **Thanksgiving Holiday** – City offices closed
- December 7, 2019 – **“Deck the Depot”** – a **2nd Saturday at the Depot** Event, 10:00 a.m.-3:00 p.m.
- December 13-15, 2019 – **Tomball German Christmas Market**
- December 24-25, 2019 – **Christmas Holidays** – City offices closed
- January 1, 2020 – **New Year’s Day Holiday** – City offices closed
- Reports by City staff and members of council about items of community interest on which no action will be taken:
 - Mike Baxter - Report on the Success of **"Depot Day"**

7.0 Approve the Minutes of the November 4, 2019 Regular Tomball City Council Meeting

8.0 Old Business Consent Agenda: *[All matters listed under Consent Agenda are considered to be routine and will be enacted by one motion. There will be no separate discussion of these items. If discussion is desired, the item in question will be removed from the Consent Agenda and will be considered separately. Information concerning Consent Agenda items is available for public review.]*

8.1 Adopt on Second Reading, Ordinance No. 2019-31, an Ordinance of the City of Tomball, Texas, Amending Chapter 10, Buildings and Building Regulations, of the Code of Ordinances by Amending Certain Sections of Chapter 10, “Buildings and Building Regulations,” to Adopt More Recent Editions of Construction Codes Published by The International Code Council and National Fire Protection Association; Adopting The Property Maintenance Code; Providing for a Penalty of an Amount Not to Exceed \$2,000 for Each Violation of Any Provision Hereof; and Making Other Provisions Related to the Subject

8.2 Adopt, on Second Reading, Ordinance No. 2019-32, an Ordinance of the City of Tomball, Texas, Amending Chapter 20, “Fire Prevention and Protection”, of the Code of Ordinances by Amending Sections 20-25, 20-26, 20-28, and 20-48 and Adopting the 2015 Edition of The International Fire Code as published by The International Code Council and The 2015 Edition of The Life Safety Code as published by The National Fire Protection Association; Providing for a Penalty Not to Exceed \$2,000 for Each Violation of Any Provision Hereof; and Making Other Provisions Related to the Subject

9.0 New Business:

9.1 Appoint/Reappoint Members to Positions 3, 6, and 9 of the Tourism Advisory Committee Board, for Terms expiring December 5, 2019

9.2 Receive Update regarding the Fire Department Statue and Accept Donation of the Statue at Central Fire Station 1

9.3 Presentation by D.R. Horton (DHI Communities) Regarding a Proposed Mixed Use Development Along FM 2920

10.0 Adjournment

C E R T I F I C A T I O N

I hereby certify that the above notice of meeting was posted on the bulletin board of City Hall; City of Tomball, Texas, a place readily accessible to the general public at all times, on the 14th day of November 2019 by 5:00 p.m., and remained posted for at least 72 continuous hours proceeding the scheduled time of said meeting.

Doris Speer

Doris Speer
City Secretary, TRMC

This facility is wheelchair accessible and accessible parking spaces are available. Requests for accommodations or interpretive services must be made 48 hours prior to this meeting. Please feel free to contact the City Secretary's office at (281) 290-1002 or FAX (281) 351-6256 for further information.

AGENDAS MAY ALSO BE VIEWED ONLINE AT www.ci.tomball.tx.us.

Regular City Council
Agenda Item
Data Sheet

Meeting Date: November 18, 2019

Topic:

- Led by Pastor Salvatore Sberna III - People Church

Background:

Origination:

Recommendation:

Party(ies) responsible for placing this item on agenda:

ACTION TAKEN		
Approval ☐ Yes ☐ No	Readings Passed ☐ 1 st ☐ 2 nd	Other

Regular City Council

Agenda Item

Data Sheet

Meeting Date: November 18, 2019

Topic:

- Pastor Brandon Guindon and Members of Real Life Ministries TX - Donation to Tomball Legacy Fund for Kids Club Program

Background:

Real Life Ministries TX is making a donation in support of the Tomball Kids Club Summer Program.

As part of their First Fruits Offering for 2019, Real Life Ministries TX is making a donation to directly support the Tomball Kids Club Summer Program.

Origination:

City Manager

Recommendation:

Accept donation to the Tomball Legacy Fund to support Kids Club Summer Program.

Party(ies) responsible for placing this item on agenda:

Robert S. Hauck

ACTION TAKEN

Approval ☐ Yes ☐ No	Readings Passed ☐ 1 st ☐ 2 nd	Other
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Regular City Council

Agenda Item

Data Sheet

Meeting Date: November 18, 2019

Topic:

- November 22, 2019 – **Christmas Tree Lighting at the Depot** – 7:00 p.m.
- November 23, 2019 – **Tomball Holiday Parade**
- November 28-29, 2019 – **Thanksgiving Holiday** – City offices closed
- December 7, 2019 – **“Deck the Depot”** – a **2nd Saturday at the Depot** Event, 10:00 a.m.-3:00 p.m.
- December 13-15, 2019 – **Tomball German Christmas Market**
- December 24-25, 2019 – **Christmas Holidays** – City offices closed
- January 1, 2020 – **New Year’s Day Holiday** – City offices closed
- Reports by City staff and members of council about items of community interest on which no action will be taken:
 - Mike Baxter - Report on the Success of *"Depot Day"*

Background:

Origination:

Various

Recommendation:

N/A

Party(ies) responsible for placing this item on agenda:

City Secretary

ACTION TAKEN

Approval	Readings Passed	Other
☐ Yes ☐ No	☐ 1 st ☐ 2 nd	

Regular City Council
Agenda Item
Data Sheet

Meeting Date: November 18, 2019

Topic:
Approve the Minutes of the November 4, 2019 Regular Tomball City Council Meeting

Background:

Origination:
City Secretary

Recommendation:
Approve

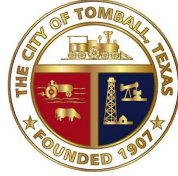
Party(ies) responsible for placing this item on agenda:
City Secretary

ACTION TAKEN		
Approval ☐ Yes ☐ No	Readings Passed ☐ 1 st ☐ 2 nd	Other

ATTACHMENTS:

Draft Minutes of the November 4, 2019 Regular Tomball City Council Meeting

**MINUTES OF REGULAR CITY COUNCIL MEETING
CITY OF TOMBALL, TEXAS**



**MONDAY, NOVEMBER 4, 2019
6:00 P.M.**

1.0 Meeting was called to order at by Mayor Pro Tem Townsend. Other members present:

Councilman Ford
Councilman Stoll
Councilman Degges
Councilman Klein Quinn

Members absent:

Mayor Fagan - Excused

Others present:

City Manager – Robert Hauck
Assistant City Manager – David Esquivel
City Secretary – Doris Speer
City Attorney – Loren B. Smith
Director of Public Works – Beth Jones
Fire Chief – Randy Parr
Finance Director – Glenn Windsor
Director of Community Development – Craig Meyers
Fire Marshal – Joe Sykora
City Planner – Amelia Lindley
Assistant City Secretary – Tracy Garcia
Administrative Assistant-CSO – Sasha Luna
Community Events Coordinator – Denise Fiore
Community Center Manager – Rosalie Dillon
Building Official – Ken Cole
Police Lieutenant – Brandon Patin
Police Officer-Investigations – Cleo Thomas

2.0 The invocation was led by Pastor Kevin Bowles - Redeemer Church

3.0 Pledges to U. S. and Texas Flags were led by the Cub Scouts, Webelos, Pack 469.

4.0 No public comments were received.

5.0 Reports and Announcements:

- November 8, 2019 – ***Bicycle Rodeo*** – Heritage Plaza, 400 Market Street – 9:00 a.m.
- November 9, 2019 – **“Depot Day”** – 10:00 a.m.-5:00 p.m., a **National Model Railroad Month Celebration at the Depot - Tomball**
- November 22, 2019 – **Christmas Tree Lighting at the Depot** – 7:00 p.m.
- November 23, 2019 – **Tomball Holiday Parade**
- November 28-29, 2019 – **Thanksgiving Holiday** – City offices closed
- December 7, 2019 – **“Deck the Depot”** – a **2nd Saturday at the Depot** Event, 10:00 a.m.-3:00 p.m.
- December 13-15, 2019 – **Tomball German Christmas Market**
- December 24-25, 2019 – **Christmas Holidays** – City offices closed
- January 1, 2020 – **New Year’s Day Holiday** – City offices closed
- Reports by City staff and members of council about items of community interest on which no action will be taken:
 - Denise Fiore reported on the successes of **“Zomball in Tomball”**, the **8th Annual Tomball Bluegrass Festival**, and the **4th Annual Freight Train Food Truck Festival at the Depot**.

6.0 Motion was made by Councilman Stoll, second by Councilman Ford, to approve the Minutes of the October 21, 2019 Regular Tomball City Council Meeting.

Motion carried unanimously.

7.0 Old Business:

7.1 Motion was made by Councilman Klein Quinn, second by Councilman Stoll, to adopt, on Second Reading, Ordinance No. 2019-27, an Ordinance of the City of Tomball, Texas, Amending Chapter 50 (Zoning) of the Tomball Code of Ordinances by Changing the Zoning District Classification of Approximately 9.5 Acres of Land, Legally Described as Tract 1M Abstract 305C Goodrich, within the City of Tomball, Harris County, Texas, from the Agricultural District to the Light Industrial District; Said Property being generally located on the South Side of North Humble Lake Road at SH 249; Providing for the Amendment of the Official Zoning Map of the City; Providing for Severability; Providing for a Penalty of an Amount Not to Exceed \$2,000 for Each Day of Violation of Any Provision Hereof, Making Findings of Fact; and Providing for Other Related Matters. Vote was as follows:

Councilman Ford	<u>Aye</u>
Councilman Stoll	<u>Aye</u>
Councilman Degges	<u>Aye</u>
Councilman Townsend	<u>Aye</u>
Councilman Klein Quinn	<u>Aye</u>

Motion carried unanimously.

- 8.0 New Business Consent Agenda: *[All matters listed under Consent Agenda are considered to be routine and will be enacted by one motion. There will be no separate discussion of these items. If discussion is desired, the item in question will be removed from the Consent Agenda and will be considered separately. Information concerning Consent Agenda items is available for public review.]*

- 8.1 Approve Request by Concordia Lutheran High School for City Support of Their 2nd Annual ***Cruisin' Crusaders 5K Run/Walk*** at the Tomball Depot, to be Held on February 29, 2020, through In-Kind Services Provided by the City of Tomball
- 8.2 Approve Request by Tomball High School Athletic Booster Club for City Support of the Tomball High School Athletic Booster Club ***2nd Annual Scholarship Crawfish Boil***, Benefitting the Tomball High School Athletic Booster Club Scholarship Fund, to be Held on Saturday, April 4, 2020, from 4:00 p.m. to 8:00 p.m., through In-Kind Services Provided by the City of Tomball
- 8.3 Approve Resolution No. 2019-46, a Resolution of the City Council of the City of Tomball, Texas, Casting Its Ballot for the Election of a Person to the Board of Directors of the Harris County Appraisal District, and Cast the City's Ballot for Mike Sullivan

Motion was made by Councilman Ford, second by Councilman Stoll, to approve Items 8.1, 8.2 and 8.3 of the New Business Consent Agenda.

Motion carried unanimously.

- 9.0 New Business:

- 9.1 Ron Cox and Robert Hauck presented the City of Tomball 2020-2023 Strategic Management Plan. Motion was made by Councilman Stoll, second by Councilman Klein Quinn, to approve and adopt the City of Tomball 2020-2023 Strategic Management Plan as presented.

Motion carried unanimously.

- 9.2 Motion was made by Councilman Degges, second by Councilman Stoll, to approve the Mutual Termination of Land Lease and Museum Development Agreement between the City of Tomball and Gulf Coast Chapter – National Railway Historical Society, Inc., and Authorize the City Manager to Execute the Agreement.

Motion carried unanimously.

- 9.3 Motion was made by Councilman Stoll, second by Councilman Ford, to approve the Joint Participation Interlocal Agreement with Harris County for the Design of the Site Drainage and Grade Plan of the Texas Railroading Heritage Museum.

Motion carried unanimously.

- 9.4 Mayor Pro Tem Townsend opened the Public Hearing at 6:40 p.m. for the Purpose of Considering the Following Annexation: *Being an 0.8684-Acre (37,827 Square Feet) Tract of Land Out of and Part of Tomball Outlot 477, According to the Map or Plat Thereof Recorded in Volume 2, Page 65 of the Harris County Map Records, in the Jesse Pruett Survey, Abstract No. 629, Harris County, Texas, said 0.8684-Acre Tract Being all of that certain 1.00-Acre Tract Described in Deed Recorded under Harris County Clerk's File No. 20100242691, Save and Except a 0.1423-Acre Tract Called Parcel 10 for the Widening of Hufsmith-Kohrville Road Right-of-Way (22526 Hufsmith-Kohrville).*

Receiving no public comments, Mayor Pro Tem Townsend closed the Public Hearing at 6:40 p.m.

- 9.5 Motion was made by Councilman Ford, second by Councilman Stoll, to read Ordinance No. 2019-28 by caption only on First Reading.

Motion carried unanimously.

Motion was made by Councilman Ford, second by Councilman Stoll, to adopt, on First Reading, Ordinance No. 2019-28, an Ordinance of the City of Tomball, Texas, Extending the City Limits of Said City to Include All of the Territory Within Certain Limits and Boundaries and Annexing to the City of Tomball All of the Territory Within Such Limits And Boundaries; Approving a Service Plan for All of the Area Within Such Limits and Boundaries; Containing Other Provisions Relating to the Subject; and Providing a Savings and Severability Clause (*Being an 0.8684-Acre (37,827 Square Feet) Tract of Land Out of and Part of Tomball Outlot 477, According to the Map or Plat Thereof Recorded in Volume 2, Page 65 of the Harris County Map Records, in the Jesse Pruett Survey, Abstract No. 629, Harris County, Texas, Said 0.8684-Acre Tract Being All of That Certain 1.00-Acre Tract Described in Deed Recorded under Harris County*

Clerk's File No. 20100242691, Save and Except a 0.1423-Acre Tract Called Parcel 10 for the Widening of Hufsmith-Kohrville Road Right-of-Way – 22526 Hufsmith-Kohrville) Vote was as follows:

Councilman Ford	<u>Aye</u>
Councilman Stoll	<u>Aye</u>
Councilman Degges	<u>Aye</u>
Councilman Townsend	<u>Aye</u>
Councilman Klein Quinn	<u>Aye</u>

Motion carried unanimously.

- 9.6 Consideration to Approve **Zoning Case P19-124**: Request By Pedro Salazar To Amend Chapter 50 (Zoning) Of The Tomball Code Of Ordinances By Establishing The Zoning District Of Approximately One Acre Of Land As Commercial. The Property Is Legally Described As Tract 477E (6,197 SQ FT Easement) Tomball Outlots, And Is Located At The Northeast Corner Of Mahaffey Road And Hufsmith-Kohrville Road, Within Harris County, Texas.

- Conduct Public Hearing on **Zoning Case P19-124**

Mayor Pro Tem Townsend opened the Public Hearing at 6:44 p.m.

Receiving no public comments, Mayor Pro Tem Townsend closed the Public Hearing at 6:44 p.m.

- Motion was made by Councilman Stoll, second by Councilman Ford, to read Ordinance No. 2019-29 by caption only on First Reading.

Motion carried unanimously.

- Motion was made by Councilman Stoll, second by Councilman Ford, to adopt, on First Reading, Ordinance No. 2019-29, an Ordinance of the City of Tomball, Texas, Amending Chapter 50 (Zoning) of the Tomball Code of Ordinances by Establishing the Zoning District of Approximately One Acre of Land, Legally Described as Tract 477E (6,197 Sq Ft Easement) Tomball Outlots, Within the City of Tomball, Harris County, Texas, to the Commercial District; Said Property Being Generally Located at the Northeast Corner of Mahaffey Road and Hufsmith-Kohrville Road; Providing for the Amendment of the Official Zoning Map of the City; Providing for Severability; Providing for a Penalty of an Amount Not to Exceed \$2,000 for Each Day of Violation of Any Provision Hereof, Making Findings of Fact; and Providing for Other Related Matters (22526 Hufsmith-Kohrville). Vote was as follows:

Councilman Ford	<u>Aye</u>
Councilman Stoll	<u>Aye</u>
Councilman Degges	<u>Aye</u>
Councilman Townsend	<u>Aye</u>
Councilman Klein Quinn	<u>Aye</u>

Motion carried unanimously.

- 9.7 Motion was made by Councilman Stoll, second by Councilman Degges, to read Ordinance No. 2019-30 by caption only, on First and Final Reading.

Motion carried unanimously.

Motion was made by Councilman Klein Quinn, second by Councilman Stoll, to adopt, on First and Final Reading, Ordinance No. 2019-30, An Ordinance of the City Council of the City of Tomball, Texas, Authorizing the Issuance of City of Tomball, Texas, General Obligation Refunding Bonds, Series 2019; Levying a Tax in Payment Thereof; Authorizing the Issuance of the Bonds in Accordance with Specified Parameters; Authorizing the Redemption Prior to Maturity of Certain Outstanding Bonds; Approving the Preparation and Distribution of an Official Statement; and Enacting Other Provisions Relating Thereto; and Providing for the Effective Date. Vote was as follows:

Councilman Ford	<u>Aye</u>
Councilman Stoll	<u>Aye</u>
Councilman Degges	<u>Aye</u>
Councilman Townsend	<u>Aye</u>
Councilman Klein Quinn	<u>Aye</u>

Motion carried unanimously.

- 9.8 Mayor Pro Tem Townsend opened the Public Hearing of the City Council to Consider the Advisability of Adding Land to The Raburn Reserve Public Improvement District located within the City of Tomball at 6:52 p.m.

Receiving no public comments, Mayor Pro Tem Townsend closed the Public Hearing at 6:52 p.m.

- 9.9 Motion was made by Councilman Stoll, second by Councilman Ford, to approve Resolution No. 2019-45, an Amended and Restated Resolution of the City Council of the City of Tomball, Texas, Authorizing and Creating the Raburn Reserve Public Improvement District in the City of Tomball, Harris County, Texas, in Accordance

with Chapter 372 of the Texas Local Government Code; Providing for Related Matters; and Providing an Effective Date.

Motion carried unanimously.

- 9.10 Motion was made by Councilman Stoll, second by Councilman Degges, to read Ordinance No. 2019-31 by caption only on First Reading.

Motion carried unanimously.

Motion was made by Councilman Degges, second by Councilman Ford, to adopt, on First Reading, Ordinance No. 2019-31 an Ordinance of the City of Tomball, Texas, Amending Chapter 10, Buildings and Building Regulations, of the Code of Ordinances by Amending Certain Sections of Chapter 10, “Buildings and Building Regulations,” to Adopt More Recent Editions of Construction Codes Published by The International Code Council and National Fire Protection Association; Adopting The Property Maintenance Code; Providing for a Penalty of an Amount Not to Exceed \$2,000 for Each Violation of Any Provision Hereof; and Making Other Provisions Related to the Subject. Vote was as follows:

Councilman Ford	<u>Aye</u>
Councilman Stoll	<u>Aye</u>
Councilman Degges	<u>Nay</u>
Councilman Townsend	<u>Aye</u>
Councilman Klein Quinn	<u>Aye</u>

Motion carried, 4 votes Aye, 1 vote Nay.

- 9.11 Motion was made by Councilman Stoll, second by Councilman Ford, to read Ordinance No. 2019-32 by caption only on First Reading.

Motion carried unanimously.

Motion was made by Councilman Stoll, second by Councilman Degges, to adopt, on First Reading, Ordinance No. 2019-32 an Ordinance of the City of Tomball, Texas, Amending Chapter 20, “Fire Prevention and Protection”, of the Code of Ordinances by Amending Sections 20-25, 20-26, 20-28, and 20-48 and Adopting the 2015 Edition of The International Fire Code as published by The International Code Council and The 2015 Edition of The Life Safety Code as published by The National Fire Protection Association; Providing for a Penalty Not to Exceed \$2,000 for Each Violation of Any Provision Hereof; and Making Other Provisions Related to the Subject. Vote was as follows:

Councilman Ford	<u>Aye</u>
Councilman Stoll	<u>Aye</u>
Councilman Degges	<u>Aye</u>
Councilman Townsend	<u>Aye</u>
Councilman Klein Quinn	<u>Aye</u>

Motion carried unanimously.

- 9.12 Motion was made by Councilman Stoll, second by Councilman Degges, to accept the Dedication of a 0.0369-Acre Tract (1,608 Square Feet) of Land, Via Special Warranty Deed from Ernest Grandinetti, for the Construction of a Public Parking Lot at the Southeast Corner of Commerce Street and Cherry Street.

Motion carried unanimously.

- 9.13 Motion was made by Councilman Stoll, second by Councilman Klein Quinn, to approve the Purchase of one (1) Chevrolet Colorado Crew (4x4), one (1) Chevrolet Colorado Crew (2x4), two (2) Chevy Silverado 1500 Crew, one (1) Chevrolet 3500 Dual Rear Wheels, one (1) Chevrolet 2500 Double Cab, one (1) Chevrolet 3500 Crew Cab, and two (2) Police Interceptors through the State Buyboard Cooperative Purchasing Contract, in the amount of \$307,991.00.

Motion carried unanimously.

- 9.14 Motion was made by Councilman Stoll, second by Councilman Ford, to authorize the City Manager to Enter into an Interlocal Agreement with 1 Governmental Procurement Alliance (1GPA) for Purchasing Goods and Services.

Motion carried unanimously.

- 9.15 Motion was made by Councilman Stoll, second by Councilman Ford, to award Buy Board Contract Number 581-19 for Installation of Underground Electrical at Broussard Community Park, to B&C Constructors, in the Amount of \$175,126.38.

Motion carried unanimously.

- 9.16 Motion was made by Councilman Stoll, second by Councilman Klein Quinn, to award Buy Board Contract Number 581-19 for the construction of restroom and concession building at Broussard Community Park, to B&C Constructors, in the Amount of \$316,302.29.

Motion carried unanimously.

10.0 Motion was made by Councilman Stoll, second by Councilman Klein Quinn, to adjourn.

Motion carried unanimously.

Meeting adjourned at 7:53 p.m.

PASSED AND APPROVED this the 18th day of November 2019.

Doris Speer, TRMC, MMC
City Secretary

Gretchen Fagan
Mayor

Regular City Council

Agenda Item

Data Sheet

Meeting Date: November 18, 2019

Topic:

Adopt on Second Reading, Ordinance No. 2019-31, an Ordinance of the City of Tomball, Texas, Amending Chapter 10, Buildings and Building Regulations, of the Code of Ordinances by Amending Certain Sections of Chapter 10, "Buildings and Building Regulations," to Adopt More Recent Editions of Construction Codes Published by The International Code Council and National Fire Protection Association; Adopting The Property Maintenance Code; Providing for a Penalty of an Amount Not to Exceed \$2,000 for Each Violation of Any Provision Hereof; and Making Other Provisions Related to the Subject

Background:

City Staff is pursuing updates to existing building codes. The proposed updates include the following:

From 2012 International Building Code to 2015 International Building Code
From 2012 International Residential Code to 2015 International Residential Code
From 2012 International Mechanical Code to 2015 International Mechanical Code
From 2012 International Plumbing Code to 2015 International Plumbing Code
From 2011 National Electric Code to 2017 National Electric Code.

Over the past year, the City's Building Official and Building Inspectors have attended numerous training seminars on the updated codes. On June 4, 2013, a representative from the Insurance Services Office (ISO) met with Community Development staff to evaluate the Permits and Inspections Division utilizing the Building Code Effectiveness Grading Schedule (BCEGS). On June 13, 2013, ISO provided their results to the City (see attached letter dated June 13, 2013) which included the need to adopt the latest codes in order to maintain our existing Class 6 rating.

On April 14, 2014, the Planning and Zoning Commission voted unanimously to recommend approval to the proposed building code updates. Ordinance No. 2019-31 is presented, to adopt the updated building codes, as well as red-lined changes to Chapter 14, Buildings and Building Regulations.

Origination:

Community Development Department

Recommendation:

Approval

Party(ies) responsible for placing this item on agenda:

City Secretary

ACTION TAKEN

Approval ☐ Yes ☐ No	Readings Passed ☐ 1 st ☐ 2 nd	Other
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ATTACHMENTS:

Ordinance No. 2019-31
Presentation
IBC Update Letters
ISO Correspondence

ORDINANCE NO. 2019-31

AN ORDINANCE OF THE CITY OF TOMBALL, TEXAS, AMENDING CHAPTER 10, BUILDINGS AND BUILDING REGULATIONS, OF THE CODE OF ORDINANCES BY AMENDING CERTAIN SECTIONS OF CHAPTER 10, "BUILDINGS AND BUILDING REGULATIONS," TO ADOPT MORE RECENT EDITIONS OF CONSTRUCTION CODES PUBLISHED BY THE INTERNATIONAL CODE COUNCIL AND NATIONAL FIRE PROTECTION ASSOCIATION; ADOPTING THE PROPERTY MAINTENANCE CODE; PROVIDING FOR A PENALTY OF AN AMOUNT NOT TO EXCEED \$2,000 FOR EACH VIOLATION OF ANY PROVISION HEREOF; AND MAKING OTHER PROVISIONS RELATED TO THE SUBJECT.

* * * * *

WHEREAS, the Texas Legislature has adopted the 2000 International Residential Code, the 2017 National Electrical Code, the 2003 International Building Code, and the 2015 International Energy Conservation Code, as the construction codes of the State (Tex. Loc. Gov't Code §§ 214.212, 214.214 & 214.216; Tex. Health & Safety Code § 388.003); and

WHEREAS, the City of Tomball (the "City") may adopt more recent editions and local amendments to the construction codes;

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

Section 1. Section 10-21 of the Code of Ordinances, City of Tomball, Texas, ("City Code") is hereby amended by adding to Section 10-21 the language underscored below and deleting therefrom the language struckthrough below to read as follows:

"Sec. 10-21. - International Building Code adopted.

The International Building Code, ~~2012~~ 2015 edition ~~(nonresidential)~~, hereinafter sometimes referred to as the "code," as published by the International Code Council, Inc., is hereby adopted. A copy of said code is ~~attached to the ordinance from which this section is derived and~~ made a part hereof for all purposes, an authentic copy of which shall be kept on file with the City Secretary."

Section 2. Section 10-22 of the City Code is hereby amended by adding to Section 10-22 the language underscored below and deleting therefrom the language struckthrough below to read as follows:

“Sec. 10-22. - Amendments to the International Building Code.

(a) Section 101 of the building code adopted in section 10-21 is hereby amended by adding a new Section 101.2.2 and amending Section 101.4.1 to read as follows:

101.2.2 Existing buildings. This code shall apply to alterations, repairs, renovations and additions to existing buildings as follows:

(1) If, within any 12-month period, alterations, additions, renovations, repairs, or any combination thereof, costing in excess of 50 percent of the then physical value of the building, or involving 50 percent or more of the square footage of the building, are made to an existing building in the floodplain, such building and associated mechanical, electrical, plumbing and fuel gas equipment, fixtures and appurtenances shall be made to conform to the requirements of this code applicable to new buildings in regards to the Design Flood Elevation.

(2) If an existing building is damaged by fire or otherwise in excess of 50 percent of its then physical value before such damage is repaired, it shall be made to conform to the requirements of this code applicable to new buildings, except in regards to slab height where the structure is located outside the floodplain, the footprint is not modified and the slab is intact.

(3) For the purpose of this section physical value of the building shall be its appraised value as shown on the county's latest tax roll. Alternatively, upon filing for an appeal to the floodplain manager, a professional market appraisal for the pre-event evaluation, assessed post-event, may be submitted for review.

(4) If the occupancy classification of any existing building is changed (i.e. B occupancy is changed to A occupancy), the building shall be made to conform to the requirements of this code applicable to the new occupancy classification. If the occupancy classification of only a portion of an existing building is changed and that portion is separated from the remainder as stipulated in Chapter 3, then only such portion need conform to the requirements imposed by this Section.

~~(a) — Section 101.4.1 of the building code adopted in section 10-21 is hereby amended to read as follows:~~

101.4.1. *Electrical*. The provisions of the National Electrical Code, ~~2011~~ 2017 edition, shall apply to the installation of electrical systems, including alterations, repairs, replacement, equipment, appliances, fixtures, fittings and appurtenances thereto.

- (b) Section 103 of said code is hereby amended to provide as follows:

103. *Department of Building Safety*. The enforcement of this code shall be under the administrative and operational control of the building official. The building official shall have such duties, and shall be selected and serve in the position at the pleasure of the City Manager and may be removed without cause by City Manager. The building official may appoint deputies to assist him/her. Said deputies shall serve at the pleasure of the building official and may be removed without cause by the building official.

- (c) Section 104 of said code is hereby amended to provide as follows:

104. ~~Powers and Duties~~ and Power ~~of the Building Official~~.

104.1 *General*. The building official is hereby authorized and directed to enforce all of the provisions of this code. The building official shall have the power to render interpretations of this code and to adopt and enforce written rules and supplemental regulations in order to clarify the application of its provisions. Such interpretations, rules and regulations shall be in conformance with the intent and purpose of this code. Any reference in this code to the code official shall mean the building official or the building official's designee.

104.3 *Notices and* ~~Stop~~ *Orders*. Whenever any work is being done contrary to the provisions of this code, the building official may order the work stopped by notice in writing served on any persons engaged in the doing or causing such work to be done, and any such persons shall stop work until authorized in writing by the building official to proceed with the work.

- (d) Section 105 of said code is hereby amended ~~and~~ by adding a new sections ~~105.2.2 and~~ 105.8 to provide as follows: ~~105.2. Work exempt from permit.~~

~~105.2.2. Fences not over 8 feet high.~~

105.8 *Liability Insurance*. The person or entity that will actually perform the work or services covered by a permit shall provide to the City evidence of comprehensive general liability insurance, issued by a company licensed to do business in Texas, in the following amounts, for

the duration of the permit, and shall furnish certificates of insurance to the City as evidence thereof. The certificates shall provide that the insurance shall not be canceled, reduced, or changed without 30 days advance notice to the City.

Comprehensive general liability insurance covering all risks associated with the work, with a minimum limit as currently established or as hereafter adopted by resolution of the City Council from time to time, or a property damage limit equal to or exceeding the amount of the contract amount, whichever is greater.

- (e) Section 109.4 of said code is hereby amended to provide as follows:

109.4 *Work commencing before permit issuance.* The fee for work commenced without a permit shall be double the fee set forth in the fee schedule adopted by the City.

- (f) Section 111.1 of said code is hereby amended to provide as follows:

111.1 *Use and Occupancy.* No building or structure shall be used or occupied, and no change in the existing occupancy classification of a building or structure or portion thereof shall be made, until the building official has issued a certificate of occupancy therefor as provided herein.

Issuance of certificate of occupancy shall not be construed as an approval of a violation of the provisions of this code or of other ordinances of the City. Certificates presuming to give authority to violate or cancel the provisions of this code, or other ordinances of the City shall not be valid.

- (g) Section 113.1 of said code is hereby amended to provide as follows:

113.1 ~~Appeals~~ General. Appeals of orders, decisions, or determinations made by the City's building official in interpreting or applying this code shall be to the Zoning Board of Adjustments. The Zoning Board of Adjustments may obtain the assistance of persons who are qualified by experience and training on a particular subject under consideration.

- (h) Section 113.2 and 113.3 of said code are hereby deleted in their entirety.

- (i) Section 114 of said code is hereby deleted in its entirety and the penalty provision in Section 1-14 of the City Code is substituted in its place.

- (j) Section 903.2, entitled "~~Automatic Sprinkler Systems~~ Where Required" is hereby amended to read as follows: ~~deleted in its entirety Sprinkler systems are required as provided in the International Fire Code, 2012 2015 edition, as adopted.~~

903.2 Approved automatic sprinkler systems in new buildings and structures shall be provided in the locations described by Sections 903.2.1 through 903.2.12, as interpreted by the fire code official.

~~(j) Section 1507.8 of said code is hereby amended to provide as follows:~~

~~1507.8 Wood Shingles and Shakes.~~

~~(a) Allowed roof coverings of any structure regulated by this code shall be as provided in this section.~~

~~(b) Wood shingles and shakes are not allowed, shall not be allowed as an alternative material, and shall not be installed or used on any new construction or reproofing of any structure.~~

~~(c) Existing structures which have wood shingles or shakes may be repaired with fire-retardant shingles or shakes of a comparable grade; however, owners shall have the option of installing any allowed Class A, Class B, or Class C roofing material, over the existing wood shingles and shakes, providing the existing roof structural system is adequate for modification. "Repair" means the replacement of damaged or destroyed shingles or shakes, provided the area repaired does not exceed twenty-five percent (25%) of the square foot surface area of the roof. A wood shingle or shake roof may not be replaced with wood shingles or shakes in increments which are undertaken as repairs.~~

~~(k) Section 1507.9 of said code is hereby deleted in its entirety.~~

(k) Appendices.

(1) The following appendices contained in this code are deleted in their entirety:

Appendix A, Employee Qualifications;
Appendix B, Board of Appeals;
Appendix D, Fire Districts;
Appendix E, Supplementary Accessibility Requirements;
Appendix H, Signs; and
Appendix I, Patio Covers.

Appendix K, Administrative Provisions

Appendix L, Earthquake Recording Instrument

Appendix M, Tsunami-Generated Flood Hazard

(2) The following Appendices are hereby adopted:

Appendix C, Group U—Agricultural Buildings;

Appendix F, Rodentproofing; and

Appendix G, Flood-Resistant Construction

(3) Appendix J of said code is hereby **adopted and the following sections are** amended ~~to provide~~ as follows:

J106.1 *Maximum Slope*. The slope of cut surfaces shall be no steeper than is safe for the intended use, and shall be no steeper than 3 horizontal to 1 vertical (33 percent) unless the applicant furnishes a soils report justifying a steeper slope.

Exceptions:

A cut surface may be at a slope of 2 horizontal to 1 vertical (50 percent) provided that all the following are met:

- 1.1. It is not intended to support structures or surcharges.
- 1.2. It is adequately protected against erosion.
- 1.3. It is no more than 8 feet (2438 mm) in height.
- 1.4. It is approved by the building official.

A cut surface in bedrock shall be permitted to be at a slope of 1 horizontal to 1 vertical (100 percent).

J107.6 *Maximum Slope*. The slope of fill surfaces shall be no steeper than is safe for the intended use. Fill slopes steeper than 3 horizontal to 1 vertical (33 percent) shall be justified by soils reports or engineering data.”

Section 3. Section 10-48 of the City Code is hereby amended by adding to Section 10-48 the language underscored below and deleting therefrom the language struckthrough below:

“Sec. 10-48. - International Residential Code adopted.

The International Residential Code, ~~2012~~ 2015 edition, hereinafter sometimes referred to as the “code,” as published by the International Code Council, Inc., is hereby adopted. A copy of said code is ~~attached to the ordinance from which this section derives and~~ made a part hereof for all purposes, an authentic copy of which has been filed with the City Secretary.”

Section 4. Section 10-50 of the City Code is hereby amended by adding to Section 10-50 the language underscored below and deleting therefrom the language struckthrough below:

“Sec. 10-50. - Enforcement.

The code adopted by section 10-48 shall be enforced by the building ~~inspector~~ official.”

Section 5. Section 10-51 of the City Code is hereby amended by adding to Section 10-51 the language underscored below and deleting therefrom the language struckthrough below:

“Sec. 10-51. - Amendments to the International Residential Code.

- (a) Section R103 of the residential code adopted in section ~~10-50~~ 10-48 is hereby amended to provide as follows:

R103 *Department of Building Safety*. The enforcement of this code shall be under the administrative and operational control of the building official. The building official shall have such duties, and shall be selected and serve in the position at the pleasure of the City Manager and may be removed without cause by City Manager. The building official may appoint deputies to assist him/her. Said deputies shall serve at the pleasure of the building official and may be removed without cause by building official.

- (b) Section R104 of said code is hereby amended to provide as follows:

Section R104 General. The building official is hereby authorized and directed to enforce all of the provisions of this code. The building official shall have the power to render interpretations of this code and to adopt and enforce written rules and supplemental regulations in order to clarify the application of its provisions. Such interpretations, rules and regulations shall be in conformance with the intent and purpose of this code.

Section R104.3 Notices and orders. Whenever any work is being done contrary to the provisions of this code, the building official may order the work stopped by notice in writing served on any persons engaged in the doing or causing such work to be done, and any such persons shall stop work until authorized in writing by the building official to proceed with the work.

~~Section R105.2 of said code is hereby amended to provide as follows:~~

~~Section R105.2. Work exempt from permit.~~

~~105.2.2. Fences not over 8 feet high.~~

- (c) Section R105.5 of said code is hereby amended to provide as follows:

R105.5 *Expiration*. No construction schedule. Every permit issued shall become invalid unless the work at the site authorized by such permit is commenced within 180 days after its issuance. The building official is authorized to grant, in writing, an extension or extensions of such permit, provided the maximum term of said permit shall not exceed one and one-half (1½) years. If any permitted work is not completed within this limitation, then the permit shall become invalid and must be reissued in order to resume work, together with payment of fees for such reissued

permit. ~~Section R103 of said code is hereby amended to provide as follows:~~

- (d) Section R105 of said code is hereby amended by adding a new section R105.10 to provide as follows:

R105.10 *Liability Insurance*. The person or entity that will actually perform the work or services covered by a permit shall provide to the City evidence of comprehensive general liability insurance, issued by a company licensed to do business in Texas, in the following amounts, for the duration of the permit, and shall furnish certificates of insurance to the City as evidence thereof. The certificates shall provide that the insurance shall not be canceled, reduced, or changed without 30 days advance notice to the City.

Comprehensive general liability insurance covering all risks associated with the work, with a minimum limit as currently established or as hereafter adopted by resolution of the City Council from time to time, or a property damage limit equal to or exceeding the amount of the contract amount, whichever is greater.

- (e) Section R108.2 of said code is amended ~~by adding to section R108.2 the following provision~~ to provide as follows:

R108.2 *Schedule of permit fees*. Fees shall be charged in accordance with the City's fee schedule, as it may be amended from time to time.

- (f) Section R108.6 of said code is hereby amended ~~by adding a new section R108.6~~ to provide as follows:

R108.6 *Work commencing before permit issuance*. The fee for work commenced without a permit shall be double the fee set forth in the fee schedule adopted by the City.

- (g) Section R110.1 of said code is hereby amended to provide as follows:

Section R110.1 *Use and occupancy*. No building or structure shall be used or occupied, and no change in the existing occupancy classification of a building or structure or portion thereof shall be made, until the building official has issued a certificate of occupancy therefor as provided herein.

Issuance of a certificate of occupancy shall not be construed as an approval of a violation of the provisions of this code or of other ordinances of the City. Certificates presuming to give authority to

violate or cancel the provisions of this code or other ordinances of the City shall not be valid.

(h) Section R112.1 of said code is hereby deleted and new section 112.1 is substituted therefor as follows:

112.1. ~~Appeals~~ **General**. Appeals of orders, decisions, or determinations made by the City's building official in interpreting or applying this code shall be to the Zoning Board of Adjustments. The Zoning Board of Adjustments may obtain the assistance of persons who are qualified by experience and training on a particular subject under consideration.

(i) Section R112.3 of said code is hereby deleted in its entirety.

(j) Section R113 of said code is deleted in its entirety and the penalty provision ~~of this Ordinance~~ **in Section 1-14 of the City Code** is substituted in its place.

~~Sections R905.7 and R905.8 of the code are deleted in their entirety and a new section R905.7 is substituted therefor as follows:~~

~~**R905.7 Wood Shingles and Shakes.**~~

~~(a) Allowed roof coverings of any structure regulated by this code shall be as provided in this section.~~

~~(b) Wood shingles and shakes are not allowed, shall not be allowed as an alternative material, and shall not be installed or used on any new construction or re-roofing of any structure. Existing structures which have wood shingles or shakes may be repaired with fire retardant shingles or shakes of a comparable grade; however, owners shall have the option of installing any allowed Class A, Class B, or Class C roofing material, over the existing wood shingles and shakes, provided that the existing roof structural system is adequate for modification. "Repair" means the replacement of damaged or destroyed shingles or shakes, provided the area repaired does not exceed twenty five percent (25%) of the square foot surface area of the roof. A wood shingle or shake roof may not be replaced with wood shingles or shakes in increments which are undertaken as repairs.~~

(k) Appendices.

(1) The following appendices contained in said code are deleted in their entirety:

Appendix A, Sizing and Capacities of Gas Piping

Appendix E, Manufactured Housing Used As Dwellings

Appendix F, Radon Control Methods

[Appendix G, Piping Standards for Various Applications](#)
[Appendix H, Patio Covers](#)
[Appendix I, Private Sewage Disposal](#)
[Appendix J, Existing Buildings and Structures](#)
[Appendix K, Sound Transmission](#)
[Appendix L, Permit Fees](#)
[Appendix M, Home Day Care – R-3 Occupancy](#)
[Appendix N, Venting Methods](#)
[Appendix O, Automatic Vehicular Gates](#)
[Appendix P, Sizing of Water Piping System](#)
[Appendix R, Light Straw-Clay Construction](#)
[Appendix S, Strawbale Construction](#)
[Appendix T, Recommended Procedure for Worst-Case Testing of Atmospheric Venting Systems Under N1102.4 or N1105 Conditions <5ACH 50](#)

(2) The following appendices contained in said code are adopted in their entirety:

[Appendix B, Sizing of Venting Systems Serving Appliances Equipped with Draft Hoods, Category I Appliances, and Appliances Listed For Use With Type B Vents](#)
[Appendix C, Exit Terminals of Mechanical Draft and Direct-Vent Venting Systems](#)
[Appendix D, Recommended Procedure for Safety Inspection of an Existing Appliance Installation](#)

~~Appendices B through D contained in the code are hereby adopted.”~~

(l) Table R301.2(1) of said code is completed to provide as follows:

Ground Snow Load	Wind Speed (mph)	Seismic Design Category	Subject to Damage From				Winter Design Temp	Ice Shield Underlay Required
			Weathering	Frost Line Depth	Termite	Decay		
0	110 b or c	A	Negligible	6"	Very heavy	Slight to moderate	32	No
Flood Hazards					Air Freezing Index		Mean Annual Temp	
FIRM and FBFM as adopted by City Code Section 10-395 Firm and FBFM					9		69.9	

(m) Section P2603.5.1 of said code is hereby amended to provide as follows:

P2603.5.1 Sewer depth. Building sewers that connect to private sewage disposal systems shall be not less than six inches (6”) below finished grade at the point of septic tank connection. Building sewers shall not be less than eighteen inches (18”) below grade.

Section 6. Section 10-76 of the City Code is hereby amended by adding to Section 10-76 the language underscored below and deleting therefrom the language struckthrough below:

“Sec. 10-76. - International Mechanical Code adopted.

The International Mechanical Code, ~~2012~~ 2015 edition, hereinafter sometimes referred to as the “code,” as published by the International Code Council, Inc., is hereby adopted. A copy of said code is attached hereto and made a part hereof for all purposes, an authentic copy of which has been filed with the City Secretary.”

Section 7. Section 10-77 of the City Code is hereby amended by adding to Section 10-77 the language underscored below and deleting therefrom the language struckthrough below:

“Sec. 10-77. – Amendments to the International Mechanical Code.

(a) Section 103 of the mechanical code adopted in section 10-76 is hereby amended to provide as follows:

103 Department of ~~Building—Safety~~ Mechanical Inspection. The enforcement of this code shall be under the administrative and operational control of the building official. The building official shall be selected and serve in the position at the pleasure of the City Manager and may be removed without cause by City Manager. The building official may appoint deputies to assist him/her. Said deputies shall serve at the pleasure of the building official and may be removed without cause by the building official. Any reference in this code to the code official shall mean the building official or the building official’s designee.

(b) Section 104.1 of said code adopted in section 10-76 is hereby amended to provide as follows:

Section 104.1 General. The building official is hereby authorized and directed to enforce all of the provisions of this code. The building official shall have the power to render interpretations of this code and to adopt and enforce written rules and supplemental regulations in order to clarify the application of its provisions. Such interpretations, rules and regulations shall be in conformance with the intent and purpose of this code.

(c) Section 104.6 of said code adopted in section 10-76 is hereby amended to provide as follows:

Section 104.6 Notices and orders. Whenever any work is being done contrary to the provisions of this code, the building official may order the work stopped by notice in writing served on any persons engaged in the doing or causing such work to be done, and any such persons shall stop work until authorized in writing by the building official to proceed with the work.

(d) Sections 106.4.3 and 106.4.4 of said code are deleted in their entirety and a new section 106.4.3 is substituted therefor as follows:

106.4.3 *Expiration.* Every permit issued shall become invalid unless the work at the site authorized by such permit is commenced within 180 days after its issuance. The building official is authorized to grant, in writing, an extension or extensions of such permit, provided the maximum term of such permit shall not exceed one and one-half (1½) years. If any permitted work is not completed within this limitation, then the permit shall become invalid and must be reissued in order to resume work, together with payment of fees for such reissued permit.

(e) Section 106 of said code is amended by adding a new section 106.5.4 to provide as follows:

106.5.4 State License. All persons performing work within the city governed by this code shall be licensed by the State of Texas, and shall submit to the city proof of insurance as required by the state or by statute.

(f) Section 106.5.2 of Ssaid code is ~~amended by deleting section 106, hereby deleted and appendix B, entitled "Permit Fee Schedule"~~ as fees shall be charged in accordance with the city's fee schedule, as it may be amended from time to time.

(g) Section 106.5.3 of said code is hereby deleted in its entirety.

(h) Section 109 of said code is hereby amended to provide as follows:

109. Means of Appeal. Appeals of orders, decisions, or determinations made by the building official in interpreting or applying this code shall be to the Zoning Board of Adjustments. The Zoning Board of Adjustments may obtain the assistance of persons who are qualified by experience and training on the particular subject under consideration.

(i) Section 108 of said code is hereby deleted in its entirety and the penalty provision in Section 1-14 of the City Code is substituted in its place.

(i) Appendices.

(1) Appendix A, Chimney Connector Pass-Throughs, is hereby adopted in its entirety.

(2) Appendix B, Recommended Permit Fee Schedule, is hereby deleted in its entirety.”

Section 8. Section 10-305 of the City Code is hereby amended by adding to Section 10-305 the language underscored below and deleting therefrom the language struckthrough below:

“Sec. 10-305. – Electrical Code Adoption.

(a) With the passing of the ordinance from which this article derives, the ~~2011~~ 2017 edition of the National Electrical Code, NFPA 70, prepared by the National Fire Protection Association, Inc., will be adopted.

(b) In case of conflict between the provisions of the National Electrical Code and the provisions of this article, this article shall prevail. In the case of a conflict between the National Electrical Code and any other code adopted by this Article, the most restrictive provision shall prevail.”

Section 9. Section 10-306 of the City Code is hereby deleted in its entirety.

Section 10. Section 10-357 of the City Code is hereby amended by adding to Section 10-357 the language underscored below and deleting therefrom the language struckthrough below:

“Sec. 10-357. – International Plumbing Code adopted.

The International Plumbing Code, ~~2012~~ 2015 edition, hereinafter sometimes referred to as the “code,” as published by the International Code Council, Inc., and as amended herein, is hereby adopted. A copy of said code is ~~attached hereto and~~ made a part hereof for all purposes, an authentic copy of which has been filed with the City Secretary.”

Section 11. Section 10-358 of the City Code is hereby amended by adding to Section 10-358 the language underscored below and deleting therefrom the language struckthrough below:

“Sec. 10-358. - Amendments to the International Plumbing Code.

- (a) Section 103 of the plumbing code adopted in section 10-357 is hereby amended to provide as follows:

103 *Department of Plumbing Inspection.* The enforcement of this code shall be under the administrative and operational control of the building official. The building official shall have such duties, and shall be selected and serve in the position at the pleasure of the City Manager and may be removed without cause by City Manager. The building official may appoint deputies to assist him/her. Said deputies shall serve at the pleasure of the building official and may be removed without cause by the building official. Any reference in this code to the code official shall mean the building official or the building official's designee.

- (b) Section 104 of said code is hereby amended by adding a new section 104.8, to provides as follows:

104.~~8~~⁷ *Stop Work Orders.* Whenever any work is being done contrary to the provisions of this code, the Building official may order the work stopped by notice in writing served on any persons engaged in the doing or causing such work to be done, and any such persons shall stop work until authorized in writing by the building official to proceed with the work. The building official shall issue all necessary notices or orders to ensure compliance with this code.

- (c) Sections 106.5.3 and 106.5.4 of said code are deleted in their entirety and a new section 106.5.3 is substituted therefor as follows:

106.5.3 *Expiration.* Every permit issued shall become invalid unless the work at the site authorized by such permit is commenced within 180 days after its issuance. The building official is authorized to grant, in writing, an extension or extensions of such permit, provided the maximum term of said permit shall not exceed one and one-half (1½) years. If any permitted work is not completed within this limitation, then the permit shall become invalid and must be reissued in order to resume work, together with payment of fees for such reissued permit.

- (d) Section 106.6.1 of said code is hereby amended to provide as follows:

106.6.1 *Work commencing before permit issuance.*
The fee for work commenced without a permit shall be double the fee set forth in the fee schedule adopted by the City.

- (e) Section 106.6.3 of said code is deleted in its entirety.

- (f) Section 106.6.2 of said code is hereby amended to provide as follows:

106.6.2 ~~*Fees-schedule.*~~ Fees shall be charged in accordance with the City's fee schedule, as it may be amended from time to time. ~~The fee for work commenced without a permit shall be double the fee set forth in the fee schedule adopted by the City.~~

(g) Section 106 of said code is amended by adding a new section 106.6.4, which provides as follows:

106.6.4 *State License.* All persons performing work in the City governed by this code shall be licensed by the State of Texas, and shall submit to the City proof of insurance as required by the State or by statute.

(h) Section 109 of said code is hereby amended to provide as follows:

109. Means of Appeal. Appeals of orders, decisions, or determinations made by the building official in interpreting or applying this code shall be to Zoning Board of Adjustments. The Zoning Board of Adjustments may obtain the assistance of persons who are qualified by experience and training on the particular subject under consideration.

(i) Section 108 of said code is deleted in its entirety and the penalty provision in Section 1-14 of the City Code ~~of this Ordinance is~~ substituted in its place.

(j) Section 305.4.1 of said code is hereby amended to provide as follows:

305.4.1 Sewer depth. Building sewers that connect to private sewage disposal systems shall be installed not less than six inches (6") below finished grade at the point of septic tank connection. Building sewers shall be installed not less than eighteen inches (18") below grade.

(k) Section 903.1 of said code is hereby amended to provide as follows:

903.1 Roof extension. Open vent pipes that extend through a roof shall be terminated not less than six inches (6") 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 seven feet (7') above the roof.

~~Section 605 of said code is amended by deleting any and all references to "polybutylene pipe and tubing." Installation of polybutylene pipe and tubing, or use for repair, is prohibited.~~

~~Section 702 of said code is amended by deleting any and all references to concrete pipe and asbestos-cement pipe and tubing. Installation of concrete pipe or asbestos-cement pipe and tubing, or use for repair, is prohibited.~~

(1) Appendices.

(1) Appendix A, Plumbing Permit Fee Schedule, ~~contained in the code~~ is deleted its entirety ~~and appendices B – EF contained in said code are hereby adopted.”~~

(2) The following appendices contained in the code are adopted in their entirety:

Appendix B, Rates of Rainfall for Various Cities

Appendix C, Structural Safety

Appendix D, Degree Day and Design Temperature

Appendix E, Sizing of Water Piping System”

Section 12. Article IX, “Substandard Buildings,” of the City Code is hereby amended by adding to Article IX the language underscored below and deleting therefrom the language struckthrough below:

“ARTICLE IX. - SUBSTANDARD BUILDINGS; PROPERTY MAINTENANCE CODE

Sec. 10-467. – International Property Maintenance Code Adopted.

The International Property Maintenance Code, 2015 edition, hereinafter sometimes referred to as the “code,” as published by the International Code Council, Inc., and as amended herein, is hereby adopted as the minimum standards applicable to all buildings and structures within the City limits, regardless of the date of construction, in accordance with Section 214.001(b) of the Texas Local Government Code. A copy of said code made a part hereof for all purposes, an authentic copy of which has been filed with the City Secretary.”

~~Building standards commission.~~

- ~~(a) The building standards commission is created, to be composed of five members. The members of the city planning commission shall serve in the role of the building standards commission in addition to their duties as a planning and zoning commission. When fulfilling their duties as the city's building standards commission, the commission shall give public notice through its posted agenda, and such other notice as may be required, in a manner intended to notify the public of the role and duties the commission is fulfilling.~~
- ~~(b) In addition to the five members of the building standards commission, the city fire marshal and the building inspector shall be ex officio, nonvoting members of the commission. Any employee of the city designated by the city manager shall be authorized to act as substitute for the respective superior of their respective department or division as an ex officio member of the building standards commission.~~

“Sec. 10-468. - Amendments to the International Property Maintenance Code.

(a) Chapter 1 of said code is replaced with Exhibit A attached to this ordinance and incorporated herein by reference showing amendments and deletions to that chapter in accordance with Chapters 214 and 54 of the Texas Local Government Code.

(b) Section 302.4 of said code is hereby amended to provide as follows:

302.4 Weeds. Premises and exterior property shall be maintained free from weeds or plant growth in excess of twelve inches (12’). Noxious weeds shall be prohibited. Weeds shall be defined as all grasses, annual plants and vegetation, other than trees or shrubs provided; however, this term shall not include cultivated flowers and gardens.

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

(c) Section 303.1 of said code is hereby amended to provide as follows:

303.1 Swimming pools. Swimming pools shall be maintained in a clean and sanitary condition, and in good repair, in compliance with all requirements applicable to swimming pools contained in the Texas Health and Safety Code. Swimming pools containing water that is black or green in color, or that contain algae or other plants shall be deemed unsanitary.

(d) Section 602.3 of said code is hereby amended provide as follows:

602.3 Heat supply. Every owner and operator of any building who rents, leases or lets one or more dwelling units or sleeping units on terms, either expressed or implied to furnish heat to the occupants thereof shall supply heat during the period from November 1 to February 28 to maintain a minimum temperature of 68° F (18° C) in all habitable rooms, bathroom and toilet rooms.

Exceptions:

1. When the outdoor temperature is below the winter outdoor design temperature for the locality, maintenance of the minimum room temperature shall not be required provided that the heating system is operating at is full design capacity. The winter outdoor design

temperature for the locality shall be as indicated in Appendix D of the International Plumbing Code.

2. In areas where the average monthly temperature is above 30° F (-1° C), a minimum temperature of 65° F (18° C) shall be maintained.

(e) Section 602.4 of said code is hereby amended to provide as follows:

602.4 Occupiable work spaces. Indoor occupiable work spaces shall be supplied with heat during the period from November 1 to February 28 to maintain a minimum temperature of 65° F (18° C) during the period the spaces are occupied.

Exceptions:

1. Processing, storage and operation areas that require cooling or special temperature conditions.
2. Areas in which persons are primarily engaged in vigorous physical activities.”

~~Enforcement of orders.~~

~~It shall be the duty of the city council to enforce the orders of the building standards commission or orders of the city council, if an appeal is made, which orders are to be enforced by the council filing action in the appropriate court of the state when so authorized by the council.~~

Sec. 10-469. – Standards for Determination of substandard condition.

All buildings or structures, including but not limited to mobile homes or portable-type buildings, which have any or all of the following defects or lack of facilities, or any unsafe, unsanitary, dangerous, dilapidated, or substandard condition in violation of the property maintenance code, as adopted and amended by the City, shall be deemed substandard buildings or structures:

- (1) All buildings or structures that have become deteriorated through natural causes or by damage through exposure to the elements, especially wind, hail or rain, or damage through fire, to the extent that the roof, windows and doors, or portions of the house, building or structure which protect from the weather, will no longer reasonably protect from the weather.
- (2) All buildings or structures which constitute, or in which are maintained, fire hazards.
- (3) All buildings or structures which are so structurally deteriorated that they are in danger of collapse, or which cannot be expected to withstand reasonable anticipated storms and/or hurricanes.
- (4) All buildings or structures so constructed or permitted to be so constructed as to constitute a menace to health or safety, including all conditions conducive to the harboring of rats or mice or other disease-carrying animals or insects reasonably

calculated to spread disease, including such conditions hazardous to safety as adequate bracing or the use of deteriorated materials.

Sec. 10-470. - Nuisance declared.

All substandard buildings or structures within the term of this article which shall constitute a menace to the health, morals, safety or general welfare of its occupants or of the public are declared to be public nuisances, subject to the procedures required by state law, and shall be ordered to be vacated, repaired or demolished as hereinafter provided.

Sec. 10-471. - Inspectors.

In the event of a hearing under this Article, which includes a hearing under the property maintenance code or Chapter 214 of the Texas Local Government Code, it shall be the duty of the building official or fire code official, as applicable based on the condition of the structure ~~ex-officio members of the building standards commission~~ to inspect all buildings or structures reported to be or believed to be substandard and to present a report of such inspection to the ~~commission~~ Zoning Board of Adjustment, which shall, except in cases of emergency as set forth in section 10-474, notify the proper party of the intention of such ~~board commission~~ to hold its hearing and follow the procedure provided in ~~section 10-473~~ the property maintenance code, as adopted and amended by the City and in compliance with Chapter 214 of the Texas Local Government Code.

Sec. 10-472. - Criteria for determination of repair, vacation or demolition.

The following standards may be followed in substance by the applicable building or fire code official ~~building standards commission~~ in ~~ordering~~ recommending repair, vacation or demolition of a structure:

- (1) If the substandard building or structure can reasonably be repaired so that it will no longer be in a condition which is in violation of the terms of this article, it shall be ordered repaired.
- (2) If the substandard building or structure is in such condition as to make it dangerous to the health, morals, safety or general welfare of its occupants or the public, it shall be ordered to be vacated.
- (3) In any case where a substandard building or structure is 50 percent (by square footage or building valuation) damaged or decayed, it shall be demolished, and in all cases where a building cannot be repaired so that its existence will no longer be in violation of the terms of this article, it shall be demolished.

~~Sec. 10-473. -- Procedure for condemnation.~~

~~Where an emergency does not exist, the following steps may be taken in the condemnation of a substandard building:~~

- ~~(1) -- When it shall come to the notice of the building standards commission that a building or structure in the city is substandard under the terms of this article, the commission may cite the owner of the building or structure or his authorized agent or representative to appear and show cause why such building should not be declared to be a substandard~~

~~building and why he should not be ordered to vacate, repair or destroy such building or structure. The date of such hearing shall be not less than ten days after such citation shall have been made.~~

- ~~(2) Such citation may be served by delivery of a copy thereof to the owner or the person in possession, or, if such premises is unoccupied, by attaching a copy of such citation in a place of prominence on such building or structure.~~
- ~~(3) On the day set in such citation for the hearing, the hearing shall be had and on the basis of such hearing the building standards commission shall determine whether or not such building or structure is a substandard building or structure; then, in that event, the commission shall issue such orders as shall appear reasonably necessary to prevent the building or structure from being a hazard to life or property and to eliminate the building or structure's substandard qualities.~~
- ~~(4) The owner of any substandard building or structure or his authorized representative may appeal from the decision of the building standards commission by giving notice thereof within ten days from the date of the hearing to the city secretary and file with the city secretary a fee as is adopted by resolution. Such appeal shall be to the city council, and upon the perfection of appeal the city council shall set a date for having before it and such appeal shall be by a trial de novo.~~
- ~~(5) Pending appeal, such orders of the building standards commission as shall require vacation of the alleged substandard building or structure or such emergency measures as may have been ordered shall remain in effect, but all other orders of the commission shall be suspended in their operation.~~

~~Sec. 10-474. Emergency measures for condemnation.~~

~~When it shall appear that a building or structure in the city is a substandard building or structure under the terms of this article and that such building or structure or the manner of its use constitutes an immediate and serious danger to life or property, the condition shall be deemed a condition justifying the use of emergency measures, and the building standards commission, or a majority of the commissioners, may order any of the following emergency measures to be taken:~~

- ~~(1) Immediate vacation of such building, structure and/or adjoining buildings or structures.~~
- ~~(2) Vacation of the danger area around such building or structure.~~
- ~~(3) Such emergency shoring up and bracing of walls, roofs and supports as are required to render such buildings or structures safe.~~
- ~~(4) The destruction of such walls, roofs and supports or the entire structure or so much thereof as cannot be braced or made secure.~~
- ~~(5) The posting of notices on or near such building or structure notifying the public of such order and ordering all persons to keep out of such building or structure and the areas of danger surrounding it.~~

~~Sec. 10-475. Notice of emergency measures.~~

~~When any of the measures as set forth in section 10-474 are ordered to be taken, notice of such order shall be given as follows:~~

- ~~(1) Such order shall be directed to the owner of such building or structure or his authorized representative, if such shall be known. Where notification can be accomplished without increasing the danger to life or property, notice shall be given by personal service on the owner, if known, of the building or structure or his representative.~~
- ~~(2) If such notification would create such a delay as would materially increase the danger to life or property, then such notice need not be given.~~

~~Sec. 10-476. Lien against property.~~

~~If notification is unnecessary or if such notice is given and the owner or his representative shall refuse or fail to carry out the order of the building standards commission or shall fail to carry out such order satisfactorily in the judgment of the commission, then, in either of such events, the commission, upon approval of the mayor, may proceed to carry out such order, either by private contract or through an agency of the city, and all costs thus incurred shall constitute a valid lien against the property so affected.~~

Section 13. Chapter 10, Buildings and Building Regulations, of the Code of Ordinances shall be revised and amended as indicated above.

Section 14. This Ordinance shall in no manner amend, change, supplement, or revise any other provision of Chapter 10, Buildings and Building Regulations, of the Code of Ordinances except as indicated above.

Section 15. All ordinances or portions thereof, of the City of Tomball, in conflict with the provisions of this ordinance, to the extent of such conflict, are hereby repealed. To the extent that such ordinances or portions thereof are not in conflict herewith, the same shall remain in full force and effect.

Section 16. In the event any section, paragraph, subdivision, clause, phrase, provision, sentence, or part of this Ordinance or the application of the same to any person or circumstance shall for any reason be adjudged invalid or held unconstitutional by a court of competent jurisdiction, it shall not affect, impair, or invalidate this Ordinance as a whole or any part or provision hereof other than the part declared to be invalid or unconstitutional; and the City Council of Tomball, Texas, declares that it would have passed each and every part of the same notwithstanding the omission of any and every part of the same notwithstanding the omission of any such part thus declared to be invalid or unconstitutional, or whether there be one or more parts.

Section 17. Any person who shall violate any provision of this Ordinance shall be deemed guilty of a misdemeanor and upon conviction, shall be fined in an amount not to exceed \$2,000, in accordance with the general penalty provision of Section 1-14 of the City Code. Each day of violation shall constitute a separate offense.

Section 18. This Ordinance shall take effect immediately from and after its passage and the publication of the caption hereof, as provided by law and the City's Home Rule Charter.

FIRST READING:

READ, PASSED, AND APPROVED AS SET OUT BELOW AT THE MEETING OF THE CITY COUNCIL OF THE CITY OF TOMBALL HELD ON THE 4TH DAY OF NOVEMBER 2019.

COUNCILMAN FORD	<u>AYE</u>
COUNCILMAN STOLL	<u>AYE</u>
COUNCILMAN DEGGES	<u>NAY</u>
COUNCILMAN TOWNSEND	<u>AYE</u>
COUNCILMAN KLEIN QUINN	<u>AYE</u>

SECOND READING:

READ, PASSED, AND APPROVED AS SET OUT BELOW AT THE MEETING OF THE CITY COUNCIL OF THE CITY OF TOMBALL HELD ON THE 18TH DAY OF NOVEMBER 2019.

COUNCILMAN FORD	_____
COUNCILMAN STOLL	_____
COUNCILMAN DEGGES	_____
COUNCILMAN TOWNSEND	_____
COUNCILMAN KLEIN QUINN	_____

Gretchen Fagan, Mayor

ATTEST:

Doris Speer, City Secretary



Building Code Updates

Community Development Department



Purpose of Codes

- Reduces potential hazards
- Promotes higher quality construction
- Protects investments
- Promotes energy conservation/lower utility bills

Why Update Codes?

- Updated technology and methods
- ISO Building Code Effectiveness Grading Schedule (BCEGS)
- Industry standard
- Many surrounding communities are on newer codes

Comparable Cities

Municipality	Building Code	Fire Code
Bellaire	2018	2018
Humble	2018	2018
West University Place	2018	2018
Katy	2015	2015
Stafford	2015	2015
Pearland	2015 (in process of 2018)	2015 (in process of 2018)
Webster	2015	2015
Friendswood	2012	2012
Jersey Village	2012	2012
Conroe	2009	2009

Where Are We Today?

- 2012 International Building Code
- 2012 International Residential Code
- 2012 International Mechanical Code
- 2012 International Plumbing Code
- 2011 National Electrical Code
- 2012 International Fire Code



Why The Urgency?

- ISO review of the City in early 2019
 - Proposed BCEGS re-rating of Class 9 (current Class 4)
 - Municipalities with effective, well-enforced codes should demonstrate lower losses and insurance rates
- Deadline to adopt updated codes is January 1, 2020 to maintain current Class 4



Proposed Changes

- Change from 2012 to 2015
 - o International Building Code
 - o International Residential Code
 - o International Mechanical Code
 - o International Plumbing Code
 - o International Fire Code
- Change from 2011 to 2017
 - o National Electrical Code (State mandate)
- Adopt
 - o 2015 International Property Maintenance Code
- Means of Appeal
 - o Board of Adjustments

Proposed Changes

- Automatic sprinkler systems
 - As interpreted by the Fire Marshal
- House Bill 2439
 - Allow wood shingles and shakes
 - Allow polybutylene pipe and tubing
 - Allow concrete pipe
 - Allow asbestos cement pipe and tubing

What Has Been Done So Far?

- Purchased updated code books
- Training for the Building Division
- Informed the development community of proposed update

2012 vs. 2015

- Mostly just clarifications
- Allows for new technology
- 2015 codes have become the “industry standard”
- Consistent with State-mandated Energy Conservation Code (2015 IECC)
- Anticipate no impact on day-to-day building plan review and permitting matters





Development Community Feedback



- “upgrade to the 2015 code has been easy”
- “we have not had a problem adjusting to the IBC 2015”
- “while there are some differences it’s not a sweeping change, just some technical updates”
- “not really any major changes that will cause any drastic differences in construction cost”
- “the 2015 building codes will not significantly impact my practice”
- “I have not seen anything of concern in regards to differences between the sets of international building codes”

Schedule

- Planning & Zoning Commission on October 14th
 - o Recommended approval
- City Council on November 4th (1st reading)
- City Council on November 18th (2nd reading)
- Effective date of updated codes on January 1st (new Building Permit submittals)

Craig Meyers

From: John McGowan
Sent: Saturday, September 14, 2019 11:55 AM
To: Ken Cole; Craig Meyers
Subject: Fwd: Comparison of the IBC 2012 and IBC 2015 Building Code

Follow Up Flag: Flag for follow up
Flag Status: Flagged

Get [Outlook for Android](#)

----- Forwarded message -----

From: "henri@newvortex.com" <henri@newvortex.com>
Date: Fri, Sep 13, 2019 at 8:04 PM -0500
Subject: Comparison of the IBC 2012 and IBC 2015 Building Code
To: "John McGowan" <JMcGowan@tomballtx.gov>

John McGowan
Assistant Building Official
City of Tomball, Texas

Per your request regarding our opinion of the upgrade to the IBC 2015 building code versus the existing IBC 2012 version.

We, as Architects, have been working with all the different codes around the Houston area and the upgrade to the 2015 code has been easy.

Furthermore, we have not heard any serious comments or any comments from general contractors regarding upgrading to the 2015 code.

The 2015 Energy code of course is much more different and does cost more to do in general but the IBC 2015 upgrade makes good sense in the changes that were made.

That's our opinion and we have not had a problem adjusting to the IBC 2015 and even the IBC 2018 for that matter.

Sincerely,
H Klok, Architect

From: Jeff Robinson [<mailto:jdrobinson@northwindsconst.com>]
Sent: Thursday, October 03, 2019 3:21 PM
To: John McGowan
Subject: RE: Help with Code changers

Hey John,

I spoke with our architects and they pretty much said there's not really any major changes that will cause any drastic differences in construction cost. They did mention it makes things more difficult when the local municipalities are on different code vs have a little uniformity. I hope this helps.

Sincerely,

Jeff D. Robinson



*Celebrating over 30 years
in construction.*

15400 Vantage Parkway West
Houston, TX 77032
jdrobinson@northwindsconst.com
www.northwindsconst.com
Off: 713-671-5300
Fax: 713-671-5340
Cel: 832-435-3628



**GMS Home/Commercial Inspection
Service, LLC
28342 Emerald Oaks
Magnolia, TX 77355
281-413-1511**



Date: 10/8/19

**To: Mr Ken Cole, Building Official
401 Market Street
Tomball, TX 77375**

Reference: 2015 IRC recommendations.

Mr Cole, as we discussed the differences between the 2012 and the 2015 IRC to include the mechanical codes as negligible with no significant change creating additional building cost. The overall changes reflect additional clarification and or minor adjustments to various codes.

To consider recommendations In the 2018 IRC to include the mechanical codes as changes here as well are negligible with no significant change creating additional building cost. This code has some additional clarification with installation of foam insulation direction with concern to attic venting moisture diffusion and supply air requirements. This has been a concern since the popular use of foam insulation in residential and commercial construction in recent years. This corrects a health concern. There is also clarification of high velocity kitchen exhaust systems to include fresh air combustion air. This code clarify's the exception with the absence of additional gas appliances in the envelope this requirement is not needed saving the cost of a fresh air system.

If you have any further questions please do not hesitate to call.

Best regards,

**George M. Sanders
President
GMS Home/Commercial Inspection Service**

Waggoner Architecture LLC

22910 Wren Lane

Tomball, TX 77377

832-577-1277

09/16/2019

In Reference to:

Change from 2012 International Building
Codes to 2015 International Building Codes
For City of Tomball

Architect:

Janice Waggoner, RA
22910 Wren Lane
Tomball, TX 77377

To whom it may concern:

City of Tomball's change from the 2012 building codes to the 2015 building codes will not significantly impact my practice. I have been following the 2015 building codes since they came out and only revert back to 2012 codes if it benefits a client to do so, which is very rare.

State of Texas adopted the 2015 International Building Codes some time ago, which I use in areas without adopted building codes.

I have not seen anything of concern in regards to differences between the sets of International building codes.

Sincerely,



Janice Waggoner, RA TX 21849
Waggoner Architecture LLC
832-577-1277



1000 Bishops Gate Blvd., Suite 300
Mt. Laurel, NJ 08054

tel. 1 800 444-4554

January 31, 2019

Mr. Kenneth Cole, Building Official
Tomball
501 James Street
Tomball, TX 77375

Re: Building Code Effectiveness Grading Schedule Survey Results
Tomball, Harris County, TX

Dear Mr. Cole:

We wish to thank you for the cooperation given to us during our recent Building Code Effectiveness Grading Schedule (BCEGS) survey. Insurance Services Office, Inc. (ISO) is the leading supplier of statistical data, underwriting information, and actuarial analysis to the property/casualty insurance industry in the United States. The BCEGS classifications are distributed by ISO for use by property/casualty insurers to assist in their insurance underwriting and premium development programs for residential and commercial properties. Insurers can use the BCEGS classification number to offer insurance premium discounts to eligible properties in Tomball.

ISO has completed its analysis of the building codes adopted by your community and the effort put forth to enforce those codes. The resulting BCEGS Classification is a Class 9 for 1& 2 family residential property and a Class 9 for commercial and industrial property.

The new Classification is a regression from the former Class 4 for 1& 2 family residential property and a Class 4 for commercial and industrial property. The attached table details opportunities for improvement to regain your prior classification.

A revised BCEGS classification would apply to new buildings receiving a Certificate of Occupancy during or after the calendar year in which the revision takes place.

Before we re-classify your community to reflect this change, we would like to know if Tomball desires to develop a program to regain Class PL 4 and CL 4. If this letter is acknowledged by February 28, 2019 advising us that this matter will be reviewed, we will postpone the implementation of the classification changes.

After review, if it is your decision to begin an improvement program to regain PL Class 4 and CL class 4, we will need to receive, by April 30, 2019, a list of the changes you intend to make. Additionally, we would appreciate your estimate of the amount of time needed to complete each item. No re-classifying action will be taken if changes are implemented to regain the current classification within one year of the receipt of this letter.

We want to highlight the fact that the ISO Building Code Effectiveness Grading program is an advisory insurance underwriting information and rating tool. It is not intended to analyze all aspects of a comprehensive building code enforcement program. It is not for purposes of determining compliance with any state or local law nor is it for making loss prevention or loss safety recommendations.

If you have any questions about the classification that was developed, please let us know.

Sincerely,

Esther Solá

Esther Solá |BCEGS Community Mitigation/Technical Analyst

Cell (312) 241-7297

Fax (201) 748-7082

Email: esola@verisk.com

cc: Mr. Robert Hauck, City Manager
Tomball
401 Market Street
McKinney, TX 75070

Enclosure

Building Code Effectiveness Grading Point Comparison

	Point Totals						
	Current Grading Yr: 2019		Maximum Point Possible	Previous Grading Yr: 2014		Difference	
	Com	Res		Com	Res	Com	Res
Section I - Administration of Codes	25.76	25.59	54.00	42.17	41.57	-16.41	-15.98
Section 105 - Adopted Codes	2.21	2.10	8.00	8.00	7.60	-5.79	-5.50
Section 108 - Additional Code Adoptions	1.39	1.39	4.00	3.35	3.35	-1.96	-1.96
Section 110 - Modification to Adopted Codes	1.11	1.05	4.00	4.00	3.80	-2.89	-2.75
Section 112 Method of Adoption	0.00	0.00	1.00	0.00	0.00	0.00	0.00
Section 115 - Training	11.18	11.18	13.00	12.01	12.01	-0.83	-0.83
Section 120 - Certification	5.21	5.21	12.00	8.33	8.33	-3.12	-3.12
Section 125 - Building Official's Qualification / Exp/ Education	1.90	1.90	4.00	2.50	2.50	-0.60	-0.60
Section 130 - Selection Procedure for Building Official	0.00	0.00	0.50	0.25	0.25	-0.25	-0.25
Section 135 - Design Professionals	0.00	0.00	2.00	0.00	0.00	0.00	0.00
Section 140 - Zoning Provisions	0.00	0.00	1.00	0.00	0.00	0.00	0.00
Section 145 - Contractor / Builder Licensing & Bonding	0.40	0.40	1.00	0.23	0.23	0.17	0.17
Section 155 - Public Awareness Programs	1.36	1.36	2.50	2.50	2.50	-1.14	-1.14
Section 160 - Participation in Code Development Activities	0.50	0.50	0.50	0.50	0.50	0.00	0.00
Section 165 - Administrative Policies & Procedures	0.50	0.50	0.50	0.50	0.50	0.00	0.00
Section II - Plan Review	15.41	15.06	23.00	12.60	13.05	2.81	2.01
Section 205 - Existing Staffing	3.41	3.06	9.00	1.70	2.15	1.71	0.91
Section 210 - Experience of Personnel	1.50	1.50	1.50	0.90	0.90	0.60	0.60
Section 215 - Detail of Plan Review	9.50	9.50	11.50	9.50	9.50	0.00	0.00
Section 220 - Performance Evaluation for Quality Assurance	1.00	1.00	1.00	0.50	0.50	0.50	0.50

Building Code Effectiveness Grading Point Comparison (continued)

	Point Totals						
	Current Grading Yr: 2019		Maximum Point Possible	Previous Grading Yr: 2014		Difference	
	Com	Res		Com	Res	Com	Res
Section III - Field Inspection	16.51	20.65	23.00	19.40	19.40	-2.89	1.25
Section 305 - Existing Staffing	4.86	9.00	9.00	9.00	9.00	-4.14	0.00
Section 310 - Experience of Personnel	2.65	2.65	3.00	2.90	2.90	-0.25	-0.25
Section 315 - Managing Inspection and Re-inspection activity	1.00	1.00	1.00	1.00	1.00	0.00	0.00
Section 320 - Inspection Checklist	0.00	0.00	2.00	0.00	0.00	0.00	0.00
Section 325 - Special Inspections	1.00	1.00	1.00	0.00	0.00	1.00	1.00
Section 330 - Inspections for Natural Hazard Mitigation	1.50	1.50	1.50	1.50	1.50	0.00	0.00
Section 335 - Final Inspections	2.50	2.50	2.50	2.50	2.50	0.00	0.00
Section 340 - Certificate of Occupancy	2.00	2.00	2.00	2.00	2.00	0.00	0.00
Section 345 - Performance Evaluations for Quality Assurance	1.00	1.00	1.00	0.50	0.50	0.50	0.50
Subtotal:	57.68	61.30	100.00	74.17	74.02	-16.49	-12.72
The final score is determined by a relationship between Item 105 and the balances of the scoring.							
Final Score:	17.53	17.64	100.00	74.17	70.70	-56.64	-53.06



City of Tomball

Gretchen Fagan
Mayor

Robert Hauck
City Manager

February 12, 2019

Ms. Esther Sola', BCEGS Community Mitigation/Technical Analyst
Insurance Services Office, Inc. (ISO)
Transmitted via email to: esola@verisk.com

Re: City of Tomball Building Code Effectiveness Grading Schedule Survey Results

Dear Ms. Sola':

This letter is to inform you that the City of Tomball will be developing an action plan to improve upon or regain the City of Tomball's BCEGS prior classifications and that we will forward you the action plan prior to the April 30, 2019 deadline.

If you have any questions or require more information prior to the April 30, 2019 deadline specifying our intended action, please contact me directly at cmeyers@tomballtx.gov or 281.290.1412. Thank you.

Sincerely,

Craig T. Meyers, PE, CFM
Community Development Director



City of Tomball

Gretchen Fagan
Mayor

Robert Hauck
City Manager

April 10, 2019

Ms. Esther Sola', BCEGS Community Mitigation/Technical Analyst
Insurance Services Office, Inc. (ISO)
Transmitted via email to: esola@verisk.com

Re: City of Tomball Building Code Effectiveness Grading Schedule Classification

Dear Ms. Sola':

The City of Tomball has commenced the process of updating Building Codes in an effort to improve upon our BCEGS Classification for one and two family residential properties and commercial and industrial properties. Currently the City of Tomball enforces the 2012 International Building Code, 2012 International Residential Code, 2012 International Mechanical Code, 2012 International Plumbing Code and 2011 National Electric Code. As part of the update, City of Tomball staff is pursuing a transition to the 2015 International Building Code, 2015 International Residential Code, 2015 International Mechanical Code, 2015 International Plumbing Code and 2014 National Electric Code.

Over the past few months, Building Permits and Inspections Division personnel have attended numerous training classes on the updated Codes. City staff is scheduled to attend more training classes in the upcoming months to become more familiar with the updated Codes and we anticipate preparing and presenting an Ordinance to adopt the updated Codes mentioned above to the Tomball City Council no later than the end of the 2019.

If you have any questions or require more information regarding our intended action, please contact me directly at cmeyers@tomballtx.gov or 281.290.1412. Thank you.

Sincerely,

Craig T. Meyers, PE, CFM
Community Development Director

cc: Mr. Kenneth Cole, City of Tomball Building Official

Regular City Council

Agenda Item

Data Sheet

Meeting Date: November 18, 2019

Topic:

Adopt, on Second Reading, Ordinance No. 2019-32, an Ordinance of the City of Tomball, Texas, Amending Chapter 20, "Fire Prevention and Protection", of the Code of Ordinances by Amending Sections 20-25, 20-26, 20-28, and 20-48 and Adopting the 2015 Edition of The International Fire Code as published by The International Code Council and The 2015 Edition of The Life Safety Code as published by The National Fire Protection Association; Providing for a Penalty Not to Exceed \$2,000 for Each Violation of Any Provision Hereof; and Making Other Provisions Related to the Subject

Background:

The City has adopted various versions of the International Fire Code over the past several years. This code is updated every three years. Presently, the City includes the 2012 version in its ordinances. Historically, the City remains one code cycle behind in its adoption cycle to allow for other, larger adopters to work through any issues that may arise. With the 2018 version in place, the Fire Department requests that the City adopt the 2015 version of the IFC and the 2015 version of the Life Safety Code.

Origination:

Fire Department

Recommendation:

Adopt Ordinance No. 2019-32 on Second Reading

Party(ies) responsible for placing this item on agenda:

City Secretary

ACTION TAKEN

Approval ☐ Yes ☐ No	Readings Passed ☐ 1 st ☐ 2 nd	Other
---	---	--------------

ATTACHMENTS:

Ordinancer No. 2019-32

ORDINANCE NO. 2019-32

AN ORDINANCE OF THE CITY OF TOMBALL, TEXAS, AMENDING CHAPTER 20, "FIRE PREVENTION AND PROTECTION", OF THE CODE OF ORDINANCES BY AMENDING SECTIONS 20-25, 20-26, 20-28, AND 20-48 AND ADOPTING THE 2015 EDITION OF THE INTERNATIONAL FIRE CODE AS PUBLISHED BY THE INTERNATIONAL CODE COUNCIL AND THE 2015 EDITION OF THE LIFE SAFETY CODE AS PUBLISHED BY THE NATIONAL FIRE PROTECTION ASSOCIATION; PROVIDING FOR A PENALTY NOT TO EXCEED \$2,000 FOR EACH VIOLATION OF ANY PROVISION HEREOF; AND MAKING OTHER PROVISIONS RELATED TO THE SUBJECT

* * * * *

WHEREAS, the City of Tomball (the "City") is proposing to adopt the 2015 editions, with local amendments, of the construction codes published by the International Code Council; and

WHEREAS, the International Code Council recommends that the fire code adopted by a city be the same edition as all other construction codes adopted by a municipality for the sake of consistency between codes; and

WHEREAS, the Fire Chief has recommended certain amendments to the International Fire Code;

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

Section 1. The facts and matters set forth in the preamble of this Ordinance are hereby found to be true and correct.

Section 2. Section 20-25 of the Tomball Code of Ordinances ("City Code") is hereby amended by adding to Section 20-25 the language underscored below and deleting therefrom the language struckthrough below to read as follows:

"Sec. 20-25. - International Fire Code adopted.

~~For the purpose of providing regulations consistent with nationally recognized practices for the reasonable protection of life and property from the hazards of fire, the city hereby adopts the International Fire Code, 2012-2015 edition, hereinafter sometimes referred to as the "code," with appendix chapters B through J, as published by the International Code Council, Inc., except such portions as are deleted or amended by this article, and the same are hereby adopted and incorporated as fully as if set out at length herein. One copy of the code is now filed in the office of the city secretary. From the date on which the~~

~~ordinance from which this article is derived shall take effect, the provisions thereof shall be controlling within the limits of the city and its extraterritorial jurisdiction~~ The International Fire Code, 2015 edition, hereinafter sometimes referred to as the “code,” as published by the International Code Council, Inc., is hereby adopted. A copy of said code is made a part hereof for all purposes, an authentic copy of which shall be kept of file with the City Secretary. In the event of a conflict between any provision of the fire code adopted by this section and the life safety code adopted in Section 20-26 of the City Code, the fire code shall prevail. In the event of a conflict between any provision of the fire code adopted by this section and the property maintenance code adopted in Article IX of the City Code, the most restrictive provision shall prevail.”

Section 3. Section 20-26 of the City Code is hereby amended by adding to Section 20-26 the language underscored below and deleting therefrom the language struckthrough below to read as follows:

“Sec. 20-26. - Life Safety Code, NFPA 101.

The NFPA 101, ~~2012~~ 2015 edition, as published by the National Fire Protection Association, Inc., and as amended herein, is hereby adopted in its entirety with the listed exceptions. A copy of said Life Safety Code is attached to the ordinance from which this article is derived and made a part hereof for all purposes, an authentic copy of which has been filed with the city secretary. “

Section 4. Section 20-28 of the City Code is hereby amended by adding to Section 20-28 the language underscored below and deleting therefrom the language struckthrough below to read as follows:

“Sec. 20-28. - Amendments to the ~~2012~~ 2015 International Fire Code.
The following sections of the fire code adopted in Section 20-27 of the City Code are amended as follows:

(a) Section 102.7 of the fire code adopted in section 20-27 is hereby amended to provide as follows:

102.7 Referenced codes and standards. The codes and standards referenced in this code shall be those that are listed in chapter 80 and such codes and standards shall be considered part of the requirements of this code to the prescribed extent of each such reference and as further regulated in Sections 102.7.1 and 102.7.2. ~~Where differences occur between the 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.

(b) Section 103 is hereby amended by deleting sections 103.1, 103.2, 103.3, and 103.4 of said code and substituting therefore a new section 103.1 to provide as follows:

103.1 Fire Prevention Division. The Tomball Fire Department, Fire Prevention Division is responsible for the enforcement of this code and shall be under the administrative and operational control of the Fire Marshal. The Fire Marshal shall be selected by the ~~fire chief~~ Fire Chief with the approval of the City Manager. The Fire Marshal may appoint deputies to assist him/her, subject to the approval of the Fire Chief.

(c) Section 108 is hereby amended by deleting section 108.~~3~~1 and substituting therefore a new section 108.31 to provide as follows:

108.31 Board of Appeals Established. The Board of Appeals shall be ~~made up of the members of the City Council~~ the Zoning Board of Adjustments of the City of Tomball, acting as the board of appeals under this code. For purposes of hearings on dangerous structures in violation of this code to such an extent that the fire code official is recommending the structure be ordered repaired, vacated or demolished, the hearing may be held before the board of appeals or the municipal court.

(d) Section 109.4 of said code is hereby ~~amended to provide as follows~~ :deleted in its entirety and the penalty provision in Section 1-14 of the City Code is substituted in its place.

~~*109.4 Violation penalties.* Any person, firm, corporation, or other entity who violates 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 certificate used under provisions of this code, shall be guilty of a misdemeanor punishable by a fine of not more than two thousand dollars (\$2,000.00). Each day that a violation continues shall constitute a separate offense.~~

(e) Section 111.4 of said code is hereby amended to provide as follows:

111.4 Failure to comply. Any person, firm, corporation, or other entity who shall continue any work after having been served with a stop work order, except such work as that person, firm, corporation, or other entity is directed to perform to remove a violation or unsafe condition, shall be liable for a fine not to exceed two thousand dollars (\$2,000.00).

(f) Section 202 of the code is hereby amended by adding and/or changing the following definitions:

City shall mean the City of Tomball, Texas.

Fire Chief shall mean the City of Tomball ~~e~~Chief of the ~~f~~Fire ~~d~~Department.

Fire Code Official shall mean the ~~f~~Fire ~~m~~Marshal, or a duly authorized representative, as the designated authority charged by the ~~f~~Fire ~~e~~Chief with the duties of administration and enforcement of the code.

Fire Marshal. See fire code official.

Fireworks. Any firecrackers, cannon crackers, skyrockets, torpedoes, roman candles, sparklers, squibs, fire balloons, star shells, gerbs or any other substance in whatever combination by any designated name intended for use in obtaining visible or audible pyrotechnic display; and such term shall include all articles or substances within the commonly accepted meaning of fireworks whether herein specially designated and defined or not.

Standby Personnel shall mean qualified fire service personnel, approved by the ~~f~~Fire ~~e~~Chief or ~~f~~Fire ~~m~~Marshal. When utilized, the number required shall be as directed by the ~~f~~Fire ~~e~~Chief or ~~f~~Fire ~~m~~Marshal. Charges for utilization shall be as normally calculated by the jurisdiction.

- (g) Section 307.2 of said code is hereby amended to provide as follows:

307.2 Permit required. A permit shall be obtained from the fire code official in accordance with section 105.6 prior to kindling a fire for recognized silvicultural practices, prevention or control of disease or pests. Application for such approval shall only be presented by and permits issued to the owner of the land upon which the fire is to be kindled.

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

1. Texas Commission on Environmental Quality guidelines and/or restrictions.
2. State, county or local temporary or permanent bans on open burning.
3. Local written policies as established by the code official.

- (h) Section 307.2.~~4~~2 of said code is hereby added to provide as follows:

307.2.2. *Open burning.* Open burning is prohibited within the city limits of Tomball unless a permit has been issued by the Fire Marshal for ceremonial fires, trench burning operations for major land clearing, and the prevention or disposal of diseased livestock. A permit is not required for barbeque pits and approved outdoor fireplaces, which are used for its actual design and intent and used in accordance with this code.

- (i) Section 307.2.3 of said code is hereby ~~amended~~ added to provide as follows:

307.2.3 Trench burns. Trench burns shall be conducted in air curtain trenches and in accordance with section 307.2.

- (j) Section 307.4 of said code is hereby amended to provide as follows:
307.4 Location. The location for open burning shall not be less than 300 feet (91,440 mm) from any structure, and provisions shall be made to prevent the fire from spreading to within 300 feet (91,440 mm) of any structure.
- (k) Section 307.4.1 of said code is hereby deleted in its entirety.
- (l) Section 307.4.2 of said code is hereby deleted in its entirety.
- (m) Section 307.5 of said code is hereby amended to provide as follows:
307.5 Attendance. Trench burns or ceremonial fires shall be constantly attended until the fire is completely extinguished. A minimum of one portable fire extinguisher complying with section 906 with a minimum 4-A rating or other approved on site fire extinguishing equipment, such as dirt, sand, water, garden hose or water truck, shall be available for immediate utilization. A permit is required from the fire marshal's office, prior to the ignition of any said fire. The Fire Marshal may require a dedicated standby of qualified personnel to assist in the supervision.
- (n) Section 308.1.2 of said code is hereby amended to provide as follows:
308.1.2 Throwing or placing sources of ignition. No person shall throw, sail, launch, or place, or cause to be thrown, sailed, launched, or placed, a lighted match, cigar, cigarette, matches, or other flaming or glowing substance or object on any surface or article where it can cause an unwanted fire.
- (o) Section 308.1.4 of said code is hereby amended to provide as follows:
308.1.4 Open-flame cooking devices. Charcoal burners and other open-flame cooking devices used for cooking or recreational uses shall not be operated on combustible balconies or within 10 feet (3048 mm) of combustible construction. No permit is required for this operation.

Exceptions:

1. One and two-family dwellings.

(p) Chapter 3 of said code is hereby amended by adding section 319 that shall provide as follows:

Section 319 – Mobile Food Preparation Vehicles

319.1 General.

Mobile food preparation vehicles that are equipped with appliances that produce smoke or grease-laden vapors shall comply with this section.

319.2 Inspection and Permit required.

Inspection by the fire code official shall be required prior to operation of any mobile food preparation vehicle within the city limits. A permit shall be required in accordance with Section 105.6 of this code, unless a mobile food truck permit has been issued for the vehicle by the State Department of State Health Services or a local government acting pursuant to the same or similar statutory authority.

319.3 Exhaust hood.

Cooking equipment that produces grease-laden vapors shall be provided with a kitchen exhaust hood in accordance with Section 609.

319.4 Fire protection.

Fire protection shall be provided in accordance with Sections 319.4.1 and 319.4.2.

319.4.1 Fire protection for cooking equipment.

Cooking equipment shall be protected by automatic fire extinguishing systems in accordance with Section 904.12.

319.4.2 Fire extinguisher.

Portable fire extinguishers shall be provided in accordance with Section 906.4.

319.5 Appliance connection to fuel supply piping.

Gas cooking appliances shall be secured in place and connected to fuel-supply piping with an appliance connector complying with ANSI Z21.69/CSA 6.16. The connector installation shall be configured in accordance with the manufacturer's installation instructions. Movement of appliances shall be limited by restraining devices installed in accordance with the connector and appliance manufacturers' instructions.

319.6 Cooking oil storage containers.

Cooking oil storage containers within mobile food preparation vehicles shall have a maximum aggregate volume not more than 120 gallons (454 L), and shall be stored in such a way as to not be toppled or damaged during transport.

319.7 Cooking oil storage tanks.

Cooking oil storage tanks within mobile food preparation vehicles shall comply with Sections 319.7.1 through 319.7.5.2.

319.7.1 Metallic storage tanks.

Metallic cooking oil storage tanks shall be *listed* in accordance with UL 80 or UL 142, and shall be installed in accordance with the tank manufacturer's instructions.

319.7.2 Nonmetallic storage tanks.

Nonmetallic cooking oil storage tanks shall be installed in accordance with the tank manufacturer's instructions and shall comply with both of the following:

1. Tanks shall be listed for use with cooking oil, including maximum temperature to which the tank will be exposed during use.
2. Tank capacity shall not exceed 200 gallons (757 L) per tank.

319.7.3 Cooking oil storage system components.

Metallic and nonmetallic cooking oil storage system components shall include, but are not limited to, piping, connections, fittings, valves, tubing, hose, pumps, vents and other related components used for the transfer of cooking oil.

319.7.4 Design criteria.

The design, fabrication and assembly of system components shall be suitable for the working pressures, temperatures and structural stresses to be encountered by the components.

319.7.5 Tank venting.

Normal and emergency venting shall be provided for cooking oil storage tanks.

319.7.5.1 Normal vents.

Normal vents shall be located above the maximum normal liquid line, and shall have a minimum effective area not smaller than the largest filling or withdrawal connection. Normal vents are not required to vent to the exterior.

319.7.5.2 Emergency vents.

Emergency relief vents shall be located above the maximum normal liquid line, and shall be in the form of a device or devices that will relieve excessive internal pressure caused by an exposure fire. For nonmetallic tanks, the emergency relief vent shall be allowed to be in the form of construction. Emergency vents are not required to discharge to the exterior.

319.8 LP-gas systems.

Where LP-gas systems provide fuel for cooking appliances, such systems shall comply with Chapter 61 and Sections 319.8.1 through 319.8.5.

319.8.1 *Maximum aggregate volume.*

The maximum aggregate capacity of LP-gas containers transported on the vehicle and used to fuel cooking appliances only shall not exceed 200 pounds (91 kg) propane capacity.

319.8.2 *Protection of container.*

LP-gas containers installed on the vehicle shall be securely mounted and restrained to prevent movement.

319.8.3 *LP-gas container construction.*

LP-gas containers shall be manufactured in compliance with the requirements of NFPA 58.

319.8.4 *Protection of system piping.*

LP-gas system piping, including valves and fittings, shall be adequately protected to prevent tampering impact damage, and damage from vibration.

319.8.5 *LP-gas alarms.*

A listed LP-gas alarm shall be installed within the vehicle in the vicinity of LP-gas system components, in accordance with the manufacture's instructions.

319.9 *CNG systems.*

Where CNG systems provide fuel for cooking appliances, such systems shall comply with Sections 319.9.1 through 319.9.4.

319.9.1 *CNG containers supplying only cooking fuel.*

CNG containers installed solely to provide fuel for cooking purposes shall be in accordance with Sections 319.9.1.1 through 319.9.1.3.

319.9.1.1 *Maximum aggregate volume.*

The maximum aggregate capacity of CNG containers transported on the vehicle shall not exceed 1,300 pounds (590 kg) water capacity.

319.9.1.2 *Protection of container.*

CNG containers shall be securely mounted and restrained to prevent movement. Containers shall not be installed in locations subject to a direct vehicle impact.

319.9.1.3 *CNG container construction.*

CNG containers shall be an NGV-2 cylinder.

319.9.2 CNG containers supplying transportation and cooking fuel.

Where CNG containers and systems are used to supply fuel for cooking purposes in addition to being used for transportation fuel, the installation shall be in accordance with NFPA 52.

319.9.3 Protection of system piping.

CNG system piping, including valves and fittings, shall be adequately protected to prevent tampering, impact damage and damage from vibration.

319.9.4 Methane alarm.

A listed methane gas alarm shall be installed within the vehicle in accordance with manufacturer's instructions.

319.10 Maintenance.

Maintenance of systems on mobile food preparation vehicles shall be in accordance with Sections 319.10.1 through 319.10.3.

319.10.1 Exhaust system.

The exhaust system, including hood, grease-removal devices, fans, ducts and other appurtenances, shall be inspected and cleaned in accordance with Section 609.3.

319.10.2 Fire protection systems and devices.

Fire protection systems and devices shall be maintained in accordance with Section 901.6.

319.10.3 Fuel gas systems.

LP-gas containers installed on the vehicle and fuel-gas piping systems shall be inspected annually by an *approved* inspection agency or a company that is registered with the U.S. Department of Transportation to requalify LP-gas cylinders, to ensure that system components are free from damage, suitable for the intended service and not subject to leaking. CNG containers shall be inspected every 3 years in a qualified service facility. CNG containers shall not be used past their expiration date as listed on the manufacturer's container label. Upon satisfactory inspection, the *approved* inspection agency shall affix a tag on the fuel gas system or within the vehicle indicating the name of the inspection agency and the date of satisfactory inspection.

- (q) Section 404 of said code is hereby amended by adding Section 404.5 to provide ~~amended~~ as follows:

404.65 Evacuation plan retention box. Where determined by the fire code official based on the hazards of a specific location or occupancy,

certain occupancies or locations shall install an approved repository of records containing the evacuation plans, floor plans, emergency cut-offs and other pertinent information to the building.

- (r) Section 503.2.1 of said code is hereby amended to provide as follows:

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

- (s) Section 503.3 of said code is hereby amended to provide as follows:

503.3 Marking. Approved striping or, when allowed by the code official, signs, or both, shall be provided for fire apparatus access roads to identify such roads or prohibit the obstruction thereof. Signs and striping shall be maintained in a clean and legible condition at all times and be replaced or repaired when necessary to provide adequate visibility.

1. Striping—Fire apparatus access roads shall be marked by painted lines of red traffic paint six inches (6”) in width to show the boundaries of the lane. The words lettered “FIRE LANE—NO PARKING—TOW AWAY ZONE” shall appear in four inch (4”) white letters on the red border markings along both sides of the fire lanes. Where a curb is available, the striping shall be on the vertical face of the curb.

2. Signs—Signs shall read “NO PARKING FIRE LANE” or “FIRE LANE NO PARKING” and shall be 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 thirty feet (30') apart. Signs may be installed on permanent buildings or walls or as approved by the Fire Marshal.

- (t) Section 503.4 of said code is hereby amended to provide as follows:

503.4 Obstruction of fire apparatus access roads. Fire apparatus access roads shall not be obstructed in any manner, including the parking of vehicles. The minimum widths and clearances established in section 503.2.1 and 503.2.2, and any area marked as a fire lane as described in section 503.3, shall be maintained at all times. This shall include painted fire lanes or tow away zones maintained and/or managed by a company or firm.

- (u) Section 506 of said code is hereby deleted and a new section 506 is substituted therefore to provide as follows:

506 - Key Boxes

506.1 Key boxes required. The following structures and/or properties shall be equipped with an approved key lock security system box or electronic override key switch at or near the main entrance or such other location as required by the Fire Marshal:

1. Structures that are either equipped with, or required to be equipped with, fire sprinkler systems or fire detection alarm systems that report to an alarm monitoring center;
2. Multifamily residential structures that have restricted access through locked doors or gates and that have a common area or corridor for access to the living units;
3. Buildings, regardless of use or occupancy, that contains four (4) or more occupancies within the same structure that have separate entryways and exit ways that are separated by tenant space and/or have restricted common entryways and exit ways into the common area of the building;
4. Properties having mechanical gates that control vehicular and pedestrian access to commercial property or to streets in subdivisions, apartment complexes, condominiums or other residential developments which contain more than two residential units; or
5. Commercial property with parking garages or secured parking and storage unit areas that will restrict access for emergency services.
6. In new and existing buildings where an elevator is provided, an approved box suitable for the storage of elevator keys and shall be located near the elevator car.
7. For any building above two stories or any Group E, H, I occupancy, including buildings used for higher education; a box shall be provided in an approved location for the storage of building specific data, not limited to floor plans, MSDS information and equipment disconnects to assist with emergency operations.

506.32 Type of key lock box required. The Fire Marshal shall designate the type of key lock box system to be implemented within the city and shall have the authority to require all structures and/or property to use the designated system.

506.43 Access to buildings. The owner or operator of a structure and/or property required to have a key lock box shall at all times keep the required keys in the lock box that will allow for access to the structure, required rooms and/or property. Required keys shall not include keys to individual living units.

- (v) Section ~~807.4.4.2~~ 807.5.5.2 of said code is hereby amended by adding an exception to provide as follows:

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

- (w) Section 901.7 of said code is hereby amended to provide as follows:

901.7 Systems out of service. Where a required fire protection or detection system is out of service or in the event of an excessive number of activations, the fire department and the code official shall be notified immediately and, where required by the 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. Where utilized, fire watches shall be provided with at least one approved means for notification of the fire department and their only duty shall be to perform constant patrols of the protected premises and keep watch for fires.

- (x) Section 903 Automatic Sprinkler System of said code is hereby amended by deleting the following exceptions.

Section 903.2.10

Section 903.2.11.3, ~~exception #1 and #2 only~~

Section 903.4, exceptions #1 and #3 only

- (y) Section 903.2 of said code is hereby amended by adding the following paragraph:

~~Any~~ An automatic fire sprinkler system shall be required through any building if any building or individual suite in a multitenant strip center, having a fire area and/or occupant load greater than that allowed by the code without a fire sprinkler system ~~shall be provided with an automatic fire sprinkler system if it is determined that an amount greater or equal to fifty percent (50%) of the properties appraised value~~ is effected by a manmade or natural disaster, including fire, to an extent that: (i) 50% of the total square footage of the strip center is impacted by the disaster or requires repair, or (ii) repair costs amount to a sum that is equal to or greater than 50% of the appraised value of the strip center as shown on the County's latest tax roll prior to the disaster.

- (z) Section 903.3.1.2 of said code is hereby amended to provide as follows:

903.3.1.2 NFPA 13R sprinkler systems. Where allowed in buildings of Group R, up to and including four stories in height, automatic sprinkler systems shall be installed throughout in accordance with NFPA 13R. However, sprinkler protection is required in attic spaces, and elevator control rooms of such buildings three or more stories in height.

- (aa) Section 903.3.5.1 of said code is hereby amended by adding a second paragraph to provide as follows:

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

~~(aabb) Section 907.1.3 of said code is hereby amended by adding the following section:~~

~~907.1.3.1 Design Standards. All fire alarm systems new or replacement serving fifty (50) or more alarm actuating devices shall be intelligent addressable fire detection systems.~~

~~Exception: Existing systems need not comply unless a building remodel or expansion initiated after the effective date of this code, as adopted, causes the total fire area to exceed the square footage of the building in the applicable sections of this code.~~

(bb) Section 907.2 of said code is hereby amended to provide as follows:

907.2 Where required—new buildings and structures. A manual and automatic fire alarm system shall be provided in new buildings and structures other than in Group U occupancies that have a fire area exceeding 5000 square feet in accordance with sections 907.2.1 through 907.2.23. Systems shall be equipped with at least one means of automatic activation, and manual activation.

Approved automatic fire detection systems shall be installed in accordance with the provisions of this code and NFPA 72. Devices, combinations of devices, appliances and equipment shall comply with section 907.1.2. The automatic fire detectors shall be smoke detectors, except that an approved alternative type of detector shall be installed in spaces such as boiler rooms where, during normal operation, products of combustion are present in sufficient quantity to actuate a smoke detector. All public areas shall be protected by smoke detectors unless otherwise deemed necessary by the Fire Marshal.

(cc) Section 907.4 of said code is hereby amended by adding a second sentence to provide as follows:

Manual alarm actuating devices shall be an approved double action type and have protective covers.

(dd) Section 907.6.~~5~~6 of said code is hereby amended to provide as follows:

Section 907.6.~~5~~6 Monitoring. An approved supervising station in accordance with NFPA 72 fire alarm systems shall monitor all new and existing manual, automatic, or manual and automatic fire alarm system.

(ee) Section 912.1 of said code is hereby amended by adding criteria #1 to provide as follows:

1. The fire department connection for standpipe systems shall be located remotely.

(ff) Section ~~1015.1~~ 1006.2 of said code is hereby amended by adding #41 to the list of requirements.

41. Each individual tenant space in a retail strip center shall be provided with a secondary exit door in an approved location, regardless of travel distance or occupant load.

(gg) Section 5601.1.3 of said code is hereby ~~amended by deleting the “exceptions” contained in paragraphs numbered 1 through 4 and adding the following sections~~ deleted in its entirety and a new section 5601.1.3 is substituted therefore to provide as follows:

5601.1.3 Fireworks. The possession, manufacture, storage, sale, handling and use of fireworks are prohibited within the corporate limits of the city.

The possession, manufacture, storage, sale, handling and use of fireworks are declared to be a nuisance and are prohibited within the area immediately adjacent and contiguous to the city limits and extending outside the city limits for a distance of five thousand (5,000) feet unless such area is within the corporate limits of another municipality.

Exceptions:

Only when approved for fireworks displays, storage and handling of fireworks as provided in section 5601.2.4.2 and 5601.4.

The use of fireworks for approved displays as permitted in section 5608.

(hh) Appendix table D103.4 of said code is hereby deleted in its entirety and a new Appendix table D103.4 is substituted therefore ~~amended~~ to provide as follows:

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

~~Table D103.4. Width should be a minimum of 24 feet for lengths up to 500 feet.~~

(ii) The following subsection 1 of Section D103.5 of Appendix D103.5 of said code is hereby amended to provide as follows:

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

1. The minimum gate width shall be 24 feet for all gates securing the fire apparatus access roads.

~~“(c) Section 109.3 of said code is hereby amended to provide as follows:~~

~~109.3 Violation penalties. Any person, firm, corporation, or other entity who violates 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 certificate used under provisions of this code, shall be guilty of a misdemeanor punishable by a fine of not more than two thousand dollars (\$2,000.00). Each day that a violation continues shall constitute a separate offense.”~~

(ii) Appendices.

(1) The following appendices contained in this code are deleted in their entirety:

Appendix A, Board of Appeals

Appendix K, Construction Requirements for Existing Ambulatory Care Facilities

Appendix M, High-Rise Buildings – Retroactive Automatic Sprinkler Requirement

(2) The following appendices contained in this code are adopted in their entirety:

Appendix B, Fire-Flow Requirements for Buildings

Appendix C, Fire Hydrant Locations and Distribution

Appendix D, Fire Apparatus Access Roads

Appendix E, Hazard Categories

Appendix F, Hazard Ranking

Appendix G, Cryogenic Fluids – Weight and Volume Equivalents

Appendix H, Hazardous Materials Management Plan (HMMP) and Hazardous Materials Inventory Statement (HMIS) Instructions

Appendix I, Fire Protection Systems – Noncompliant Conditions

Appendix J, Building Information Sign

Appendix L, Requirements for Fire Fighter Air Replenishment Systems; provided, however, this appendix L shall apply to new construction only.

Section 5. Section 20-48 of the City Code is hereby amended by adding to Section 20-48 the language underscored below and deleting therefrom the language struckthrough below to read as follows:

“Sec. 20-48. - Amendments to NFPA 13D.

- (a) Section 3.3.134.2 of NFPA 13 D is hereby amended by ~~deleting~~ adding the following sentence to the definition of “Control Valve”:

Each system shall have a single control valve arranged to shut off both the domestic system and the sprinkler system, and there shall be a separate shutoff valve for the domestic system only. However, the sprinkler system shall be permitted to have a separate control valve where supervised by a central station or remote station alarm service.”

Section 6. Chapter 20, Fire Prevention and Protection, of the Code of Ordinances shall be revised and amended as indicated above.

Section 7. This Ordinance shall in no manner amend, change, supplement, or revise any other provision of Chapter 20, Fire Prevention and Protection, of the Code of Ordinances except as indicated above.

Section 8. All ordinances or portions thereof, of the City of Tomball, in conflict with the provisions of this ordinance, to the extent of such conflict, are hereby repealed. To the extent that such ordinances or portions thereof are not in conflict herewith, the same shall remain in full force and effect.

Section 9. In the event any section, paragraph, subdivision, clause, phrase, provision, sentence, or part of this Ordinance or the application of the same to any person or circumstance shall for any reason be adjudged invalid or held unconstitutional by a court of competent jurisdiction, it shall not affect, impair, or invalidate this Ordinance as a whole or any part or provision hereof other than the part declared to be invalid or unconstitutional; and the City Council of Tomball, Texas, declares that it would have passed each and every part of the same notwithstanding the omission of any and every part of the same notwithstanding the omission of any such part thus declared to be invalid or unconstitutional, or whether there be one or more parts.

Section 10. Any person who shall violate any provision of this Ordinance shall be deemed guilty of a misdemeanor and upon conviction, shall be fined in an amount not to exceed \$2,000, in accordance with the general penalty provision of Section 1-14 of the City Code. Each day of violation shall constitute a separate offense.

Section 11. This Ordinance shall take effect immediately from and after its passage and the publication of the caption hereof, as provided by law and the City’s Home Rule Charter.

FIRST READING:

READ, PASSED, AND APPROVED AS SET OUT BELOW AT THE MEETING OF THE CITY COUNCIL OF THE CITY OF TOMBALL HELD ON THE 4TH DAY OF NOVEMBER 2019.

COUNCILMAN FORD	<u>AYE</u>
COUNCILMAN STOLL	<u>AYE</u>
COUNCILMAN DEGGES	<u>AYE</u>
COUNCILMAN TOWNSEND	<u>AYE</u>
COUNCILMAN KLEIN QUINN	<u>AYE</u>

SECOND READING:

READ, PASSED, AND APPROVED AS SET OUT BELOW AT THE MEETING OF THE CITY COUNCIL OF THE CITY OF TOMBALL HELD ON THE 18TH DAY OF NOVEMBER 2019.

COUNCILMAN FORD	_____
COUNCILMAN STOLL	_____
COUNCILMAN DEGGES	_____
COUNCILMAN TOWNSEND	_____
COUNCILMAN KLEIN QUINN	_____

Gretchen Fagan, Mayor

ATTEST:

Doris Speer, City Secretary

Regular City Council

Agenda Item

Data Sheet

Meeting Date: November 18, 2019

Topic:

Appoint/Reappoint Members to Positions 3, 6, and 9 of the Tourism Advisory Committee Board, for Terms expiring December 5, 2019

Background:

The Tourism Advisory Committee (TAC) consists of nine (9) positions. City residents were appointed to Positions 1, 2, and 3, city business owners or employees were appointed to Positions 4, 5, and 6, and members of the hotel industry were appointed to Positions 7, 8, and 9.

The appointments in each category are 3-year terms; terms now expiring on December 5, 2019 for which appointments/reappointments must be made are:

- Tomball Residents: Jeffie Cappadonna - Position 3
- Businesses located within Tomball: Rodney Hutson - Position 6
- A Hotel or Motel located within Tomball: Paige Cassel - Position 9.

Each committee member has expressed his/her desire to continue serving.

I would like to recommend the reappointment of Jeffie Cappadonna, Rodney Hutson, and Paige Cassel to their respective positions.

Nominations will also be considered at the Council meeting; we currently have one application on file for TAC, from Chris McCall (copy attached).

Origination:

Mayor Fagan

Recommendation:

N/A

Party(ies) responsible for placing this item on agenda:

Asst.City Secretary

ACTION TAKEN

Approval ☐ Yes ☐ No	Readings Passed ☐ 1 st ☐ 2 nd	Other
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ATTACHMENTS:

Attendance - 2015-2019

Chris McCall - 2019 Application

As discussed the TAC Board is supposed to meet quarterly, however if we need to postpone we and eventually do conduct the meeting, hence why some of the dates are off. In addition, if there are no matters requiring a meeting, it is canceled.

The data I am providing you, goes as far back as January 2015, in order to provide you with sufficient data.

01/27/15

Ronald Tocci
Mary Harvey
Jeffie Cappadonna
Steve Hughes
Prakash Patel
Rodney Hutson
Laura Wilson

Members absent:

Kevin Lala

5/11/2015

Paige Cassel
Mary Harvey
Kevin Lala
Laura Wilson

Members absent:

Jeffie Cappadonna
Steve Hughes
Rodney Hutson
Prakash Patel

7/28/15

Rodney Hutson
Mary Harvey
Jeffie Cappadonna
Steven Hughes
Paige Cassel

Members absent:

Kevin Lala
Prakash Patel
Laura Wilson

10/27/15

Mary Harvey
Jeffie Cappadonna
Paige Cassel
Steve Hughes
Rodney Hutson
Laura Wilson

Members absent:

Kevin Lala
Prakash Patel

1/26/16

Rodney Hutson
Mary Harvey
Steven Hughes
Paige Cassel

Members absent:

Kevin Lala - excused
Prakash Patel-excused
Laura Wilson
Jeffie Cappadonna

8/30/16

Rodney Hutson
Mary Harvey
Steven Hughes
Kevin Lala
Prakash Patel
Jeffie Cappadonna
Cindy Vincik

Members absent:

Paige Cassel

10/25/2016

Paige Cassel
Mary Harvey
Steven Hughes
Jeffie Cappadonna

Members absent:

Rodney Hutson
Kevin Lala
Prakash Patel
Cindy Vincik

8/22/17

All members were present.

10/24/17

Paige Cassel
Steve Hughes
Jeffie Cappadonna
Cindy Vincik
Rodney Hutson
Kevin Lala
Prakash Patel

Members Absent:

Mary Harvey

10/23/18

Canceled Due to Lack of Quorum

11/5/2018 - Special

Mary Harvey
Paige Cassel
Steve Hughes
Jeffie Cappadonna
Rodney Hutson
Melanie Sutton

Members Absent:

Cindy Vincik
Prakash Patel

6/25/2019 – Special

Holly Cook
Paige Cassel
Rodney Hutson
Melanie Sutton
Ted Meilke
Raymond Francois

Members Absent:

Steve Hughes
Jeffie Cappadonna
Mary Harvey

8/13/2019 - Special

Holly Cook
Paige Cassel
Rodney Hutson
Melanie Sutton
Ted Meilke
Raymond Francois

Members Absent:

Steve Hughes
Jeffie Cappadonna
Mary Harvey



CITY OF TOMBALL

APPLICATION FOR THE TOURISM ADVISORY COMMITTEE

As an Applicant for the **Tourism Advisory Committee**, your application will be available to the public. All appointments are made by the Tomball City Council. Incumbents whose terms expire are automatically considered for reappointment unless they indicate non-interest or have been appointed to two (2) consecutive terms. A member who is absent for more than 25% of called meetings in any twelve consecutive months or absent from more than two consecutive meetings, for other than medical reasons, will be automatically removed from service. Applicant must be a citizen of the United States and must reside within the city limits of Tomball unless otherwise stated in the position announcement. 2013 applications expire on December 31, 2015; a new application will be required in 2016.

Please Type or Print Clearly:

Date: 07/22/19

Name: CHRIS MCCALL

Phone: _____

Address: 503 HICKS ST.

Phone: _____ (Home)

City/State/Zip TOMBALL, TEXAS 77375

Phone: _____ (Work)

Email: _____

Cell: _____

I have lived in Tomball 1 years.

I am X am not _____ a U.S. Citizen

I am applying as (please check all that apply):

X

a Tomball Resident, residing within the city limits of Tomball
an Owner, Officer or Director of a business, other than a hotel or motel,
with offices within the city limits of Tomball
_____ an Employee or Officer of a hotel or motel located in the
city limits of Tomball

Occupation: RETIRED

Professional and/or Community Activities: _____

Additional Pertinent Information/References: _____

Applications for the Tourism Advisory Committee will be kept on file in the City Secretary's office (281-290-1002) for two years.

I AM INTERESTED IN SERVING ON THE TOURISM ADVISORY COMMITTEE.

Lin M. Bell 07/22/19
Signature of Applicant

Please return this application to:

City Secretary
City of Tomball
401 Market Street
Tomball, TX 77375
dspeer@ci.tomball.tx.us
fax: 281-351-6256

Regular City Council
Agenda Item
Data Sheet

Meeting Date: November 18, 2019

Topic:

Receive Update regarding the Fire Department Statue and Accept Donation of the Statue at Central Fire Station 1

Background:

The fire department has, for several years, been working to design and obtain a statue of a firefighter to be placed at Fire Station 1. Shirley Scarpetta has designed the statue as shown in the attached pictures. The fire department has accumulated sufficient funds in its 501 (c)(3) corporation account to complete and install the statue. The department presented a progress update to Council in February and is now seeking City Council final approval to accept the donation of the statue and complete the installation at Fire Station 1. No city funds have been expended on the project.

Origination:

Fire Department

Recommendation:

Staff recommends approval

Party(ies) responsible for placing this item on agenda:

Randy Parr

ACTION TAKEN		
Approval ☐ Yes ☐ No	Readings Passed ☐ 1 st ☐ 2 nd	Other

ATTACHMENTS:

Picture of "base"
Statue base 2
Picture of final sculpture







Regular City Council
Agenda Item
Data Sheet

Meeting Date: November 18, 2019

Topic:

Presentation by D.R. Horton (DHI Communities) Regarding a Proposed Mixed Use Development Along FM 2920

Background:

DHI Communities desires to develop a mixed use development along FM 2920, directly north of BJ Services. The proposed development contains a large multi-family component and the Developer is seeking preliminary feedback from City Council on their proposal prior to their rezoning application to rezone the property from the Commercial District to the Planned Development District. The site encompasses approximately 15 acres and the Future Land Use Designation of the property is designated as Corridor Commercial.

Origination:

Todd Jones, D.R. Horton

Recommendation:

Party(ies) responsible for placing this item on agenda:

Craig T. Meyers, P.E., Community Development Director

ACTION TAKEN		
Approval ☐ Yes ☐ No	Readings Passed ☐ 1 st ☐ 2 nd	Other

ATTACHMENTS:

DHI Schematic Plan

TABULATIONS

SITE AREA: 15.00 AC.

UNIT TABULATION:
1 BEDROOM: 187 UNITS (51.94%)
2 BEDROOM: 137 UNITS (38.06%)
3 BEDROOM: 36 UNITS (10.00%)
TOTAL: 360 UNITS @ 24.00 UNITS/ACRE

PARKING TABULATION:
94 TUCK-UNDER GARAGES
572 SURFACE PARKING
666 TOTAL PARKING
@ 1.85 PARKING/UNIT
@ 1.17 PARKING/BED



F.M. 2920

TOMBALL DHI MULTI FAMILY SCHEMATIC SITE PLAN #2
TOMBALL, TX