

THE STATE OF TEXAS §
COUNTY OF BRAZORIA §
CITY OF MANVEL §

LARRY AKERY, COUNCIL PLACE 1
LORRAINE HEHN, COUNCIL PLACE 2
NICCOLE TYSON, COUNCIL PLACE 3
ED PERRY, COUNCIL PLACE 4
JASON ALBERT, COUNCIL PLACE 5
JEROME HUDSON, COUNCIL PLACE 6



DEBRA DAVISON, MAYOR
KYLE JUNG, CITY MANAGER
TAMMY BELL, CITY SECRETARY

**NOTICE OF A CITY COUNCIL MEETING
OF THE CITY OF MANVEL
February 6, 2023**

**NOTICE IS HEREBY GIVEN
5:00 P.M. WORKSHOP – 6:00 P.M. REGULAR SESSION**

Pursuant to Chapter 551, Title 5 of the Texas Government Code, the Texas Open Meetings Act, notice is hereby given that the Manvel City Council will convene a regular meeting at the Manvel City Hall, located at **20031 Hwy 6, Manvel Tx 77578** for the purpose of discussing and if appropriate, take action with respect to the following items:

NOTE: The City Council of the City of Manvel reserves the right to discuss any items in Closed Session whenever authorized under the Texas Open Meetings Act, Chapter 551, of the Texas Government Code. The City Council may discuss the items on this agenda in any order.

This facility is wheelchair accessible and accessible parking spaces are available. Requests for accommodations or interpreter services must be made 48 hours prior to this meeting. Please contact the City Secretary at 281-489-0630 x6 for further information.

Workshop Session - 5:00 p.m.

Discussion on the Subdivision Ordinance, Initiative Petition, and Special Election relating to the Petition.

Discussion on any subject listed on the Agenda dated February 6, 2023.

Regular Session - 6:00 p.m.

Call To Order

Inspirational Reading - Council Member Perry

Pledge

Pledge of Allegiance and Texas Pledge: "Honor the Texas flag; I pledge allegiance to thee Texas, one state under God, one and indivisible.

Public Comments: "Comment Card" Required

o Members of the public with business before the board, NOT scheduled on the agenda as a public hearing (that have submitted a public comment card) may have three (3) minutes to address the board. o The board may not participate in any discussion and cannot vote on the subject you present unless it is listed on the agenda as an action item.

Presentation

Proclamation - Black History Month

February 2023

City Manager Update

Update on current events and city issues.

Consent Agenda

All Consent Agenda items listed are considered to be routine by the City Council and will be approved by one motion. There will be no separate discussion of these items unless a City Council Member so requests, in which event the item will be removed from the Consent Agenda and considered in sequence on the Agenda.

1. Approve the second and final reading of Ordinance 2023-O-01;
AN ORDINANCE AMENDING CHAPTER 35 "LICENSES AND SPECIAL BUSINESS REGULATIONS" OF THE CODE OF ORDINANCES OF THE CITY OF MANVEL, TEXAS, BY ADOPTING A NEW ARTICLE XII "SPECIAL EVENTS" TO REGULATE SPECIAL EVENTS WITHIN THE CITY; REPEALING PROVISIONS IN CONFLICT THEREWITH; PROVIDING A PENALTY IN AN AMOUNT NOT TO EXCEED \$2,000.00 PER DAY FOR EACH DAY OF VIOLATION OF ANY PROVISION HEREOF; AND PROVIDING FOR SEVERABILITY.
2. Approve the second and final reading of Ordinance 2023-O-02;
AN ORDINANCE AMENDING CHAPTER 35 "LICENSES AND SPECIAL BUSINESS REGULATIONS" OF THE CODE OF ORDINANCES OF THE CITY OF MANVEL, TEXAS, BY AMENDING ARTICLE X "MOBILE FOOD VENDORS" TO REGULATE MOBILE AND TEMPORARY FOOD VENDORS; REPEALING PROVISIONS IN CONFLICT THEREWITH; PROVIDING A PENALTY IN AN AMOUNT NOT TO EXCEED \$2,000.00 PER DAY FOR EACH DAY OF VIOLATION OF ANY PROVISION HEREOF; AND PROVIDING FOR SEVERABILITY.
3. Approve the meeting minutes dated January 3, 2023.
4. Approve the meeting minutes dated January 17, 2023.
5. Acceptance of the 2022 Racial Profiling Report.

Executive Session

City Council will convene into Executive Session pursuant to Texas Government Code, Section 551.071: "Consultation with Attorney" to discuss the following:

Update on Litigation – Rise Communities, LLC and GR-M1, LTD. VS. Manvel Planning Development and Zoning Commission, and Jose Abraham, City Planner.

Executive Session

City Council will convene into Executive Session in accordance with the Texas Government Code, pursuant to Section 551.071: Consultation with Attorney and Section 551.072: Deliberation regarding real property.

Acquisition of right-of-way for Kirby Drive

Council will convene into Executive Session in accordance with the Texas Government Code, pursuant to Section 551.071: Consultation with attorney and Section 551.072: Deliberation regarding real property.

Acquisition of right-of-way for Clark Road

Council will convene into Executive Session in accordance with the Texas Government Code, pursuant to Section 551.071: Consultation with attorney and Section 551.072: Deliberation regarding real property.

Acquisition of right-of-way for Charlotte Street

Regular Agenda

1. Consideration and possible action to direct staff on the Initiative Petition.
2. Consideration and possible action to approve a request for a Subdivision variance for an approximate 2.29-acres of land located at 7926 Bissell Road seeking to vary Chapter 62, Section 62-111, Additional Street Requirements and Section 62-113, Sidewalks and authorize the Mayor to execute the Development Agreement.
3. Consideration and possible action to approve a request for a Subdivision variance seeking to vary Chapter 62, Section 62-111, Additional Street Requirements and Section 62-113, Sidewalks for an approximate 1.42-acre tract of land located along the north side of Big Island Dr/ CR 88, generally bounded by SH 288 (east), Sandy Cove Drive (west) and the American Canal (north) and authorize the Mayor to execute the Development Agreement.
4. Consideration and possible action to approve authorization for filing of Petition for Entry onto Land in connection with the possible acquisition of right-of-way for Kirby Drive.
5. Consideration and possible action to approve authorization for filing of Petition for Entry onto Land in connection with the possible acquisition of right-of-way for Clark Road.
6. Consideration and possible action directing staff regarding the possible acquisition of right-of-way for Charlotte Street.
7. Consideration and possible action to approve Ordinance 2023-O-03;
AN ORDINANCE OF THE CITY OF MANVEL, TEXAS, ORDERING THE HOLDING OF A GENERAL ELECTION ON MAY 6, 2023, FOR THE PURPOSE OF ELECTING A MAYOR AND TWO COUNCILMEMBERS: ONE EACH FOR, MAYOR, PLACE 3, AND PLACE 5; DESIGNATING THE CITY ELECTION PRECINCTS; DESIGNATING A POLLING PLACE; PROVIDING FOR THE APPOINTMENT OF A PRESIDING ELECTION JUDGE AND ALTERNATE PRESIDING ELECTION JUDGE; APPROVING A JOINT ELECTION CONTRACT AND AUTHORIZING THE MAYOR TO EXECUTE; ESTABLISHING OTHER PROCEDURES FOR CONDUCTING THE ELECTION; PROVIDING FOR THE INCORPORATION OF THE PREAMBLE; AND PROVIDING AN EFFECTIVE DATE.
8. Consideration and possible action to approve Ordinance 2023-O-04;
AN ORDINANCE OF THE CITY OF MANVEL, TEXAS, ORDERING THE HOLDING OF A SPECIAL ELECTION ON MAY 6, 2023, FOR THE PURPOSE OF ELECTING A COUNCILMEMBER TO FILL A VACANCY FOR THE UNEXPIRED TERM OF PLACE 2 FOR ONE YEAR; DESIGNATING THE CITY ELECTION PRECINCTS; DESIGNATING A POLLING PLACE; PROVIDING FOR THE APPOINTMENT OF A PRESIDING ELECTION JUDGE AND ALTERNATE PRESIDING ELECTION JUDGE; APPROVING A JOINT ELECTION CONTRACT AND AUTHORIZING THE MAYOR TO EXECUTE;

ESTABLISHING OTHER PROCEDURES FOR CONDUCTING THE ELECTION; PROVIDING FOR THE INCORPORATION OF THE PREAMBLE; AND PROVIDING AN EFFECTIVE DATE.

9. Consideration and possible action to approve the first of two readings of Ordinance 2023-O-06; AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF MANVEL, TEXAS BY AMENDING CHAPTER 17, BUILDINGS AND BUILDING REGULATIONS, ARTICLE II, BUILDING PERMITS; AMENDING CHAPTER 17, BUILDINGS AND BUILDING REGULATIONS, ARTICLE III, TECHNICAL CODES, TO ADOPT NEW TECHNICAL CODES GOVERNING THE CONSTRUCTION OF STRUCTURES WITHIN THE CITY; ADOPTING THE INTERNATIONAL BUILDING CODE, 2021 EDITION, AS PUBLISHED BY THE INTERNATIONAL CODE COUNCIL, INC., PROVIDING CERTAIN AMENDMENTS AND DELETIONS TO SAID INTERNATIONAL BUILDING CODE; ADOPTING THE INTERNATIONAL PLUMBING CODE, 2021 EDITION, AS PUBLISHED BY THE INTERNATIONAL CODE COUNCIL, INC., PROVIDING CERTAIN AMENDMENTS AND DELETIONS TO SAID INTERNATIONAL PLUMBING CODE; ADOPTING THE INTERNATIONAL FUEL GAS CODE, 2021 EDITION, AS PUBLISHED BY THE INTERNATIONAL CODE COUNCIL, INC., PROVIDING CERTAIN AMENDMENTS AND DELETIONS TO SAID INTERNATIONAL FUEL GAS CODE; ADOPTING THE INTERNATIONAL ENERGY CONSERVATION CODE, 2021 EDITION, AS PUBLISHED BY THE INTERNATIONAL CODE COUNCIL, INC., PROVIDING CERTAIN AMENDMENTS AND DELETIONS TO SAID INTERNATIONAL ENERGY CONSERVATION CODE; ADOPTING THE INTERNATIONAL MECHANICAL CODE, 2021 EDITION, AS PUBLISHED BY THE INTERNATIONAL CODE COUNCIL, INC., PROVIDING CERTAIN AMENDMENTS AND DELETIONS TO SAID INTERNATIONAL MECHANICAL CODE; ADOPTING THE INTERNATIONAL RESIDENTIAL CODE FOR ONE AND TWO FAMILY DWELLINGS, 2021 EDITION, AS PUBLISHED BY THE INTERNATIONAL CODE COUNCIL, INC., PROVIDING CERTAIN AMENDMENTS AND DELETIONS TO SAID INTERNATIONAL RESIDENTIAL CODE FOR ONE AND TWO FAMILY DWELLINGS; ADOPTING THE INTERNATIONAL PROPERTY MAINTENANCE CODE, 2021 EDITION, AS PUBLISHED BY THE INTERNATIONAL CODE COUNCIL, INC., PROVIDING CERTAIN AMENDMENTS AND DELETIONS TO SAID INTERNATIONAL PROPERTY MAINTENANCE CODE; ADOPTING THE INTERNATIONAL SWIMMING POOL AND SPA CODE, 2021 EDITION, AS PUBLISHED BY THE INTERNATIONAL CODE COUNCIL, INC., PROVIDING CERTAIN AMENDMENTS AND DELETIONS TO SAID INTERNATIONAL SWIMMING POOL AND SPA CODE; PROVIDING A PENALTY OF AN AMOUNT NOT TO EXCEED \$2,000 FOR EACH VIOLATION OF ANY PROVISION HEREOF, WITH EACH DAY OF VIOLATION CONSTITUTING A SEPARATE OFFENSE; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES INCONSISTENT OR IN CONFLICT HERewith; AND PROVIDING FOR SEVERABILITY.
10. Consideration and possible action to approve the first of two readings of Ordinance 2023-O-07; AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF MANVEL, TEXAS BY AMENDING CHAPTER 17, BUILDINGS AND BUILDING REGULATIONS, ARTICLE III, TECHNICAL CODES, TO ADOPT THE NATIONAL ELECTRICAL CODE, 2020 EDITION, PROVIDING CERTAIN AMENDMENTS AND DELETIONS TO SAID NATIONAL ELECTRICAL CODE; PROVIDING A PENALTY OF AN AMOUNT NOT TO EXCEED \$2,000 FOR EACH VIOLATION OF ANY PROVISION HEREOF, WITH EACH DAY OF VIOLATION CONSTITUTING A SEPARATE OFFENSE; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES INCONSISTENT OR IN CONFLICT HERewith; AND PROVIDING FOR SEVERABILITY.

11. Consideration and possible action to approve the first of two readings of Ordinance 2023-O-08; AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF MANVEL, TEXAS BY AMENDING CHAPTER 17, BUILDINGS AND BUILDING REGULATIONS, ARTICLE III, TECHNICAL CODES, BY REPEALING THE 2015 EDITION OF THE INTERNATIONAL FIRE CODE AND SECTION 319 OF THE 2018 INTERNATIONAL FIRE CODE AND ADOPTING THE 2021 INTERNATIONAL FIRE CODE; AMENDING THE LOCAL AMENDMENTS TO THE CITY'S INTERNATIONAL FIRE CODE; PROVIDING THAT FEES ASSOCIATED WITH THE FIRE CODE SHALL BE THE FEES STATED IN THE MOST CURRENT FEE SCHEDULE RESOLUTION ADOPTED BY CITY COUNCIL; PROVIDING A PENALTY OF AN AMOUNT NOT TO EXCEED \$2,000 FOR EACH VIOLATION OF ANY PROVISION HEREOF, WITH EACH DAY OF VIOLATION CONSTITUTING A SEPARATE OFFENSE; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES INCONSISTENT OR IN CONFLICT HERewith; AND PROVIDING FOR SEVERABILITY.
12. Consideration and possible action to approve Resolution 2023-R-04; A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MANVEL, TEXAS, ADOPTING A SCHEDULE OF FEES, RATES, DEPOSITS, AND OTHER CHARGES FOR ZONING, PLATTING, BUILDING AND OTHER RELATED MATTERS; AND REPEALING ALL RESOLUTIONS IN CONFLICT HERewith; AND OTHER RELATED MATTERS.

Executive Session

City Council will convene into Executive Session pursuant to Texas Government Code, Sec. 551.074. "Personnel Matters - to deliberate the appointment, employment, evaluation, and duties of a public officer or employee".

Kyle J. Jung, City Manager and Robert Gervais, City Attorney

Regular Agenda

13. Consideration and possible action regarding compensation and terms of employment of the City Manager.
14. Consideration and possible action regarding compensation and terms of employment of the City Attorney.

Mayor and Council Comments

Update on current events and city issues.

Additionally, pursuant to Texas Government Code § 551.0415, City Council Members and city staff may make a report about items of community interest during a meeting of the governing body without having given notice of the report.

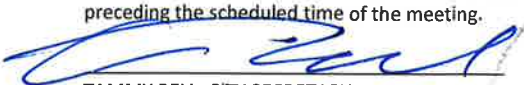
Items of community interest include:

- Expressions of thanks, congratulations, or condolence;
- Information regarding holiday schedules;
- An honorary or salutory recognition of a public official, public employee, or other citizen, except that a discussion regarding a change in the status of a person's public office or public employment is not an honorary or salutory recognition for purposes of this subdivision;
- A reminder about an upcoming event organized or sponsored by the governing body;
- Information regarding a social, ceremonial, or community event organized or sponsored by an entity other than the governing body that was attended or is scheduled to be attended by a member of the governing body or an official or employee of the municipality; and
- Announcements involving an imminent threat to the public health and safety of people in the municipality that has arisen after the posting of the agenda.

Adjourn

CERTIFICATION

I, Tammy Bell, City Secretary for the City of Manvel, do hereby certify that the foregoing Agenda of the Manvel City Council is true and correct and that I posted such notice on the bulletin board at the Manvel City Hall; a place convenient and readily accessible to the public on February 3, 2023 in accordance with the Texas Open Meetings Act (Tex. Gov't. Code §551.001 et seq). Said notice remained posted for at least 72 hours preceding the scheduled time of the meeting.


TAMMY BELL, CITY SECRETARY
CITY OF MANVEL, TEXAS



Manvel City Council Agenda Item Data Sheet

MEETING DATE 1/17/2023

TOPIC:
Submission of Certified Initiative Petition

BACKGROUND:

Sec. 7.01. - Initiative, referendum and recall.

- (a) The power of initiative. The qualified voters of the city shall have power to propose ordinances to the council and, if the council fails to adopt an ordinance so proposed without any change in substance, to adopt or reject it at a city election; provided, however, such power shall not extend to the budget or a capital program or any ordinance relating to appropriation of money, levy of taxes, issuance of bonds and notes, borrowing of money, salaries of city officers or employees, or matters related to administration of municipal employees, annexation or municipal boundary adjustments, or in any instance where a court of proper jurisdiction determines that the initiated ordinance has been removed from the field of initiative. With respect to zoning, the city will follow state law. Such initiative power may be used to enact a new ordinance or to repeal or to amend sections of any existing ordinances.

Sec. 7.02. - Commencement of proceedings for initiative and referendum; of petitioners' committee; affidavit.

- (a) Any fifteen (15) qualified voters may commence initiative or referendum proceedings by filing with the city secretary an affidavit stating they will constitute the petitioners' committee and be responsible for circulating the petition and filing it in proper form, stating their names and addresses, specifying the address to which all notices to the committee are to be sent, and setting out in full the proposed initiative ordinance or citing the ordinance sought to be reconsidered.

- (b) Promptly after the affidavit of the petitioners' committee is filed, the city secretary shall verify that the applicants are qualified voters and, if they are, shall issue the appropriate petition blanks to the petitioners' committee.

Sec. 7.03. - Petitions for initiative and referendum.

- (a) Number of signatures. Initiative and referendum petitions must be signed by qualified voters of the city equal in number to at least fifty-one (51) percent of the total number of votes cast in the last regular city election.
- (b) Form and content. All papers of a petition shall be uniform in size and style and shall be

ACTIONS TAKEN

MOTION SECOND APPROVAL ____YES ____NO VOTE	READINGS PASSED ____ 1 st ____ 2 nd	OTHER
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assembled as one instrument for filing. Each signature shall be executed in blue ink and shall be followed by the signer's printed name, the signer's date of birth or voter registration number, the signer's residence address, and date of signing. Petitions shall contain or have attached thereto throughout their circulation the full text of the ordinance proposed or sought to be reconsidered.

(c) Affidavit of circulator. Each paper of a petition shall have attached to it, when filed, an affidavit executed by the circulator thereof stating that he/she personally circulated the paper, the number of signatures thereon, that all the signatures were affixed in his/her presence, that he/she believes them to be the genuine signatures of the persons whose names they purport to be, and that each signer had an opportunity before signing to read the full text of the ordinance proposed or sought to be reconsidered.

(d) Time for filing petitions. Referendum petitions must be filed within one hundred twenty (120) days after adoption by the council of the ordinance sought to be reconsidered. Initiative petitions must be filed within one hundred twenty (120) days after issuance of the appropriate petition blanks to the petitioners' committee; additional time, as specified in [section] 7.04, shall be allowed for supplemental petitions. All petitions shall be filed with the city secretary.

Sec. 7.04. - Procedure after filing petition for initiative or referendum.

(a) Review by city secretary and city attorney. Upon the filing of a petition, the city secretary shall review the petition to determine the existence of the requisite number of signatures of qualified voters and whether the form of the petition complies with the provisions of this Charter. The city secretary shall also review the petition to determine the genuineness of the signatures. The city attorney shall review the petition for legal sufficiency. The council may provide, by ordinance, the punishment and penalties for contempt for failure or refusal to obey any subpoena or request for production of evidence issued by the city secretary or city attorney.

(b) Certificate of city secretary. Within fifteen (15) business days after the petition is filed, the city secretary, with advice from the city attorney, shall complete a certificate as to its sufficiency or, if insufficient, shall set forth the particulars wherein it is defective and shall promptly send a copy of the certificate to the petitioners' committee by certified mail, return receipt requested.

(c) Supplemental petition. A petition certified insufficient for lack of the required number of valid signatures, or due to inadequate form or content of the affidavit of certification, may not be supplemented, modified, or amended on or after the date it is received, except where expressly authorized by law.

(d) Submission to city council. If a petition or supplemental petition is certified sufficient, or if a petition or supplemental petition is certified insufficient and the petitioners' committee does not elect to supplement as provided in subsection (c) above within the time required, the city secretary shall present this certificate to the council at the next scheduled city council meeting and the certificate shall then be a final determination as to the sufficiency of the petition.

ACTIONS TAKEN

MOTION SECOND APPROVAL ____YES ____NO VOTE	READINGS PASSED ____ 1 st ____ 2 nd	OTHER
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Sec. 7.07. - Consideration by council and submission to electors.

When the council receives an authorized initiative petition certified by the city secretary to be sufficient, the council shall either:

- (a) Pass the initiated ordinance without amendment within sixty (60) days after the date of the certification to the council;
- (b) Submit said initiated ordinance without amendment to a vote of the qualified voters of the city at a regular or special election to be held on the next authorized uniform election date; or
- (c) At such election, submit to a vote of the qualified voters of the city such initiated ordinance without amendment, and an alternative ordinance proposed by the council on the same subject.

ATTACHMENTS - SEE CODE OF ORDINANCE SECTION 62-104 BELOW

ACTIONS TAKEN

MOTION SECOND APPROVAL ____YES ____NO VOTE	READINGS PASSED ____ 1 st ____ 2 nd	OTHER
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Sec. 62-104. - Streets.

Street design shall conform to all applicable planning tools, such as the Texas Manual on Uniform Traffic Control Devices, Comprehensive Plan, Transportation Corridor Plan, Major Thoroughfare Plan, and Design Criteria Manual. All paving and construction plans shall be approved by the city for all streets within the city.

- (1) *Major thoroughfare, major arterial, and collector streets.* The arrangement, character, extent, width, grade, and location of all thoroughfare, arterial, and collector streets shall provide for the continuation or appropriate projection to existing and planned streets, for topographical conditions, for public convenience and safety, and for appropriate relation to the proposed uses of the land to be served by such streets, as provided by the city's major thoroughfare plan;
- (2) *Minor or residential street.* These streets shall be designed so that their use by through traffic will be discouraged;
- (3) *Marginal access streets; reverse frontage streets.* Where a subdivision abuts or contains an existing or proposed arterial street, the city may require marginal access streets, reverse frontage with screen planting contained in a noncross reservation along the rear property line, deep lots with rear service alleys, or such other treatment as may be necessary for adequate protection of residential properties and to afford separation of through and local traffic;
- (4) *Right-of-way parallel streets.* Where a subdivision borders on or contains a railroad or highway right-of-way, the city may require a street approximately parallel to and on each side of such right-of-way, at a distance suitable for the appropriate use of the intervening land, for park purposes within residential districts, or for commercial or industrial purposes within appropriate districts. Such distances shall also be determined with due regard for the requirements of approach grades and future grade separations;
- (5) *Multiple access points.*
 - a. *Two point of access.* There shall be a minimum two points of access from a collector street into a subdivision or subdivision phase, up to a maximum of 75 platted lots.
 - b. *Three points of access.* There shall be a minimum of three points of access from a collector street in a subdivision or subdivision phase for 76 to 175 platted lots.
 - c. *Four points of access.* There shall be a minimum of four points of access from a collector street in a subdivision or subdivision phase for 176 platted lots or greater.
 - d. *Points of access and existing conditions.* The council may require additional points of access from a collector street due to existing conditions (e.g., pipelines, floodplain, body of water, etc.) in addition to requirements set forth in this section to protect the health, safety, and welfare of the city and its extraterritorial jurisdiction. This access point shall not be located over the potential hazard.
 - e. *Boulevard entries.* A boulevard entry may only be considered as two points of access when a fourth point of access is triggered under subsection c. Four points of access, above;
- (6) *Street jogs.* Street jogs, with centerline offsets of less than 125 feet, shall be prohibited;
- (7) *Reverse curves.* A tangent of at least 100 feet in length shall be introduced between reverse curves on arterial and collector streets;
- (8) *Connecting street lines.* When connecting street lines deflect from each other at any one point by more than 10 degrees, such streets shall be connected by a curve with a radius adequate to ensure sight distances of not less than 60 feet for minor and collector streets and of such greater radii as council shall determine for special cases;
- (9) *Intersections.* Streets shall be designed so as to intersect as nearly as possible at right angles, and no street shall intersect any other street at less than 60 degrees;
- (10) *Property lines at street intersections.* Property lines at street intersections shall be rounded with a radius of 15 feet, or of a greater radius where large truck traffic is anticipated;
- (11) *Rights-of-way widths.* The minimum right-of-way width for all streets in the city and its extraterritorial jurisdiction is 60 feet or otherwise specified in the city's thoroughfare plan, as amended from time to time.
- (12) *Half streets.* Half streets shall be prohibited, except where such streets are essential to the reasonable development of a subdivision in conformity with other requirements of this chapter, and where the planning commission finds it would be practicable to require the dedication of the other half of such street when the adjoining property is subdivided. Wherever a half street is adjacent to a tract to be subdivided, the other half of such street shall be dedicated;
- (13) *Dead-end streets.* Dead-end streets, designated to be so permanently, shall not be longer than 1,200 feet and, at the closed end of such street, shall provide a turn-around having an outside roadway diameter of at least 100 feet and a street property line right-of-way diameter of at least 120 feet;
- (14) *Street names.* No street name shall be used that duplicates, or that may be confused with, the name of an existing street. All street names dedicated by plat shall be subject to approval of the planning commission. All other street name changes shall be subject to approval of the council. The planning commission may recommend street names not dedicated by plat for approval by council.

- (15) *Street design.* The details of all street designs shall conform to the city's engineering standards and standard details of the design criteria manual design shall conform to the functional classification of the thoroughfare plan, if applicable.

(Ord. No. 2004-0-17, § 41, 9-13-2004; Ord. No. 2008-0-14, § 2, 6-23-2008; Ord. No. 2012-0-10, § 1, 4-9-2012; Ord. No. 2019-0-24, § 4, 8-5-2019)

Sec. 62-105. - Alleys.

- (a) Generally, alleys may be provided within subdivisions and, in the case of commercial and industrial districts and/or uses, may be required, when other definite and assured provisions are not made for service access, such as offstreet loading, unloading, and parking, consistent with an adequate space for the uses proposed.
- (b) The width of alleys within commercial and industrial districts and/or uses shall be at least 20 feet. The width of alleys within residential districts and/or uses shall be at least 20 feet where possible; however, a minimum width of 16 feet may be allowed.
- (c) Alley intersections and sharp changes in alignment shall be avoided, but where necessary, corners shall be cut sufficiently to allow safe vehicular movement.
- (d) Dead-end alleys shall be avoided where possible but when unavoidable, adequate turn-around facilities at such dead end shall be provided.

(Ord. No. 2004-0-17, § 42, 9-13-2004; Ord. No. 2019-0-24, § 4, 8-5-2019)

Sec. 62-111. - Additional street requirements.

- (a) All streets shall be constructed in accordance with the city's design criteria manual.
- (b) The developer shall be responsible for construction of all roadways within the development in accordance with the city's design criteria manual. Where the thoroughfare plan requires street widths over and above the local street requirements, the developer shall dedicate the amount of right-of-way required for the larger street and shall construct such street with a pavement width of up to 38 feet. If the city requires a pavement width of more than 38 feet, the city shall provide funding for such increased width, subject to the availability of funds and within legal limitations.
- (c) The developer shall be responsible for construction of necessary improvements on all perimeter streets in order to bring the pavement and curbing up to minor street standards for the one-half of the street abutting the development.

(Ord. No. 2004-0-17, § 48, 9-13-2004; Ord. No. 2019-0-24, § 4, 8-5-2019)

Sec. 62-113. - Sidewalks.

Sidewalks shall be constructed at a minimum of four feet wide or as determined by the city's thoroughfare plan and in accordance with the city's design criteria profile. Sidewalks shall be installed in accordance with the city's design criteria manual.

(Ord. No. 2004-0-17, § 50, 9-13-2004; Ord. No. 2019-0-24, § 4, 8-5-2019)

Sec. 62-114. - Street lighting and signage.

The developer shall provide a layout of the location of proposed streetlights and shall also provide easements for power lines, where required. The city will make arrangements with the power company for installation of streetlights for those subdivisions located within the city limits. The developer shall provide street name signs and traffic control devices all in accordance with the requirements of the Texas Manual on Uniform Traffic Control Devices.

(Ord. No. 2004-0-17, § 51, 9-13-2004)

Sec. 62-115. - Drainage and drainage structures.

- (a) The subdivider shall furnish and install all necessary drainage improvements in accordance with the "City of Manvel Design Criteria Manual" and the appropriate drainage district's drainage criteria; and
- (b) The subdivider must provide for maintenance of all improvements, in a form satisfactory to the city, prior to the filing of the final plat.

(Ord. No. 2004-0-17, § 52, 9-13-2004; Ord. No. 2019-0-24, § 4, 8-5-2019)



MANVEL CITY COUNCIL DATA SHEET

MEETING DATE: January 17, 2023

TOPIC:

Consideration and possible action to approve ORDINANCE NO. 2023-O-01, which includes definitions and a greater expanse of allowance to align with the proposed Mobile Food Unit (food truck) Ordinance.

BACKGROUND:

At the direction of City Council, staff has researched and reviewed special events regulations from neighboring cities in order to generate a Special Events Ordinance for the City. Currently, staff processes a special event from a submitted special event permit application. In our neighboring cities, special events are classified based upon the type of proposed event. Based upon this research, Staff is proposing three special event types in the proposed Special Event Ordinance. Those proposed types include a Type A, Type B, and Type C Recurring Event. Staff has proposed changes to the Chapter 35, Article X, Mobile and Temporary Food Vendors that will work in conjunction with the Special Events Ordinance.

STAFF RECOMMENDATION:

The staff recommends approval of Ordinance No. 2023-O-1.

ATTACHMENTS: Ordinance No. 2023-O-1, Chapter 35, Article XII, *Special Events*

FUNDING ISSUES

- ☒ Not applicable
☐ Not budgeted
☐ Full amount already budgeted
☐ Funds to be transferred from Acct.#

SUBMITTING STAFF MEMBER
Jessica Rodriguez

FINANCE DIRECTOR APPROVAL _____

CITY MANAGER APPROVAL _____

ORDINANCE NO. 2023-O-01

AN ORDINANCE AMENDING CHAPTER 35 “LICENSES AND SPECIAL BUSINESS REGULATIONS” OF THE CODE OF ORDINANCES OF THE CITY OF MANVEL, TEXAS, BY ADOPTING A NEW ARTICLE XII “SPECIAL EVENTS” TO REGULATE SPECIAL EVENTS WITHIN THE CITY; REPEALING PROVISIONS IN CONFLICT THEREWITH; PROVIDING A PENALTY IN AN AMOUNT NOT TO EXCEED \$2,000.00 PER DAY FOR EACH DAY OF VIOLATION OF ANY PROVISION HEREOF; AND PROVIDING FOR SEVERABILITY.

WHEREAS, the City Council of the City of Manvel, Texas, determines it in the best interest of the health, safety, and welfare of the citizens of the City to amend Chapter 35 of the City Code by adopting a new Article XII to regulate special events; and

WHEREAS, the City Council finds that the adoption of this ordinance is in the best interest of the citizens of Manvel; now, therefore,

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MANVEL, TEXAS:

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

Section 2. Chapter 35 of the Code of Ordinances of the City of Manvel is hereby amended by adopting a new Article XII “Special Events” to read and provide as follows:

“Chapter 35 - LICENSES AND SPECIAL BUSINESS REGULATIONS

...

ARTICLE XII. – SPECIAL EVENTS.

Sec. 35-338. - Purpose.

The purpose of this Article shall be to provide rules, regulations, requirements, and standards for the development of special events in the City of Manvel, Texas, ensuring that public health, safety,

and general welfare are protected; that orderly growth with the conservation of pre-existing food establishments are insured; the development provisions are upheld to prevent an urban blight adverse to the maintenance and continuing development of the municipality; and that the City of Manvel is given appropriate control over the location of events and mobile food units.

Sec. 35-339. - Definitions.

Applicant. Applicant shall mean the person, or other entity applying for the special event permit. Application shall include, but not be limited to, the event's sponsor, organizer, or promoter.

“Special Event” means an event, approved by the City of Manvel, which includes but is not limited to, the following:

- (1) Special Event Type A: Any event that is large in nature (more than 1,000 participants) that impacts city streets or adjacent facilities, involves off-premises alcohol sales, food sales (temporary food establishments and/or mobile food units) and/or is expected to have:
 - (a) Circus, carnival or fair;
 - (b) Convention or exhibit;
 - (c) Temporary outdoor concert, jazz, or music festival;
 - (d) Outdoor cooking contest or public exhibition;
 - (e) Parades or processions;
 - (f) Community events or celebrations
 - (g) Outdoor public festivals
 - (h) Street dances; and
 - (i) Fun runs or other events in which City streets are closed.
- (2) Special Event Type B: Any event that is small in nature (fewer than 1,000 participants), or any event that requires the use of public or private facility or property. Special Event Type B events shall include, but are not limited to the following:
 - (a) Team sports clinic;
 - (b) Social group gathering; and
 - (c) Farmer’s market.
- (3) Special Event Type C (Recurring Activity): Any event that is small in nature (fewer than 500 participants), will have a temporary fixture outside, does not involve onsite special event staff, and takes place on private or public property (such as a parking lot) that can recur periodically throughout a six-month period. A Special Event Type C (recurring activity) events shall include, but are not limited to the following:
 - (a) Mobile Food Units (Food Trucks) with current valid Mobile Food Unit Health License from the City of Manvel
 - (b) Pop-up tents; and
 - (c) Portable displays.

Sec. 35-340 - Permit required.

It shall be unlawful for any person, or other entity, to conduct, hold or sponsor a special event on private property or public property owned, managed, or controlled by the city, including city rights-of-way without having first obtained from the city a special event permit pursuant to the provisions of this Article and the Special Event Permit Application provisions. These provisions shall apply to both profit and nonprofit events or organizations.

Sec. 35-341 - Requirements for Type C Special Event.

(1) General Requirements. The following are requirements for properties that want to obtain a Type C recurring Special Event permit:

- (a) The location must be at least 100 yards distance separating from the nearest licensed food establishment;
- (b) The location must have ample parking and traffic control with enough designated spaces to meet or exceed the expected number of participants;
- (c) The location must have ample sanitation serves, including but not limited to trash services and hygiene facilities, to meet or exceed expected number of participants; and
- (d) The event times must be started after sunrise and concluded before sunset.

Alternate hours shall be considered, if approved on Type C Special Event permit.

(2) Mobile Food Units. In addition to the requirements listed in the Subsection above, mobile food units shall comply with Chapter 35, Licenses and Special Business Regulations, Article X. Mobile and Temporary Food Vendors, for a Type C Special Event Permit.

Sec. 35-342. – Reserved.

Sec. 35-343. - Application.

- (1) Each applicant must complete in full the City of Manvel “Special Event Permit Application.” The applicant shall submit the completed written application and permit fee to the Permits Department.
- (2) Special Event Permit Applications shall be due no later than the following:
 - (a) Special Event Type A: minimum 60 calendar days prior to the event.
 - (b) Special Event Type B: minimum 15-30 calendar days prior to the event.
 - (c) Special Event Type C: minimum seven-10 calendar days prior to the event.
 - (d) Special Event Permit Applications may be due earlier than the prescribed time periods mentioned above if determined by the City Manager.
- (3) Failure to submit completed applications within the required time may result in denial of the applicant's request.
- (4) In addition to the information furnished on the application form, the

applicant shall:

(a) Submit authorized proof that the applicant has full authority from the property owner to use or occupy the premises for the purpose stated in the application.

(b) Submit a statement signed by the sponsor of the event, if any, that such sponsor has engaged the applicant to conduct the event.

(5) Details of the event are required as stated in the Special Event Permit Application. Requests for dates or times that conflict with previously approved events will not be considered; however, the organizer may revise the request to apply for a different date or time.

Sec. 35-344. - Conditions for granting application; approval or denial of application.

(1) Public interest. The city shall not grant the permit required in this Article if the city finds that granting the permit will be contrary to the public interest. The city reserves the right to deny any application that may be inconsistent with the city's goals of promoting family activities.

(2) Payment of all required city services and all permit fees are due and payable at the time application is submitted.

(3) The city reserves the right to approve or disapprove one or more elements of the proposed special event.

(4) The city's decision is final and not appealable.

Sec. 35-345 to 35-346. - Reserved.

Sec. 35-347. - Miscellaneous provisions.

(1) Cleaning. All costs for clean-up during and after the special event are the responsibility of the applicant. If the applicant fails to clean, the City shall invoice the applicant the cost incurred by the City to clean and remove any debris as a result of the special event.

(2) Sanitation. The applicant is responsible for sanitation for the event as provided for in the application.

(3) Other fees and permits.

(a) Applicants' organizers must secure and maintain at their cost, all licenses, permits or other authorizations necessary to conduct the special event and the city must be provided a copy of all such required licenses, permits or authorizations no later than fifteen (15) days prior to the beginning of the special event. Additional fees may include, but not be limited to, temporary licenses to use city right-of ways; payment of parking meter fees, or costs of bagging parking meters; payment for delivery or set-up of traffic barricades.

(b) Any use of the city rights-of-way will require a city-approved traffic control plan. Any costs involved in the development of this plan are the responsibility of the applicant.

(c) An applicant applying for a seller's permit to sell food or beverages must indicate Manvel as the origin of sales.

(d) The sale or furnishing of alcoholic beverages will require an additional permit from the Texas Alcohol and Beverage Commission, and is allowed only in areas where consumption is permitted by the City Code.

- (4) The provisions of this Section shall apply regardless of whether the applicant or the event is a profit or nonprofit organization.
- (5) Insurance and indemnification.
- (a) Organizers must obtain and maintain at their own expense, insurance policies for an amount and coverage as established by the city and as provided for in the permit application.
 - (b) Such policies must name the city as an "additional insured." Any other entities that might be impacted by this event shall also be named as an additional insured.
 - (c) Applicant must provide the city with proof of the required insurance no less than ten (10) days before the first day of the event. All policies will require a waiver of subrogation. Such proof of policy must be in a form acceptable to the city's risk manager.
 - (d) Applicant must specifically agree to indemnify, defend and hold the city, its officers, directors, agents, representatives, and employees harmless from and against any and all claims, expenses, damages or other liabilities, including reasonable attorney's fees and court costs, arising out of bodily injury or property damages arising out of or in connection with the event.
 - (e) The provisions of this Section shall apply regardless of whether the applicant or the event is a profit or nonprofit organization."

Section 3. This Ordinance shall in no manner amend, change, supplement, or revise any provision of any ordinance of the City of Manvel, save and except the change described above.

Section 4. 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 any part or provision hereof other than the part declared to be invalid or unconstitutional; and the City Council of the City of Manvel, 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 5. Any person who shall intentionally, knowingly, recklessly, or with criminal negligence 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 \$2,000.00. Each day of violation shall constitute a separate offense.

PASSED AND APPROVED on first reading this _____ day of _____, 2023.

PASSED, APPROVED, AND ADOPTED on second and final reading this _____ day of _____, 2023.

Debra Davison, Mayor

Attest:

Tammy Bell, City Secretary

Approved as to Form:

Robert Gervais, City Attorney

ORDINANCE NO. 2023-O-02

AN ORDINANCE AMENDING CHAPTER 35 “LICENSES AND SPECIAL BUSINESS REGULATIONS” OF THE CODE OF ORDINANCES OF THE CITY OF MANVEL, TEXAS, BY AMENDING ARTICLE X “MOBILE FOOD VENDORS” TO REGULATE MOBILE AND TEMPORARY FOOD VENDORS; REPEALING PROVISIONS IN CONFLICT THEREWITH; PROVIDING A PENALTY IN AN AMOUNT NOT TO EXCEED \$2,000.00 PER DAY FOR EACH DAY OF VIOLATION OF ANY PROVISION HEREOF; AND PROVIDING FOR SEVERABILITY.

WHEREAS, the City Council of the City of Manvel, Texas, determines it in the best interest of the health, safety, and welfare of the citizens of the City to amend Chapter 35, *Licenses and Special Business Regulations* of the City Code by amending Article X regulating mobile food vendors; and

WHEREAS, the City Council finds that the adoption of this ordinance is in the best interest of the citizens of Manvel; now, therefore,

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MANVEL, TEXAS:

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

Section 2. Chapter 35. *Licenses and Special Business Regulations* of the Code of Ordinances of the City of Manvel is hereby amended by amending Article X. *Mobile and Temporary Food Vendors* to read and provide as follows:

“Chapter 35 - LICENSES AND SPECIAL BUSINESS REGULATIONS

....

ARTICLE X. – MOBILE AND TEMPORARY FOOD VENDORS

Sec. 35-310. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Food hand cart means a food or drink vending station operating from a non-mechanical, movable cart that is pushed or pulled from one location to the next by hand (e.g. hot dog cart).

Mobile food unit (~~[mobile]~~ *food truck, MFU*) means a food or drink vending station operating from a mechanical vehicle or pulled trailer that drives continuously, intermittently stopping for sales (e.g. ice cream truck).

~~[Mobile food unit (stationary) means a food or drink vending station operating from a mechanical vehicle or pulled trailer at a fixed location (e.g. food truck or taco truck).]~~

Mobile food vendor means any person or entity engaged in selling or serving food or drink from a vehicle, booth or cart, including, but not limited to, operating any of the following:

- (1) Sidewalk stand; or
- (2) Food hand cart; ~~[or]~~
- ~~[(3) Food truck (stationary); or]~~
- ~~[(4) Food truck (mobile)]~~

Private event means any event that is on private property, where admission is closed to the general public and where access and view to the general public is limited, including, but not limited to, a wedding or family event.

Sidewalk stand means a drink vending station operating from a non-mechanical booth or stand on or near the sidewalk or in the city right-of-way operated by a person under the age of 18, who only offers lemonade (e.g. lemonade stand).

Temporary food establishment means a food establishment that operates for a period of no more than ten consecutive days in conjunction with a single event or celebration. This may include a stand or a booth.

Sec. 35-311. General prohibition.

Except where specifically authorized by this article, mobile food vendors of any type are expressly prohibited.

Sec. 35-312. Sidewalk stand.

Sidewalk stands are prohibited. There shall be an exception for temporary lemonade sidewalk stands operated by juveniles, which may be operated without a permit for a single period of up to eight hours, limited to one period within one calendar month.

Sec. 35-313. Food hand cart.

Food hand carts are prohibited. There shall be an exception for temporary operation for the following:

- (1) City events;
- (2) City approved or sponsored events; and
- (3) Private events (where admission is not open to the general public) on private property.

Sec. 35-314. Mobile food unit (~~[stationary]~~ food truck).

(a) ~~[Food trucks (stationary)]~~ Mobile Food Units (food trucks) are prohibited. There shall be an exception for temporary operation for the following:

- (1) City events;
- (2) City approved ~~[or sponsored]~~ special events; and
- (3) Private events (where admission is not open to the general public) on private property ~~[;]~~ ; and
- (4) City approved Type C Recurring Special Event.

(b) *The following requirements shall apply to all stationary mobile food units that are specifically permitted under this article:*

(1) Mobile Food Units must have a current, valid health license and inspections with the city.

(2) ~~[(1)]~~ *MFUs must be equipped with the following:*

- a. ~~[Portable fire extinguishers selected and installed in accordance with NFPA 10 with a minimum 2A:10BC rating. An approved Class K fire extinguisher must be provided for protection of grease cooking fires.]~~ Portable fire extinguishers shall be selected and installed in accordance with NFPA 10, International Fire Code (IFC) Section 906, and as adopted and amended by the City of Manvel, as amended from time to time. A minimum of one Class ABC fire extinguisher shall be provided for all mobile food preparation vehicles in as well as a Class K extinguisher that is sized as per IFC Section 906.4 when cooking equipment involves solid fuels or vegetable/animal oils or fats. All fire extinguishers must have a current inspection/service tag from a licensed fire extinguishing company.
- b. A Type 1 hood installed where cooking appliances produce ~~[grease]~~ grease-laden vapors, ~~[or]~~ smoke residue, or involve combustible cooking media (vegetable or animal oils and fats). ~~[as a result of the cooking process.]~~ Type I hood and automatic fire-extinguishing system shall be selected and installed in accordance

with NFPA 17/17A, IFC Section 609, IFC Section 904 and as adopted and amended by the City of Manvel, as amended from time to time.

~~[c. Beginning on October 1, 2019, an automatic fire extinguishing system installed to protect cooking equipment.]~~

~~(3) [(2)]~~ *Inspection of mobile food units.* At the time of the inspection, the mobile food unit shall be completely operable and in full working order.

~~(4) [(3)]~~ *Miscellaneous offenses.* In addition to the regulations contained above, the following actions are prohibited by mobile food unit operators:

- a. Operating without a valid servicing record or commissary receipt which must be kept within the mobile food unit at all times;
- b. Selling or offering for sale non-food items from the mobile food unit;
- c. Storing or preparing food outside of the mobile food unit (except in a licensed central preparation facility);
- d. Displaying, selling, or serving food outside of the mobile food unit;
- e. Altering the mobile food unit in such a manner that would prevent or otherwise reduce ready mobility;
- f. Blocking public right-of-way, a dedicated fire lane, or a public sidewalk;
- g. Creating/operating a drive-thru in conjunction with the mobile food unit;
- h. Allowing items such as brooms, hoses, equipment, containers or boxes to be located adjacent to or beneath the mobile food unit;
- i. Providing or allowing signs or banners not attached to and solely supported by the mobile food unit to be set up at the serving area;
- j. Allowing trash or debris at the site of the mobile food unit during operation, and leaving the site with trash or debris following operation;
- k. Allowing any audio speakers or amplification devices to be heard outside of the mobile food unit; or
- l. Allowing outside furniture such as tables or chairs, to be set up adjacent to the mobile food unit.

[Sec. 35-315. Mobile food unit (mobile).]

~~Food trucks (mobile) are prohibited.~~

~~(1) There shall be an exception for temporary operation for the following:~~

- ~~a. Pre-packaged non-TCS food vendors; and~~
- ~~b. Ice cream trucks.~~

~~(2) Food trucks (mobile) shall not stand for more than 15 minutes at any one location and may not prepare or cook food or drink items on the vehicle (pre-packaged only).~~

~~(3) Food trucks with music or a public address system shall not exceed 65 decibels.~~

- ~~(4) Food trucks may only operate from dawn until dusk, except for events with extended hours as may be expressly authorized by the city manager or designee.~~
- ~~(5) Food trucks may not vend from the second lane of traffic, and may not double park or impede traffic.]~~

Sec. 35-315. Mobile food unit operating at a Type C Recurring Special Event.

In addition to the regulations contained within this Article, the following actions are conditions and regulations of a Mobile Food Unit operating at a Type C Recurring Special Event, as regulated by Chapter 35, Article XII, Special Events.

- (1) Mobile Food Units must have a current health license and inspections issued through the City. Only Mobile Food Units that have a current City inspection and current City medallion will be permitted to operate for a Type C Recurring Special Event.
- (2) Mobile Food Units must be readily moveable at all times. Altering the mobile food unit in such a matter that would prevent or otherwise reduce ready mobility is prohibited.
- (3) Mobile Food Units may only operate from sunrise until sunset, except for events with extended hours approved by the city with a special event permit.
- (4) Mobile Food Trucks may not vend from the second lane of traffic, and may not double park or impede traffic.
- (5) No water, wastewater, electricity, or utility connection/hookups permitted. Mobile Food Units must have self-contained operations.
- (6) There shall be no overnight parking or operation.
- (7) Mobile Food Units shall only operate on approved surfaces (concrete, asphalt, or crushed gravel). Food vendors may not operate on grass.
- (8) Temporary Food Establishments may not be permitted with a Type C Recurring Special Event.

Sec. 35-316. Temporary food establishment.

- (a) *Temporary food establishments are prohibited.* There shall be an exception for the following:
 - (1) City events;
 - (2) City approved or sponsored events; and
 - (3) Private events (where admission is not open to the general public) on private property.
- (b) The following requirements shall apply to a temporary food establishment vendor that are specifically permitted under this article:

- (1) Every temporary food establishment vendor must have a current valid health permit. Permits are nontransferable. Multiple vendors may not operate under one health permit.
- (2) Except where only prepackage food is offered, every temporary food establishment must have a handwashing station with warm water, soap, drying device, and a waste water retention basin in used before food preparation begins.
- (3) Except where only prepackaged food is offered, every temporary food establishment must have a three-compartment warewashing station, labeled (wash, rinse, sanitize), with basins large enough to accommodate the largest utensil.
- (4) Every temporary food establishment utilizing electricity and/or any type of fire element must have appropriate fire extinguisher. Vendors are not allowed to share.

Sec. 35-317. Basic requirements.

The following requirements shall apply to the mobile food unit vendors and temporary food establishment vendors that are specifically permitted under this article:

- (1) Permitted mobile food unit vendors shall operate only on a temporary basis. Temporary shall mean for eight hours or as long as the city event or city-approved event is ongoing.
- (2) There shall be no water, wastewater or electric hookups to the adjacent property.
- (3) There shall be no overnight parking or operation.
- (4) Vehicles and booths must be marked with the vendor's name. No detachable signage shall be permitted for mobile food units, except for one removable sandwich-board sign displaying product and/or pricing information.
- (5) All stationary mobile food unit vendors and temporary food establishment vendors must set out a trash can for patrons while present and must remove all trash from the premises upon departure. Vendor must not allow trash to spill over and must change out trash bags when trash can is full.
- (6) Vendors may not set up within 300 yards of a restaurant, except with express written consent of the restaurant owner. Vendors must have at least ten feet clearance from any building, structure, vehicle, and any combustible materials. Vendors must not block fire lanes or fire access roads.
- (7) Only employees shall be allowed in food preparation areas. Nonessential persons shall not be within any food service, food preparations, or warewashing areas, including by not limited to children under the age of 18.
- (8) All food preparation, processing, and service shall be located in/on an approved surface (concrete, asphalt, or crushed gravel). Food vendors may not operate on grass.
- (9) All vendors must meet minimum food safety standards, including

- a. A supervisory person, who has a current valid food manager certificate, must be onsite at all times.
 - b. All food ingredients must be from an approved source, in sound condition, and must be properly stored six inches off the ground.
 - c. A small diameter probe metal thermometer must be provided and all food must be stored at property temperatures.
 - 1. Cold food holding shall not exceed 41 degrees Fahrenheit.
 - 2. Hot food holding shall not be less than 135 degrees Fahrenheit.
 - d. All employees must wear hand protection and hair restraints when in food preparation/serving areas.
 - e. Only single use articles may be provided for use by the consumer.
 - f. All vendors in service for longer than two hours must have access to a toilet facility.
- (10) The city manager is authorized to sponsor and approve events on behalf of the city. In considering approval or sponsorship for the event, the city manager shall consider the following:
- a. The nature of the event, which must be open to the general public;
 - b. Whether the organizers are in compliance with all city, county and state laws and regulations;
 - c. Whether the organizers have the means, personnel, volunteers, and resources to have a successful event;
 - d. Past history of events by the requesting organization, or similar events by other organizations, and whether there were any health, safety, or sanitation issues; and
 - e. Such other characteristics of the event, including time of year, that may place a burden on city or local law enforcement or first responders.

Sec. 35-318. Permits and health requirements.

The following requirements shall apply to the mobile food vendors that are specifically allowed under this article:

(1) *Health permit.*

- a. All mobile food units, mobile and stationary, must obtain a permit from the city. Each permit will be issued unit-by-unit only after an inspection reveals satisfactory compliance with state law and this article, as applicable. Mobile food unit permits are non-transferable. A change of ownership of a MFU, including a change of legal form of the entity, shall require submission of a new application for a mobile food unit health permit and inspections. A mobile food unit health permit shall become void upon the closing of the sale of the MFU for which a

permit was issued. Such permits shall remain the property of the city. Permit fees shall be as prescribed by the city council.

- b. All temporary food establishment vendors, must obtain a permit from the city. Each permit will be issued vendor-by-vendor and may serve only after an inspection reveals satisfactory compliance with state law and this article, as applicable. Such permits shall remain the property of the city. Permit fees shall be as prescribed by the city council.
 - c. No person shall operate or cause to be operated any mobile food unit (mobile or stationary) or temporary food establishment which does not possess a valid health permit issued by the city. Any person, firm, or establishment who is found to have operated or caused operation without a valid health permit shall be deemed guilty of a misdemeanor and shall, upon conviction by a court of competent jurisdiction, be assessed fines or other punishment as provided by this Code.
 - c. Such permit shall be posted in a conspicuous place where it can be viewed by patrons and shall not be removed or defaced. A health permit issued to a mobile food unit shall be affixed to the truck by the code enforcement officer/health officer. A permit shall set forth the business name, license plate number, mobile food unit license number, and expiration date for said license.
 - d. Every food truck must be readily identifiable by its business name and phone number that are printed, permanently affixed, and prominently displayed on the back of the unit and on the side of the unit from which food is served, in letters not less than three inches in height.
 - e. Sidewalk stands, where allowed by this article, are exempt from permit requirements.
- (2) *Health regulations.* All vendors must obey and be in compliance with all state, county and city health laws and regulations. Compliance with these laws shall be a part of the city permit process.
- (3) *Food preparation.* No food may be stored or prepared at any location except on the MFU or at the temporary food establishment, in a licensed commissary, or permitted central processing facility as listed on the application submitted for the health permit. Food preparation may not be conducted on MFU while vehicle is in motion.
- (4) *Fire Marshal's Office and Vehicle inspections.* ~~[All mobile food unit vendors must pass a vehicle inspection from the fire marshal's office as part of the city's permit process. All vendors must obey and be in compliance with the fire code and all other city codes.]~~
- a. All mobile vendors must have a City of Manvel Fire Marshal's Office current, passed fire inspection that complies with CODE OF ORDINANCES CITY OF MANVEL, TEXAS, Chapter 17 – BUILDINGS AND BUILDING REGULATIONS, DIVISION 8. – FIRE CODE, Sec. 17-243. – Mobile food units, of the adopted Code, as amended from time to time.

b. All mobile vendors must pass a vehicle inspection from the Fire Marshal's Office as part of the city permit process. All vendors must obey and be in compliance with fire code and all other city codes.

- (5) *Administrative rules.* The city manager or designee shall promulgate rules and regulations to administer the provisions of this article. Such rules and regulations shall not conflict with any applicable provisions of this Code. All rules and regulations so promulgated shall be kept on file for public inspection at the office of the city secretary. A copy of the rules and regulations shall be provided to any person upon payment of the fees prescribed by law.
- (6) *Violation.* Anyone who intentionally, willfully, recklessly, or with criminal negligence violates this article shall, upon conviction, be guilty of a misdemeanor and shall be assessed fines or other punishment as provided by this Code.
- (7) *Revocation of health permit.* In addition to the imposition of a criminal penalty, the failure to comply with any of the provisions of this article, or any of the promulgated rules or regulations established thereunder, shall be grounds for the revocation or suspension of the permit, or the refusal to issue or renew any permit required under this Code. If requested by the permittee in writing within seven business days of notice of revocation, the city manager or designee shall hear the cause for revocation/suspension/non-renewal and determine whether the grounds for such action are justified. The city manager's (or designee's) decision shall be final. The revocation or suspension of any permit shall not prohibit the imposition of a criminal penalty, and the imposition of a criminal penalty shall not prevent the revocation or suspension of a license under this article.

Secs. 35-319—35-329. Reserved.”

Section 3. This Ordinance shall in no manner amend, change, supplement, or revise any provision of any ordinance of the City of Manvel, save and except the change described above.

Section 4. **Repealer.** All ordinances or parts of ordinances inconsistent or in conflict herewith, are, to the extent of such inconsistency or conflict, hereby repealed.

Section 5. **Severability.** In the event any 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 the City of Manvel, Texas, declares that it would have passed each and every part of the same notwithstanding the omission of any such part thus declared to be invalid or unconstitutional, whether there be one or more parts.

Section 5. Any person who shall intentionally, knowingly, recklessly, or with criminal negligence 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 \$2,000.00. Each day of violation shall constitute a separate offense.

PASSED AND APPROVED on first reading this the _____ day of _____, 2023.

PASSED, APPROVED, AND ADOPTED on second and final reading this the _____ day of _____, 2023.

Debra Davison, Mayor

Attest:

Tammy Bell, City Secretary

Approved as to Form:

Robert Gervais, City Attorney

THE STATE OF TEXAS §
COUNTY OF BRAZORIA §
CITY OF MANVEL §

LARRY AKERY, COUNCIL PLACE 1
LORRAINE HEHN, COUNCIL PLACE 2
NICCOLE TYSON, COUNCIL PLACE 3
ED PERRY, COUNCIL PLACE 4
JASON ALBERT, COUNCIL PLACE 5
JEROME HUDSON, COUNCIL PLACE 6



DEBRA DAVISON, MAYOR
KYLE JUNG, CITY MANAGER
TAMMY BELL, CITY SECRETARY

MINUTES 1/3/2023

Workshop Session - 5:00 p.m.

Mayor Davison called the workshop of the Manvel City Council to order at 5:04 p.m.

Those in attendance were:

Present: Mayor Debra Davison
City Council Member Place 1 Larry Akery
City Council Member Place 2 Lorraine Hehn
City Council Member Place 3 Niccole Tyson
City Council Member Place 4 Ed Perry
City Council Member Place 5 Jason Albert
City Council Member Place 6 Jerome Hudson

Absent: None

Also Present: Kyle Jung, City Manager
Dan Johnson, Assistant City Manager/City Engineer
Robert Gervais, City Attorney
Tammy Bell, City Secretary
Keith Traylor, Chief of Police
Chris Thomas, Director of Finance
Gilbert Salas, Director of Community Services
Jessica Rodriguez, Director of Development Services
Jose Abraham, City Planner
Joe Murray, Fire Marshal
Brooke Cyphers, Public Information Officer

Discussion/update by Joe Morrow on financing options for city infrastructure.

Update provided via zoom by Joe Morrow.

Council Member Albert asked if it would be beneficial to go out for the entire debt issuance and just make the 1 year interest payment as opposed to going out for a second debt issuance in a year

when interest rates have increased.

Kyle Jung, City Manager - That will be something the Council will have to decide on.

Discussion on any subject listed on the Agenda dated January 3, 2023.

None

Mayor Davison adjourned the Workshop at 6:09 p.m.

Regular Session - 6:00 p.m.

Call To Order

Mayor Davison called the meeting of the Manvel City Council to order at 6:09 p.m.

Those in attendance were:

Present: Mayor Debra Davison
City Council Member Place 1 Larry Akery
City Council Member Place 2 Lorraine Hehn
City Council Member Place 3 Niccole Tyson
City Council Member Place 4 Ed Perry
City Council Member Place 5 Jason Albert
City Council Member Place 6 Jerome Hudson

Absent: None

Also Present: Kyle Jung, City Manager
Dan Johnson, Assistant City Manager/City Engineer
Robert Gervais, City Attorney
Tammy Bell, City Secretary
Keith Traylor, Chief of Police
Chris Thomas, Director of Finance
Gilbert Salas, Director of Community Services
Jessica Rodriguez, Director of Development Services
Jose Abraham, City Planner
Joe Murray, Fire Marshal
Brooke Cyphers, Public Information Officer

Inspirational Reading - Council Member Tyson

Pledge

Executive Session

City Council will convene into Executive Session pursuant to Texas Government Code, Section 551.071: "Consultation with Attorney" to discuss the following:

Pending Litigation – Rise Communities, LLC and GR-M1, LTD. VS. Manvel Planning Development and Zoning Commission, and Jose Abraham, City Planner.

Mayor Davison recessed the meeting at 6:10 p.m. for Executive Session.

Mayor Davison reconvened the meeting at 6:53 pm. There was no action taken during Executive Session.

Public Hearing

TO HEAR INPUT FROM THE PUBLIC REGARDING AN ORDINANCE OF THE CITY OF MANVEL, TEXAS AMENDING THE ZONING CLASSIFICATION OF AN APPROXIMATE 5.7420 ACRE TRACT LOCATED AT 2951 COUNTY ROAD 58, MANVEL, TEXAS, FROM LIGHT COMMERCIAL DISTRICT (LC) TO LIGHT COMMERCIAL DISTRICT WITH SPECIFIC USE PERMIT (LC-SUP); PROVIDING FOR THE GRANTING OF A SPECIFIC USE PERMIT WITH CONDITIONS TO AUTHORIZE THE USE OF PROPERTY FOR NAICS USE CODE 447110 "GASOLINE STATIONS WITH CONVENIENCE STORES"; PROVIDING FOR THE AMENDMENT OF THE CITY'S OFFICIAL ZONING MAP; PROVIDING FOR SEVERABILITY; AND PROVIDING A PENALTY IN AN AMOUNT NOT TO EXCEED \$2,000 FOR EACH DAY OF VIOLATION OF ANY PROVISION HEREOF.

Opened at 6:53 p.m.

1st call for comments - None

2nd call for comments - None

3rd call for comments - None

Closed at 6:55 p.m.

TO HEAR INPUT FROM THE PUBLIC REGARDING AN ORDINANCE OF THE CITY OF MANVEL, TEXAS, AMENDING THE ZONING ORDINANCE OF THE CITY, BY CHANGING THE ZONING CLASSIFICATION OF AN APPROXIMATE 13.82 ACRE TRACT OF LAND LOCATED AT 11700 MAGNOLIA PARKWAY, MANVEL, TEXAS FROM OPEN-SINGLE FAMILY RESIDENTIAL (O-SFR) DISTRICT TO LIGHT COMMERCIAL (LC) DISTRICT PROVIDING FOR THE AMENDMENT OF THE CITY'S OFFICIAL ZONING MAP; PROVIDING FOR SEVERABILITY; AND PROVIDING A PENALTY IN AN AMOUNT NOT TO EXCEED \$2,000 FOR EACH DAY OF VIOLATION OF ANY PROVISION HEREOF.

Opened at 6:55 p.m.

1st call for comments - None

2nd call for comments - None

3rd call for comments - None

Closed at 6:56 p.m.

Public Comments: "Comment Card" Required

Angelo Cassaro, Bluewater Lakes HOA Board Director - 19007 Lakeridge Ct

Issues with the noise of the businesses around the Bluewater Lakes subdivision; the cement plant especially. The Valencia subdivision construction vehicles are driving through Bluewater Lakes leaving mud on the streets.

City Manager Update

The county finished the paving of Cemetery, Georgia and Crestridge.

You can recycle your live Christmas trees at the County Substation or the Stella Roberts Recycling Center.

PD Update

Keith Traylor spoke on the pinning/badging ceremony for the Sgt. and 4 Corporal positions.

No Covid Update

Consent Agenda

1. Acceptance of the meeting minutes to date.
2. Acceptance of the infrastructure improvements for Manvel Town Center Public Utilities Phase 1B to begin the One-Year Maintenance Period.
3. Consideration and possible action to approve Resolution 2022-R-21;
A RESOLUTION AMENDING RESOLUTION 2022-R-20 TO REFLECT THE CORRECT ACREAGE IN CONSENTING TO THE ADDITION OF LAND INTO BRAZORIA COUNTY MUNICIPAL UTILITY DISTRICT NO. 40.

Council Member Hehn made the motion to approve the Consent Agenda. Council Member Tyson seconded the motion.

The motion carried with a vote: 7/0

Yes: Mayor Debra Davison, City Council Member Place 1 Larry Akery, City Council Member Place 2 Lorraine Hehn, City Council Member Place 3 Niccole Tyson, City Council Member Place 4 Ed Perry, City Council Member Place 5 Jason Albert, City Council Member Place 6 Jerome Hudson

No: None

Absent: None

Abstained: None

Regular Agenda

1. Consideration and possible action to approve the first of two readings of Ordinance 2022-O-31; AN ORDINANCE OF THE CITY OF MANVEL, TEXAS AMENDING THE ZONING ORDINANCE OF THE CITY, BY AMENDING THE ZONING CLASSIFICATION OF 5.742 ACRES LOCATED AT 2951 COUNTY ROAD 58/ CROIX RD, MANVEL, TEXAS, FROM LIGHT COMMERCIAL DISTRICT (LC) TO LIGHT COMMERCIAL DISTRICT WITH SPECIFIC USE PERMIT (LC/ SUP); PROVIDING FOR THE GRANTING OF A SPECIFIC USE PERMIT WITH CONDITIONS TO AUTHORIZE THE EXISTING USE OF PROPERTY FOR 447110 "GASOLINE STATIONS WITH CONVENIENCE STORES"; PROVIDING FOR THE AMENDMENT OF THE CITY'S OFFICIAL ZONING MAP; PROVIDING FOR SEVERABILITY; AND PROVIDING A PENALTY IN AN AMOUNT NOT TO EXCEED \$2,000 FOR EACH DAY OF VIOLATION OF ANY PROVISION HEREOF.
(Forwarded with favorable recommendation by PD&Z)

Jose Abraham, City Planner gave an overview of the request to City Council. Use is in line with comprehensive plan. The gas station is pre-existing. They are adding more pumps. Staff is recommending approval with conditions.

Council Member Hehn made the motion to approve with the following conditions:

1. A plat shall be prepared and approved in conformance with Chapter 62 – Subdivisions, prior to the proposed addition of five (5) gas dispensers on the subject site;
2. The proposed addition of five (5) gas dispensers on the subject site shall be in conformance with Section 77-31, Light-commercial (LC) district requirements;
3. Design, location and arrangement of all driveways and parking spaces shall be provided for the safe and convenient movement of vehicular and pedestrian traffic without adversely affecting the general public or adjacent developments as required by Section 77-50 (e)(9) and City of Manvel Design Criteria Manual as amended.
4. With the proposed addition of five (5) gas dispensers on the subject site, parking spaces required for the entire site to meet

the current standards of Section 77-45, Parking, shall be provided.

5. Outdoor lighting shall be shielded and shall conform with the Illuminating Engineering Society of North America ("IES") criteria for full cut-off fixtures, which is 100 percent of light output below 90 degrees, and 90 percent of light output below 80 degrees from a vertical line through the fixture.

6. Outdoor lighting shall be deflected, shaded, and focused away from abutting properties and shall not be a nuisance to abutting properties, and shall be designed so that any overspill of lighting onto abutting properties shall not exceed three-tenths foot-candles, measured vertically and horizontally.

7. Opaque privacy fence shall be provided for screening along the side and rear property lines adjoining an existing residential use or zoning, using a minimum of eight-foot-high wooden or masonry fence must be constructed and retained adjacent to the property line.

8. Proposed expansion area must comply with all landscaping requirements of Section 77-44.

9. One evergreen tree that is 1½ inches in caliper measured at the base of the tree shall be planted every 35 feet at the perimeter of the subject site along the proposed expansion area to provide adequate buffer to abutting residentially used or zoned property.

Council Member Hudson seconded the motion.

The motion carried with a vote: 7/0

Yes: Mayor Debra Davison, City Council Member Place 1 Larry Akery, City Council Member Place 2 Lorraine Hehn, City Council Member Place 3 Niccole Tyson, City Council Member Place 4 Ed Perry, City Council Member Place 5 Jason Albert, City Council Member Place 6 Jerome Hudson

No: None

Absent: None

Abstained: None

2. Consideration and possible action to approve the first of two readings of Ordinance 2022-O-32; AN ORDINANCE OF THE CITY OF MANVEL, TEXAS AMENDING THE ZONING ORDINANCE OF THE CITY, BY CHANGING THE ZONING CLASSIFICATION OF A TRACT OF LAND 13.82 ACRES LOCATED AT 11700 MAGNOLIA PARKWAY, CONTAINING 13.82 ACRES, OR 602,164 SQUARE FEET OF LAND SITUATED IN THE H.T. & B. R.R. CO. SURVEY, ABSTRACT NO. 298, BRAZORIA COUNTY, TEXAS, ALSO BEING A RESIDUE OF A CALLED 16.0231 ACRE TRACT DESCRIBED IN DEED TO ARAMCO INVESTMENT GROUP, AS RECORDED UNDER BRAZORIA COUNTY CLERK'S FILE (B.C.C.F. NO. 2010005107), FROM OPEN-SINGLE FAMILY RESIDENTIAL DISTRICT (O-SFR) TO LIGHT COMMERCIAL DISTRICT (LC); PROVIDING FOR THE AMENDMENT OF THE CITY'S OFFICIAL ZONING MAP; PROVIDING FOR SEVERABILITY; AND PROVIDING A PENALTY IN AN AMOUNT NOT TO EXCEED \$2,000 FOR EACH DAY OF VIOLATION OF ANY PROVISION HEREOF.
(Forwarded with favorable recommendation by PD&Z)

Jose Abraham, City Planner gave an overview of the rezone. The existing home will be demolished. Staff recommends approval.

Council Member Albert made the motion to approve. Council Member Hehn seconded the motion.

The motion carried with a vote: 7/0

Yes: Mayor Debra Davison, City Council Member Place 1 Larry Akery, City Council Member Place 2 Lorraine Hehn, City Council Member Place 3 Niccole Tyson, City Council Member Place 4 Ed Perry, City Council Member Place 5 Jason Albert, City Council Member Place 6 Jerome Hudson

No: None
Absent: None
Abstained: None

3. Consideration and possible action to approve, **Manvel Palms Master Plan;**
Being a subdivision of 125.58 acres out of the H.T.&B.R.R. Co. Survey, Section 75, A-299, City of Manvel, Brazoria County, Texas.
(Motion to forward with recommendation by PD&Z FAILED with a 0-5 Vote)

Jessica Rodriguez, Director of Development Services provided an overview. Staff recommends denial based on the need for a traffic study.

Council Member Albert made the motion to approve. Council Member Hudson seconded the motion.

The motion FAILED with a vote: 0/7

Yes: None
No: Mayor Debra Davison, City Council Member Place 1 Larry Akery, City Council Member Place 2 Lorraine Hehn, City Council Member Place 3 Niccole Tyson, City Council Member Place 4 Ed Perry, City Council Member Place 5 Jason Albert, City Council Member Place 6 Jerome Hudson
Absent: None
Abstained: None

4. Consideration and possible action to direct staff to provide Applicants written statements of the conditions for any conditional approvals, and the reasons for disapproval of any plans or plats that were not approved, per Texas Local Government Code §212.0091.

Council Member Albert made the motion to approve. Council Member Hehn seconded the motion.

The motion carried with a vote: 7/0

Yes: Mayor Debra Davison, City Council Member Place 1 Larry Akery, City Council Member Place 2 Lorraine Hehn, City Council Member Place 3 Niccole Tyson, City Council Member Place 4 Ed Perry, City Council Member Place 5 Jason Albert, City Council Member Place 6 Jerome Hudson
No: None
Absent: None
Abstained: None

5. Consideration and possible action to approve a request for a Subdivision Variance for property located at 8080 Bailey Rd, Pearland, Tx, seeking to vary Chapter 62, Section 62-113, *Sidewalks.*, to allow development of the subject site without the construction of sidewalks.

Jose Abraham, City Planner provided an overview to Council. The existing open ditch can be considered a unique situation. Staff recommends denial.

Council Member Albert made the motion to approve. Council Member Tyson seconded the motion.

The motion carried with a vote: 7/0

Yes: Mayor Debra Davison, City Council Member Place 1 Larry Akery, City Council Member Place 2 Lorraine Hehn, City Council Member Place 3 Niccole Tyson, City Council Member Place 4 Ed Perry, City Council Member Place 5 Jason Albert, City Council Member Place 6 Jerome Hudson

No: None
Absent: None
Abstained: None

6. Discussion on creating a position to hire a Community Events Coordinator. (Requested by Council Member Hehn and Council Member Akery).

Larry - missed the Christmas parade.

Mayor - gave accolades for the Christmas event that was held; Cookies & Cocoa with Santa. Encouraged Council to become more involved and to attend the events that are held. Feels that a full-time position is improbable at this point.

Mayor and Council Comments

Council Member Perry - Saturday, January 7th at 6 p.m. at the Hilton Garden Inn, the Pearland MLK Celebration Committee will be presenting scholarships to Alvin and Pearland ISD students.

Adjourn

Council Member Albert made the motion to adjourn. Mayor Davison seconded the motion.

The motion carried with a vote: 7/0

Yes: Mayor Debra Davison, City Council Member Place 1 Larry Akery, City Council Member Place 2 Lorraine Hehn, City Council Member Place 3 Niccole Tyson, City Council Member Place 4 Ed Perry, City Council Member Place 5 Jason Albert, City Council Member Place 6 Jerome Hudson

No: None
Absent: None
Abstained: None

CERTIFICATION

TAMMY BELL, CITY SECRETARY
CITY OF MANVEL, TEXAS

THE STATE OF TEXAS §
COUNTY OF BRAZORIA §
CITY OF MANVEL §

LARRY AKERY, COUNCIL PLACE 1
LORRAINE HEHN, COUNCIL PLACE 2
NICCOLE TYSON, COUNCIL PLACE 3
ED PERRY, COUNCIL PLACE 4
JASON ALBERT, COUNCIL PLACE 5
JEROME HUDSON, COUNCIL PLACE 6



DEBRA DAVISON, MAYOR
KYLE JUNG, CITY MANAGER
TAMMY BELL, CITY SECRETARY

MINUTES 1/17/2023

Workshop Session

Mayor Davison called the workshop of the Manvel City Council to order at 5:05 p.m.
Those in attendance were:

Present: Mayor Debra Davison
City Council Member Place 1 Larry Akery
City Council Member Place 2 Lorraine Hehn
City Council Member Place 4 Ed Perry
City Council Member Place 6 Jerome Hudson

Absent: City Council Member Place 3 Niccole Tyson
City Council Member Place 5 Jason Albert

Also Present: Kyle Jung, City Manager
Robert Gervais, City Attorney
Tammy Bell, City Secretary
Keith Traylor, Chief of Police
Jessica Rodriguez, Director of Development Services
Gilbert Salas, Director of Community Services
Joe Murray, Fire Marshal
Jose Abraham, City Planner
Brooke Cyphers, Public Information Officer

Discussion/update by Tim Austin on legislation regarding the creation of a Special District and funding for the Manvel Municipal Complex.

Discussion on any subject listed on the agenda dated January 17, 2023.

Discussion on agenda item #6

Discussion on agenda item #3

Discussion on agenda item #7

Mayor Davison closed the workshop at 6:03 p.m.

Regular Session

Call To Order

Mayor Davison called the meeting of the Manvel City Council to order at 6:18 p.m.

Those in attendance were:

Present: Mayor Debra Davison
City Council Member Place 1 Larry Akery
City Council Member Place 2 Lorraine Hehn
City Council Member Place 4 Ed Perry
City Council Member Place 6 Jerome Hudson

Absent: City Council Member Place 3 Niccole Tyson
City Council Member Place 5 Jason Albert

Also Present: Kyle Jung, City Manager
Robert Gervais, City Attorney
Tammy Bell, City Secretary
Keith Traylor, Chief of Police
Jessica Rodriguez, Director of Development Services
Gilbert Salas, Director of Community Services
Joe Murray, Fire Marshal
Jose Abraham, City Planner
Brooke Cyphers, Public Information Officer

Inspirational Reading - Mayor Davison

Pledge

Public Comments: "Comment Card" Required

Richard Rainer and Jake Baker of XL Commercial Real Estate - Spoke on development of 3.67 acres of property across the street from the HEB. Multiple offer of intent letters have been received from developers but the issue they are facing is that the city does not allow pump detention. They will be coming to the city to request a variance in the near future.

Dan Davis - Spoke on the petition - agenda item #8

Presentation

Proclamation - National Human Trafficking Month, January 2023

City Manager Update

Covid numbers

44 confirmed cases, up 16 from last meeting

20 probable, up 5

7,610 recovered, up 43

No additional deaths

7,727 total reported cases

Update on Consent item #3 and #4 - this is a brand new plant the city will be accepting. The developer is still working on the WWTP and the city will be accepting that as well once it is ready.

The bridge on Jordan over the GCWA has been completed.

We are collecting applications for PD&Z and MEDC. The deadline for that is the end of January. Position change is effective in March.

Consent Agenda

1. Approve the second and final reading of Ordinance 2022-O-32;
AN ORDINANCE OF THE CITY OF MANVEL, TEXAS AMENDING THE ZONING ORDINANCE OF THE CITY, BY CHANGING THE ZONING CLASSIFICATION OF A TRACT OF LAND 13.82 ACRES LOCATED AT 11700 MAGNOLIA PARKWAY, CONTAINING 13.82 ACRES, OR 602,164 SQUARE FEET OF LAND SITUATED IN THE H.T. & B. R.R. CO. SURVEY, ABSTRACT NO. 298, BRAZORIA COUNTY, TEXAS, ALSO BEING A RESIDUE OF A CALLED 16.0231 ACRE TRACT DESCRIBED IN DEED TO ARAMCO INVESTMENT GROUP, AS RECORDED UNDER BRAZORIA COUNTY CLERK'S FILE (B.C.C.F. NO. 2010005107), FROM OPEN-SINGLE FAMILY RESIDENTIAL DISTRICT (O-SFR) TO LIGHT COMMERCIAL DISTRICT (LC); PROVIDING FOR THE AMENDMENT OF THE CITY'S OFFICIAL ZONING MAP; PROVIDING FOR SEVERABILITY; AND PROVIDING A PENALTY IN AN AMOUNT NOT TO EXCEED \$2,000 FOR EACH DAY OF VIOLATION OF ANY PROVISION HEREOF.
(Forwarded with favorable recommendation by PD&Z)
2. Approve the second and final reading of Ordinance ~~2022-O-31~~ 2022-O-33;
AN ORDINANCE OF THE CITY OF MANVEL, TEXAS AMENDING THE ZONING ORDINANCE OF THE CITY, BY AMENDING THE ZONING CLASSIFICATION OF 5.742 ACRES LOCATED AT 2951 COUNTY ROAD 58/ CROIX RD, MANVEL, TEXAS, FROM LIGHT COMMERCIAL DISTRICT (LC) TO LIGHT COMMERCIAL DISTRICT WITH SPECIFIC USE PERMIT (LC/ SUP); PROVIDING FOR THE GRANTING OF A SPECIFIC USE PERMIT WITH CONDITIONS TO AUTHORIZE THE EXISTING USE OF PROPERTY FOR 447110 "GASOLINE STATIONS WITH CONVENIENCE STORES"; PROVIDING FOR THE AMENDMENT OF THE CITY'S OFFICIAL ZONING MAP; PROVIDING FOR SEVERABILITY; AND PROVIDING A PENALTY IN AN AMOUNT NOT TO EXCEED \$2,000 FOR EACH DAY OF VIOLATION OF ANY PROVISION HEREOF.
(Forwarded with favorable recommendation by PD&Z)
3. Acceptance of infrastructure improvements for Manvel Town Center Water Line Interconnect to begin the one-year Maintenance Period.
4. Acceptance of infrastructure improvements for Manvel Town Center Water Plant to begin the one-year Maintenance Period.
5. Acceptance of infrastructure improvements for Meridiana Detention Basin T Phase 3, Detention Basin V Phase 2, Detention Basin M-2, and Detention Basin N-2 to begin the one-year maintenance period.
6. Approve a Special Warranty Deed from Brazoria County conveying a 60 foot wide road easement in Block 54, Suburban Gardens Subdivision, Division E, being in the H.N. Little Survey, Abstract 319, Brazoria County, Texas and being more particularly described in Deed Recorded in the Brazoria County Clerk Deed Records in Volume 1135, Page 466.
(Carpenter Road)

Council Member Hehn made the motion to approve the Consent Agenda. Council Member Hudson seconded the motion.

The motion carried with a vote: 5/0

Yes: Mayor Debra Davison, City Council Member Place 1 Larry Akery, City Council Member Place 2 Lorraine Hehn, City Council Member Place 4 Ed Perry, City Council Member Place 6 Jerome Hudson
No: None
Absent: City Council Member Place 3 Niccole Tyson, City Council Member Place 5 Jason Albert
Abstained: None

Regular Agenda

1. Consideration and possible action to approve Resolution 2023-R-01;
A RESOLUTION UPDATING THE SIGNATURE CARDS DESIGNATING CITY OFFICIALS AS SIGNATORIES AT FIRST STATE BANK FOR THE CITY'S BANK ACCOUNTS; AND PROVIDING THAT THIS RESOLUTION SHALL BECOME EFFECTIVE FROM AND AFTER ITS PASSAGE AND ADOPTION.

Council Member Hehn made the motion to approve. Mayor Davison seconded the motion.
The motion carried with a vote: 5/0

Yes: Mayor Debra Davison, City Council Member Place 1 Larry Akery, City Council Member Place 2 Lorraine Hehn, City Council Member Place 4 Ed Perry, City Council Member Place 6 Jerome Hudson
No: None
Absent: City Council Member Place 3 Niccole Tyson, City Council Member Place 5 Jason Albert
Abstained: None

2. Consideration and possible action to approve Resolution 2023-R-02;
A RESOLUTION AUTHORIZING PUBLICATION OF NOTICE OF INTENTION TO INTRODUCE LEGISLATION REGARDING THE CREATION OF A SPECIAL DISTRICT; WAIVING NOTICE OF SUCH INTRODUCTION; AUTHORIZING THE ENGAGEMENT OF SPECIAL LEGAL COUNSEL; AND MAKING CERTAIN FINDINGS.

Council Member Perry made the motion to approve. Mayor Davison seconded the motion.
The motion carried with a vote: 5/0

Yes: Mayor Debra Davison, City Council Member Place 1 Larry Akery, City Council Member Place 2 Lorraine Hehn, City Council Member Place 4 Ed Perry, City Council Member Place 6 Jerome Hudson
No: None
Absent: City Council Member Place 3 Niccole Tyson, City Council Member Place 5 Jason Albert
Abstained: None

3. Consideration and possible action to approve Resolution 2023-R-03;
A RESOLUTION AUTHORIZING PUBLICATION OF NOTICE OF INTENTION TO ISSUE CERTIFICATES OF OBLIGATION.

Council Member Hudson made the motion to approve. Council Member Hehn seconded the motion.

The motion carried with a vote: 5/0

Yes: Mayor Debra Davison, City Council Member Place 1 Larry Akery, City Council Member Place 2 Lorraine Hehn, City Council Member Place 4 Ed Perry, City Council Member Place 6 Jerome Hudson

No: None
Absent: City Council Member Place 3 Niccole Tyson, City Council Member Place 5 Jason Albert
Abstained: None

4. Consideration and possible action to approve the first of two readings of Ordinance 2023-O-01; AN ORDINANCE AMENDING CHAPTER 35 "LICENSES AND SPECIAL BUSINESS REGULATIONS" OF THE CODE OF ORDINANCES OF THE CITY OF MANVEL, TEXAS, BY ADOPTING A NEW ARTICLE XII "SPECIAL EVENTS" TO REGULATE SPECIAL EVENTS WITHIN THE CITY; REPEALING PROVISIONS IN CONFLICT THEREWITH; PROVIDING A PENALTY IN AN AMOUNT NOT TO EXCEED \$2,000.00 PER DAY FOR EACH DAY OF VIOLATION OF ANY PROVISION HEREOF; AND PROVIDING FOR SEVERABILITY.

Council Member Hehn made the motion to approve. Council Member Hudson seconded the motion.

The motion carried with a vote: 5/0

Yes: Mayor Debra Davison, City Council Member Place 1 Larry Akery, City Council Member Place 2 Lorraine Hehn, City Council Member Place 4 Ed Perry, City Council Member Place 6 Jerome Hudson
No: None
Absent: City Council Member Place 3 Niccole Tyson, City Council Member Place 5 Jason Albert
Abstained: None

5. Consideration and possible action to approve the first of two readings of Ordinance 2023-O-02; AN ORDINANCE AMENDING CHAPTER 35 "LICENSES AND SPECIAL BUSINESS REGULATIONS" OF THE CODE OF ORDINANCES OF THE CITY OF MANVEL, TEXAS, BY AMENDING ARTICLE X "MOBILE FOOD VENDORS" TO REGULATE MOBILE AND TEMPORARY FOOD VENDORS; REPEALING PROVISIONS IN CONFLICT THEREWITH; PROVIDING A PENALTY IN AN AMOUNT NOT TO EXCEED \$2,000.00 PER DAY FOR EACH DAY OF VIOLATION OF ANY PROVISION HEREOF; AND PROVIDING FOR SEVERABILITY.

Council Member Hehn made the motion to approve. Council Member Hudson seconded the motion.

The motion carried with a vote: 5/0

Yes: Mayor Debra Davison, City Council Member Place 1 Larry Akery, City Council Member Place 2 Lorraine Hehn, City Council Member Place 4 Ed Perry, City Council Member Place 6 Jerome Hudson
No: None
Absent: City Council Member Place 3 Niccole Tyson, City Council Member Place 5 Jason Albert
Abstained: None

6. Discussion on Code of Ordinances Chapter 17 Buildings and Building Regulations, Article III Technical Codes - proposed update to the 2021 International Building Code (IBC).

No action taken.

7. Consideration and possible action to direct staff on a City Monument Sign. (Requested by Mayor Davison)

No action taken.

8. Submission of the Certificate of Sufficiency by the City Secretary for the Initiative Petition received on Saturday, December 31, 2022, with the following description;
AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF MANVEL. TEXAS, CHAPTER 62, BY ADDING A SECTION EXEMPTING CERTAIN DEVELOPERS (THOSE INTENDING TO BUILD A SINGLE-FAMILY RESIDENCE FOR THEMSELVES) FROM SEVERAL CODIFIED PROVISIONS THEREIN AND PROVIDING A MAXIMUM FEE OF \$10.00 FOR CERTAIN RELATED FEES.

Robert Gervais, City Attorney -

The Charter says there are three things you can do in response to the petition:

1. Adopt the ordinance without amendments within 60 days.
2. Put it on the ballot as submitted without any amendment to the qualified voters.
3. Put it on the ballot as submitted without any amendments AND submit an alternative ordinance that Council will put on the ballot and whichever gets the most votes is the one that will be adopted.

No action taken.

Executive Session

City Council will convene into Executive Session pursuant to Texas Government Code, Sec. 551.074. "Personnel Matters - to deliberate the appointment, employment, evaluation, and duties of a public officer or employee".

Kyle J. Jung, City Manager and Robert Gervais, City Attorney

Mayor Davison recessed the meeting at 6:48 p.m. for Executive Session.

Mayor Davison reconvened the meeting at 8:19 p.m.

There was no action taken during Executive Session.

Mayor and Council Comments

Adjourn

Council Member Hudson made the motion to approve. Council Member Hehn seconded the motion. The motion carried with a vote: 5/0

Yes: Mayor Debra Davison, City Council Member Place 1 Larry Akery, City Council Member Place 2 Lorraine Hehn, City Council Member Place 4 Ed Perry, City Council Member Place 6 Jerome Hudson

No: None

Absent: City Council Member Place 3 Niccole Tyson, City Council Member Place 5 Jason Albert

Abstained: None

CERTIFICATION

TAMMY BELL, CITY SECRETARY
CITY OF MANVEL, TEXAS



MANVEL CITY COUNCIL DATA SHEET

MEETING DATE: February 6, 2023

TOPIC Racial Profiling Report

BACKGROUND

Law Enforcement Officers are required to submit data for collection and analysis on traffic stops that have been conducted while in the performance of their duties. This data is gathered electronically through a racial profiling module in the department records management system. At the end of each year, this data is compiled and two reports are generated; a racial profiling report and a data analysis report.

Prior to March 3rd of every year, Law Enforcement agencies are required to submit a racial profiling report to the governing body of their respective jurisdiction. This report is also filed with the Texas Commission on Law Enforcement and is available for public viewing.

With this data sheet you will find the Racial Profiling report along with the Analysis Report that has been submitted to the Commission.

RECOMMENDATION No action required

ATTACHMENTS

FUNDING ISSUES

- ☐ Not applicable
- ☐ Not budgeted
- ☐ Full amount already budgeted
- ☐ Funds to be transferred from Acct.#

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SUBMITTING STAFF MEMBER Keith Traylor	FINANCE DIRECTOR APPROVAL _____ CITY MANAGER APPROVAL _____
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Racial Profiling Analysis Report

MANVEL POLICE DEPT.

01. Total Traffic Stops:	8067	
02. Location of Stop:		
a. City Street	4273	52.97%
b. US Highway	0	0.00%
c. County Road	867	10.75%
d. State Highway	2413	29.91%
e. Private Property or Other	514	6.37%
03. Was Race known prior to Stop:		
a. NO	8015	99.36%
b. YES	52	0.64%
04. Race or Ethnicity:		
a. Alaska/ Native American/ Indian	9	0.11%
b. Asian/ Pacific Islander	456	5.65%
c. Black	2893	35.86%
d. White	3595	44.56%
e. Hispanic/ Latino	1114	13.81%
05. Gender:		
a. Female	2957	36.66%
i. Alaska/ Native American/ Indian	1	0.01%
ii. Asian/ Pacific Islander	143	1.77%
iii. Black	1203	14.91%
iv. White	1323	16.40%
v. Hispanic/ Latino	287	3.56%
b. Male	5110	63.34%
i. Alaska/ Native American/ Indian	8	0.10%
ii. Asian/ Pacific Islander	313	3.88%
iii. Black	1960	24.30%
iv. White	2272	28.16%
v. Hispanic/ Latino	827	10.25%
06. Reason for Stop:		
a. Violation of Law	27	0.33%
i. Alaska/ Native American/ Indian	0	0.00%
ii. Asian/ Pacific Islander	1	3.70%

Racial Profiling Analysis Report

iii. Black	6	22.22%
iv. White	13	48.15%
v. Hispanic/ Latino	7	25.93%
b. Pre-Existing Knowledge	30	0.37%
i. Alaska/ Native American/ Indian	0	0.00%
ii. Asian/ Pacific Islander	2	6.67%
iii. Black	8	26.67%
iv. White	14	46.67%
v. Hispanic/ Latino	6	20.00%

c. Moving Traffic Violation	3690	45.74%
i. Alaska/ Native American/ Indian	5	0.14%
ii. Asian/ Pacific Islander	270	7.32%
iii. Black	1378	37.34%
iv. White	1609	43.60%
v. Hispanic/ Latino	428	11.60%

d. Vehicle Traffic Violation	4320	53.55%
i. Alaska/ Native American/ Indian	4	0.09%
ii. Asian/ Pacific Islander	183	4.24%
iii. Black	1501	34.75%
iv. White	1959	45.35%
v. Hispanic/ Latino	673	15.58%

07. Was a Search Conducted:

a. NO	7725	95.76%
i. Alaska/ Native American/ Indian	9	0.12%
ii. Asian/ Pacific Islander	452	5.85%
iii. Black	2739	35.46%
iv. White	3460	44.79%
v. Hispanic/ Latino	1065	13.79%
b. YES	342	4.24%
i. Alaska/ Native American/ Indian	0	0.00%
ii. Asian/ Pacific Islander	4	1.17%
iii. Black	154	45.03%
iv. White	135	39.47%
v. Hispanic/ Latino	49	14.33%

08. Reason for Search:

a. Consent	28	0.35%
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Racial Profiling Analysis Report

i. Alaska/ Native American/ Indian	0	0.00%
ii. Asian/ Pacific Islander	0	0.00%
iii. Black	4	14.29%
iv. White	20	71.43%
v. Hispanic/ Latino	4	14.29%
b. Contraband in Plain View	8	0.10%
i. Alaska/ Native American/ Indian	0	0.00%
ii. Asian/ Pacific Islander	0	0.00%
iii. Black	3	37.50%
iv. White	4	50.00%
v. Hispanic/ Latino	1	12.50%
c. Probable Cause	248	3.07%
ii. Alaska/ Native American/ Indian	0	0.00%
i. Asian/ Pacific Islander	3	1.21%
iii. Black	128	51.61%
iv. White	83	33.47%
v. Hispanic/ Latino	34	13.71%
d. Inventory	45	0.56%
i. Alaska/ Native American/ Indian	0	0.00%
ii. Asian/ Pacific Islander	1	2.22%
iii. Black	15	33.33%
iv. White	21	46.67%
v. Hispanic/ Latino	8	17.78%
e. Incident to Arrest	13	0.16%
i. Alaska/ Native American/ Indian	0	0.00%
ii. Asian/ Pacific Islander	0	0.00%
iii. Black	4	30.77%
iv. White	7	53.85%
v. Hispanic/ Latino	2	15.38%
09. Was Contraband Discovered:		
YES	206	2.55%
i. Alaska/ Native American/ Indian	0	0.00%
Finding resulted in arrest - YES	0	
Finding resulted in arrest - NO	0	
ii. Asian/ Pacific Islander	2	0.97%
Finding resulted in arrest - YES	0	
Finding resulted in arrest - NO	0	
iii. Black	100	48.54%

Racial Profiling Analysis Report

Finding resulted in arrest - YES	20	
Finding resulted in arrest - NO	12	
iv. White	75	36.41%
Finding resulted in arrest - YES	18	
Finding resulted in arrest - NO	7	
v. Hispanic/ Latino	29	14.08%
Finding resulted in arrest - YES	13	
Finding resulted in arrest - NO	4	
b. NO	136	1.69%
i. Alaska/ Native American/ Indian	0	0.00%
i. Asian/ Pacific Islander	2	1.47%
iii. Black	54	39.71%
iv. White	60	44.12%
v. Hispanic/ Latino	20	14.71%
10. Description of Contraband:		
a. Drugs	166	2.06%
i. Alaska/ Native American/ Indian	0	0.00%
ii. Asian/ Pacific Islander	2	1.20%
iii. Black	83	50.00%
iv. White	62	37.35%
v. Hispanic/ Latino	19	11.45%
b. Currency	0	0.00%
i. Alaska/ Native American/ Indian	0	
ii. Asian/ Pacific Islander	0	
iii. Black	0	
iv. White	0	
v. Hispanic/ Latino	0	
c. Weapons	7	0.09%
i. Alaska/ Native American/ Indian	0	0.00%
ii. Asian/ Pacific Islander	0	0.00%
iii. Black	6	85.71%
iv. White	1	14.29%
v. Hispanic/ Latino	0	0.00%
d. Alcohol	15	0.19%
i. Alaska/ Native American/ Indian	0	0.00%
ii. Asian/ Pacific Islander	0	0.00%
iii. Black	6	40.00%
iv. White	3	20.00%

Racial Profiling Analysis Report

v. Hispanic/ Latino	6	40.00%
e. Stolen Property	1	0.01%
i. Alaska/ Native American/ Indian	0	0.00%
ii. Asian/ Pacific Islander	0	0.00%
iii. Black	0	0.00%
iv. White	0	0.00%
v. Hispanic/ Latino	1	100.00%
f. Other	17	0.21%
i. Alaska/ Native American/ Indian	0	0.00%
i. Asian/ Pacific Islander	0	0.00%
iii. Black	5	29.41%
iv. White	9	52.94%
v. Hispanic/ Latino	3	17.65%
11. Result of Stop:		
a. Verbal Warning	2343	29.04%
i. Alaska/ Native American/ Indian	5	0.21%
ii. Asian/ Pacific Islander	136	5.80%
iii. Black	753	32.14%
iv. White	1046	44.64%
v. Hispanic/ Latino	403	17.20%
b. Written Warning	3752	46.51%
i. Alaska/ Native American/ Indian	3	0.08%
ii. Asian/ Pacific Islander	233	6.21%
iii. Black	1425	37.98%
iv. White	1793	47.79%
v. Hispanic/ Latino	298	7.94%
c. Citation	1728	21.42%
i. Alaska/ Native American/ Indian	1	0.06%
ii. Asian/ Pacific Islander	85	4.92%
iii. Black	614	35.53%
iv. White	665	38.48%
v. Hispanic/ Latino	363	21.01%
d. Written Warning and Arrest	36	0.45%
i. Alaska/ Native American/ Indian	0	0.00%
ii. Asian/ Pacific Islander	1	2.78%
iii. Black	12	33.33%
iv. White	16	44.44%
v. Hispanic/ Latino	7	19.44%

Racial Profiling Analysis Report

e. Citation and Arrest	31	0.38%
i. Alaska/ Native American/ Indian	0	0.00%
ii. Asian/ Pacific Islander	0	0.00%
iii. Black	17	54.84%
iv. White	8	25.81%
v. Hispanic/ Latino	6	19.35%
f. Arrest	177	2.19%
i. Alaska/ Native American/ Indian	0	0.00%
ii. Asian/ Pacific Islander	1	0.56%
iii. Black	72	40.68%
iv. White	67	37.85%
v. Hispanic/ Latino	37	20.90%
12. Arrest Based On:		
a. Violation of Penal Code	69	0.86%
i. Alaska/ Native American/ Indian	0	0.00%
ii. Asian/ Pacific Islander	1	1.45%
iii. Black	26	37.68%
iv. White	22	31.88%
v. Hispanic/ Latino	20	28.99%
b. Violation of Traffic Law	34	0.42%
i. Alaska/ Native American/ Indian	0	0.00%
ii. Asian/ Pacific Islander	1	2.94%
iii. Black	11	32.35%
iv. White	13	38.24%
v. Hispanic/ Latino	9	26.47%
c. Violation of City Ordinance	0	0.00%
i. Alaska/ Native American/ Indian	0	
ii. Asian/ Pacific Islander	0	
iii. Black	0	
iv. White	0	
v. Hispanic/ Latino	0	
d. Outstanding Warrant	141	1.75%
i. Alaska/ Native American/ Indian	0	0.00%
ii. Asian/ Pacific Islander	0	0.00%
iii. Black	64	45.39%
iv. White	56	39.72%
v. Hispanic/ Latino	21	14.89%

Racial Profiling Analysis Report

13. Was Physical Force Used:

a. NO	8067	100.00%
i. Alaska/ Native American/ Indian	9	0.11%
ii. Asian/ Pacific Islander	456	5.65%
iii. Black	2893	35.86%
iv. White	3595	44.56%
v. Hispanic/ Latino	1114	13.81%
b. YES	0	0.00%
i. Alaska/ Native American/ Indian	0	
ii. Asian/ Pacific Islander	0	
iii. Black	0	
iv. White	0	
v. Hispanic/ Latino	0	
b 1. YES: Physical Force Resulting in Bodily Injury to Suspect	0	
b 2. YES: Physical Force Resulting in Bodily Injury to Officer	0	
b 3. YES: Physical Force Resulting in Bodily Injury to Both	0	

14. Total Number of Racial Profiling Complaints Received:

1

REPORT DATE COMPILED 01/25/2023

Racial Profiling Report | Full

Agency Name: MANVEL POLICE DEPT.
Reporting Date: 01/25/2023
TCOLE Agency Number: 039214

Chief Administrator: THOMAS K. TRAYLOR

Agency Contact Information:
Phone: (281) 489-1212
Email: ktraylor@manvelpd.org

Mailing Address:
6615 N. Masters
MANVEL, TX 77578

This Agency filed a full report

MANVEL POLICE DEPT. has adopted a detailed written policy on racial profiling. Our policy:

- 1) clearly defines acts constituting racial profiling;
- 2) strictly prohibits peace officers employed by the MANVEL POLICE DEPT. from engaging in racial profiling;
- 3) implements a process by which an individual may file a complaint with the MANVEL POLICE DEPT. if the individual believes that a peace officer employed by the MANVEL POLICE DEPT. has engaged in racial profiling with respect to the individual;
- 4) provides public education relating to the agency's complaint process;
- 5) requires appropriate corrective action to be taken against a peace officer employed by the MANVEL POLICE DEPT. who, after an investigation, is shown to have engaged in racial profiling in violation of the MANVEL POLICE DEPT. policy;
- 6) requires collection of information relating to motor vehicle stops in which a warning or citation is issued and to arrests made as a result of those stops, including information relating to:
 - a. the race or ethnicity of the individual detained;
 - b. whether a search was conducted and, if so, whether the individual detained consented to the search;
 - c. whether the peace officer knew the race or ethnicity of the individual detained before detaining that individual;
 - d. whether the peace officer used physical force that resulted in bodily injury during the stop;
 - e. the location of the stop;
 - f. the reason for the stop.
- 7) requires the chief administrator of the agency, regardless of whether the administrator is elected, employed, or appointed, to submit an annual report of the information collected under Subdivision (6) to:
 - a. the Commission on Law Enforcement; and
 - b. the governing body of each county or municipality served by the agency, if the agency is an agency of a county, municipality, or other political subdivision of the state.

The MANVEL POLICE DEPT. has satisfied the statutory data audit requirements as prescribed in Article 2.133(c),

Code of Criminal Procedure during the reporting period.

Executed by: Keith Traylor
Chief of Police

Date: 01/25/2023

Total stops: 8067

Street address or approximate location of the stop

City street	4273
US highway	0
County road	867
State highway	2413
Private property or other	514

Was race or ethnicity known prior to stop?

Yes	52
No	8015

Race / Ethnicity

Alaska Native / American Indian	9
Asian / Pacific Islander	456
Black	2893
White	3595
Hispanic / Latino	1114

Gender

Female	2957
Alaska Native / American Indian	1
Asian / Pacific Islander	143
Black	1203
White	1323
Hispanic / Latino	287
Male	5110
Alaska Native / American Indian	8
Asian / Pacific Islander	313
Black	1960
White	2272
Hispanic / Latino	827

Reason for stop?

Violation of law	27
Alaska Native / American Indian	0
Asian / Pacific Islander	1
Black	6
White	13

Hispanic / Latino	7
Preexisting knowledge	30
Alaska Native / American Indian	0
Asian / Pacific Islander	2
Black	8
White	14
Hispanic / Latino	6
Moving traffic violation	3690
Alaska Native / American Indian	5
Asian / Pacific Islander	270
Black	1378
White	1609
Hispanic / Latino	428
Vehicle traffic violation	4320
Alaska Native / American Indian	4
Asian / Pacific Islander	183
Black	1501
White	1959
Hispanic / Latino	673
Was a search conducted?	
Yes	342
Alaska Native / American Indian	0
Asian / Pacific Islander	4
Black	154
White	135
Hispanic / Latino	49
No	7725
Alaska Native / American Indian	9
Asian / Pacific Islander	452
Black	2739
White	3460
Hispanic / Latino	1065
Reason for Search?	
Consent	28
Alaska Native / American Indian	0
Asian / Pacific Islander	0
Black	4
White	20

Hispanic / Latino	4				
Contraband	8				
Alaska Native / American Indian	0				
Asian / Pacific Islander	0				
Black	3				
White	4				
Hispanic / Latino	1				
Probable	248				
Alaska Native / American Indian	0				
Asian / Pacific Islander	3				
Black	128				
White	83				
Hispanic / Latino	34				
Inventory	45				
Alaska Native / American Indian	0				
Asian / Pacific Islander	1				
Black	15				
White	21				
Hispanic / Latino	8				
Incident to arrest	13				
Alaska Native / American Indian	0				
Asian / Pacific Islander	0				
Black	4				
White	7				
Hispanic / Latino	2				
Was Contraband discovered?					
Yes	206				
		Did the finding result in arrest?			
		(total should equal previous column)			
Alaska Native / American Indian	0	Yes	0	No	0
Asian / Pacific Islander	2	Yes	0	No	0
Black	100	Yes	20	No	12
White	75	Yes	18	No	7
Hispanic / Latino	29	Yes	13	No	4
No	136				
Alaska Native / American Indian	0				
Asian / Pacific Islander	2				
Black	54				
White	60				
Hispanic / Latino	20				

Description of contraband	
Drugs	166
Alaska Native / American Indian	0
Asian / Pacific Islander	2
Black	83
White	62
Hispanic / Latino	19
Weapons	7
Alaska Native / American Indian	0
Asian / Pacific Islander	0
Black	6
White	1
Hispanic / Latino	0
Currency	0
Alaska Native / American Indian	0
Asian / Pacific Islander	0
Black	0
White	0
Hispanic / Latino	0
Alcohol	15
Alaska Native / American Indian	0
Asian / Pacific Islander	0
Black	6
White	3
Hispanic / Latino	6
Stolen property	1
Alaska Native / American Indian	0
Asian / Pacific Islander	0
Black	0
White	0
Hispanic / Latino	1
Other	17
Alaska Native / American Indian	0
Asian / Pacific Islander	0
Black	5
White	9
Hispanic / Latino	3
Result of the stop	
Verbal warning	2343

Alaska Native / American Indian	5
Asian / Pacific Islander	136
Black	753
White	1046
Hispanic / Latino	403
Written warning	3752
Alaska Native / American Indian	3
Asian / Pacific Islander	233
Black	1425
White	1793
Hispanic / Latino	298
Citation	1728
Alaska Native / American Indian	1
Asian / Pacific Islander	85
Black	614
White	665
Hispanic / Latino	363
Written warning and arrest	36
Alaska Native / American Indian	0
Asian / Pacific Islander	1
Black	12
White	16
Hispanic / Latino	7
Citation and arrest	31
Alaska Native / American Indian	0
Asian / Pacific Islander	0
Black	17
White	8
Hispanic / Latino	6
Arrest	177
Alaska Native / American Indian	0
Asian / Pacific Islander	1
Black	72
White	67
Hispanic / Latino	37
Arrest based on	
Violation of Penal Code	69
Alaska Native / American Indian	0
Asian / Pacific Islander	1

Black	26
White	22
Hispanic / Latino	20
Violation of Traffic Law	34
Alaska Native / American Indian	0
Asian / Pacific Islander	1
Black	11
White	13
Hispanic / Latino	9
Violation of City Ordinance	0
Alaska Native / American Indian	0
Asian / Pacific Islander	0
Black	0
White	0
Hispanic / Latino	0
Outstanding Warrant	141
Alaska Native / American Indian	0
Asian / Pacific Islander	0
Black	64
White	56
Hispanic / Latino	21

Was physical force resulting in bodily injury used during stop?

Yes	0
Alaska Native / American Indian	0
Asian / Pacific Islander	0
Black	0
White	0
Hispanic / Latino	0
Resulting in Bodily Injury To:	
Suspect	0
Officer	0
Both	0
No	8067
Alaska Native / American Indian	9
Asian / Pacific Islander	456
Black	2893
White	3595
Hispanic / Latino	1114

Number of complaints of racial profiling

Total	1
Resulted in disciplinary action	0
Did not result in disciplinary action	1

Comparative Analysis

Use TCOLE's auto generated analysis	☒
Use Department's submitted analysis	☐

Optional Narrative

N/A

Submitted electronically to the



The Texas Commission on Law Enforcement

Manvel City Council Agenda Item Data Sheet

MEETING DATE 1/17/2023

TOPIC:
Submission of Certified Initiative Petition

BACKGROUND:

Sec. 7.01. - Initiative, referendum and recall.

- (a) The power of initiative. The qualified voters of the city shall have power to propose ordinances to the council and, if the council fails to adopt an ordinance so proposed without any change in substance, to adopt or reject it at a city election; provided, however, such power shall not extend to the budget or a capital program or any ordinance relating to appropriation of money, levy of taxes, issuance of bonds and notes, borrowing of money, salaries of city officers or employees, or matters related to administration of municipal employees, annexation or municipal boundary adjustments, or in any instance where a court of proper jurisdiction determines that the initiated ordinance has been removed from the field of initiative. With respect to zoning, the city will follow state law. Such initiative power may be used to enact a new ordinance or to repeal or to amend sections of any existing ordinances.

Sec. 7.02. - Commencement of proceedings for initiative and referendum; of petitioners' committee; affidavit.

- (a) Any fifteen (15) qualified voters may commence initiative or referendum proceedings by filing with the city secretary an affidavit stating they will constitute the petitioners' committee and be responsible for circulating the petition and filing it in proper form, stating their names and addresses, specifying the address to which all notices to the committee are to be sent, and setting out in full the proposed initiative ordinance or citing the ordinance sought to be reconsidered.

- (b) Promptly after the affidavit of the petitioners' committee is filed, the city secretary shall verify that the applicants are qualified voters and, if they are, shall issue the appropriate petition blanks to the petitioners' committee.

Sec. 7.03. - Petitions for initiative and referendum.

- (a) Number of signatures. Initiative and referendum petitions must be signed by qualified voters of the city equal in number to at least fifty-one (51) percent of the total number of votes cast in the last regular city election.
- (b) Form and content. All papers of a petition shall be uniform in size and style and shall be

ACTIONS TAKEN

MOTION SECOND APPROVAL ____YES ____NO VOTE	READINGS PASSED ____ 1 st ____ 2 nd	OTHER
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assembled as one instrument for filing. Each signature shall be executed in blue ink and shall be followed by the signer's printed name, the signer's date of birth or voter registration number, the signer's residence address, and date of signing. Petitions shall contain or have attached thereto throughout their circulation the full text of the ordinance proposed or sought to be reconsidered.

(c) Affidavit of circulator. Each paper of a petition shall have attached to it, when filed, an affidavit executed by the circulator thereof stating that he/she personally circulated the paper, the number of signatures thereon, that all the signatures were affixed in his/her presence, that he/she believes them to be the genuine signatures of the persons whose names they purport to be, and that each signer had an opportunity before signing to read the full text of the ordinance proposed or sought to be reconsidered.

(d) Time for filing petitions. Referendum petitions must be filed within one hundred twenty (120) days after adoption by the council of the ordinance sought to be reconsidered. Initiative petitions must be filed within one hundred twenty (120) days after issuance of the appropriate petition blanks to the petitioners' committee; additional time, as specified in [section] 7.04, shall be allowed for supplemental petitions. All petitions shall be filed with the city secretary.

Sec. 7.04. - Procedure after filing petition for initiative or referendum.

(a) Review by city secretary and city attorney. Upon the filing of a petition, the city secretary shall review the petition to determine the existence of the requisite number of signatures of qualified voters and whether the form of the petition complies with the provisions of this Charter. The city secretary shall also review the petition to determine the genuineness of the signatures. The city attorney shall review the petition for legal sufficiency. The council may provide, by ordinance, the punishment and penalties for contempt for failure or refusal to obey any subpoena or request for production of evidence issued by the city secretary or city attorney.

(b) Certificate of city secretary. Within fifteen (15) business days after the petition is filed, the city secretary, with advice from the city attorney, shall complete a certificate as to its sufficiency or, if insufficient, shall set forth the particulars wherein it is defective and shall promptly send a copy of the certificate to the petitioners' committee by certified mail, return receipt requested.

(c) Supplemental petition. A petition certified insufficient for lack of the required number of valid signatures, or due to inadequate form or content of the affidavit of certification, may not be supplemented, modified, or amended on or after the date it is received, except where expressly authorized by law.

(d) Submission to city council. If a petition or supplemental petition is certified sufficient, or if a petition or supplemental petition is certified insufficient and the petitioners' committee does not elect to supplement as provided in subsection (c) above within the time required, the city secretary shall present this certificate to the council at the next scheduled city council meeting and the certificate shall then be a final determination as to the sufficiency of the petition.

ACTIONS TAKEN

MOTION SECOND APPROVAL ____YES ____NO VOTE	READINGS PASSED ____ 1 st ____ 2 nd	OTHER
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Sec. 7.07. - Consideration by council and submission to electors.

When the council receives an authorized initiative petition certified by the city secretary to be sufficient, the council shall either:

- (a) Pass the initiated ordinance without amendment within sixty (60) days after the date of the certification to the council;
- (b) Submit said initiated ordinance without amendment to a vote of the qualified voters of the city at a regular or special election to be held on the next authorized uniform election date; or
- (c) At such election, submit to a vote of the qualified voters of the city such initiated ordinance without amendment, and an alternative ordinance proposed by the council on the same subject.

ATTACHMENTS - SEE CODE OF ORDINANCE SECTION 62-104 BELOW

ACTIONS TAKEN

MOTION SECOND APPROVAL ____YES ____NO VOTE	READINGS PASSED ____ 1 st ____ 2 nd	OTHER
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Sec. 62-104. - Streets.

Street design shall conform to all applicable planning tools, such as the Texas Manual on Uniform Traffic Control Devices, Comprehensive Plan, Transportation Corridor Plan, Major Thoroughfare Plan, and Design Criteria Manual. All paving and construction plans shall be approved by the city for all streets within the city.

- (1) *Major thoroughfare, major arterial, and collector streets.* The arrangement, character, extent, width, grade, and location of all thoroughfare, arterial, and collector streets shall provide for the continuation or appropriate projection to existing and planned streets, for topographical conditions, for public convenience and safety, and for appropriate relation to the proposed uses of the land to be served by such streets, as provided by the city's major thoroughfare plan;
- (2) *Minor or residential street.* These streets shall be designed so that their use by through traffic will be discouraged;
- (3) *Marginal access streets; reverse frontage streets.* Where a subdivision abuts or contains an existing or proposed arterial street, the city may require marginal access streets, reverse frontage with screen planting contained in a noncross reservation along the rear property line, deep lots with rear service alleys, or such other treatment as may be necessary for adequate protection of residential properties and to afford separation of through and local traffic;
- (4) *Right-of-way parallel streets.* Where a subdivision borders on or contains a railroad or highway right-of-way, the city may require a street approximately parallel to and on each side of such right-of-way, at a distance suitable for the appropriate use of the intervening land, for park purposes within residential districts, or for commercial or industrial purposes within appropriate districts. Such distances shall also be determined with due regard for the requirements of approach grades and future grade separations;
- (5) *Multiple access points.*
 - a. *Two point of access.* There shall be a minimum two points of access from a collector street into a subdivision or subdivision phase, up to a maximum of 75 platted lots.
 - b. *Three points of access.* There shall be a minimum of three points of access from a collector street in a subdivision or subdivision phase for 76 to 175 platted lots.
 - c. *Four points of access.* There shall be a minimum of four points of access from a collector street in a subdivision or subdivision phase for 176 platted lots or greater.
 - d. *Points of access and existing conditions.* The council may require additional points of access from a collector street due to existing conditions (e.g., pipelines, floodplain, body of water, etc.) in addition to requirements set forth in this section to protect the health, safety, and welfare of the city and its extraterritorial jurisdiction. This access point shall not be located over the potential hazard.
 - e. *Boulevard entries.* A boulevard entry may only be considered as two points of access when a fourth point of access is triggered under subsection c. Four points of access, above;
- (6) *Street jogs.* Street jogs, with centerline offsets of less than 125 feet, shall be prohibited;
- (7) *Reverse curves.* A tangent of at least 100 feet in length shall be introduced between reverse curves on arterial and collector streets;
- (8) *Connecting street lines.* When connecting street lines deflect from each other at any one point by more than 10 degrees, such streets shall be connected by a curve with a radius adequate to ensure sight distances of not less than 60 feet for minor and collector streets and of such greater radii as council shall determine for special cases;
- (9) *Intersections.* Streets shall be designed so as to intersect as nearly as possible at right angles, and no street shall intersect any other street at less than 60 degrees;
- (10) *Property lines at street intersections.* Property lines at street intersections shall be rounded with a radius of 15 feet, or of a greater radius where large truck traffic is anticipated;
- (11) *Rights-of-way widths.* The minimum right-of-way width for all streets in the city and its extraterritorial jurisdiction is 60 feet or otherwise specified in the city's thoroughfare plan, as amended from time to time.
- (12) *Half streets.* Half streets shall be prohibited, except where such streets are essential to the reasonable development of a subdivision in conformity with other requirements of this chapter, and where the planning commission finds it would be practicable to require the dedication of the other half of such street when the adjoining property is subdivided. Wherever a half street is adjacent to a tract to be subdivided, the other half of such street shall be dedicated;
- (13) *Dead-end streets.* Dead-end streets, designated to be so permanently, shall not be longer than 1,200 feet and, at the closed end of such street, shall provide a turn-around having an outside roadway diameter of at least 100 feet and a street property line right-of-way diameter of at least 120 feet;
- (14) *Street names.* No street name shall be used that duplicates, or that may be confused with, the name of an existing street. All street names dedicated by plat shall be subject to approval of the planning commission. All other street name changes shall be subject to approval of the council. The planning commission may recommend street names not dedicated by plat for approval by council.

- (15) *Street design.* The details of all street designs shall conform to the city's engineering standards and standard details of the design criteria manual design shall conform to the functional classification of the thoroughfare plan, if applicable.

(Ord. No. 2004-0-17, § 41, 9-13-2004; Ord. No. 2008-O-14, § 2, 6-23-2008; Ord. No. 2012-O-10, § 1, 4-9-2012; Ord. No. 2019-O-24, § 4, 8-5-2019)

Sec. 62-105. - Alleys.

- (a) Generally, alleys may be provided within subdivisions and, in the case of commercial and industrial districts and/or uses, may be required, when other definite and assured provisions are not made for service access, such as offstreet loading, unloading, and parking, consistent with an adequate space for the uses proposed.
- (b) The width of alleys within commercial and industrial districts and/or uses shall be at least 20 feet. The width of alleys within residential districts and/or uses shall be at least 20 feet where possible; however, a minimum width of 16 feet may be allowed.
- (c) Alley intersections and sharp changes in alignment shall be avoided, but where necessary, corners shall be cut sufficiently to allow safe vehicular movement.
- (d) Dead-end alleys shall be avoided where possible but when unavoidable, adequate turn-around facilities at such dead end shall be provided.

(Ord. No. 2004-0-17, § 42, 9-13-2004; Ord. No. 2019-O-24, § 4, 8-5-2019)

Sec. 62-111. - Additional street requirements.

- (a) All streets shall be constructed in accordance with the city's design criteria manual.
- (b) The developer shall be responsible for construction of all roadways within the development in accordance with the city's design criteria manual. Where the thoroughfare plan requires street widths over and above the local street requirements, the developer shall dedicate the amount of right-of-way required for the larger street and shall construct such street with a pavement width of up to 38 feet. If the city requires a pavement width of more than 38 feet, the city shall provide funding for such increased width, subject to the availability of funds and within legal limitations.
- (c) The developer shall be responsible for construction of necessary improvements on all perimeter streets in order to bring the pavement and curbing up to minor street standards for the one-half of the street abutting the development.

(Ord. No. 2004-0-17, § 48, 9-13-2004; Ord. No. 2019-O-24, § 4, 8-5-2019)

Sec. 62-113. - Sidewalks.

Sidewalks shall be constructed at a minimum of four feet wide or as determined by the city's thoroughfare plan and in accordance with the city's design criteria profile. Sidewalks shall be installed in accordance with the city's design criteria manual.

(Ord. No. 2004-0-17, § 50, 9-13-2004; Ord. No. 2019-O-24, § 4, 8-5-2019)

Sec. 62-114. - Street lighting and signage.

The developer shall provide a layout of the location of proposed streetlights and shall also provide easements for power lines, where required. The city will make arrangements with the power company for installation of streetlights for those subdivisions located within the city limits. The developer shall provide street name signs and traffic control devices all in accordance with the requirements of the Texas Manual on Uniform Traffic Control Devices.

(Ord. No. 2004-0-17, § 51, 9-13-2004)

Sec. 62-115. - Drainage and drainage structures.

- (a) The subdivider shall furnish and install all necessary drainage improvements in accordance with the "City of Manvel Design Criteria Manual" and the appropriate drainage district's drainage criteria; and
- (b) The subdivider must provide for maintenance of all improvements, in a form satisfactory to the city, prior to the filing of the final plat.

(Ord. No. 2004-0-17, § 52, 9-13-2004; Ord. No. 2019-O-24, § 4, 8-5-2019)



MANVEL CITY COUNCIL

DATA SHEET

MEETING DATE: February 6, 2023

TOPIC: Subdivision variance request for an approximate 2.29-acres of land located at 7926 Bissell Road seeking to vary Chapter 62, Section 62-111, *Additional Street Requirements and* Section 62-113, *Sidewalks*.

BACKGROUND: The 2.29-acres subject site owned by Paulose Mini K Chacko and Anitha Madhu is located in the Single Family Residential (SFR) zoning district at 7926 Bissell Road (Vicinity Map attached). The subject site is, currently, under common ownership of two individuals. The property owners do not intend to develop/ redevelop the subject site but has submitted an application to replat the property to create two lots conforming to current standards ("Lot 1A" 1.13 acres and "Lot 1B" 1.16 acres) as shown on the attached proposed plat provided as an exhibit. The subject site is located along the southern side of Bissell Road which is an asphalt road with open ditch and no sidewalk. The Major Throughfare Plan classifies Bissell Road as an arterial road and requires a minimum 100-foot right-of-way. As part of the plat review process, staff provided the street construction requirements of the subdivision ordinance to the applicant. In combination, Section 62-111 and Section 62-113 of the subdivision ordinance requires the developer to construct one-half of all perimeter (abutting) roads as concrete curb and gutter with sidewalk in accordance with the City's Design Criteria Manual and Major Thoroughfare Plan. Therefore, the applicant on behalf of the property owners is requesting a variance to Section 62-111 and Section 62-113 of the subdivision ordinance.

With respect to Section 62-5, *Variance*., Staff finds the following:

- The property owners do not intend to develop/ redevelop the site immediately and is currently subdividing the lot to maintain separate ownership. The subject site is located along an existing asphalt road and provides access to several other adjoining developed lots.
- The strict enforcement of the requirement will not deprive the applicant of a substantial property right. However, the enforcement of the requirement will initiate a construction project for owners who intend to only subdivide the property.
- Granting of the variance will not be materially detrimental to the public welfare or injurious to other property or property rights in the vicinity. Granting of the variance will not cause any undesirable/unsafe change to the existing right-of-way condition/usage; instead, only allows the use of the existing asphalt road as access to the subject site.

Additionally, please note that a variance to Section 62-111 (a) and (c), was granted in 2021 to the property located at 7900 Bissell Road, to allow for the subdivision of the property.

RECOMMENDATION: The staff recommends approval of this variance request to Chapter 62, Section 62-111 and 62-113 with two conditions as specified in the development agreement: 1) The subdivision variance will expire upon further subdivision, or platting/ replatting of the property to create more than two lots; and 2) the subdivision variance will expire upon change of single-family residential use or zoning.

ATTACHMENTS: Application Form, Proposed Plat, Vicinity Aerial Map, Vicinity Zoning Map, and Major Thoroughfare Plan Map, Site Pictures, and Development Agreement

FUNDING ISSUES

- ☒ Not applicable
☐ Not budgeted
☐ Full amount already budgeted
☐ Funds to be transferred from Acct.#

SUBMITTING STAFF MEMBER

Jose Abraham, City Planner

FINANCE DIRECTOR APPROVAL _____

CITY MANAGER APPROVAL _____



CITY OF MANVEL

<http://www.cityofmanvel.com>

PO Box 187
Manvel, Texas 77578

Phone: (281) 489-0630
Fax: (281) 489-0634

Subdivision Variance Application

Applicant Information

Applicant (if not owner): Biju Kuriakose
Phone: 281 685 1101 e-mail: bms6031@gmail.com
Owner: Muni K Chacko-Paulose & Anitha Madhu -
Owner Address: 6031 Ponseru^{Ln} City Missouri City State Tx Zip 77459
Phone: 281 685 1101 e-mail: bms6031@gmail.com

Property Information

Site Address: 7926 Bissell Rd, Manvel, Tx - 77578
Legal description (from deed): DAFFERN/KULBOURN ADDN(MANVEL) BLK 1 LOT 1 ACRES 2.8.
(Property must be legally subdivided or be lot of record)
Brazoria County Identification Number: 667390

Description of Subdivision Variance Request

Sec 62/111 and 113.
Variance to ~~B~~ Street Construction and Side Walk requirement.

Detailed Explanation of Subdivision Variance Request

Please answer, on a separate sheet of paper if necessary, the following questions:

- o What are the special circumstances or conditions affecting the land involved such that the strict application of the provisions of the subdivision code would require a variance to the city's subdivision ordinance?

We are not Developing property now
there already ~~is~~ that road
and there is no side walk near area.

o How is the variance necessary for the preservation and enjoyment of a substantial property right of the applicant?

Without Variance we can not
record plat

o Describe how the granting of the variance will not be detrimental to the public health, safety or welfare, or injurious to other property in the area.

The approval of Variance will not
change in that area.

o Describe how the granting of the variance will not have the effect of preventing the orderly subdivision of other land in the area in accordance with the provisions of the subdivision ordinance.

The approval of Variance will not
make any changes that area.

Applicant Authorization

I authorize the City of Manvel to conduct any site visits necessary to evaluate this subdivision variance application.

I hereby state that I have prepared this application and that, to the best of my knowledge, the information contained herein is complete, accurate, and a true representation of the subdivision variance request. I further attest that I have the authority to submit this application and agree to comply with any and all conditions of subdivision variance approval. I agree to provide any additional information requested by the City of Manvel as they deem necessary for the processing of this application.

minicharlopauls / D. P. P. P.
Applicant Signature

1/20/2023
Date

Submit variance request material to the Permit Department, City of Manvel, 20025 Highway 6 Manvel, Texas 77578 with the plat application. Failure to pay the required application fees or provide the information, drawings, or attachments in the form as requested by the City shall automatically mark the application as 'incomplete' and such application shall not be placed on the agenda for consideration until all information, fees, drawings, or attachments are deemed to be complete and in proper form by city staff.



VICINITY MAP
(1"=2640')

This is to certify that the Planning, Development and Zoning Commission of the City of Manvel, Texas, has approved this plat of PARTIAL REPLAT OF DAFFERN/KILBOURN ADDITION, in conformance with the laws of the State of Texas and the Ordinances of the City of Manvel as shown hereon and authorizes the recording of the plat this ____ day of _____, 2022.

THENCE North 19 deg. 17 min. 33 sec. East along the West line of said Lot 1, a distance of 355.60 feet to the
PLACE OF BEGINNING.

OWNER:
MINI K CHACKO PAULOS
ANITHA MADHU
6031 PRESERVE LANE
MISSOURI CITY TX 7745
281-685-1101



7926 BISSELL RD PID:667350



City of Manvel City Limits



City of Manvel ETJ



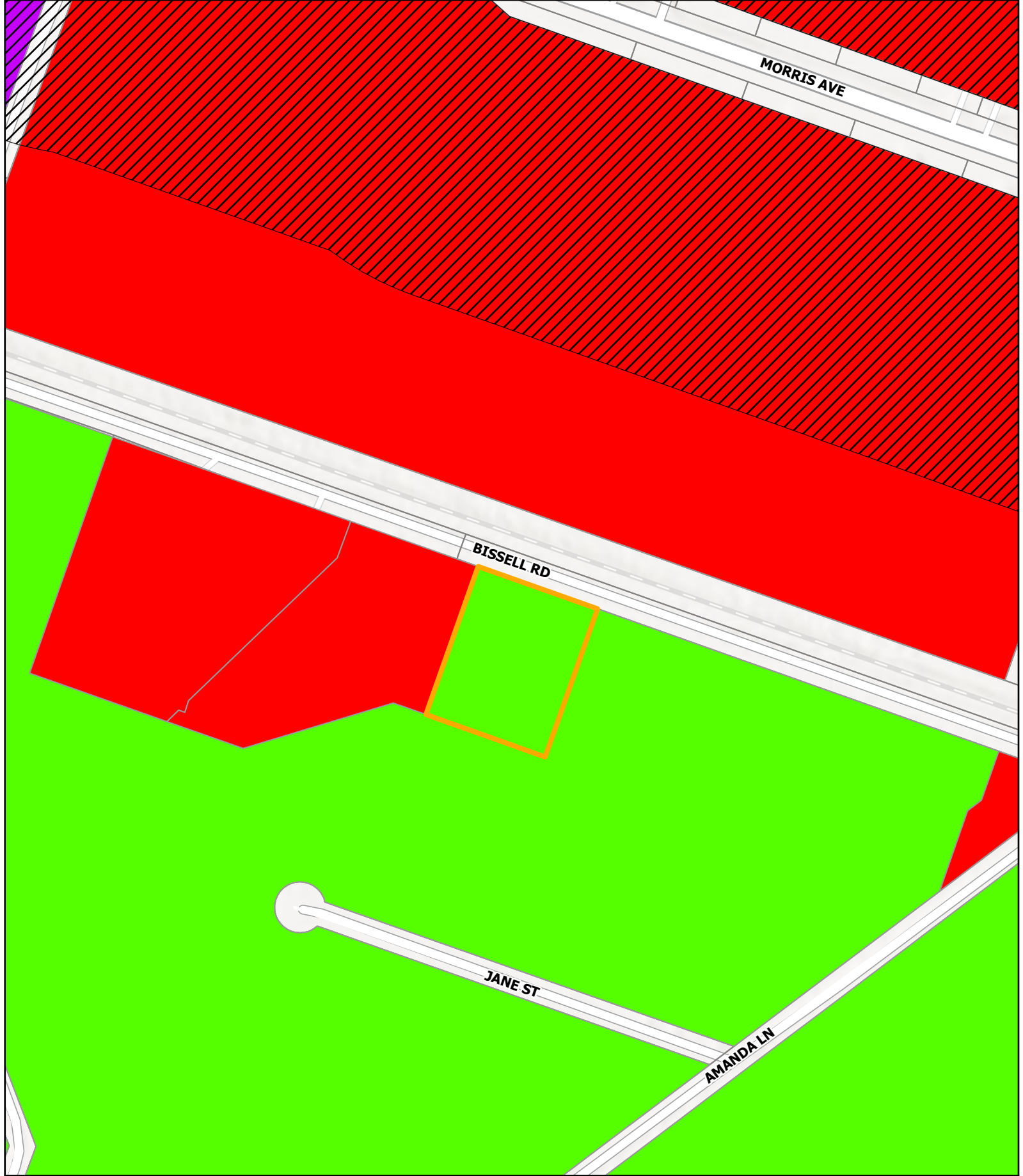
PID: 667350



This map is made available for reference purposes only and should not be substituted for a survey product. The City of Manvel will not accept liability of any kind in conjunction with its use.



Date: February 2023
Reference: 2023010
Data Source: City of Manvel,
Brazoria County Open Data



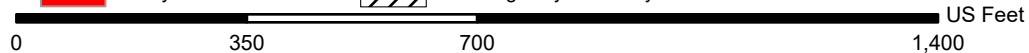
7926 BISSELL RD PID:667350



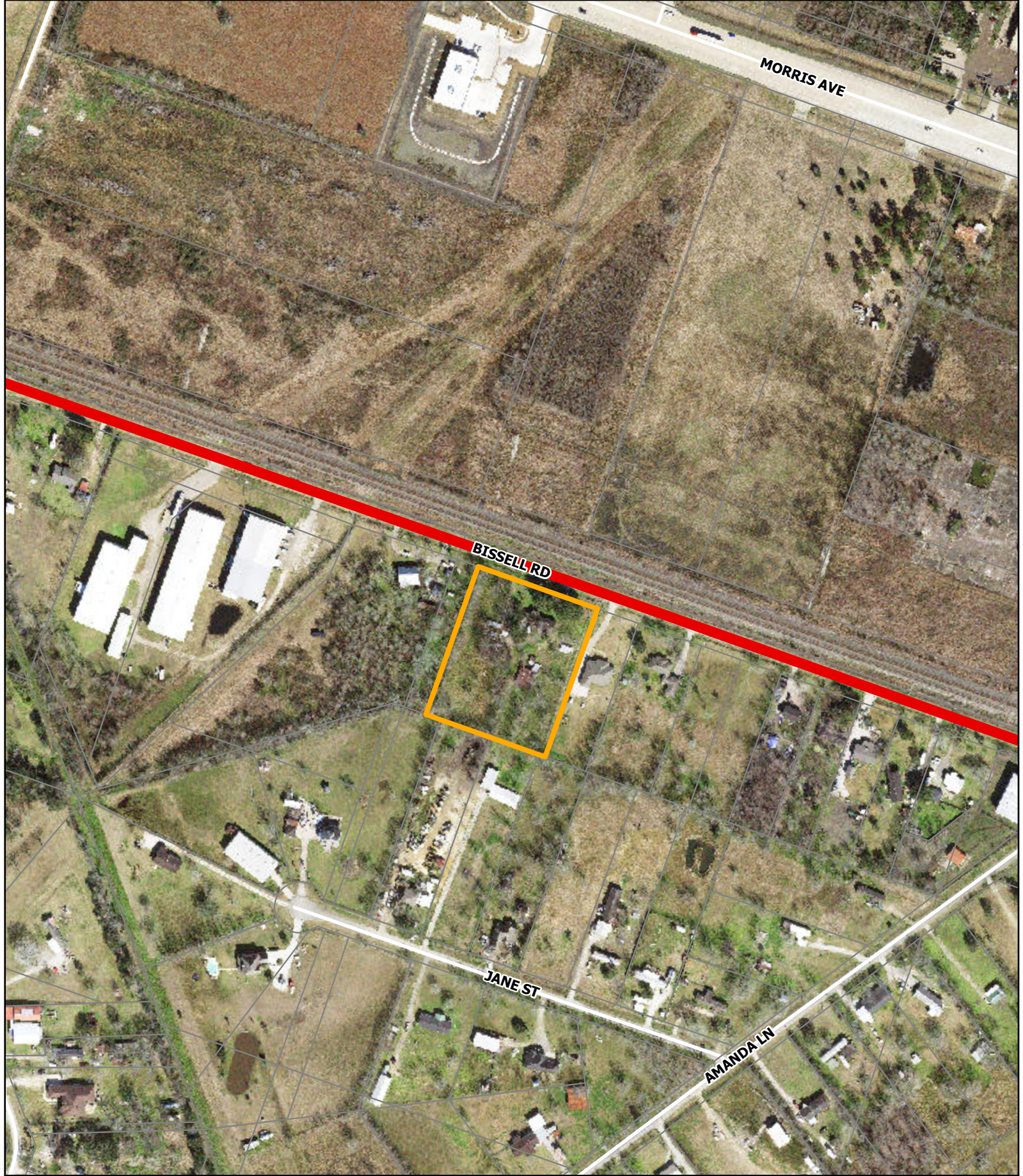
- City of Manvel City Limits
- Light Commercial District
- PID: 667350
- City of Manvel ETJ
- Single-Family Residential District
- Heavy Commercial District
- State Highway 6 Overlay District



This map is made available for reference purposes only and should not be substituted for a survey product. The City of Manvel will not accept liability of any kind in conjunction with its use.



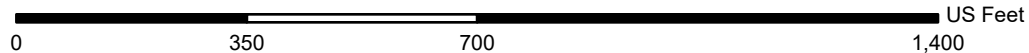
Date: February 2023
Reference: 2023010
Data Source: City of Manvel, Brazoria County Open Data



7926 BISSELL RD PID:667350



-  Major Thoroughfares: Arterial (100' ROW)
-  City of Manvel City Limits
-  City of Manvel ETJ
-  PID: 667350



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Date: February 2023
Reference: 2023010
Data Source: City of Manvel, Brazoria County Open Data

DEVELOPMENT AGREEMENT (FOR VARIANCE)

STATE OF TEXAS §
 §
COUNTY OF BRAZORIA §

This Development Agreement executed as of the ____ day of _____, 2023, is by and between the City of Manvel, Texas, (“City”) and Paulose Mini K Chacko and Anitha Madhu, property owners of certain hereinafter described property located within the City of Manvel, (together known as “Developer”), all collectively referred to as the “Parties.” This Agreement is in regard to the platting of an approximate 2.29-acre tract of land located at 7926 Bissell Road.

WHEREAS, Developer wishes to subdivide a 2.29-acre tract of land to create two lots conforming to current standards (“Lot 1A” 1.13 acres and “Lot 1B” 1.16 acres) as shown on the proposed plat provided as Exhibit “A”, attached hereto; and,

WHEREAS, subdividing the land will require approval of a plat and compliance with the city’s subdivision ordinance; and

WHEREAS, Section 62-111 (a) of The City Code requires all streets be constructed in accordance with the city’s design criteria manual; and

WHEREAS, Section 62-111 (c) of The City Code requires the Developer to construct necessary improvements on all perimeter streets (Bissell Road) in order to bring the pavement and curbing up to the City’s minor street standards for the one-half of the street abutting the development; and

WHEREAS, Section 62-113 of the city code requires construction of sidewalks in accordance with the city’s design criteria and major thoroughfare plan; and

WHEREAS, pursuant to Section 62-5 of the city code, the Developer has applied for a variance to construct this perimeter road and sidewalk requirement;

NOW THEREFORE, for and in consideration of the premises and mutual obligations, covenants, and benefits hereinafter set forth, if said variance is granted by the city council, the Parties agree to the conditions, as follows:

1. PROJECT

1.01 Location. The property that is the subject of this agreement is located at 7926 Bissell Road and is all the property legally described as: an approximate 2.29-acre tract being all of lot 1 of Daffern/Kilbourn addition, according to the map or plat thereof recorded in Brazoria County Clerk’s File# 2016027996. The Property is more fully described and depicted in the proposed plat attached as Exhibit “A”, attached hereto.

1.02 Project Description. This Agreement is in regard to the subdivision of the Property, identified as 2.29 acres of land, by the Developer. The Developer wishes to subdivide the

Property into two lots in order to create two lots conforming to current standards (“Lot 1A” 1.13 acres and “Lot 1B” 1.16 acres) as shown on the attached proposed plat provided as Exhibit “A”.

1.03 The Property has been platted as lot 1 of Daffern/Kilbourn addition. To further subdivide the land, the Property will require approval of a replat and compliance with the city’s subdivision ordinance. Section 62-111 of the city’s subdivision requires construction of all streets in accordance with the city’s design criteria; construction of all roadways within the development in accordance with the city’s minor street standards; and construction of perimeter streets in conjunction with plat approval. Section 62-113 of the city code requires construction of sidewalks in accordance with the city’s design criteria and major thoroughfare plan. The Developer has applied to vary these requirements for his property.

2. CITY APPROVAL

2.01 Pursuant to its authority under Section 62-5 of the city code, the city agrees to allow the Developer to vary the requirements of Section 62-111 and Section 62-113 of the city’s subdivision ordinance, with conditions.

2.02 Conditions: The required conditions are as follows:

- (i) This Agreement will expire upon further subdivision, or platting/ replatting of the property to create more lots than as shown in Exhibit A; or
- (ii) The subdivision variance will expire upon change of residential use or zoning.

2.03 City shall record this agreement with the Brazoria County Clerk and evidence the agreement on a “plat note” on the plat of said Property. Developer shall be responsible for the cost of recordation.

3. DEVELOPER COVENANTS

3.01 The Developer agrees to following:

- (i) Developer agrees to pay the cost of recordation of this agreement within thirty (30) days of invoice by the city.

4. MISCELLANEOUS

4.01 Assignment. This Agreement evidencing said variance, with conditions, shall run with the land and shall bind and benefit the respective Parties and their legal successors in interest.

4.02 Amendment or Modification. Except as otherwise provided in this Agreement, this Agreement shall be subject to change, amendment or modification only in writing, and by the signatures and mutual consent of the Parties.

4.03. Parties in Interest. This Agreement shall be for the sole and exclusive benefit of the Parties hereto and shall not be construed to confer any rights upon any third party. Developer shall not be a third-party beneficiary to any contract the city has with any other party for the engineering, design, or construction of said improvements.

- The initial addresses of the parties for the purpose of notice under this Agreement shall be as follows:

Anitha Madhu
7926 Bissell Road
Manvel, Texas 77578

4.10 Remedies. In addition to any remedy provided by law, including but not limited to breach of contract, the Developer stipulates and agrees that, upon default by Developer, City may revoke/withhold issuance of a certificate of occupancy for the Property, and Developer agrees to hold City harmless for any liability from said revocation/fail to issue.

This Agreement may be executed in multiple counterparts, each of which shall be deemed an original, but all of which when taken together shall constitute one and the same instrument.

Executed on this the _____ day of _____, 20__.

CITY OF MANVEL:

Debra Davison, Mayor

ATTEST:

Tammy Bell, City Secretary

THE STATE OF TEXAS §

COUNTY OF BRAZORIA §

This instrument was acknowledged before me on the ____ day of _____, 20__, by DEBRA DAVISON, as Mayor of the City of Manvel, Texas, on behalf of said City of Manvel.

Notary, State of Texas

(NOTARY SEAL)

Paulose Mini K Chacko:

By: _____

Name: Paulose Mini K Chacko

THE STATE OF TEXAS §

COUNTY OF BRAZORIA §

 This instrument was acknowledged before me on the ____ day of _____,
20__, by _____, as property owner.

Notary, State of Texas

(NOTARY SEAL)

Anitha Madhu:

By: _____

Name: Anitha Madhu

THE STATE OF TEXAS §

COUNTY OF BRAZORIA §

 This instrument was acknowledged before me on the ____ day of _____,
20__, by _____, as property owner.

Notary, State of Texas

(NOTARY SEAL)

An approximate 2.29-acre tract being all of lot 1 of Daffern/Kilbourn addition, according to the map or plat thereof recorded in Brazoria County Clerk's File# 2016027996, in the City of Manvel, Brazoria County, Texas.



Exhibit B

CITY OF MANVEL

<http://www.cityofmanvel.com>

PO Box 187
Manvel, Texas 77578

Phone: (281) 489-0630
Fax: (281) 489-0634

Subdivision Variance Application

Applicant Information

Applicant (if not owner): Biju Kuriakose
Phone: 281 685 1101 e-mail: bms6031@gmail.com
Owner: Mini K Chacko-Paulose & Anitha Madhu -
Owner Address: 6031 Ponegawa Ln City Missouri City State Tx Zip 77459
Phone: 281 685 1101 e-mail: bms6031@gmail.com

Property Information

Site Address: 7926 Bissell Rd, Manvel, Tx - 77578
Legal description (from deed): DAFFERN/KILBURN ADDN(MANVEL) BLK 1 LOT 1 ACRES 2.8.
(Property must be legally subdivided or be lot of record)
Brazoria County Identification Number: 667390

Description of Subdivision Variance Request

Sec 62/111 and 113.
Variance to R-1 that Construction and Side Walks required.

Detailed Explanation of Subdivision Variance Request

Please answer, on a separate sheet of paper if necessary, the following questions:

- o What are the special circumstances or conditions affecting the land involved such that the strict application of the provisions of the subdivision code would require a variance to the city's subdivision ordinance?

We are not Developing property now
there already Asphalt Road
and there is no side walk near area.

Exhibit B

- o How is the variance necessary for the preservation and enjoyment of a substantial property right of the applicant?

Without Variance we can not
record plat

- o Describe how the granting of the variance will not be detrimental to the public health, safety or welfare, or injurious to other property in the area.

The approval of Variance will not
change in that area.

- o Describe how the granting of the variance will not have the effect of preventing the orderly subdivision of other land in the area in accordance with the provisions of the subdivision ordinance.

The approval of Variance will not
make any changes that area.

Applicant Authorization

I authorize the City of Manvel to conduct any site visits necessary to evaluate this subdivision variance application.

I hereby state that I have prepared this application and that, to the best of my knowledge, the information contained herein is complete, accurate, and a true representation of the subdivision variance request. I further attest that I have the authority to submit this application and agree to comply with any and all conditions of subdivision variance approval. I agree to provide any additional information requested by the City of Manvel as they deem necessary for the processing of this application.

minicharlopauls / J. D. Foster
Applicant Signature

1/20/2023
Date

Submit variance request material to the Permit Department, City of Manvel, 20025 Highway 6 Manvel, Texas 77578 with the plat application. Failure to pay the required application fees or provide the information, drawings, or attachments in the form as requested by the City shall automatically mark the application as 'incomplete' and such application shall not be placed on the agenda for consideration until all information, fees, drawings, or attachments are deemed to be complete and in proper form by city staff.



MANVEL CITY COUNCIL DATA SHEET

MEETING DATE: February 6, 2023

TOPIC: Subdivision variance request seeking to vary Chapter 62, Section 62-111, *Additional Street Requirements* and Section 62-113, *Sidewalks* for an approximate 1.42-acre tract of land located along the north side of Big Island Dr/ CR 88, generally bounded by SH 288 (east), Sandy Cove Drive (west) and the American Canal (north).

BACKGROUND: The subject site is located along the north side of Big Island Dr/ CR 88, on the east side of Pomona Big Island Lake/ The Dock at Pomona (vicinity map attached). The subject site is generally bounded by SH 288 (east), Sandy Cove Drive (west) and the American Canal (north). The subject site was part of a large acreage tract along State Highway 288 which was annexed and zoned O-SFR, Open-Single Family Residential district in July 2014. The subject site is currently undeveloped and the owner, Vo Thanh, intends to construct a single-family home on the subject site. A Minor Plat application for the subject site was submitted by the applicant in September 2022 (proposed plat attached). As part of the plat review process, staff provided the street construction requirements of the subdivision ordinance to the applicant. In combination, Section 62-111 and Section 62-113 of the subdivision ordinance requires the developer to construct one-half of all perimeter (abutting) roads as concrete curb and gutter with sidewalk in accordance with the City's Design Criteria Manual and Major Thoroughfare Plan. The portion of Big Island Dr abutting the subject site is an asphalt surface road with open ditch and no sidewalk. Therefore, the applicant is requesting this variance to allow platting and developing the property without the right-of-way improvement as required by the aforementioned sections of the subdivision ordinance.

The western segment of Big Island Drive, starting from Pomona Parkway, which has Pomona development on both sides is a concrete curb and gutter street. The remaining segment of Big Island Drive is a 20-foot-wide asphalt road. On May 18, 2020, a subdivision variance to Section 62-111 (a) and (c) was granted to allow Pomona developer to escrow funds to the City to construct the northern half of an approximate 402.96-foot portion of Big Island Dr along the Pomona Lake tract. Currently, sidewalk is constructed only along northern side of the portion of Big Island Dr along Pomona.

With respect to the criteria provided in Section 62-5, *Variance*, Staff finds the following:

- There are special circumstances affecting the subject site based on its location. The subject site is located along an existing asphalt road and the property to the south, across from Big Island Drive is already developed. The Big Island Dr is a local street and provides access to large acreage residentially zoned tracts with rural character.
- Generally, the strict enforcement of the requirement will not deprive the applicant of a substantial property right. However, enforcement of the ROW requirement will expand the scale and cost of the project.
- Granting of the variance will not be materially detrimental to the public welfare or injurious to other property or property rights in the vicinity. The Big Island Dr is a local street and not a

major thoroughfare. The variance would merely allow development of the subject site for a single-family home with continued use of the exiting asphalt road.

- Granting of the variance will not cause any undesirable/unsafe change to the existing ROW condition/usage; instead, only allows the use of the existing asphalt road as access to the subject site. The requested variance does not create any public health or safety related concerns and does not undermine the intent of the regulation.

RECOMMENDATION: The staff recommends approval of this variance request to Chapter 62, Section 62-111 and 62-113 with two conditions as specified in the development agreement: 1) the subdivision variance will expire upon change of single-family residential use; and 2) the subdivision variance will expire upon further subdivision or platting/ replatting of the property.

ATTACHMENTS: Application Form, Survey, Vicinity Aerial Map, Vicinity Zoning Map, Major Thoroughfare Map, Proposed Plat, Site Pictures, Development Agreement.

FUNDING ISSUES

- ☒ Not applicable
☐ Not budgeted
☐ Full amount already budgeted
☐ Funds to be transferred from Acct.#



SUBMITTING STAFF MEMBER
Jose Abraham, City Planner

FINANCE DIRECTOR APPROVAL _____

CITY MANAGER APPROVAL _____

CITY OF MANVEL

<http://www.cityofmanvel.com>

PO Box 187
Manvel, Texas 77578

Phone: (281) 489-0630
Fax: (281) 489-0634

Subdivision Variance Application

Applicant Information

Applicant (if not owner): Tri- Tech Tom Duecker
Phone: 2818302309 e-mail: tduecker@tritechtx.com
Owner: Vo Thanh
Owner Address: 13612 BRIAR ROSE DR City PEARLAND State TX Zip 77584
Phone: 2818302309 e-mail: joe@kahousing.com

Property Information

Site Address: 0 BIG ISLAND DR TX
Legal description (from deed): A0540 A C H & B TRACT 40A4-40A5-40A9-TR 40A6 (UND 20% INT) ACRES 2.6494
(Property must be legally subdivided or be lot of record)
Brazoria County Identification Number: 547594

Description of Subdivision Variance Request

Variance request to not extend pavement of Big Island Drive
adjacent to property to be platted Ordinance 62-111

Detailed Explanation of Subdivision Variance Request

Please answer, on a separate sheet of paper if necessary, the following questions:

o What are the special circumstances or conditions affecting the land involved such that the strict application of the provisions of the subdivision code would require a variance to the city's subdivision ordinance?

existing lot seeking a developmental plat application would have to extend
adjacent ROW pavement. The plat would not increase usage of existing ROW
and the community/ platted property would not be served by widening pavement.

o How is the variance necessary for the preservation and enjoyment of a substantial property right of the applicant?

In order to plat property on existing ROW, pavement widening would be an undue

burden on property owner that would not benefit the community

o Describe how the granting of the variance will not be detrimental to the public health, safety or welfare, or injurious to other property in the area.

no additional lots would be created. The existing ROW would serve the

same amount of traffic in community. Widening pavement seems

unnecessary at this time.

o Describe how the granting of the variance will not have the effect of preventing the orderly subdivision of other land in the area in accordance with the provisions of the subdivision ordinance.

The adjacent property would not be affected as our proposed plat

does not increase number of lots/reserves/residencies

additional subdivisions could widen pavement if needed in future when more traffic would result

Applicant Authorization

I authorize the City of Manvel to conduct any site visits necessary to evaluate this subdivision variance application.

I hereby state that I have prepared this application and that, to the best of my knowledge, the information contained herein is complete, accurate, and a true representation of the subdivision variance request. I further attest that I have the authority to submit this application and agree to comply with any and all conditions of subdivision variance approval. I agree to provide any additional information requested by the City of Manvel as they deem necessary for the processing of this application.

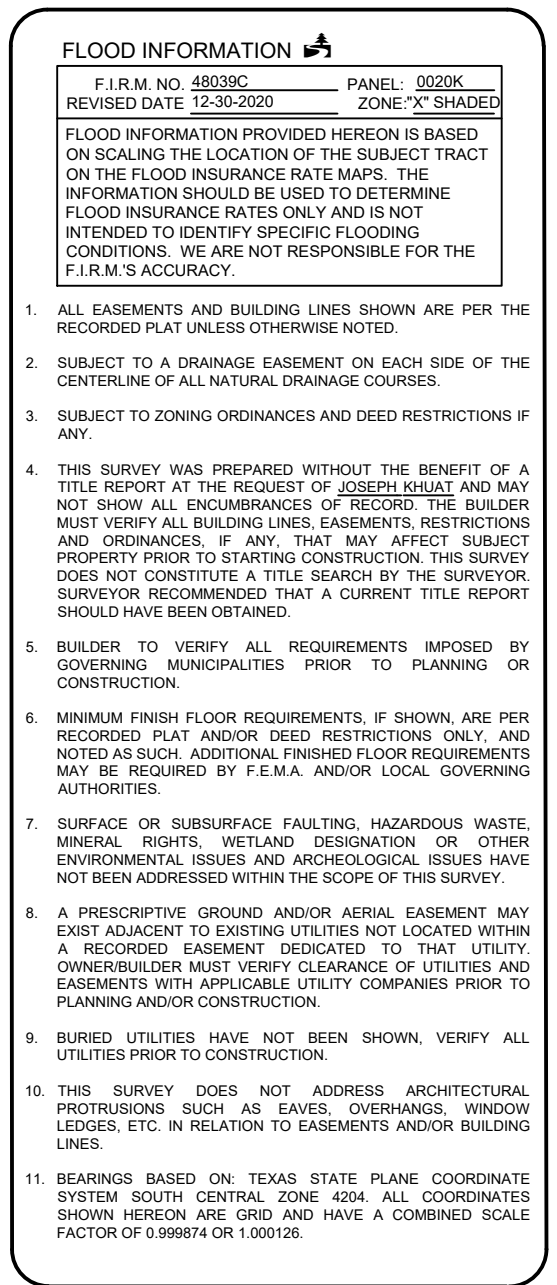


Applicant Signature

12/20/22

Date

Submit variance request material to the Permit Department, City of Manvel, 20025 Highway 6 Manvel, Texas 77578 with the plat application. Failure to pay the required application fees or provide the information, drawings, or attachments in the form as requested by the City shall automatically mark the application as 'incomplete' and such application shall not be placed on the agenda for consideration until all information, fees, drawings, or attachments are deemed to be complete and in proper form by city staff.



CERTIFICATION	REVISIONS 
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THIS SURVEY IS VALID FOR THIS TRANSACTION ONLY.
© 2022, TRI-TECH SURVEYING COMPANY, L.P.

JOB NO:	M2472-17
ENCUMB. STUDY:	N/A
CALC BY:	M. COX
DRAWN BY:	CAMELLIA
CHECKED BY:	D. SULLIVAN
BEARING BASE:	REFERRED TO PLAT NORTH
FIELD CREW (A):	M. CARLIN
FIELD CREW (B):	B. STEPHENSON
FIELD DATE:	08-01-17
COGO VER:	ADESK C3D 2015

SURVEYOR REGISTRATION



Vo Estates PID:547594



This map is made available for reference purposes only and should not be substituted for a survey product. The City of Manvel will not accept liability of any kind in conjunction with its use.

City of Manvel ETJ City of Manvel City Limits PID: 547594

0 405 810 1,620 US Feet



Date: February 2023
Reference: 2023010
Data Source: City of Manvel,
Brazoria County Open Data



Vo Estates PID:547594

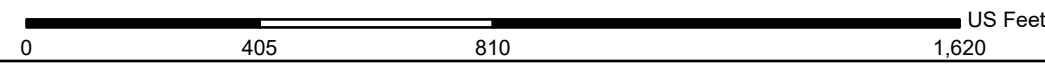


- City of Manvel ETJ
- City of Manvel City Limits
- Heavy Commercial District
- Light Commercial District
- Open Single-Family Residential District
- Development Agreement Signed

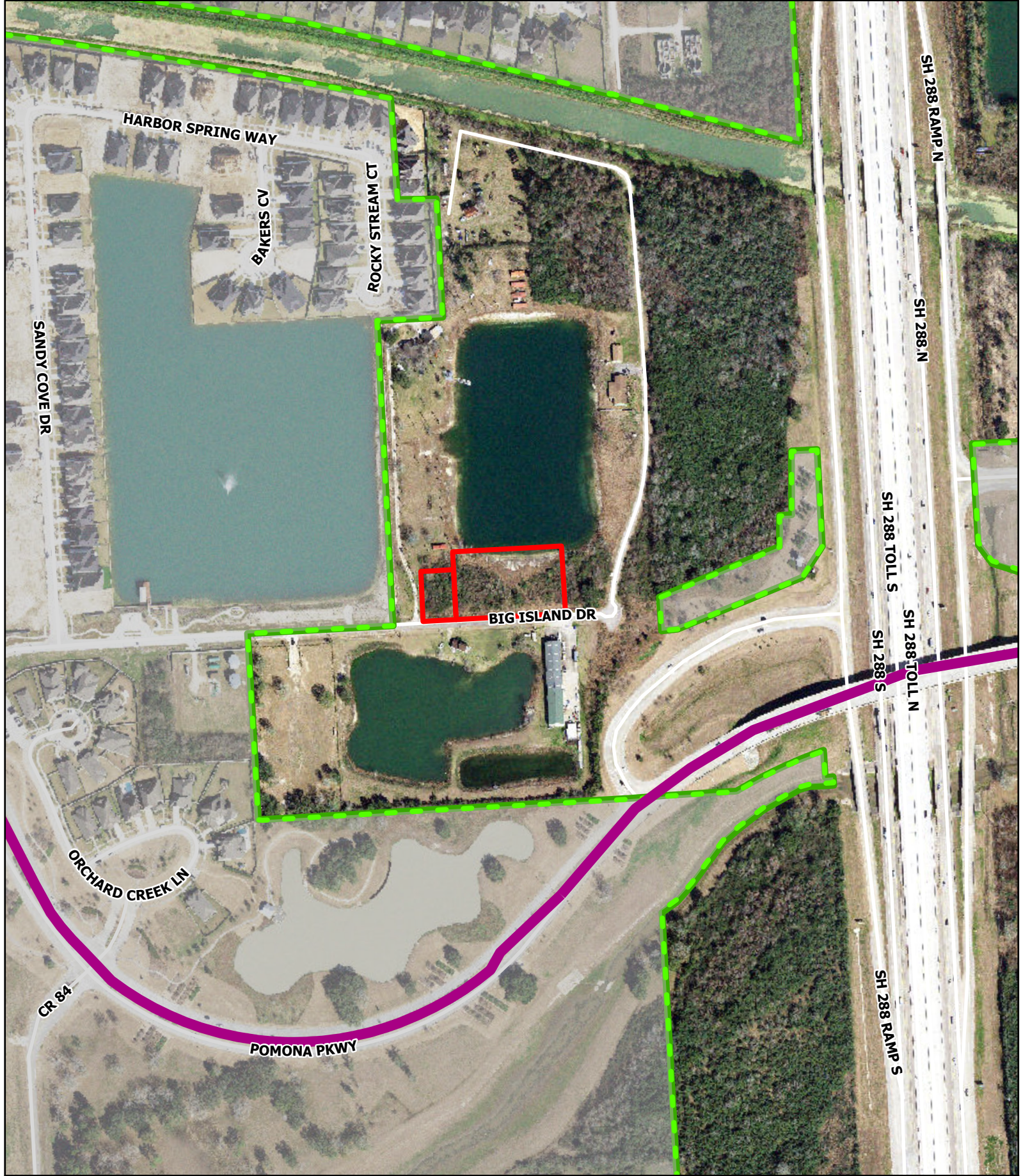
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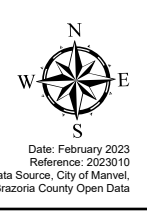
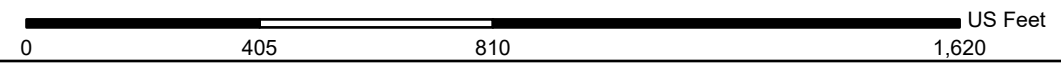
Date: February 2023
Reference: 2023010
Data Source: City of Manvel,
Brazoria County Open Data



Vo Estates PID:547594



- Major Thoroughfare: Parkway (120' ROW)
- City of Manvel City Limits
- City of Manvel ETJ
- PID: 547594



This map is made available for reference purposes only and should not be substituted for a survey product. The City of Manvel will not accept liability of any kind in conjunction with its use.

I, THANK YOU, OWNER, HERINAFTER REFERRED TO AS **PLANS**,
WHETHER ONE OR MORE, OF THE PROPERTY SUBDIVIDED IN THIS **VO**,
ESTABLISHES THE FOLLOWING EASEMENTS TO BE CONVEYED TO THE
BEHALF OF MYSELF, ACCORDING TO THE LINES, LOTS, BUILDING LINES
STREETS, ALLEYS, PARKS, AND EASEMENTS AS SHOWN HEREON, AND
DEDICATE FOR PUBLIC USE, THE STREETS, ALLEYS, PARKS, AND EASEMENTS
SHOWN HEREON, TOGETHER WITH ALL THE RIGHTS AND INTERESTS
DAMAGES OCCASIONED BY THE ESTABLISHMENT OF GRADES AS APPROVED
FOR THE STREETS AND DRAINAGE EASEMENTS DEDICATED, OR OCCASIONED
BY THE ALTERATION OF THE SURFACE, OR ANY PORTION OF THE STREETS OR
ALLEYS, AND EASEMENTS TO CONFORM TO SUCH GRADES, AND TO WARRANT
AND DEFEND THE TITLE OF THE LAND SO DESIGNATED, TO WARRANT
AND DEFEND THE TITLE OF THE LAND SO DESIGNATED, TO WARRANT

FURTHER, OWNERS HEREBY CERTIFY THAT THIS REPLAT DOES NOT ATTEMPT TO ALTER, AMEND, OR REMOVE ANY COVENANTS OR RESTRICTIONS; WE FURTHER CERTIFY THAT NO PORTION OF THE PRECEDING PLAT WAS LIMITED BY DEED RESTRICTION TO RESIDENTIAL USE FOR NOT MORE THAN TWO (2) RESIDENTIAL UNITS PER LOT.

BY: THANH VO

BEFORE ME, THE UNDERSIGNED AUTHORITY, ON THIS DAY PERSONALLY APPEARED THANH VO, KNOWN TO ME TO BE THE PERSON WHOSE NAME IS SUBSCRIBED TO THE FOREGOING INSTRUMENT AND ACKNOWLEDGED TO ME THAT THEY EXECUTED THE SAME FOR THE PURPOSES AND CONSIDERATIONS THEREIN EXPRESSED.

NOTARY PUBLIC IN AND FOR THE STATE OF TEXAS

I, DANIEL S. LULLIVAN, AM REGISTERED UNDER THE LAWS OF THE STATE OF TEXAS TO PRACTICE THE PROFESSION OF SURVEYING AND HEREBY CERTIFY THAT THE ABOVE SUBDIVISION IS TRUE AND ACCURATE WAS PREPARED FROM AN ACTUAL SURVEY OF THE PROPERTY MADE UNDER MY SUPERVISION ON THE GROUND; THAT, EXCEPT AS SAID BOUNDARY SURVEY, THERE ARE NO UNITS, MEASUREMENTS, OR ANY POINTS OF REFERENCE, HAVE BEEN MARKED WITH IRON OR OTHER OBJECTS OF PERMANENT NATURE) PIPES OR RODS HAVING AN OUTSIDE DIAMETER OF NOT LESS THAN FIVE EIGHTHS (5/8) INCH AND A LENGTH OF NOT LESS THAN THREE (3) FEET; AND THAT THE PLAT BOUNDARY CORNERS HAVE BEEN TIED TO THE TEXAS COORDINATE SYSTEM OF 1983, SOUTH CENTRAL ZONE.

DANIEL S. SULLIVAN, RPLS
TEXAS REGISTRATION NO. 58258

THIS IS TO CERTIFY THAT THE PLANNING, DEVELOPMENT, AND ZONING COMMISSION OF THE CITY OF MANVEL, TEXAS, HAS RECOMMENDED APPROVAL OF THIS PLAT OF **VO ESTATES, IN** CONFORMANCE WITH THE LAWS OF THE STATE OF TEXAS AND THE ORDINANCES OF THE CITY OF MANVEL, AS SHOWN HEREON, AND AUTHORIZES THE RECORDING OF THIS PLAT, THIS _____ DAY OF _____, 2022.

PLANNING, DEVELOPMENT, AND ZONING COMMISSION

THIS IS TO CERTIFY THAT THE CITY COUNCIL OF THE CITY OF MANVEL, TEXAS, HAS APPROVED OF THIS PLAT OF **VO ESTATES, IN CONFORMANCE WITH THE LAWS OF THE STATE OF TEXAS AND THE ORDINANCES OF THE CITY OF MANVEL, AS SHOWN HEREON, AND AUTHORIZES THE RECORDING OF THIS PLAT, THIS _____ DAY OF _____, 2022.**

CITY COUNCIL

BEGINNING at a found 1/2-inch iron rod with cap, lying in the north Right-of-Way line (ROW line) of Big Island Drive (60 foot wide, per deed recorded under BCCF No. 2009052451), at the southeast corner of a called 1.5817 acre tract conveyed to Jorge Luis Perez-Garza and Patricia G. Perez as described in deed recorded under BCCF No. 2015013647 and being the southwest corner of the herein described tract, from which the southwest corner of said Lot 40 bears called South 03 deg. 13 min. 25 sec. East, a distance of 30.00 feet and South 86 deg. 42 min. 03 sec. West, a distance of 243.95 feet;

THENCE, North 86 deg. 42 min. 03 sec. East, along said Garza tract, passing at a distance of 119.30 feet, a found 12-inch iron rod with cap, marking the most easterly southeast corner of said Garza tract and the southwest corner of a 4,814.49-acre tract conveyed to Lawrence L. and Myrna F. Rice, as described in a deed recorded under BCCF No. 03029088, continuing with the south line said Rice tract, for a total distance of 386.56 feet, to a point lying in a pond, for the northwest corner of a called 0.500 acre tract, conveyed to Sidewinder, Inc., as described in deed recorded under BCCF No. 0105135 and being the northeast corner of the herein described tract;

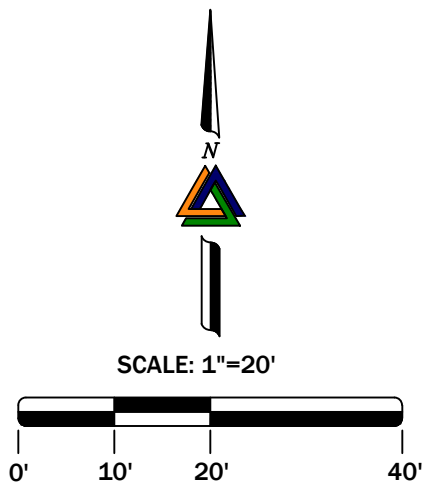
THENCE, South 86 deg. 42 min. 03 sec. West, along said north ROW line of Big Island a distance of 386.56 feet, to the **POINT OF BEGINNING** and containing 1.4198 acres (61,850 square feet) of land.

CALLED
 1.5817 ACRES
 TO
 JORGE LUIS PEREZ-GARZA
 & PATRICIA G. PEREZ
 B.C.C.F.NO.
 2015013647

LOT 40 SECTION 88
 ALLISON RICHEY
 GULF COAST HOME COMPANY
 PART OF SUBURBAN GARDENS
 VOL. 2, PG. 98
 B.C.M.R.

CALLED
 4.8149 ACRES
 TO
 25% UNDIVIDED INTEREST
 LAWRENCE L. RICE & MYRNA F. RICE
 B.C.C.F.NO.
 03029088

B.L. - BUILDING LINE
B.C.C.F. - BRAZORIA COUNTY CLERK'S FILE
VOL. - VOLUME
PG. - PAGE
FND. - FOUND
I.R. - IRON ROD
< > - CALLED



FLOOD INFORMATION 

F.I.R.M. NO. 480393C PANEL: 0020K
REVISED DATE 12-30-2020 ZONE: X SHADE:

FLOOD INFORMATION PROVIDED HEREON IS BASED ON SCALING THE LOCATION OF THE SUBJECT TRACT ON THE FLOOD INSURANCE RATE MAPS. THE INFORMATION SHOULD BE USED TO DETERMINE FLOOD INSURANCE RATES ONLY AND IS NOT INTENDED TO IDENTIFY SPECIFIC FLOODING CONDITIONS. WE ARE NOT RESPONSIBLE FOR THE F.I.R.M.'S ACCURACY.

GENERAL NOTES

1. THE COORDINATES SHOWN HEREON ARE TEXAS SOUTH CENTRAL ZONE NO. 4204 STATE PLANE GRID COORDINATES (NAD 83) AND HAVE A COMBINED SCALE OF 1:68,881.
2. THE PROPERTY SUBDIVIDED IN THE FOREGOING PLAT LIES WITHIN BRAZORIA COUNTY, THE CITY OF MANVEL, BRAZORIA COUNTY DRAINAGE DISTRICT #4 (PEARLAND), BRAZORIA COUNTY EMERGENCY DISTRICT #3, AND THE ALVIN DISTRICT OF THE COUNTY OF BRAZORIA, TEXAS. ALL SIDEWALKS AND SIDEWALKS SHALL BE CONSTRUCTED AS PART OF THE ISSUANCE OF A BUILDING PERMIT.
3. NO BUILDING PERMIT SHALL BE ISSUED UNTIL ALL STORM DRAINAGE IMPROVEMENTS WHICH MAY INCLUDE DETENTION Ponds, HAVE BEEN CONSTRUCTED.
4. THE FINAL PLAT WILL EXPIRE TWO YEARS AFTER FINAL APPROVAL BY THE COMMISSION. IF CONSTRUCTION OF THE IMPROVEMENTS HAS NOT COMMENCED WITHIN THE TWO-YEAR INITIAL PERIOD OR THE ONE-YEAR EXTENSION PERIOD GRANTED BY THE PLANNING COMMISSION.
5. THE DEVELOPMENT REGULATIONS AND CITY PERMITS ARE REQUIRED ON ALL IMPROVEMENTS WITHIN CITY, CORPORATE LIMITS AND EXTRAJURISDICTION OF THE CITY.

CALLED
 0.500 ACRES
 TO
 SIDEWINDER, INC.
 B.C.C.F.NO.
 01005135

CALLED 0.0679 AC.
 BRAZORIA COUNTY, TEXAS
 B.C.C.F.NO.
 2009056430

A SUBDIVISION OF 1.420 ACRES (61,849 SQUARE FEET) OF LAND, BEING A REPLAT OF A PORTION OF LOT 40 SECTION 88, OF THE ALLISON-RICHEY GOLF HOME COMPANY'S PART OF SUBURBAN GARDENS, ACCORDING TO THE MAP OR REPLAT THEREOF, RECORDED IN/UNDER VOLUME TWO (2) PAGE 98, OF THE PLAT RECORDS OF BRAZORIA COUNTY, TEXAS

CITY OF MANVEL
REASON FOR REPLAT: TO CREATE ONE (1) LOT
1 LOTS 1 BLOCK
SCALE: 1" = 20' DATE: DECEMBER, 2022
OWNER: THANH VO



TRI-TECH
SURVEYING COMPANY, L.P.

10401 WESTOFFICE DR.
HOUSTON, TEXAS 77042
PH: 713-667-0800

www.tritechtx.com

TBPLS #10115900

SITE PICTURES (VO ESTATES SUBDIVISION VARIANCE)



Viewing west along Big Island Drive.



View of development south of the subject site.



View of subject site from Big Island Drive



Viewing east along Big Island Drive

DEVELOPMENT AGREEMENT (FOR VARIANCE)

STATE OF TEXAS §
 §
COUNTY OF BRAZORIA §

This Development Agreement executed as of the ____ day of _____, 2023, is by and between the City of Manvel, Texas, (“City”) and Vo Thanh, property owner of certain hereinafter described property located within the City of Manvel, (together known as “Developer”), all collectively referred to as the “Parties.” This Agreement is in regard to the platting of an approximate 1.42-acre tract of land located at Big Island Dr.

WHEREAS, Developer wishes to construct a single-family structure on the approximate 1.42-acre tract of land located within the city limits of the City of Manvel, more fully described and depicted on Exhibit “A”, attached hereto; and,

WHEREAS, construction of a single-family structure will require approval of a plat and compliance with the city’s subdivision ordinance; and

WHEREAS, Section 62-111 (a) of The City Code requires all streets be constructed in accordance with the city’s design criteria manual;

WHEREAS, Section 62-111 (c) of The City Code requires the Developer to construct necessary improvements on all perimeter streets (Big Island Dr) in order to bring the pavement and curbing up to the City’s minor street standards for the one-half of the street abutting the development; and

WHEREAS, Section 62-113 of the city code requires construction of sidewalks in accordance with the city’s design criteria and major thoroughfare plan; and

WHEREAS, pursuant to Section 62-5 of the city code, the Developer has applied for a variance to construct this perimeter road and sidewalk requirement;

NOW THEREFORE, for and in consideration of the premises and mutual obligations, covenants, and benefits hereinafter set forth, if said variance is granted by the city council, the Parties agree to the conditions, as follows:

1. PROJECT

1.01 Location. The property that is the subject of this agreement is located along the north side of Big Island Dr/ CR 88, generally bounded by SH 288 (east), Sandy Cove Drive (west) and the American Canal (north) and is legally described as: an approximate 1.420-acre tract being a portion of Lot 40 of the Allison-Richey Gulf Coast Home Company’s part of Suburban Gardens, a subdivision of Section 88 of the A.C.H.&B. Company Survey, Abstract 540, Brazoria County,

Texas, said subdivision recorded in Volume 2, Page 98 of the Plat Records of Brazoria County, Texas. The Property is more fully described and depicted in the survey as Exhibit "A", attached hereto.

1.02 Project Description. This Agreement is in regard to the construction of a proposed single-family structure on the Property, owned by Developer.

1.03 The Property has never been platted. To construct a single-family structure on the Property will require approval of a plat and compliance with the city's subdivision ordinance. Section 62-111 of the city's subdivision requires construction of all streets in accordance with the city's design criteria; construction of all roadways within the development in accordance with the city's minor street standards; and construction of perimeter streets in conjunction with plat approval. Section 62-113 of the city code requires construction of sidewalks in accordance with the city's design criteria and major thoroughfare plan. The Developer has applied to vary these requirements for his property.

2. CITY APPROVAL

2.01 Pursuant to its authority under Section 62-5 of the city code, the city agrees to allow the Developer to vary the requirements of Section 62-111 and Section 62-113 of the city's subdivision ordinance, with conditions.

2.02 Conditions: The required conditions are as follows:

- (i) This Agreement will expire upon change of use from one (1) single-family detached structure; or
- (ii) This Agreement will expire upon further subdivision or platting/replatting of the property.

2.03 City shall record this agreement with the Brazoria County Clerk and evidence the agreement on a "plat note" on the plat of said Property. Developer shall be responsible for the cost of recordation.

3. DEVELOPER COVENANTS

3.01 The Developer agrees to following:

- (i) Other than permits for the construction of one single-family structure and accessory residential structures, Developer agrees that the city shall not issue any other construction permit or approve any further plat/re-plat of the Property;
- (ii) Developer agrees to begin construction of the single-family structure, and diligently pursue to completion, within two-years of city council approval;
- (iii) Developer agrees to pay the cost of recordation of this agreement within thirty (30) days of invoice by the city.

3.02 Developer acknowledges that the city's covenants are contingent upon the Developer constructing the proposed single-family structure. Failure of the Developer to begin to construct the single-family structure, and diligently pursue completion, within two-years of city council approval shall constitute failure of this condition and the agreement shall automatically be null and void.

4. MISCELLANEOUS

- 4.01 Assignment. This Agreement evidencing said variance, with conditions, shall run with the land and shall bind and benefit the respective Parties and their legal successors in interest.
- 4.02 Amendment or Modification. Except as otherwise provided in this Agreement, this Agreement shall be subject to change, amendment or modification only in writing, and by the signatures and mutual consent of the Parties.
- 4.03. Parties in Interest. This Agreement shall be for the sole and exclusive benefit of the Parties hereto and shall not be construed to confer any rights upon any third party. Developer shall not be a third-party beneficiary to any contract the city has with any other party for the engineering, design, or construction of said improvements.
- 4.04. Remedies Not Exclusive. The rights and remedies contained in this Agreement shall not be exclusive, but shall be cumulative of all rights and remedies now or hereinafter existing, by law or in equity.
- 4.05. Waiver. The failure of any party to insist in any one or more instances on the performance of any of the terms, covenants or conditions of this Agreement, or to exercise any of its rights, shall not be construed as a waiver or relinquishment of such term, covenant, or condition, or right with respect to further performance.
- 4.06. Entire Agreement. This Agreement constitutes the entire agreement between the Parties related to the subject matter of this Agreement and supersedes any and all prior agreements, whether oral or written, dealing with the subject matter of this Agreement.
- 4.07. Venue. This Agreement shall be performable and enforceable in Brazoria County, Texas, and shall be construed in accordance with the laws of the State of Texas.
- 4.08. Severability. If any term or provision of this Agreement is held to be invalid, void or unenforceable by a court of competent jurisdiction, the remainder of the terms and provisions of this Agreement shall remain in full force and effect and shall not in any way be invalidated, impaired or affected.
- 4.09. Notices. Any notice provided or permitted to be given under this Agreement must be in writing and may be served by (i) depositing the same in the United States mail, addressed to the party to be notified, postage prepaid, registered or certified mail, return receipt requested; or (ii) by delivering the same in person to such party; or (iii) by overnight or

messenger delivery service that retains regular records of delivery and receipt; or (iv) by facsimile; provided a copy of such notice is sent within one (1) day thereafter by another method provided above.

The initial addresses of the parties for the purpose of notice under this Agreement shall be as follows:

If to City: City of Manvel
20031 Morris Avenue
Manvel, Texas 77578
ATTN: City Manager

If to Developer: Vo Thanh
Big Island Dr
Manvel, Texas 77578

4.10 Remedies. In addition to any remedy provided by law, including but not limited to breach of contract, the Developer stipulates and agrees that, upon default by Developer, City may revoke/withhold issuance of a certificate of occupancy for the Property, and Developer agrees to hold City harmless for any liability from said revocation/fail to issue.

This Agreement may be executed in multiple counterparts, each of which shall be deemed an original, but all of which when taken together shall constitute one and the same instrument.

Executed on this the _____ day of _____, 2____.

CITY OF MANVEL:

Debra Davison, Mayor

ATTEST:

Tammy Bell, City Secretary

THE STATE OF TEXAS §

COUNTY OF BRAZORIA §

 This instrument was acknowledged before me on the ____ day of _____,
20__, by DEBRA DAVISON, as Mayor of the City of Manvel, Texas, on behalf of said City of
Manvel.

Notary, State of Texas

(NOTARY SEAL)

Vo Thanh:

By: _____
Name: Vo Thanh

THE STATE OF TEXAS §

COUNTY OF BRAZORIA §

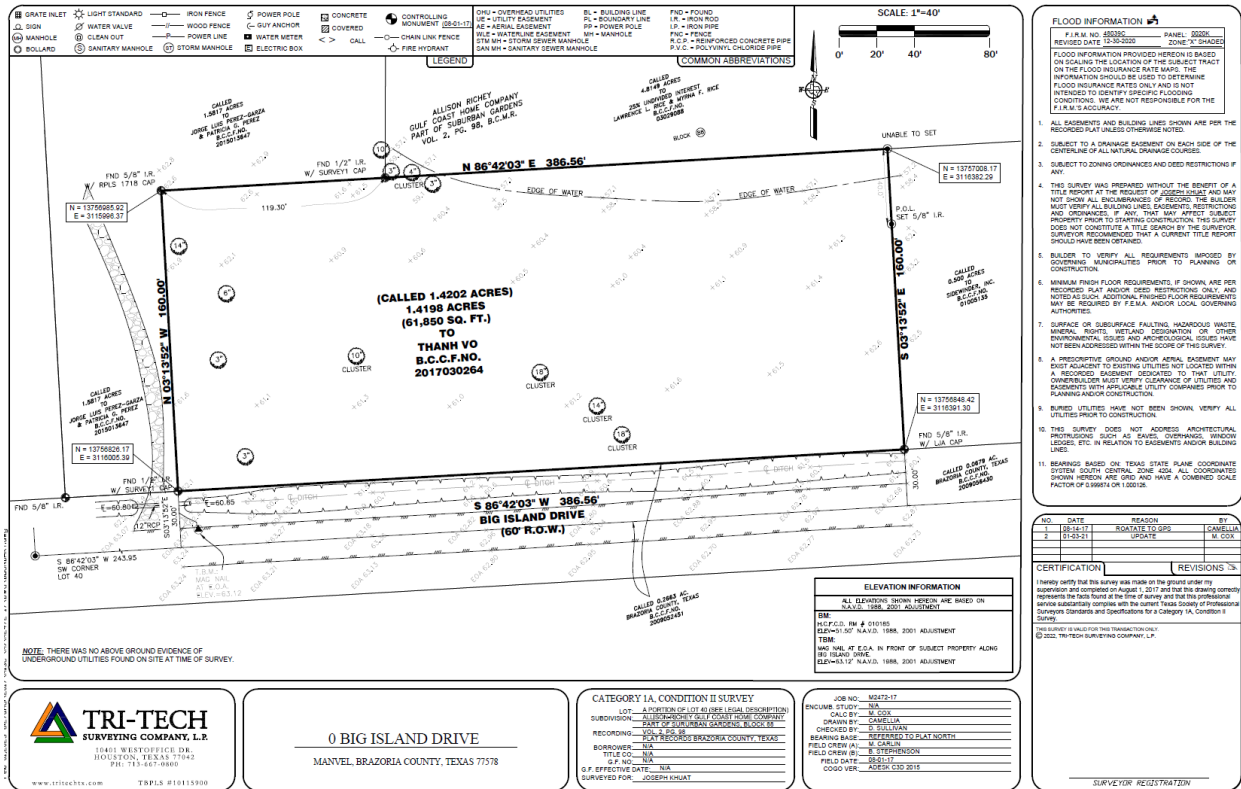
 This instrument was acknowledged before me on the ____ day of _____,
20__, by _____, as property owner.

Notary, State of Texas

(NOTARY SEAL)

Exhibit A

An approximate 1.420-acre tract being a portion of Lot 40 of the Allison-Richey Gulf Coast Home Company's part of Suburban Gardens, a subdivision of Section 88 of the A.C.H.&B. Company Survey, Abstract 540, Brazoria County, Texas, said subdivision recorded in Volume 2, Page 98 of the Plat Records of Brazoria County, Texas.



CITY OF MANVEL

<http://www.cityofmanvel.com>

PO Box 187
Manvel, Texas 77578

Phone: (281) 489-0630
Fax: (281) 489-0634

Subdivision Variance Application

Applicant Information

Applicant (if not owner): Tri- Tech Tom Duecker
Phone: 2818302309 e-mail: tduecker@tritechtx.com
Owner: Vo Thanh
Owner Address: 13612 BRIAR ROSE DR City PEARLAND State TX Zip 77584
Phone: 2818302309 e-mail: joe@kahousing.com

Property Information

Site Address: 0 BIG ISLAND DR TX
Legal description (from deed): A0540 A C H & B TRACT 40A4-40A5-40A9-TR 40A6 (UND 20% INT) ACRES 2.6494
(Property must be legally subdivided or be lot of record)
Brazoria County Identification Number: 547594

Description of Subdivision Variance Request

Variance request to not extend pavement of Big Island Drive
adjacent to property to be platted Ordinance 62-111

Detailed Explanation of Subdivision Variance Request

Please answer, on a separate sheet of paper if necessary, the following questions:

- o What are the special circumstances or conditions affecting the land involved such that the strict application of the provisions of the subdivision code would require a variance to the city's subdivision ordinance?

existing lot seeking a developmental plat application would have to extend
adjacent ROW pavement. The plat would not increase usage of existing ROW
and the community/ platted property would not be served by widening pavement.

Exhibit B

o How is the variance necessary for the preservation and enjoyment of a substantial property right of the applicant?

In order to plat property on existing ROW, pavement widening would be an undue
burden on property owner that would not benefit the community

o Describe how the granting of the variance will not be detrimental to the public health, safety or welfare, or injurious to other property in the area.

no additional lots would be created. The existing ROW would serve the
same amount of traffic in community. Widening pavement seems unnecessary at this time.

o Describe how the granting of the variance will not have the effect of preventing the orderly subdivision of other land in the area in accordance with the provisions of the subdivision ordinance.

The adjacent property would not be affected as our proposed plat
does not increase number of lots/reserves/residencies

additional subdivisions could widen pavement if needed in future when more traffic would result

Applicant Authorization

I authorize the City of Manvel to conduct any site visits necessary to evaluate this subdivision variance application.

I hereby state that I have prepared this application and that, to the best of my knowledge, the information contained herein is complete, accurate, and a true representation of the subdivision variance request. I further attest that I have the authority to submit this application and agree to comply with any and all conditions of subdivision variance approval. I agree to provide any additional information requested by the City of Manvel as they deem necessary for the processing of this application.



Applicant Signature

12/20/22

Date

Submit variance request material to the Permit Department, City of Manvel, 20025 Highway 6 Manvel, Texas 77578 with the plat application. Failure to pay the required application fees or provide the information, drawings, or attachments in the form as requested by the City shall automatically mark the application as 'incomplete' and such application shall not be placed on the agenda for consideration until all information, fees, drawings, or attachments are deemed to be complete and in proper form by city staff.

ORDINANCE NO. 2023-O-03

AN ORDINANCE OF THE CITY OF MANVEL, TEXAS, ORDERING THE HOLDING OF A GENERAL ELECTION ON MAY 6, 2023, FOR THE PURPOSE OF ELECTING A MAYOR AND TWO COUNCILMEMBERS: ONE EACH FOR, MAYOR, PLACE 3, AND PLACE 5; DESIGNATING THE CITY ELECTION PRECINCTS; DESIGNATING A POLLING PLACE; PROVIDING FOR THE APPOINTMENT OF A PRESIDING ELECTION JUDGE AND ALTERNATE PRESIDING ELECTION JUDGE; APPROVING A JOINT ELECTION CONTRACT AND AUTHORIZING THE MAYOR TO EXECUTE; ESTABLISHING OTHER PROCEDURES FOR CONDUCTING THE ELECTION; PROVIDING FOR THE INCORPORATION OF THE PREAMBLE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the laws of the State of Texas provide that on May 6, 2023, there shall be a general election for municipal officers;

WHEREAS, Article III of the City Charter provides for the elections of its city councilmembers; and

WHEREAS, the City Council of the City of Manvel, Texas, (hereinafter referred to as the “City”) has determined that the City should conduct its general municipal election on Saturday, May 6, 2023, and that the following officials shall be elected for the City:

Mayor (3-year term)

Councilmember, Place No. 3 (3-year term)

Councilmember, Place No. 5 (3-year term)

WHEREAS, the election so ordered for the City of Manvel is being ordered not later than 62 days before the election day pursuant to §3.005(a), Texas Election Code; and

WHEREAS, the Texas Election Code is applicable to said election, and in order to comply with said Code, an ordinance should be passed calling the election and establishing the procedures to be followed in said election, and designating the voting place for said election; and

WHEREAS, section 4.10(f) of the City Charter provides that an ordinance calling an election only requires one reading; and

WHEREAS, the City of Manvel (the “City”) lies within the boundaries of Brazoria County; and

WHEREAS, the City approves and agrees to conducting the City General Election jointly with other political subdivisions in Brazoria County in accordance with *Tex. Elec. Code, Chapter 271*; and

WHEREAS, the City and other political subdivisions in the area have made provision to contract with the Brazoria County Elections Officer to conduct the City's election, pursuant to *Chapter 31, Tex. Elec. Code*, and *Chapter 791, Tex. Gov't Code*;

WHEREAS, the City Council desires to authorize the Mayor to execute a joint election agreement and contract for election services with Brazoria County for the conduct and supervision of the election to be held on May 6, 2023 “Exhibit A”;

NOW THEREFORE, BE IT ORDAINED AND ORDERED BY THE CITY COUNCIL OF THE CITY OF MANVEL, TEXAS, THAT:

Section 1. The facts and matters contained in the preamble are hereby found to be true and correct and are incorporated herein and made a part hereof for all purposes.

Section 2. General Election Ordered and Notice of Election. A general election shall be held on May 6, 2023 to elect the following city officers: Mayor, City Council Place 3; and City Council Place 5 of the City of Manvel, Texas. The Mayor is hereby authorized to order and give notice of such election in accordance with the Order of City Officers Election and Notice of City Officers Election shall be attached hereto and made a part hereof by reference “Exhibit B”. Said Order and Notice will be printed in English and Spanish when required to comply with bilingual requirements as stipulated in Voting Rights Act of 1985. Said Order and Notice shall be posted in accordance with terms and provisions of Chapter 4 of the Texas Election Code. The Mayor shall issue all necessary orders and writs for such election, and returns of such election shall be made to the City Secretary immediately after the closing of the polls.

Section 3. Filing Period. Candidates for the above officers may file their application beginning January 18, 2023, and shall file their applications no later than 5:00 p.m. February 17, 2023. All candidates for the office to be filed in the election to be held on May 6, 2023, shall file their application to become candidates, with the City Secretary of the City at City Hall, 20031 Hwy 6, Manvel, Texas, on any weekday that is not a City holiday, between 8:30 a.m. and 5:30 p.m., and all of said applications shall be on a form as prescribed by the Election Code of the State of Texas. The City Secretary shall note on the face of each such application the date and time of its filing. Such application shall include the number of the place the candidate is seeking. A declaration of write-in candidacy must be filed with the City Secretary, as provided by Section 146.054 of the Texas Election Code, not later than 5:00 p.m. on February 21, 2023, except as otherwise provided in the case of a deceased or ineligible candidate.

Section 4. Drawing. The order in which the names of the candidates are to be printed on the ballot shall be determined by a drawing conducted by the City Secretary as provided by the Election Code. The City Secretary shall post a notice in her office, at least 72 hours prior to the date on which the drawing is to be held, of the time and place of the drawing, and shall also give personal notice to any candidate who makes written request for such notice and furnishes to the City Secretary a self-addressed, stamped envelope. Each candidate involved in the drawing, or a representative designated by him or her, shall have a right to be present and observe the drawing.

Section 5. Ballots and Printed Materials. The ballots used for the election shall comply with the *Texas Election Code* and be in the form provided by the City to the Brazoria County Election Officer (the “Election Officer”) for use on the voting devices and ballots used by Brazoria County. The official ballots, together with such other election materials as are required by the *Tex. Elec. Code*, as amended, shall be printed in both the English and Spanish languages and shall contain such provisions, markings and language as required by law.

Section 6. Joint Election. The City agrees to conduct a joint election with the political subdivisions designated by the Elections Officer, provided that such political subdivisions hold an election on May 6, 2023 in all or part of the same territory as the City. The joint election for political subdivisions in Brazoria County will be conducted in accordance with state law, this ordinance, and the Joint Election Agreement and Contract for Election Services with Brazoria County (“Election Services Contract”-See Exhibit A). The Joint Election Agreement and Contract for Election Services with Brazoria County is approved and the Mayor is authorized to execute the agreement. Per instruction from the Brazoria County Elections Director, the County will prepare one Notice of Election that includes all political subdivisions and publish the notice in three newspapers: 1- The Facts 2 – The Alvin Sun 3- One of the Pearland Newspapers. The City will still prepare the City’s Notice of Election to post.

Section 7. Conduct of Election. The Election Officer and his/her employees and appointees, and the election judges, alternate judges and clerks properly appointed for the election, shall hold and conduct the election in the manner provided by the Election Services Contract and the law governing the holding of general elections by home-rule cities of the State of Texas.

Section 8. Election Precinct and Polling Place. The present boundaries of the City of Manvel, Texas shall constitute five (5) precincts for the election, and the polls shall be open for voting from 7:00 a.m. until 7:00 p.m. at the following polling place:

POLLING PLACES, AND PRECINCTS

Precinct 11, Precinct 40, Precinct 53, Precinct 58 and Precinct 68

2023 Polling Places – Vote Centers, voting shall occur at locations shown in Exhibit B -TBA

Any polling place may be changed by the Election Officer upon compliance with state and federal law.

Section 9. Early Voting. Early voting by personal appearance shall be conducted by Early Voting Clerks to be appointed by Brazoria County according to the Joint Election Agreement and Contract for Election Services entered into by and between the City of Manvel and Brazoria County, and, in accordance with Sections 83.032 and 83.034 of the Texas Election Code, the Early Voting Clerk may appoint one or more deputy early voting clerks who shall serve without additional compensation. Said clerks shall not permit anyone to vote early by personal appearance on any day that is not a regular working day for the Early Voting Clerk’s office, and, under no circumstances, shall they permit anyone to vote early by personal appearance at any time when such office is not open to the public.

Early voting shall occur at

**** See Exhibit B*****

for the period early voting is permitted by law.

The Early Voting Clerk shall keep said office open for early voting by personal appearance from 8:00 a.m. until 5:00 p.m. Monday, April 24, 2023 through Friday, April 28, 2023 and from 7:00 a.m. until 7:00 p.m. on April 29, 2023 and Monday May 1, 2023 and Tuesday May 2, 2023. Early voting shall be conducted in accordance with the requirements of the Texas Election Code.

The Early Voting Clerk's mailing address to which ballot applications and ballots voted by mail may be sent is:

Joyce Hudman, County Clerk
111 E. Locust, Suite 200
Angleton, TX 77515-4664
Or emailed to: ClerkElections@brazoria-county.com

Last day to receive Ballot by Mail - Saturday, May 6, 2023 (Election Day) at 7:00 p.m. if carrier envelope is **not** postmarked, **OR** Monday, May 8, 2023 (next business day after Election Day) at 5:00 p.m. if carrier envelope is postmarked by 7:00 p.m. at the location of the election on Election Day (unless overseas or military voter deadlines apply).

All ballots cast shall be counted by an Early Voting Ballot Board, and the Presiding Judge and his/her clerks are hereby appointed the Early Voting Ballot Board for said election.

All expenditures necessary for the conduct of the election, the purchase of materials, and the employment of all election officials are hereby authorized in accordance with the Texas Election Code.

The City Secretary is hereby authorized and directed to furnish all necessary election supplies to conduct such election.

Section 10. Election Judges and Clerks. The presiding judges, alternate presiding judges and clerks for the election shall be selected and appointed by Brazoria County and its appointees in compliance with the requirements of state law, and such judges and clerks so selected by Brazoria County and its appointees are hereby designated and appointed by the city council as the election officers, judges and clerks, respectively, for the holding of said general election. The presiding judges, alternate presiding judges and clerks shall perform the functions and duties of their respective positions that are provided by state law. The city council will further confirm and appoint the election judges and alternate election judges that are appointed by Brazoria County for the election.

The Presiding Judge and the Alternate Judge shall be compensated at a rate of \$14.00/hr – overtime rate \$21.00/hr and the election clerks shall be compensated at a rate of \$12.00/hr, - overtime rate \$18.00/hr in accordance with Section 32.091 of the Texas Election Code. Further compensation shall be paid in accordance with Section 32.092 of the Texas Election Code.

Section 11. General. The Election Officer shall hold said election in accordance with the Texas Election Code and the Election Services Contract, and only resident qualified voters of said City, and ETJ where applicable, shall be eligible to vote at said election. Returns of said election shall be made known as soon as possible after the closing of the polls; and the election returns shall be canvassed by the City Council not earlier than May 13, 2023 nor later than May 17, 2023.

The City Secretary of the City of Manvel, in consultation with the City Attorney, is hereby authorized and directed to take any and all actions necessary to comply with the provisions of the Code in carrying out and conducting the election, whether or not expressly authorized herein. The City Attorney is authorized to send any and all needed preclearance submissions to the Department of Justice, if any, in connection with this election.

Section 12. **Effective Date; Election Code.** This ordinance shall be in full force and effect from and after its passage on the date shown below; provided that if any term or provision of this Ordinance conflicts with, or is inconsistent with, the Texas Elections Code, the Texas Election Code shall govern and control and the Election Officer shall comply with the Texas Elections Code.

PASSED AND APPROVED on first reading this 6th day of February, 2023.

Debra Davison, Mayor

ATTEST:

Tammy Bell, City Secretary

APPROVED AS TO FORM:

Robert Gervais, City Attorney

EXHIBIT “A”

EXHIBIT “B”

JOINT CONTRACT FOR ELECTION SERVICES

THIS CONTRACT (this "Agreement") is made effective as of the Effective Date (as defined below), by and between the CITY OF MANVEL, TEXAS, acting by and through its governing body, hereinafter referred to as "Political Subdivision," and County Clerk of Brazoria County, Texas, hereinafter referred to as "County," and by authority of Section 31.092(a), Texas Election Code, and Chapter 791, Texas Local Government Code, for the conduct and supervision of the Political Subdivision's election to be held on MAY 6, 2023. Political Subdivision and County may be referred to individually as a "Party" and collectively as "the Parties."

This contract is made by and between the CITY OF MANVEL, TEXAS, acting by and through its governing body, hereinafter referred to as "Political Subdivision," and the County Election Officer of Brazoria County, defined by statute as the County Clerk through the authority set forth in Texas Election Code §§31.091 and 31.092. The purpose of this contract is for the performance of election services as authorized by statute. This contract shall serve as the general contract for each election for which the Political Subdivision requests the assistance of the County Clerk. Provisions specific to each particular election will be included as an attachment to the original contract. Political Subdivision and County Clerk may be referred to individually as "Party" or collectively as "Parties."

RECITALS

The County Clerk has care, custody, and control over the electronic voting system, the Hart InterCivic Verity Voting System (Version 2.5.3), which has been duly approved by the Secretary of State pursuant to Texas Election Code Chapter 122, as amended, and is compliant with the accessibility requirements set forth by Texas Election Code Section 61.012. Political Subdivision desires to use the electronic voting system and to compensate the County Clerk for such use and to share in certain other expenses connected with joint elections in accordance with the applicable provisions of Chapters 31 and 271 of the Texas Election Code.

NOW, THEREFORE, in consideration of the mutual covenants, agreements, and benefits to the parties, IT IS AGREED as follows:

I. ADMINISTRATION

The Parties agree to hold a "Joint Election" in accordance with Chapter 271 of the Texas Election Code and this Agreement. The County Clerk shall coordinate, supervise, and handle all aspects of administering the Joint Election as provided in this Agreement. Political Subdivision agrees to pay County Clerk for equipment, supplies, services, and administrative costs as provided in this Agreement. The County Clerk shall serve as the administrator for the Joint Election; however, the Political Subdivision shall remain responsible for the decisions and actions of its officers necessary for the lawful conduct of its election. The County Clerk shall provide advisory services in connection with decisions to be made and actions to be taken by the officers of the Political Subdivision.

It is understood that other political subdivisions may wish to participate in the use of the electronic voting system and polling places, and it is agreed that the County Clerk may enter into

other joint election agreements and contracts for election services for those purposes on terms and conditions set forth in the Election Code. Political Subdivision agrees that County Clerk may enter into joint election agreements with other political subdivisions that may have territory located partially or wholly within the boundaries of Political Subdivision, and, in such case, all parties sharing common territory shall share a joint ballot on the electronic voting system at the applicable polling places. In such cases, total costs shall be divided among the participants.

At each polling location, joint participants shall share voting equipment and supplies to the extent possible. The participating parties shall share a mutual ballot in those precincts where jurisdictions overlap. However, in no instance shall a voter be permitted to receive a ballot containing an office or proposition stating a measure on which the voter is ineligible to vote. Multiple ballot styles shall be available in those shared polling places where jurisdictions do not overlap.

II. LEGAL DOCUMENTS

Political Subdivision shall be responsible for the preparation, adoption, and publication of all required election orders, resolutions, notices, and any other pertinent documents required by the Texas Election Code or Political Subdivision's governing body, charter, or ordinances. With reference to publications, the County Clerk will publish the "Notice of Test of Automatic Tabulating Equipment" and the "Notice of Election." If a Political Subdivision is holding any type of Special Election, the Political Subdivision may have to publish their own "Notice of Election" in order to meet additional requirements. Please advise the County Clerk's Elections Office if the Political Subdivision must publish a separate notice so the Political Subdivision's notice is not included in the Notice published by the County Clerk.

Preparation of the necessary materials for notices and the official ballot shall be the responsibility of each participating authority, including translation to languages other than English. Each participating authority shall provide a copy of their respective election orders and notices to the County Clerk's Election Department.

III. STATUTORY COMPLIANCE

Political subdivisions shall follow all applicable State and Federal laws related to elections, including, but not limited to, Section 52.072 of the Election Code, which states in part, "A proposition shall be printed on the ballot in the form of a single statement."

Failure to do so may prohibit the political subdivision's participation in a Joint Election.

IV. VOTING LOCATIONS

The County Clerk's Election Office shall select and arrange for the use of and payment for all election day voting locations. Voting locations will be, whenever possible, the usual voting location for each election precinct in elections conducted by the county. The proposed voting locations will be provided once the final candidate filing deadline has been met and will be listed as Attachment "A". In the event a voting location is not available, the Elections Department will arrange for use of an alternate location with the approval of the Political Subdivision. The Elections Department shall notify the Political Subdivision of any changes from the locations listed as Attachment "A".

If polling places for the joint election in Attachment "A" are different from the polling place(s) used by Political Subdivision in its most recent election, Political Subdivision agrees to post a notice no later than the date of the election described in Attachment "A", at the entrance to any previous polling places in the jurisdiction, stating that the polling location has changed, and stating the political subdivision's polling place name(s) and address(s) in effect for the election described in Attachment "A". Any changes in voting location from those that were used in the most recent COUNTYWIDE JOINT election will be posted by the County Clerk's Election Office.

V. ELECTION JUDGES, CLERKS, AND OTHER ELECTION PERSONNEL

The Brazoria County Commissioners Court shall be responsible for the appointment of the presiding judge and alternate judge for each polling location in accordance with Chapter 32 of the Texas Election Code. In the event an emergency appointment is necessary, appointment shall be made in accordance with Election Code §32.007, which authorizes the presiding officer of the Brazoria County Commissioners Court to make an emergency appointment. Should that officer not be available, the County Clerk's office shall make emergency appointments of election officials. Upon request by the County Clerk, Political Subdivision agrees to assist in recruiting polling place officials who are bilingual (fluent in both English and Spanish).

The County's Elections Department shall notify all election judges of the eligibility requirements of Subchapter C of Chapter 32 of the Texas Election Code, and will take the necessary steps to ensure that all election judges appointed for the Joint Election are eligible to serve.

The County Clerk shall arrange for the training and compensation of all election judges and clerks. The Elections Department shall arrange for the date, time, and place for the presiding election judge to pick up their election supplies. Each presiding election judge will be sent a letter from the Elections Department notifying him of his appointment, the time and location of training and distribution of election supplies, and the number of election clerks that the presiding judge may appoint.

Each election judge will receive compensation at an hourly rate of \$14.00. Each election clerk will receive compensation at an hourly rate of \$12.00. The election judge will receive an additional sum of \$25.00 for picking up the election supplies prior to Election Day and for returning the supplies and equipment to the central counting station after the polls close. All judges and clerks who attend training will be compensated at an hourly rate of \$8.00 as compensation for same.

It is agreed by all Parties that at all times and for all purposes hereunder, all election judges, clerks, and all other personnel involved in this election are temporary part-time employees subject only to those benefits available to such employees.

VI. PREPARATION OF SUPPLIES AND VOTING EQUIPMENT

The County Clerk Elections Department shall arrange for all election supplies and voting equipment including, but not limited to, official ballots, sample ballots, voter registration lists, and all forms, signs and other materials used by the election judges at the voting locations. At each polling location, joint participants shall share voting equipment and supplies to the extent possible. The participating parties shall share a mutual ballot in those precincts where jurisdictions overlap. However, in no instance shall a voter be permitted to receive a ballot containing an office or proposition stating a measure on which the voter is ineligible to vote. Multiple ballot styles shall be available in those shared polling places where jurisdictions do not overlap. The County Clerk Elections Department shall provide the necessary voter registration information, instructions, and other information needed to enable the election judges in the voting locations that have more than one ballot style to conduct a proper election. If special maps are needed for a particular Political Subdivision, the County Clerk Election Department will order the maps and pass that charge on to that particular Political Subdivision.

Political Subdivision shall furnish the County Clerk a list of candidates and/or propositions showing the order and the exact manner in which the candidate names and/or proposition(s) are to appear on the official ballot (including titles and text in each language in which the authority's ballot is to be printed). THE POLITICAL SUBDIVISION SHALL ALSO PROVIDE A COPY OF EACH CANDIDATE'S APPLICATION TO THE COUNTY CLERK ELECTIONS OFFICE. This list shall be delivered to the County Clerk Elections Department as soon as possible after ballot positions have been determined by each of the participating authorities. Each participating authority shall be responsible for proofreading and approving the ballot insofar as it pertains to that authority's candidates and/or propositions. If any error or changes are discovered after the Logic and Accuracy test has been conducted and ballots prepared then the Political Subdivision will be responsible for all cost.

VII. EARLY VOTING

The Parties agree to conduct joint early voting and to appoint the County Clerk as the Early Voting Clerk in accordance with Sections 31.097 and 271.006 of the Texas Election Code. Political Subdivision agrees to appoint the County Clerk's permanent county employees as deputy early voting clerks. The Parties further agree that each Early Voting Location will have an "Officer in Charge" who will receive compensation at an hourly rate of \$14.00. The clerks at each location will receive compensation at an hourly rate of \$12.00. Early Voting by personal appearance will be held at the locations, dates, and times listed in Attachment "B" of this document. Any qualified voter of the Joint Election may vote early by personal appearance at any one of the joint early voting locations.

As Early Voting Clerk, the County Clerk shall receive applications for early voting ballots to be voted by mail in accordance with Chapter 86 of the Texas Election Code. Any requests for early voting ballots to be voted by mail received by the Political Subdivision shall be forwarded immediately by fax or courier to the Elections Department for processing.

The County Clerk Elections Department shall, upon request, provide the Political Subdivision a copy of the early voting report on a daily basis and a cumulative final early voting report following the election.

VIII. EARLY VOTING BALLOT BOARD

The County Clerk shall appoint an Early Voting Ballot Board (EVBB) to process early voting results from the Joint Election. The Presiding Judge, with the assistance of the County Clerk Elections Department, shall appoint three or more additional members to constitute the EVBB. The County Clerk Elections Department shall determine the number of EVBB members required to efficiently process the early voting ballots.

IX. CENTRAL COUNTING STATION AND ELECTION RETURNS

The County shall be responsible for establishing and operating the central counting station to receive and tabulate the voted ballots in accordance with the provisions of the Texas Election Code and of this agreement.

The participating authorities hereby, in accordance with Section 127.002, 127.003, and 127.005 of the Texas Election Code, appoint the following central counting station officials:

Counting Station Manager:	Lisa Mujica
Alternate Counting Station Manager:	Brandy Pena
Tabulation Supervisor:	Susan Cunningham
Alternate Tabulation Supervisor:	Johnathan Escamilla
Presiding Judge:	Tamara Reynolds
Alternate Presiding Judge:	Dottie Cornett

The County Clerk Elections Department will prepare the unofficial canvass reports after all precincts have been counted, and will deliver a copy of the unofficial canvass to the Political Subdivision as soon as possible after all returns have been tabulated. All participating authorities shall be responsible for the official canvass of their respective elections.

The County Clerk Elections Department shall be responsible for conducting the post-election manual recount required by Section 127.201 of the Texas Election Code unless a waiver is granted by the Secretary of State. Notification and copies of the recount, if waiver is denied, will be provided to each participating authority and the Secretary of State's Office.

The County Clerk Elections Department shall submit all Cities' precinct by precinct returns to the Texas Secretary of State's Office electronically.

The County Clerk Elections Department shall post all election night results to County website on election night. <https://www.brazoriacountyclerktx.gov>.

X. ELECTION EXPENSES AND ALLOCATION OF COSTS

The Parties agree to share the costs of administering the Joint Election. Allocation of costs, unless specifically stated otherwise, is mutually agreed to be shared. The County participates in "Vote Centers," therefor all political subdivisions can vote at any location.

It is agreed that the normal rental rate charged for the County's voting equipment used on election day shall be calculated per polling locations and among the participants utilizing each polling location. (See "Exhibit 1" for rental rates.) Total cost will be calculated, and then multiplied by the Political Subdivisions percentage number of registered voters or with the minimum of \$2000.00, for those with lesser amount, additional cost associated will be itemized and billed.

Costs for Early Voting by Personal Appearance will also be charge with the same formula as Election Day. Those political subdivisions with the percentage of registered voters less than amount equal to \$2000.00 will be a minimum amount of \$2000.00 for the early voting period.

Political Subdivision contracting for a runoff shall be responsible for all associated costs.

XI. WITHDRAWAL FROM CONTRACT DUE TO CANCELLATION OF ELECTION

Political Subdivision may withdraw from this agreement and the Joint Election should it cancel its election in accordance with Sections 2.051 - 2.053 of the Texas Election Code, or should it be later ruled that the election is not needed. Political Subdivision is fully liable for any expenses incurred by County Clerk on behalf of the Political Subdivision. Any monies deposited with the county by the withdrawing authority shall be refunded, minus the aforementioned expenses.

XII. RECORDS OF THE ELECTION

The County Clerk is hereby appointed general custodian of the voted ballots and all records of the Joint Election as authorized by Section 271.010 of the Texas Election Code.

Access to the election records shall be available to each participating authority, as well as to the public, in accordance with applicable provisions of the Texas Election Code and the Texas Public Information Act. The election records shall be stored at the offices of the County Clerk or at an alternate facility used for storage of county records. The County Clerk Elections Department shall ensure that the records are maintained in an orderly manner so that the records are clearly identifiable and retrievable.

Records of the election shall be retained and disposed of in accordance with the provisions of Section 66.058 of the Texas Election Code. If records of the election are involved in any pending election contest, investigation, litigation, or open records request, the County Clerk shall maintain the records until final resolution or until final judgment, whichever is applicable. It is the responsibility of each participating authority to bring to the attention of the County Clerk any notice of pending election contest, investigation, litigation or open records request which may be filed with the participating authority.

XIII. RECOUNTS

A recount may be obtained as provided by Title 13 of the Texas Election Code. Political Subdivision agrees that any recount shall take place at the offices of the County Clerk and that the County Clerk shall serve as Recount Supervisor and the Political Subdivision's official or employee who performs the duties of a secretary under the Texas Election Code shall serve as Recount Coordinator.

The County Clerk Elections Department agrees to provide advisory services to the Political Subdivision as necessary to conduct a proper recount and cost of the recount depends on the size of the election and number of precincts to be recounted.

XIV. MISCELLANEOUS PROVISIONS

1. It is understood that to the extent space is available, that other districts and political subdivisions may wish to participate in the use of the election equipment and voting places; it is agreed that the County Clerk may contract with such other districts or political subdivisions for such purposes, and that in such event, there may be an adjustment of the pro-rata share to be paid to the County by the participating authorities.
2. The County Clerk shall file copies of this document with the County Treasurer and the County Auditor in accordance with Section 31.099 of the Texas Election Code.
3. In the event that legal action is filed contesting the Political Subdivision's election under Title 14 of the Texas Election Code, Political Subdivision shall choose and provide, at its own expense, legal counsel for the County, the County Clerk, and additional election personnel as necessary.
4. Nothing in this contract prevents any party from taking appropriate legal action against any other party and/or other election personnel for a breach of this contract or a violation of the Texas Election Code; however, any action taken is subject to any immunity provided by statute or common law to governmental entities. For purposes of this contract, the County Clerk's office is acting as a governmental entity covered by any immunity available to Brazoria County.
5. The parties agree that under the Constitution and laws of the State of Texas, neither Brazoria County nor Political Subdivision can enter into an agreement whereby either party agrees to indemnify or hold harmless another party; therefore, all references of any kind, if any, to indemnifying or holding or saving harmless for any reason are hereby deleted.
6. This agreement shall be construed under and in accord with the laws of the State of Texas, and all obligations of the parties created hereunder are performable in Brazoria County, Texas.
7. In the event of one or more of the provisions contained in this Agreement shall for any reason be held to be invalid, illegal, or unenforceable in any respect, such invalidity,

illegality, or unenforceability shall not affect any other provision hereof and this agreement shall be construed as if such invalid, illegal, or unenforceable provision had never been contained herein.

8. All parties shall comply with all applicable laws, ordinances, and codes of the State of Texas, all local governments, and any other entities with local jurisdiction.
9. The waiver by any party of a breach of any provision of this agreement shall not operate as or be construed as a waiver of any subsequent breach.
10. Any amendments of this agreement shall be of no effect unless in writing and signed by all parties hereto.
11. **Authorization of Agreement**. This Agreement has been approved and authorized by the governing body of the Political Subdivision.
12. **Purpose, Terms, Rights, and Duties of the Parties**. The purpose, terms, rights, and duties of the Parties shall be as set forth in this Agreement.
13. **Payments from Current Revenues**. Each Party paying for the performance of governmental functions or services must make those payments from current revenues available to that paying Party.
14. **Fair Compensation**. The Parties acknowledge and agree that each of the payments contemplated by this Agreement fairly compensate the performing Party.
15. **Termination**. At any time and for any reason, either Party may terminate this Agreement by providing thirty (30) days' written notice of termination to the other Party.
16. **Funding**. The Parties understand and acknowledge that the funding of this Agreement is contained in each Party's annual budget and is subject to the approval of each Party in each fiscal year. The Parties further agree that should the governing body of any Party fail to approve a budget that includes sufficient funds for the continuation of this Agreement, or should the governing body of any Party fail to certify funds for any reason, then and upon the occurrence of such event, this Agreement shall automatically terminate as to that Party and that Party shall then have no further obligation to the other Party. When the funds budgeted or certified during any fiscal year by a Party to discharge its obligations under this Agreement are expended, the other Party's ***sole and exclusive remedy*** shall be to terminate this Agreement.
17. **No Joint Enterprise**. The Agreement is not intended to, and shall not be construed to, create any joint enterprise between or among the Parties.
18. **Public Information**. This Agreement is public information. To the extent, if any, that any provision of this Agreement is in conflict with Texas Government Code Chapter 552, et seq., as amended (the "Texas Public Information Act"), such provision shall be void and have no force or effect.

19. **No Third-Party Beneficiaries**. This Agreement is entered solely by and between, and may be enforced only by and among the Parties. Except as set forth herein, this Agreement shall not be deemed to create any rights in, or obligations to, any third parties.
20. **No Personal Liability**. Nothing in this Agreement shall be construed as creating any personal liability on the part of any employee, officer, or agent of any Party to this Agreement.
21. Nothing in this Agreement requires that either the Political Subdivision or County incur debt, assess or collect funds, or create a sinking fund.
22. **Sovereign Immunity Acknowledged and Retained**. **THE PARTIES EXPRESSLY ACKNOWLEDGE AND AGREE THAT NO PROVISION OF THIS AGREEMENT IS IN ANY WAY INTENDED TO CONSTITUTE A WAIVER BY ANY PARTY OF ANY IMMUNITY FROM SUIT OR LIABILITY THAT A PARTY MAY HAVE BY OPERATION OF LAW. THE CITY AND THE COUNTY RETAIN ALL GOVERNMENTAL IMMUNITIES.**

XV. COST ESTIMATES AND DEPOSIT OF FUNDS

It is estimated that the Political Subdivision's obligation under the terms of this agreement shall be DETERMINED AFTER THE ELECTION. Political Subdivision agrees to pay to County a deposit of \$2,000.00. This deposit shall be paid to County within 10 business days after the final candidate filing deadline. The final candidate filing deadline is February 17, 2023. Therefore, Deposit is due by March 3, 2023. The exact amount of the Political Subdivision's obligation under the terms of this Agreement shall be calculated after the May 6, 2023, election; and if the amount of the Political Subdivision's obligation exceeds the amount deposited, the Political Subdivision shall pay to County the balance **due within thirty (30) days after receipt of the final invoice from the County's Election Department**. However, if the amount of the Political Subdivision's obligation is less than the amount deposited, County shall refund to the Political Subdivision the excess amount paid within thirty (30) days after final costs are calculated.

IN TESTIMONY HEREOF, this agreement, its multiple originals all of equal force, has been executed on behalf of the parties.

(1) On the _____ day of _____, 2023 been executed on behalf of the County Clerk by the County Clerk pursuant to the Texas Election Code;

(2) On the _____ day of _____, 2023 been executed on behalf of the Political Subdivision by its Mayor or authorized representative, pursuant to an action of the Political Subdivision.

BRAZORIA COUNTY, COUNTY CLERK by

Joyce Hudman, County Clerk

ATTEST:

CITY OF MANVEL, TEXAS

_____ By _____
Presiding Officer or Authorized Representative
CITY OF MANVEL

	ATTACHMENT "A" SUBJECT TO CHANGE
Home Pct #	Polling Place
1	East Annex (Old Walmart), 1524 E Mulberry, Angleton
2	Precinct 4 Building #2, 121 N 10th St, West Columbia
4	Brazoria Library, 620 S Brooks, Brazoria
7	Freeport Library, 410 Brazosport Blvd, Freeport
12	Drainage District No. 4 Building, 4813 W Broadway, Pearland
14	Sweeny Community Center, 205 W Ashley Wilson Rd, Sweeny
15	Danbury Community Center, 6115 5th St, Danbury
19	Clute Event Center, 100 Parkview Dr, Clute
20	Jones Creek Comm House, 7207 Stephen F Austin Rd, Jones Creek
23	Lake Jackson Civic Center, 333 Hwy 332 East, Lake Jackson
29	West Pearland Community Center, 2150 Countryplace Pkwy, Pearland
37	Pearland Recreation Center, 4141 Bailey Rd, Pearland
39	Alvin Library, 105 S Gordon, Alvin
44	Silverlake Recreation Center, 2715 Southwyck Pkwy, Pearland
46	Tom Reid Library, 3522 Liberty Dr, Pearland
50	West Pearland Library, 11801 Shadow Creek Pkwy, Pearland
65	North Annex, 7313 Corporate Dr, Manvel
75	Richwood City Hall, 1800 N Brazosport Blvd, Richwood
TENTATIVE, DEPENDING ON WHETHER THE CITY HAS AN ELECTION:	
6	Liverpool City Hall, 8901 CR 171, Liverpool
8	Oyster Creek City Hall, 3210 FM 523, Oyster Creek
9	Bonney Annex Building, 19025 FM 521, Bonney
25	Hillcrest Village Municipal Building, 200 W Timberlane, Alvin
26	Brookside Village Community Center, 6243 Brookside Rd, Brookside Village
38	Surfside Beach City Hall, 1304 Monument Dr, Surfside Beach

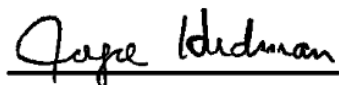
ATTACHMENT "B"
NOTICE OF EARLY VOTING AT BRANCH POLLING PLACES

Early voting by personal appearance will be conducted at the following locations:

Angleton (Main)East Annex, 1524 E Mulberry
AlvinAlvin Library, 105 S Gordon
BrazoriaBrazoria Library, 620 S Brooks
FreeportFreeport Library, 410 Brazosport Blvd
Lake Jackson.....Lake Jackson Civic Center, 333 Hwy 332 East
ManvelNorth Annex, 7313 Corporate Dr
Pearland EastTom Reid Library, 3522 Liberty Dr
Pearland West.....West Pearland Community Center, 2150 Countryplace Pkwy
Shadow CreekWest Pearland Library, 11801 Shadow Creek Pkwy
SweenySweeny Community Center, 205 W Ashley Wilson Rd
West Columbia.....Precinct 4 Building #2, 121 N 10th St

DATES AND HOURS:

April 24-28.....8 AM – 5 PM
April 297 AM – 7 PM
May 1-27 AM – 7 PM



Early Voting Clerk

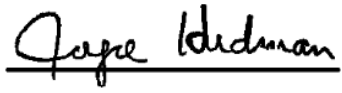
AVISO DE VOTACIÓN ADELANTADA EN LOS SITIOS DE VOTACIÓN AUXILIARES

La votación adelantada en persona se llevará a cabo en los siguientes sitios de esta manera:

Angleton (Ubicación Principal)East Annex, 1524 E Mulberry
AlvinAlvin Library, 105 S Gordon
BrazoriaBrazoria Library, 620 S Brooks
FreeportFreeport Library, 410 Brazosport Blvd
Lake JacksonLake Jackson Civic Center, 333 Hwy 332 East
ManvelNorth Annex, 7313 Corporate Dr
Pearland EsteTom Reid Library, 3522 Liberty Dr
Pearland OesteWest Pearland Community Center, 2150 Countryplace Pkwy
Shadow CreekWest Pearland Library, 11801 Shadow Creek Pkwy
SweenySweeny Community Center, 205 W Ashley Wilson Rd
West ColumbiaPrecinct 4 Building #2, 121 N 10th St

FECHAS Y HORAS

24-28 de abril8 AM – 5 PM
29 de abril7 AM – 7 PM
1-2 de mayo7 AM – 7 PM

A handwritten signature in black ink, reading "Joyce Hedman". The signature is written in a cursive style with a horizontal line underneath the name.

Secretaria de la Votación Adelantada

RATE SHEETS FOR BRAZORIA COUNTY ELECTIONS:

MAY (COUNTYWIDE JOINT)

EQUIPMENT RENTAL

CONTROLLER	\$350.00 each
SCANNER UNIT (additional 2023).....	\$425.00 each
ACCESS WITH TOUCH UNIT (DOU).....	\$375.00 each
TOUCH UNITS	\$325.00 each
POLLPADS	\$50.00 each
MI-FI/ HOTSPOT	\$50.00 each

This is not a daily charge. This price is for the entire election even if it is for 12days of voting.

OTHER CHARGES

Programming (increase 2023)	\$ 450.00
Tabulating.....	\$150.00
Equipment Delivery and Pickup	
Truck Rental (per delivery location)	\$25.00
Labor (Per delivery location)	\$75.00
Supply tubs EV-ED (see attached list for contents)	\$75.00
Mail Ballots will be billed per entity kits including postageDomestic...\$1.74...Overseas...\$2.36	
Publications charged based on % of registered voters.....	
Ballot Paper size 8.5 x 11.....	18 cents per sheet
Ballot Paper size 8.5 x 14.....	24 cents per sheet

Workers-Judges	\$14.00 per hour -Overtime rate \$21.00 per hour
Clerks	\$12.00 per hour- Overtime rate \$18.00 per hour

ELECTION DAY (increase 2023)

For Election Day, we will calculate the cost for each location (see Exhibit ‘A2”) the total cost for Election Day will then calculated per percentage of registered voters of each political subdivision. All political subdivisions in Brazoria County less than 1000 registered voters, charges will be the minimum of \$2000.00 for Election Day.

EARLY VOTING (increase 2023)

For Early Voting we also calculate worksheets for each of the 10-11 early voting locations. Once we have the total cost for all locations, we do a spreadsheet that divides the cost between all political subdivisions based on the percentage of registered voters in each. Since we have large and small cities in our county, the minimum charge for early voting will be \$2000.00.

OVERTIME

We keep a record of our overtime for the May Elections and the staff gets paid overtime. Since we charge for programming and tabulations that money goes towards the employee’s overtime. If we have more overtime than covered by a calculated programming and tabulation fees, we will add in the additional overtime when sending the final bills.

RATE SHEETS FOR BRAZORIA COUNTY ELECTIONS:

NOVEMBER (COUNTYWIDE JOINT)

For November Elections, the Election Day and Early voting charges are just like the countywide joint in May. If the only political subdivisions at a location are Brazoria County and one entity, total cost calculated will be per percentage of registered voters for the entity.

Runoffs Elections will be the responsibility of whichever entity will be conducting a runoff election.

Any errors or changes related to a Political Subdivision oversight and if it results in reprogramming the entirety election, will be responsible for all associated cost.

ORDINANCE NO. 2023-O-04

AN ORDINANCE OF THE CITY OF MANVEL, TEXAS, ORDERING THE HOLDING OF A SPECIAL ELECTION ON MAY 6, 2023, FOR THE PURPOSE OF ELECTING A COUNCILMEMBER TO FILL A VACANCY FOR THE UNEXPIRED TERM OF PLACE 2 FOR ONE YEAR; DESIGNATING THE CITY ELECTION PRECINCTS; DESIGNATING A POLLING PLACE; PROVIDING FOR THE APPOINTMENT OF A PRESIDING ELECTION JUDGE AND ALTERNATE PRESIDING ELECTION JUDGE; APPROVING A JOINT ELECTION CONTRACT AND AUTHORIZING THE MAYOR TO EXECUTE; ESTABLISHING OTHER PROCEDURES FOR CONDUCTING THE ELECTION; PROVIDING FOR THE INCORPORATION OF THE PREAMBLE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the laws of the State of Texas provide that on May 6, 2023, there shall be a special election for a municipal officer;

WHEREAS, Article III of the City Charter provides for the elections of its city councilmembers; and

WHEREAS, the City Council of the City of Manvel, Texas, (hereinafter referred to as the “City”) has determined that the City should conduct its special municipal election on Saturday, May 6, 2023, and that the following officials shall be elected for the City:

Place 2 Vacancy (Unexpired term for one year)

WHEREAS, the election so ordered for the City of Manvel is being ordered not later than 62 days before the election day pursuant to §3.005(a), Texas Election Code; and

WHEREAS, the Texas Election Code is applicable to said election, and in order to comply with said Code, an ordinance should be passed calling the election and establishing the procedures to be followed in said election, and designating the voting place for said election; and

WHEREAS, section 4.10(f) of the City Charter provides that an ordinance calling an election only requires one reading; and

WHEREAS, the City of Manvel (the “City”) lies within the boundaries of Brazoria County; and

WHEREAS, the City approves and agrees to conducting the City Special Election jointly with other political subdivisions in Brazoria County in accordance with *Tex. Elec. Code, Chapter 271*; and

WHEREAS, the City and other political subdivisions in the area have made provision to contract with the Brazoria County Elections Officer to conduct the City's election, pursuant to *Chapter 31, Tex. Elec. Code*, and *Chapter 791, Tex. Gov't Code*;

WHEREAS, the City Council desires to authorize the Mayor to execute a joint election agreement and contract for election services with Brazoria County for the conduct and supervision of the election to be held on May 6, 2023 “Exhibit A”;

NOW THEREFORE, BE IT ORDAINED AND ORDERED BY THE CITY COUNCIL OF THE CITY OF MANVEL, TEXAS, THAT:

Section 1. The facts and matters contained in the preamble are hereby found to be true and correct and are incorporated herein and made a part hereof for all purposes.

Section 2. Special Ordered and Notice of Election. A special election shall be held on May 6, 2023 to elect a Councilmember to fill the vacancy of the unexpired term of Place 2 for one year of the City of Manvel, Texas. The Mayor is hereby authorized to order and give notice of such election in accordance with the Order of City Officers Election and Notice of City Officers Election shall be attached hereto and made a part hereof by reference "Exhibit B". Said Order and Notice will be printed in English and Spanish when required to comply with bilingual requirements as stipulated in Voting Rights Act of 1985. Said Order and Notice shall be posted in accordance with terms and provisions of Chapter 4 of the Texas Election Code. The Mayor shall issue all necessary orders and writs for such election, and returns of such election shall be made to the City Secretary immediately after the closing of the polls.

Section 3. Filing Period. Candidates for the above officer may file their application beginning February 7, 2023, and shall file their applications **no later than 5:00 p.m. March 7, 2023**. All candidates for the office to be filed in the election to be held on May 6, 2023, shall file their application to become candidates, with the City Secretary of the City at City Hall, 20031 Hwy 6, Manvel, Texas, on any weekday that is not a City holiday, between 8:30 a.m. and 5:30 p.m., and all of said applications shall be on a form as prescribed by the Election Code of the State of Texas. The City Secretary shall note on the face of each such application the date and time of its filing. Such application shall include the number of the place the candidate is seeking. A declaration of write-in candidacy must be filed with the City Secretary, as provided by Section 146.054 of the Texas Election Code, not later than 5:00 p.m. on March 9, 2023, except as otherwise provided in the case of a deceased or ineligible candidate.

Section 4. Drawing. The order in which the names of the candidates are to be printed on the ballot shall be determined by a drawing conducted by the City Secretary as provided by the Election Code. The City Secretary shall post a notice in her office, at least 72 hours prior to the date on which the drawing is to be held, of the time and place of the drawing, and shall also give personal notice to any candidate who makes written request for such notice and furnishes to the City Secretary a self-addressed, stamped envelope. Each candidate involved in the drawing, or a representative designated by him or her, shall have a right to be present and observe the drawing.

Section 5. Ballots and Printed Materials. The ballots used for the election shall comply with the *Texas Election Code* and be in the form provided by the City to the Brazoria County Election Officer (the "Election Officer") for use on the voting devices and ballots used by Brazoria County. The official ballots, together with such other election materials as are required by the *Tex. Elec. Code*, as amended, shall be printed in both the English and Spanish languages and shall contain such provisions, markings and language as required by law.

Section 6. Joint Election. The City agrees to conduct a joint election with the political subdivisions designated by the Elections Officer, provided that such political subdivisions hold an election on May 6, 2023 in all or part of the same territory as the City. The joint election for political subdivisions in Brazoria County will be conducted in accordance with state law, this ordinance, and the Joint Election

Agreement and Contract for Election Services with Brazoria County (“Election Services Contract”-See Exhibit A). The Joint Election Agreement and Contract for Election Services with Brazoria County is approved and the Mayor is authorized to execute the agreement. Per instruction from the Brazoria County Elections Director, the County will prepare one Notice of Election that includes all political subdivisions and publish the notice in three newspapers: 1- The Facts 2 – The Alvin Sun 3- One of the Pearland Newspapers. The City will still prepare the City’s Notice of Election to post.

Section 7. Conduct of Election. The Election Officer and his/her employees and appointees, and the election judges, alternate judges and clerks properly appointed for the election, shall hold and conduct the election in the manner provided by the Election Services Contract and the law governing the holding of special elections by home-rule cities of the State of Texas.

Section 8. Election Precinct and Polling Place. The present boundaries of the City of Manvel, Texas shall constitute five (5) precincts for the election, and the polls shall be open for voting from 7:00 a.m. until 7:00 p.m. at the following polling place:

POLLING PLACES, AND PRECINTS

Precinct 11, Precinct 40, Precinct 53, Precinct 58 and Precinct 68

2023 Polling Places – Vote Centers, voting shall occur at locations shown in Exhibit B –(Subject to change)

Any polling place may be changed by the Election Officer upon compliance with state and federal law.

Section 9. Early Voting. Early voting by personal appearance shall be conducted by Early Voting Clerks to be appointed by Brazoria County according to the Joint Election Agreement and Contract for Election Services entered into by and between the City of Manvel and Brazoria County, and, in accordance with Sections 83.032 and 83.034 of the Texas Election Code, the Early Voting Clerk may appoint one or more deputy early voting clerks who shall serve without additional compensation. Said clerks shall not permit anyone to vote early by personal appearance on any day that is not a regular working day for the Early Voting Clerk’s office, and, under no circumstances, shall they permit anyone to vote early by personal appearance at any time when such office is not open to the public.

Early voting shall occur at *** See Exhibit B*** for the period early voting is permitted by law.

The Early Voting Clerk shall keep said office open for early voting by personal appearance from 8:00 a.m. until 5:00 p.m. Monday, April 24, 2023 through Friday, April 28, 2023 and from 7:00 a.m. until 7:00 p.m. on April 29, 2023 and Monday May 1, 2023 and Tuesday May 2, 2023. Early voting shall be conducted in accordance with the requirements of the Texas Election Code.

The Early Voting Clerk’s mailing address to which ballot applications and ballots voted by mail may be sent is:

Joyce Hudman, County Clerk

111 E. Locust, Suite 200

Angleton, TX 77515-4664

Or emailed to: ClerkElections@brazoria-county.com

Last day to receive Ballot by Mail - Saturday, May 6, 2023 (Election Day) at 7:00 p.m. if carrier envelope is **not** postmarked, **OR** Monday, May 8, 2023 (next business day after Election Day) at 5:00 p.m. if carrier envelope is postmarked by 7:00 p.m. at the location of the election on Election Day (unless overseas or military voter deadlines apply).

All ballots cast shall be counted by an Early Voting Ballot Board, and the Presiding Judge and his/her clerks are hereby appointed the Early Voting Ballot Board for said election.

All expenditures necessary for the conduct of the election, the purchase of materials, and the employment of all election officials are hereby authorized in accordance with the Texas Election Code.

The City Secretary is hereby authorized and directed to furnish all necessary election supplies to conduct such election.

Section 10. Election Judges and Clerks. The presiding judges, alternate presiding judges and clerks for the election shall be selected and appointed by Brazoria County and its appointees in compliance with the requirements of state law, and such judges and clerks so selected by Brazoria County and its appointees are hereby designated and appointed by the city council as the election officers, judges and clerks, respectively, for the holding of said special election. The presiding judges, alternate presiding judges and clerks shall perform the functions and duties of their respective positions that are provided by state law. The city council will further confirm and appoint the election judges and alternate election judges that are appointed by Brazoria County for the election.

The Presiding Judge and the Alternate Judge shall be compensated at a rate of \$14.00/hr – overtime rate \$21.00/hr and the election clerks shall be compensated at a rate of \$12.00/hr, - overtime rate \$18.00/hr in accordance with Section 32.091 of the Texas Election Code. Further compensation shall be paid in accordance with Section 32.092 of the Texas Election Code.

Section 11. General. The Election Officer shall hold said election in accordance with the Texas Election Code and the Election Services Contract, and only resident qualified voters of said City, and ETJ where applicable, shall be eligible to vote at said election. Returns of said election shall be made known as soon as possible after the closing of the polls; and the election returns shall be canvassed by the City Council not earlier than May 15, 2023 nor later than May 17, 2023.

The City Secretary of the City of Manvel, in consultation with the City Attorney, is hereby authorized and directed to take any and all actions necessary to comply with the provisions of the Code in carrying out and conducting the election, whether or not expressly authorized herein. The City Attorney is authorized to send any and all needed preclearance submissions to the Department of Justice, if any, in connection with this election.

Section 12. Effective Date; Election Code. This ordinance shall be in full force and effect from and after its passage on the date shown below; provided that if any term or provision of this Ordinance conflicts with, or is inconsistent with, the Texas Elections Code, the Texas Election Code shall govern and control and the Election Officer shall comply with the Texas Elections Code.

PASSED AND APPROVED on first reading this _____ day of February, 2023.

Debra Davison, Mayor

ATTEST:

Tammy Bell, City Secretary

APPROVED AS TO FORM:

Robert Gervais, City Attorney

EXHIBIT “A”

EXHIBIT “B”

JOINT CONTRACT FOR ELECTION SERVICES

THIS CONTRACT (this "Agreement") is made effective as of the Effective Date (as defined below), by and between the CITY OF MANVEL, TEXAS, acting by and through its governing body, hereinafter referred to as "Political Subdivision," and County Clerk of Brazoria County, Texas, hereinafter referred to as "County," and by authority of Section 31.092(a), Texas Election Code, and Chapter 791, Texas Local Government Code, for the conduct and supervision of the Political Subdivision's election to be held on MAY 6, 2023. Political Subdivision and County may be referred to individually as a "Party" and collectively as "the Parties."

This contract is made by and between the CITY OF MANVEL, TEXAS, acting by and through its governing body, hereinafter referred to as "Political Subdivision," and the County Election Officer of Brazoria County, defined by statute as the County Clerk through the authority set forth in Texas Election Code §§31.091 and 31.092. The purpose of this contract is for the performance of election services as authorized by statute. This contract shall serve as the general contract for each election for which the Political Subdivision requests the assistance of the County Clerk. Provisions specific to each particular election will be included as an attachment to the original contract. Political Subdivision and County Clerk may be referred to individually as "Party" or collectively as "Parties."

RECITALS

The County Clerk has care, custody, and control over the electronic voting system, the Hart InterCivic Verity Voting System (Version 2.5.3), which has been duly approved by the Secretary of State pursuant to Texas Election Code Chapter 122, as amended, and is compliant with the accessibility requirements set forth by Texas Election Code Section 61.012. Political Subdivision desires to use the electronic voting system and to compensate the County Clerk for such use and to share in certain other expenses connected with joint elections in accordance with the applicable provisions of Chapters 31 and 271 of the Texas Election Code.

NOW, THEREFORE, in consideration of the mutual covenants, agreements, and benefits to the parties, IT IS AGREED as follows:

I. ADMINISTRATION

The Parties agree to hold a "Joint Election" in accordance with Chapter 271 of the Texas Election Code and this Agreement. The County Clerk shall coordinate, supervise, and handle all aspects of administering the Joint Election as provided in this Agreement. Political Subdivision agrees to pay County Clerk for equipment, supplies, services, and administrative costs as provided in this Agreement. The County Clerk shall serve as the administrator for the Joint Election; however, the Political Subdivision shall remain responsible for the decisions and actions of its officers necessary for the lawful conduct of its election. The County Clerk shall provide advisory services in connection with decisions to be made and actions to be taken by the officers of the Political Subdivision.

It is understood that other political subdivisions may wish to participate in the use of the electronic voting system and polling places, and it is agreed that the County Clerk may enter into

other joint election agreements and contracts for election services for those purposes on terms and conditions set forth in the Election Code. Political Subdivision agrees that County Clerk may enter into joint election agreements with other political subdivisions that may have territory located partially or wholly within the boundaries of Political Subdivision, and, in such case, all parties sharing common territory shall share a joint ballot on the electronic voting system at the applicable polling places. In such cases, total costs shall be divided among the participants.

At each polling location, joint participants shall share voting equipment and supplies to the extent possible. The participating parties shall share a mutual ballot in those precincts where jurisdictions overlap. However, in no instance shall a voter be permitted to receive a ballot containing an office or proposition stating a measure on which the voter is ineligible to vote. Multiple ballot styles shall be available in those shared polling places where jurisdictions do not overlap.

II. LEGAL DOCUMENTS

Political Subdivision shall be responsible for the preparation, adoption, and publication of all required election orders, resolutions, notices, and any other pertinent documents required by the Texas Election Code or Political Subdivision's governing body, charter, or ordinances. With reference to publications, the County Clerk will publish the "Notice of Test of Automatic Tabulating Equipment" and the "Notice of Election." If a Political Subdivision is holding any type of Special Election, the Political Subdivision may have to publish their own "Notice of Election" in order to meet additional requirements. Please advise the County Clerk's Elections Office if the Political Subdivision must publish a separate notice so the Political Subdivision's notice is not included in the Notice published by the County Clerk.

Preparation of the necessary materials for notices and the official ballot shall be the responsibility of each participating authority, including translation to languages other than English. Each participating authority shall provide a copy of their respective election orders and notices to the County Clerk's Election Department.

III. STATUTORY COMPLIANCE

Political subdivisions shall follow all applicable State and Federal laws related to elections, including, but not limited to, Section 52.072 of the Election Code, which states in part, "A proposition shall be printed on the ballot in the form of a single statement."

Failure to do so may prohibit the political subdivision's participation in a Joint Election.

IV. VOTING LOCATIONS

The County Clerk's Election Office shall select and arrange for the use of and payment for all election day voting locations. Voting locations will be, whenever possible, the usual voting location for each election precinct in elections conducted by the county. The proposed voting locations will be provided once the final candidate filing deadline has been met and will be listed as Attachment "A". In the event a voting location is not available, the Elections Department will arrange for use of an alternate location with the approval of the Political Subdivision. The Elections Department shall notify the Political Subdivision of any changes from the locations listed as Attachment "A".

If polling places for the joint election in Attachment "A" are different from the polling place(s) used by Political Subdivision in its most recent election, Political Subdivision agrees to post a notice no later than the date of the election described in Attachment "A", at the entrance to any previous polling places in the jurisdiction, stating that the polling location has changed, and stating the political subdivision's polling place name(s) and address(s) in effect for the election described in Attachment "A". Any changes in voting location from those that were used in the most recent COUNTYWIDE JOINT election will be posted by the County Clerk's Election Office.

V. ELECTION JUDGES, CLERKS, AND OTHER ELECTION PERSONNEL

The Brazoria County Commissioners Court shall be responsible for the appointment of the presiding judge and alternate judge for each polling location in accordance with Chapter 32 of the Texas Election Code. In the event an emergency appointment is necessary, appointment shall be made in accordance with Election Code §32.007, which authorizes the presiding officer of the Brazoria County Commissioners Court to make an emergency appointment. Should that officer not be available, the County Clerk's office shall make emergency appointments of election officials. Upon request by the County Clerk, Political Subdivision agrees to assist in recruiting polling place officials who are bilingual (fluent in both English and Spanish).

The County's Elections Department shall notify all election judges of the eligibility requirements of Subchapter C of Chapter 32 of the Texas Election Code, and will take the necessary steps to ensure that all election judges appointed for the Joint Election are eligible to serve.

The County Clerk shall arrange for the training and compensation of all election judges and clerks. The Elections Department shall arrange for the date, time, and place for the presiding election judge to pick up their election supplies. Each presiding election judge will be sent a letter from the Elections Department notifying him of his appointment, the time and location of training and distribution of election supplies, and the number of election clerks that the presiding judge may appoint.

Each election judge will receive compensation at an hourly rate of \$14.00. Each election clerk will receive compensation at an hourly rate of \$12.00. The election judge will receive an additional sum of \$25.00 for picking up the election supplies prior to Election Day and for returning the supplies and equipment to the central counting station after the polls close. All judges and clerks who attend training will be compensated at an hourly rate of \$8.00 as compensation for same.

It is agreed by all Parties that at all times and for all purposes hereunder, all election judges, clerks, and all other personnel involved in this election are temporary part-time employees subject only to those benefits available to such employees.

VI. PREPARATION OF SUPPLIES AND VOTING EQUIPMENT

The County Clerk Elections Department shall arrange for all election supplies and voting equipment including, but not limited to, official ballots, sample ballots, voter registration lists, and all forms, signs and other materials used by the election judges at the voting locations. At each polling location, joint participants shall share voting equipment and supplies to the extent possible. The participating parties shall share a mutual ballot in those precincts where jurisdictions overlap. However, in no instance shall a voter be permitted to receive a ballot containing an office or proposition stating a measure on which the voter is ineligible to vote. Multiple ballot styles shall be available in those shared polling places where jurisdictions do not overlap. The County Clerk Elections Department shall provide the necessary voter registration information, instructions, and other information needed to enable the election judges in the voting locations that have more than one ballot style to conduct a proper election. If special maps are needed for a particular Political Subdivision, the County Clerk Election Department will order the maps and pass that charge on to that particular Political Subdivision.

Political Subdivision shall furnish the County Clerk a list of candidates and/or propositions showing the order and the exact manner in which the candidate names and/or proposition(s) are to appear on the official ballot (including titles and text in each language in which the authority's ballot is to be printed). THE POLITICAL SUBDIVISION SHALL ALSO PROVIDE A COPY OF EACH CANDIDATE'S APPLICATION TO THE COUNTY CLERK ELECTIONS OFFICE. This list shall be delivered to the County Clerk Elections Department as soon as possible after ballot positions have been determined by each of the participating authorities. Each participating authority shall be responsible for proofreading and approving the ballot insofar as it pertains to that authority's candidates and/or propositions. If any error or changes are discovered after the Logic and Accuracy test has been conducted and ballots prepared then the Political Subdivision will be responsible for all cost.

VII. EARLY VOTING

The Parties agree to conduct joint early voting and to appoint the County Clerk as the Early Voting Clerk in accordance with Sections 31.097 and 271.006 of the Texas Election Code. Political Subdivision agrees to appoint the County Clerk's permanent county employees as deputy early voting clerks. The Parties further agree that each Early Voting Location will have an "Officer in Charge" who will receive compensation at an hourly rate of \$14.00. The clerks at each location will receive compensation at an hourly rate of \$12.00. Early Voting by personal appearance will be held at the locations, dates, and times listed in Attachment "B" of this document. Any qualified voter of the Joint Election may vote early by personal appearance at any one of the joint early voting locations.

As Early Voting Clerk, the County Clerk shall receive applications for early voting ballots to be voted by mail in accordance with Chapter 86 of the Texas Election Code. Any requests for early voting ballots to be voted by mail received by the Political Subdivision shall be forwarded immediately by fax or courier to the Elections Department for processing.

The County Clerk Elections Department shall, upon request, provide the Political Subdivision a copy of the early voting report on a daily basis and a cumulative final early voting report following the election.

VIII. EARLY VOTING BALLOT BOARD

The County Clerk shall appoint an Early Voting Ballot Board (EVBB) to process early voting results from the Joint Election. The Presiding Judge, with the assistance of the County Clerk Elections Department, shall appoint three or more additional members to constitute the EVBB. The County Clerk Elections Department shall determine the number of EVBB members required to efficiently process the early voting ballots.

IX. CENTRAL COUNTING STATION AND ELECTION RETURNS

The County shall be responsible for establishing and operating the central counting station to receive and tabulate the voted ballots in accordance with the provisions of the Texas Election Code and of this agreement.

The participating authorities hereby, in accordance with Section 127.002, 127.003, and 127.005 of the Texas Election Code, appoint the following central counting station officials:

Counting Station Manager:	Lisa Mujica
Alternate Counting Station Manager:	Brandy Pena
Tabulation Supervisor:	Susan Cunningham
Alternate Tabulation Supervisor:	Johnathan Escamilla
Presiding Judge:	Tamara Reynolds
Alternate Presiding Judge:	Dottie Cornett

The County Clerk Elections Department will prepare the unofficial canvass reports after all precincts have been counted, and will deliver a copy of the unofficial canvass to the Political Subdivision as soon as possible after all returns have been tabulated. All participating authorities shall be responsible for the official canvass of their respective elections.

The County Clerk Elections Department shall be responsible for conducting the post-election manual recount required by Section 127.201 of the Texas Election Code unless a waiver is granted by the Secretary of State. Notification and copies of the recount, if waiver is denied, will be provided to each participating authority and the Secretary of State's Office.

The County Clerk Elections Department shall submit all Cities' precinct by precinct returns to the Texas Secretary of State's Office electronically.

The County Clerk Elections Department shall post all election night results to County website on election night. <https://www.brazoriacountyclerktx.gov>.

X. ELECTION EXPENSES AND ALLOCATION OF COSTS

The Parties agree to share the costs of administering the Joint Election. Allocation of costs, unless specifically stated otherwise, is mutually agreed to be shared. The County participates in "Vote Centers," therefor all political subdivisions can vote at any location.

It is agreed that the normal rental rate charged for the County's voting equipment used on election day shall be calculated per polling locations and among the participants utilizing each polling location. (See "Exhibit 1" for rental rates.) Total cost will be calculated, and then multiplied by the Political Subdivisions percentage number of registered voters or with the minimum of \$2000.00, for those with lesser amount, additional cost associated will be itemized and billed.

Costs for Early Voting by Personal Appearance will also be charge with the same formula as Election Day. Those political subdivisions with the percentage of registered voters less than amount equal to \$2000.00 will be a minimum amount of \$2000.00 for the early voting period.

Political Subdivision contracting for a runoff shall be responsible for all associated costs.

XI. WITHDRAWAL FROM CONTRACT DUE TO CANCELLATION OF ELECTION

Political Subdivision may withdraw from this agreement and the Joint Election should it cancel its election in accordance with Sections 2.051 - 2.053 of the Texas Election Code, or should it be later ruled that the election is not needed. Political Subdivision is fully liable for any expenses incurred by County Clerk on behalf of the Political Subdivision. Any monies deposited with the county by the withdrawing authority shall be refunded, minus the aforementioned expenses.

XII. RECORDS OF THE ELECTION

The County Clerk is hereby appointed general custodian of the voted ballots and all records of the Joint Election as authorized by Section 271.010 of the Texas Election Code.

Access to the election records shall be available to each participating authority, as well as to the public, in accordance with applicable provisions of the Texas Election Code and the Texas Public Information Act. The election records shall be stored at the offices of the County Clerk or at an alternate facility used for storage of county records. The County Clerk Elections Department shall ensure that the records are maintained in an orderly manner so that the records are clearly identifiable and retrievable.

Records of the election shall be retained and disposed of in accordance with the provisions of Section 66.058 of the Texas Election Code. If records of the election are involved in any pending election contest, investigation, litigation, or open records request, the County Clerk shall maintain the records until final resolution or until final judgment, whichever is applicable. It is the responsibility of each participating authority to bring to the attention of the County Clerk any notice of pending election contest, investigation, litigation or open records request which may be filed with the participating authority.

XIII. RECOUNTS

A recount may be obtained as provided by Title 13 of the Texas Election Code. Political Subdivision agrees that any recount shall take place at the offices of the County Clerk and that the County Clerk shall serve as Recount Supervisor and the Political Subdivision's official or employee who performs the duties of a secretary under the Texas Election Code shall serve as Recount Coordinator.

The County Clerk Elections Department agrees to provide advisory services to the Political Subdivision as necessary to conduct a proper recount and cost of the recount depends on the size of the election and number of precincts to be recounted.

XIV. MISCELLANEOUS PROVISIONS

1. It is understood that to the extent space is available, that other districts and political subdivisions may wish to participate in the use of the election equipment and voting places; it is agreed that the County Clerk may contract with such other districts or political subdivisions for such purposes, and that in such event, there may be an adjustment of the pro-rata share to be paid to the County by the participating authorities.
2. The County Clerk shall file copies of this document with the County Treasurer and the County Auditor in accordance with Section 31.099 of the Texas Election Code.
3. In the event that legal action is filed contesting the Political Subdivision's election under Title 14 of the Texas Election Code, Political Subdivision shall choose and provide, at its own expense, legal counsel for the County, the County Clerk, and additional election personnel as necessary.
4. Nothing in this contract prevents any party from taking appropriate legal action against any other party and/or other election personnel for a breach of this contract or a violation of the Texas Election Code; however, any action taken is subject to any immunity provided by statute or common law to governmental entities. For purposes of this contract, the County Clerk's office is acting as a governmental entity covered by any immunity available to Brazoria County.
5. The parties agree that under the Constitution and laws of the State of Texas, neither Brazoria County nor Political Subdivision can enter into an agreement whereby either party agrees to indemnify or hold harmless another party; therefore, all references of any kind, if any, to indemnifying or holding or saving harmless for any reason are hereby deleted.
6. This agreement shall be construed under and in accord with the laws of the State of Texas, and all obligations of the parties created hereunder are performable in Brazoria County, Texas.
7. In the event of one or more of the provisions contained in this Agreement shall for any reason be held to be invalid, illegal, or unenforceable in any respect, such invalidity,

illegality, or unenforceability shall not affect any other provision hereof and this agreement shall be construed as if such invalid, illegal, or unenforceable provision had never been contained herein.

8. All parties shall comply with all applicable laws, ordinances, and codes of the State of Texas, all local governments, and any other entities with local jurisdiction.
9. The waiver by any party of a breach of any provision of this agreement shall not operate as or be construed as a waiver of any subsequent breach.
10. Any amendments of this agreement shall be of no effect unless in writing and signed by all parties hereto.
11. **Authorization of Agreement**. This Agreement has been approved and authorized by the governing body of the Political Subdivision.
12. **Purpose, Terms, Rights, and Duties of the Parties**. The purpose, terms, rights, and duties of the Parties shall be as set forth in this Agreement.
13. **Payments from Current Revenues**. Each Party paying for the performance of governmental functions or services must make those payments from current revenues available to that paying Party.
14. **Fair Compensation**. The Parties acknowledge and agree that each of the payments contemplated by this Agreement fairly compensate the performing Party.
15. **Termination**. At any time and for any reason, either Party may terminate this Agreement by providing thirty (30) days' written notice of termination to the other Party.
16. **Funding**. The Parties understand and acknowledge that the funding of this Agreement is contained in each Party's annual budget and is subject to the approval of each Party in each fiscal year. The Parties further agree that should the governing body of any Party fail to approve a budget that includes sufficient funds for the continuation of this Agreement, or should the governing body of any Party fail to certify funds for any reason, then and upon the occurrence of such event, this Agreement shall automatically terminate as to that Party and that Party shall then have no further obligation to the other Party. When the funds budgeted or certified during any fiscal year by a Party to discharge its obligations under this Agreement are expended, the other Party's ***sole and exclusive remedy*** shall be to terminate this Agreement.
17. **No Joint Enterprise**. The Agreement is not intended to, and shall not be construed to, create any joint enterprise between or among the Parties.
18. **Public Information**. This Agreement is public information. To the extent, if any, that any provision of this Agreement is in conflict with Texas Government Code Chapter 552, et seq., as amended (the "Texas Public Information Act"), such provision shall be void and have no force or effect.

19. **No Third-Party Beneficiaries**. This Agreement is entered solely by and between, and may be enforced only by and among the Parties. Except as set forth herein, this Agreement shall not be deemed to create any rights in, or obligations to, any third parties.
20. **No Personal Liability**. Nothing in this Agreement shall be construed as creating any personal liability on the part of any employee, officer, or agent of any Party to this Agreement.
21. Nothing in this Agreement requires that either the Political Subdivision or County incur debt, assess or collect funds, or create a sinking fund.
22. **Sovereign Immunity Acknowledged and Retained**. **THE PARTIES EXPRESSLY ACKNOWLEDGE AND AGREE THAT NO PROVISION OF THIS AGREEMENT IS IN ANY WAY INTENDED TO CONSTITUTE A WAIVER BY ANY PARTY OF ANY IMMUNITY FROM SUIT OR LIABILITY THAT A PARTY MAY HAVE BY OPERATION OF LAW. THE CITY AND THE COUNTY RETAIN ALL GOVERNMENTAL IMMUNITIES.**

XV. COST ESTIMATES AND DEPOSIT OF FUNDS

It is estimated that the Political Subdivision's obligation under the terms of this agreement shall be DETERMINED AFTER THE ELECTION. Political Subdivision agrees to pay to County a deposit of \$2,000.00. This deposit shall be paid to County within 10 business days after the final candidate filing deadline. The final candidate filing deadline is February 17, 2023. Therefore, Deposit is due by March 3, 2023. The exact amount of the Political Subdivision's obligation under the terms of this Agreement shall be calculated after the May 6, 2023, election; and if the amount of the Political Subdivision's obligation exceeds the amount deposited, the Political Subdivision shall pay to County the balance **due within thirty (30) days after receipt of the final invoice from the County's Election Department**. However, if the amount of the Political Subdivision's obligation is less than the amount deposited, County shall refund to the Political Subdivision the excess amount paid within thirty (30) days after final costs are calculated.

IN TESTIMONY HEREOF, this agreement, its multiple originals all of equal force, has been executed on behalf of the parties.

(1) On the _____ day of _____, 2023 been executed on behalf of the County Clerk by the County Clerk pursuant to the Texas Election Code;

(2) On the _____ day of _____, 2023 been executed on behalf of the Political Subdivision by its Mayor or authorized representative, pursuant to an action of the Political Subdivision.

BRAZORIA COUNTY, COUNTY CLERK by

Joyce Hudman, County Clerk

ATTEST:

CITY OF MANVEL, TEXAS

_____ By _____
Presiding Officer or Authorized Representative
CITY OF MANVEL

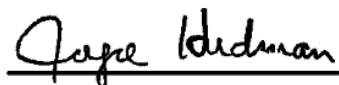
ATTACHMENT "B"
NOTICE OF EARLY VOTING AT BRANCH POLLING PLACES

Early voting by personal appearance will be conducted at the following locations:

Angleton (Main)East Annex, 1524 E Mulberry
AlvinAlvin Library, 105 S Gordon
BrazoriaBrazoria Library, 620 S Brooks
FreeportFreeport Library, 410 Brazosport Blvd
Lake Jackson.....Lake Jackson Civic Center, 333 Hwy 332 East
ManvelNorth Annex, 7313 Corporate Dr
Pearland EastTom Reid Library, 3522 Liberty Dr
Pearland West.....West Pearland Community Center, 2150 Countryplace Pkwy
Shadow CreekWest Pearland Library, 11801 Shadow Creek Pkwy
SweenySweeny Community Center, 205 W Ashley Wilson Rd
West Columbia.....Precinct 4 Building #2, 121 N 10th St

DATES AND HOURS:

April 24-28.....8 AM – 5 PM
April 297 AM – 7 PM
May 1-27 AM – 7 PM



Early Voting Clerk

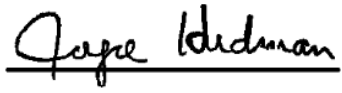
AVISO DE VOTACIÓN ADELANTADA EN LOS SITIOS DE VOTACIÓN AUXILIARES

La votación adelantada en persona se llevará a cabo en los siguientes sitios de esta manera:

Angleton (Ubicación Principal)East Annex, 1524 E Mulberry
AlvinAlvin Library, 105 S Gordon
BrazoriaBrazoria Library, 620 S Brooks
FreeportFreeport Library, 410 Brazosport Blvd
Lake JacksonLake Jackson Civic Center, 333 Hwy 332 East
ManvelNorth Annex, 7313 Corporate Dr
Pearland EsteTom Reid Library, 3522 Liberty Dr
Pearland OesteWest Pearland Community Center, 2150 Countryplace Pkwy
Shadow CreekWest Pearland Library, 11801 Shadow Creek Pkwy
SweenySweeny Community Center, 205 W Ashley Wilson Rd
West ColumbiaPrecinct 4 Building #2, 121 N 10th St

FECHAS Y HORAS

24-28 de abril.....8 AM – 5 PM
29 de abril7 AM – 7 PM
1-2 de mayo7 AM – 7 PM

A handwritten signature in black ink, reading "Joyce Hedman". The signature is written in a cursive style with a horizontal line underneath the name.

Secretaria de la Votación Adelantada

	ATTACHMENT "A" SUBJECT TO CHANGE
Home Pct #	Polling Place
1	East Annex (Old Walmart), 1524 E Mulberry, Angleton
2	Precinct 4 Building #2, 121 N 10th St, West Columbia
4	Brazoria Library, 620 S Brooks, Brazoria
7	Freeport Library, 410 Brazosport Blvd, Freeport
12	Drainage District No. 4 Building, 4813 W Broadway, Pearland
14	Sweeny Community Center, 205 W Ashley Wilson Rd, Sweeny
15	Danbury Community Center, 6115 5th St, Danbury
19	Clute Event Center, 100 Parkview Dr, Clute
20	Jones Creek Comm House, 7207 Stephen F Austin Rd, Jones Creek
23	Lake Jackson Civic Center, 333 Hwy 332 East, Lake Jackson
29	West Pearland Community Center, 2150 Countryplace Pkwy, Pearland
37	Pearland Recreation Center, 4141 Bailey Rd, Pearland
39	Alvin Library, 105 S Gordon, Alvin
44	Silverlake Recreation Center, 2715 Southwyck Pkwy, Pearland
46	Tom Reid Library, 3522 Liberty Dr, Pearland
50	West Pearland Library, 11801 Shadow Creek Pkwy, Pearland
65	North Annex, 7313 Corporate Dr, Manvel
75	Richwood City Hall, 1800 N Brazosport Blvd, Richwood
TENTATIVE, DEPENDING ON WHETHER THE CITY HAS AN ELECTION:	
6	Liverpool City Hall, 8901 CR 171, Liverpool
8	Oyster Creek City Hall, 3210 FM 523, Oyster Creek
9	Bonney Annex Building, 19025 FM 521, Bonney
25	Hillcrest Village Municipal Building, 200 W Timberlane, Alvin
26	Brookside Village Community Center, 6243 Brookside Rd, Brookside Village
38	Surfside Beach City Hall, 1304 Monument Dr, Surfside Beach

RATE SHEETS FOR BRAZORIA COUNTY ELECTIONS:

MAY (COUNTYWIDE JOINT)

EQUIPMENT RENTAL

CONTROLLER	\$350.00 each
SCANNER UNIT (additional 2023).....	\$425.00 each
ACCESS WITH TOUCH UNIT (DOU).....	\$375.00 each
TOUCH UNITS	\$325.00 each
POLLPADS	\$50.00 each
MI-FI/ HOTSPOT	\$50.00 each

This is not a daily charge. This price is for the entire election even if it is for 12days of voting.

OTHER CHARGES

Programming (increase 2023)	\$ 450.00
Tabulating.....	\$150.00
Equipment Delivery and Pickup	
Truck Rental (per delivery location)	\$25.00
Labor (Per delivery location)	\$75.00
Supply tubs EV-ED (see attached list for contents)	\$75.00
Mail Ballots will be billed per entity kits including postageDomestic...	\$1.74...Overseas...\$2.36
Publications charged based on % of registered voters.....	
Ballot Paper size 8.5 x 11	18 cents per sheet
Ballot Paper size 8.5 x 14.....	24 cents per sheet

Workers-Judges	\$14.00 per hour -Overtime rate \$21.00 per hour
Clerks	\$12.00 per hour- Overtime rate \$18.00 per hour

ELECTION DAY (increase 2023)

For Election Day, we will calculate the cost for each location (see Exhibit ‘A2”) the total cost for Election Day will then calculated per percentage of registered voters of each political subdivision. All political subdivisions in Brazoria County less than 1000 registered voters, charges will be the minimum of \$2000.00 for Election Day.

EARLY VOTING (increase 2023)

For Early Voting we also calculate worksheets for each of the 10-11 early voting locations. Once we have the total cost for all locations, we do a spreadsheet that divides the cost between all political subdivisions based on the percentage of registered voters in each. Since we have large and small cities in our county, the minimum charge for early voting will be \$2000.00.

OVERTIME

We keep a record of our overtime for the May Elections and the staff gets paid overtime. Since we charge for programming and tabulations that money goes towards the employee’s overtime. If we have more overtime than covered by a calculated programming and tabulation fees, we will add in the additional overtime when sending the final bills.

RATE SHEETS FOR BRAZORIA COUNTY ELECTIONS:

NOVEMBER (COUNTYWIDE JOINT)

For November Elections, the Election Day and Early voting charges are just like the countywide joint in May. If the only political subdivisions at a location are Brazoria County and one entity, total cost calculated will be per percentage of registered voters for the entity.

Runoffs Elections will be the responsibility of whichever entity will be conducting a runoff election.

Any errors or changes related to a Political Subdivision oversight and if it results in reprogramming the entirety election, will be responsible for all associated cost.



MANVEL CITY COUNCIL DATA SHEET

MEETING DATE: February 6, 2023

TOPIC: Consideration and possible action to approve Ordinance No. 2023-O-06, to amend Chapter 17, *Buildings and Building Regulations*, Article II., *Building Permits*, Article III., *Technical Codes*, Division 2., *Building Code*, Division 3., *Electrical Code*, Division 4., *Plumbing Code*, Division 5., *Fuel and Gas Code*, Division 6., *Energy Conservation Code*, Division 7., *Mechanical Code*, Division 9., *Residential Building Code*, Division 10., *Property Maintenance Code*, and Division 12., *Swimming Pool and Spa Code*.

BACKGROUND: The City currently uses the following technical codes:

1) International Building Code 2015, 2) National Electrical Code 2014, 3) International Plumbing Code 2012, 4) International Fuel Gas Code 2012, 5) International Energy Conservation Code 2012, 6) International Mechanical Code, 2012, 7) International Residential Code for One- and Two-Family Dwellings 2012, 8) International Property Maintenance Code 2018, and 9) International Swimming Pool and Spa Code 2012.

Because some of these adopted codes are more than 10 years old, City staff is proposing to update the technical codes to the most recently available codes. The updates to these technical codes is as follows:

1) International Building Code 2021, 2) National Electrical Code 2020, 3) International Plumbing Code 2021, 4) International Fuel Gas Code 2021, 5) International Energy Conservation Code 2021, 6) International Mechanical Code 2021, 7) International Residential Code for One- and Two-Family Dwellings 2021, 8) International Property Maintenance Code 2021, and 9) International Swimming Pool and Spa Code 2021.

RECOMMENDATION: Staff recommends approval of Ordinance No. 2023-O-06 to amend the City's

ATTACHMENTS: 1) Ordinance No. 2023-O-06, 2) Chapter 17, *Buildings and Building Regulations*, Redline Version, and 3) Chapter 17, *Buildings and Building Regulations*, Clean Draft.

FUNDING ISSUES

☒ Not applicable
☐ Not budgeted
☐ Full amount already budgeted
☐ Funds to be transferred from Acct.#

SUBMITTING STAFF MEMBER
Jessica Rodriguez

FINANCE DIRECTOR APPROVAL _____

CITY MANAGER APPROVAL _____

ORDINANCE NO. 2023-O-06

AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF MANVEL, TEXAS BY AMENDING CHAPTER 17, BUILDINGS AND BUILDING REGULATIONS, ARTICLE II, BUILDING PERMITS; AMENDING CHAPTER 17, BUILDINGS AND BUILDING REGULATIONS, ARTICLE III, TECHNICAL CODES, TO ADOPT NEW TECHNICAL CODES GOVERNING THE CONSTRUCTION OF STRUCTURES WITHIN THE CITY; ADOPTING THE INTERNATIONAL BUILDING CODE, 2021 EDITION, AS PUBLISHED BY THE INTERNATIONAL CODE COUNCIL, INC., PROVIDING CERTAIN AMENDMENTS AND DELETIONS TO SAID INTERNATIONAL BUILDING CODE; ADOPTING THE INTERNATIONAL PLUMBING CODE, 2021 EDITION, AS PUBLISHED BY THE INTERNATIONAL CODE COUNCIL, INC., PROVIDING CERTAIN AMENDMENTS AND DELETIONS TO SAID INTERNATIONAL PLUMBING CODE; ADOPTING THE INTERNATIONAL FUEL GAS CODE, 2021 EDITION, AS PUBLISHED BY THE INTERNATIONAL CODE COUNCIL, INC., PROVIDING CERTAIN AMENDMENTS AND DELETIONS TO SAID INTERNATIONAL FUEL GAS CODE; ADOPTING THE INTERNATIONAL ENERGY CONSERVATION CODE, 2021 EDITION, AS PUBLISHED BY THE INTERNATIONAL CODE COUNCIL, INC., PROVIDING CERTAIN AMENDMENTS AND DELETIONS TO SAID INTERNATIONAL ENERGY CONSERVATION CODE; ADOPTING THE INTERNATIONAL MECHANICAL CODE, 2021 EDITION, AS PUBLISHED BY THE INTERNATIONAL CODE COUNCIL, INC., PROVIDING CERTAIN AMENDMENTS AND DELETIONS TO SAID INTERNATIONAL MECHANICAL CODE; ADOPTING THE INTERNATIONAL RESIDENTIAL CODE FOR ONE AND TWO FAMILY DWELLINGS, 2021 EDITION, AS PUBLISHED BY THE INTERNATIONAL CODE COUNCIL, INC., PROVIDING CERTAIN AMENDMENTS AND DELETIONS TO SAID INTERNATIONAL RESIDENTIAL CODE FOR ONE AND TWO FAMILY DWELLINGS; ADOPTING THE INTERNATIONAL PROPERTY MAINTENANCE CODE, 2021 EDITION, AS PUBLISHED BY THE INTERNATIONAL CODE COUNCIL, INC., PROVIDING CERTAIN AMENDMENTS AND DELETIONS TO SAID INTERNATIONAL PROPERTY MAINTENANCE CODE; ADOPTING THE INTERNATIONAL SWIMMING POOL AND SPA CODE, 2021 EDITION, AS PUBLISHED BY THE INTERNATIONAL CODE COUNCIL, INC., PROVIDING CERTAIN AMENDMENTS AND DELETIONS TO SAID INTERNATIONAL SWIMMING POOL AND SPA CODE; PROVIDING A PENALTY OF AN AMOUNT NOT TO EXCEED \$2,000 FOR EACH VIOLATION OF ANY PROVISION HEREOF, WITH EACH DAY OF VIOLATION CONSTITUTING A SEPARATE OFFENSE; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES INCONSISTENT OR IN CONFLICT HERewith; AND PROVIDING FOR SEVERABILITY.

* * * * *

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MANVEL, TEXAS:

Section 1. The Code of Ordinances of the City of Manvel, Texas, is hereby amended by amending Chapter 17, Buildings and Building Regulations, Article II, Building Permits, to read and provide as follows:

“Chapter 17 - BUILDINGS AND BUILDING REGULATIONS

...

ARTICLE II. - BUILDING PERMITS

Sec. 17-23. - Building permits.

(a) The fee for obtaining a building permit in the city shall be set at an amount as is determined from time to time by resolution.

(b) The standard minimum requirements for light frame wood structures must comply with the International Building Code; or International Residential Code as well as the current regulations adopted by the Texas Department of insurance.

~~[The standard minimum requirements for roof framing and decking shall be upgraded to the following standards: all rafters 16 inches on center shall have a minimum one-half inch thick plywood decking and all rafters 24 inches on center shall have a minimum five-eighth inch thick plywood decking for any building within the limits of the city.]~~

(c) A building permit is required for the moving of a mobile home into the city, with this exception: When moving a mobile home into an area that is in the flood plain or flood zone, the mobile home must be moved in, set up, and secured. An elevation permit must be obtained before the issuance of a building, electrical, or plumbing permit.

Sec. 17-24. – On-site Sewage Facilities. ~~[Plumbing.]~~

(a) The following fee and types of sewage discharge shall be lawful:

- (1) The fee for obtaining a plumbing permit in the city shall be set at an amount as is determined from time to time by resolution.
 - (2) Sewage discharged into an organized disposal system approved by the state and city building inspector and/or city health officer.
 - (3) Sewage discharged into a private sewage facility which, on the effective date of the ordinance from which this article is derived was already in existence and in compliance with all applicable laws, rules, and regulations; provided, however, that when any such facility is replaced or modified it shall be in accordance with the regulations contained in this article.
 - (4) The sewage discharged shall come up to the standards of the state and shall meet the approved discharge limits provided by the state.
 - (5) Sewage discharged into a private sewage facility permitted in accordance with the regulations contained in this article.
- (b) All sewer systems modified, enlarged or replaced must be permitted and inspected by the city building inspector and/or city health officer. Residential lots, where not served by a public water and sewer systems, shall not be less than one acre.
- (c) Residential lots served by the state approved public water supply systems shall not be less than one-half acre, unless the lots are served by both public water and sewer, then said lot may be as small as one-third of an acre.
- (d) Private sewage facilities installed for use by commercial establishments must meet the requirements of residential lots.
- (e) A minimum state requirement will be enforced as stated in the booklet entitled "Construction Standards for On-site Sewage Facilities" as the same now exists or as hereafter enacted, published by the state department of health and available upon request from the permit department.

Sec. 17-25. [~~Electrical.~~] -Reserved.

~~[(a) — The fee for obtaining an electrical permit in the city shall be set at an amount as is determined from time to time by resolution.~~

~~(b) — The National Electrical Code edition adopted by the state commission of licensing and regulation pursuant to state law is hereby adopted by reference as the electrical code for the city in its entirety, except that the standard for all electrical wiring shall be upgraded so that all electrical wiring to be used in any building within the limits of the city shall be at least 600 volt UL approved wiring with no exceptions. No 300 volt wiring or similar inferior electrical wiring shall be permitted and no aluminum wiring of any kind is permitted for use within the city limits.~~

~~(c) — No person shall engage in the business of contracting for, installing, altering or repairing any electrical work within the city, which is regulated by this article, unless said person shall hold a valid, unexpired electrician's license issued pursuant to state law.~~

~~(d) — Nothing in this code shall prevent a home owner from installing or maintaining electrical work within his own property boundaries, providing such electrical work is done by himself and is used exclusively by him or his family. Such privilege does not convey the right to violate any of the provisions of this code, nor is it to be construed as exempting any such property owner from obtaining a permit and paying the required fees therefor.~~

~~(e) — Aluminum wiring shall not be used in the city. Utilities who service and maintain all of their installations may use aluminum wiring.]~~

Sec. 17-26. - Violation and penalties.

Any person, firm, corporation or agent who shall violate or cause to be violated any provision of this article, or fail to comply herewith, or with any of the requirements hereof, or who shall erect, construct, alter, demolish or move any structure, or has erected, constructed, altered, repaired, moved or

demolished a building or structure in violation of a detailed statement or drawing submitted and approved hereunder, shall be guilty of a misdemeanor, and, upon conviction shall be fined not more than \$500.00. Each such person, firm, corporation or agent shall be deemed guilty of a separate offense for each day during which any violation of any of the provisions of this article is committed or continued.

Sec. 17-27. - Permit required.

(a) Excluding work expressly stated to be exempt from permits, it ~~[It]~~ shall be unlawful for any person within the city limits or areas developed constructed in accordance with a Development Agreement within the extraterritorial jurisdiction of the city to commence construction or excavation for construction of any building or structure, including accessory buildings, or to commence the erection, reconstruction, conversion, or alteration of any building or structure, including accessory buildings, until the building inspector has issued a building permit for such work. The movement of buildings and other structures into the city is prohibited except upon written authorization of the building official. No building permit shall be issued for any building or structure where the construction, reconstruction, conversion, moving, alteration or use thereof would be in violation of any provisions of this chapter or of the code(s) adopted by the City of Manvel.

(b) No building permit shall be issued for any building or structure, including accessory buildings, unless the lot, plot, tract or parcel of land complies with Sec. 62-3 of the Subdivision Ordinance.
~~[where said building, structure or accessory buildings would be situated upon any lot, plot, tract or parcel of land less than the original size of said lot, plot, tract or parcel of land as previously platted or replatted.]~~

(c) Any person, firm or corporation wishing to obtain a building permit or certificate of occupancy for the erection, construction, reconstruction or expansion of any structure, of which any portion of such erection, construction, reconstruction or expansion would occur within 100 feet, but not closer than

within 50 feet, of any existing pipeline or pipeline easement shall, prior to and as a condition of the issuance of such building permit, execute the following acknowledgment and hold harmless agreement, which shall be duly acknowledged in the manner provided by law, and which shall thereafter be recorded in the appropriate deed or other permanent county records, before issuance of said permit:

"I, (applicant), do hereby state, on my oath, that I fully realize that I am applying for a permit or certificate of occupancy from the City of Manvel to build and/or occupy a structure within 100 feet, but not closer than within 50 feet, of an existing pipeline or pipeline easement; that I am fully aware of the dangers inherent in building near such pipeline or pipeline easement, including, but not limited to, explosion and release of noxious, toxic and flammable substances; and, further, that I do hereby RELEASE and agree to forever INDEMNIFY, DEFEND AND HOLD HARMLESS the City of Manvel, Texas, its officers, successors and assigns from all liability in any way arising from the building, use or habitation of the structure described in the said permit."

No such permit shall be issued where the proposed construction will constitute a violation of dedicated easement rights, and any permit so issued in error shall be void ab initio.

Secs. 17-28—17-55. - Reserved.”

Section 2. The Code of Ordinances of the City of Manvel, Texas, is hereby amended by amending Chapter 17, Buildings and Building Regulations, Article III, Technical Codes, Division 2, Building Code to adopt the *International Building Code*, 2021 Edition (non-residential), with certain local amendments and deletions thereto, to read and provide as follows:

“Chapter 17 - BUILDINGS AND BUILDING REGULATIONS

...

ARTICLE III. – TECHNICAL CODES

DIVISION 2. - BUILDING CODE

Sec. 17-84. International Building Code.

(1) The International Building Code, 2021 [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 hereto and made a part hereof for all purposes, an authentic copy of which has been filed with the city secretary.

(2) The reference to "building code official" and/or "fire chief" in the International Building Code shall mean the "fire marshal," and/or "building code official" or a duly authorized representative with the duties of administration and enforcement of the code.

Sec. 17-85. - Amendments to the International Building Code.

The International Building Code is expressly amended as follows:

(1) Section 103 of said code is hereby deleted and a new Section 103 is substituted therefor as follows:

103. Building Official. [~~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. The building official may appoint deputies to assist him/her, subject to city manager approval. Said deputies shall serve at the pleasure of the city manager and may be removed without cause.

(2) Section 104 of said code is hereby deleted and a new Section 104 is substituted therefor as follows:

104. Powers and Duties 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.

104.6 [104.2] *Right of Entry*. When it is necessary to make an inspection to enforce the provisions of this code, or when the building official has reasonable cause to believe that there exists in a building or

upon its premises a condition which is contrary to or in violation of this code which makes the building or premises unsafe, dangerous, or hazardous, the building official may request entry. If entry is refused, the building official shall have recourse to the remedies provided by law to secure entry.

104.10 *Modifications*. When there are practical differences involved in carrying out the provisions of this code, the building official may grant modifications for individual cases. The building official must find that a special reason makes the strict letter of this code impractical and that modification is in conformance with the intent and purpose of this code, and that such modification does not lessen accessibility, health, life and fire safety, or structural integrity. The details of any action granting modifications shall be written and recorded and entered in the files of the City.

104.11 *Alternate Materials, Alternative Design and Methods of Construction*. The provisions of this code are not intended to prevent the use of a material, alternate design, or method of construction not specifically prescribed by this code, provided any alternate has been approved by the building official.

The building official may approve any such alternate, provided the building official finds that the proposed material, design, or method is satisfactory and complies with the provisions of this code and that the material and method of work offered is, for the purpose intended, at least equivalent of that prescribed in this code in suitability, effectiveness, fire resistance, durability, and safety.

The building official shall require that sufficient written evidence or proof be submitted to substantiate any claims that may be made regarding an alternate. The details of any action granting approval of an alternate shall be written and recorded and entered in the files of the City.

104.11.2 *Tests*. Whenever there is insufficient evidence of compliance with any of the provisions of this code or evidence that any material or work does not conform to the requirements of this code, the building official may require tests as proof of compliance to be made at no expense to the City.

Test methods shall be as specified by this code or other recognized test standards. If there are no recognized and accepted test methods for the proposed alternate, the building official shall determine test procedures.

All tests shall be made by an approved agency. Reports of such tests shall be retained by the building official for the period required for the retention of public records.

(3) Sections 105.1, 105.1.1, and 105.1.2 of said code are hereby deleted in their entirety.

(4) Section 105.2 of said code is hereby amended by deleting the exemptions listed 1 through 13 under "Building" and replacing said list as follows:

105.2 *Work exempt from permit*.

...

Building:

1. Non-city sidewalks and walkways, unless required by other law such as the ADA or Texas Architectural Barriers Act.
2. Painting, papering, tiling, carpeting, cabinets, countertops, or similar finish work.
3. Prefabricated swimming pools accessory to a group R-3 occupancy, which are less than twenty-four inches (24") deep, do not exceed five thousand (5000) gallons, and are installed above ground.
4. Swings and other playground equipment accessory to one and two family dwellings.

(5) Section 105.5 of said Code is hereby deleted and new Section 105.5 is substituted therefor as follows:

105.5. *Expiration:* No construction schedule. Every permit issued shall become invalid unless the work at the site authorized by such permit is commenced within one year 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 (1-1/2) 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.

Work pursuant to a construction schedule. A permit may be issued for a reasonable period of time, which coincides with a written construction schedule prepared by a licensed architect or engineer, and filed with the City. 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 two (2) years. If any permitted work is not completed within this limitation, the permit shall become invalid and must be reissued in order to perform or resume work, together with payment of fees for such reissued permit.

(6) Section 105 of said code is hereby amended by adding a new Section 105.8, which provides as follows:

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 bodily injury limit of \$100,000, \$300,000 per occurrence, and a property damage limit of \$400,000, or a property damage limit equal to or exceeding the amount of the contract amount, whichever is greater.

(7) Section 109.2 of said code is hereby deleted and a new Section 109.2 is substituted therefor as follows:

Section 109.2 *Schedule of permit fees.* For buildings, structures, or electrical, gas, mechanical, and plumbing systems or alterations thereof requiring a permit, a fee for each permit shall be paid as required, in accordance with the City of Manvel's Fee Schedule, as it may be amended from time to time by City Council.

(8) Section 109.4 of said code is hereby deleted and a new Section 109.4 is substituted therefor 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.

(9) Section 111.1 of said code is hereby deleted and a new Section 111.1 is substituted therefor 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 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.

(10) Section 113.1 of the code is hereby deleted and new Section 113.1 is substituted therefor as follows:

113.1. *Appeals.* Appeals of orders, decisions, or determinations made by the City's building official in interpreting or applying this Code shall be to the City Council. The City Council may obtain the assistance of persons who are qualified by experience and training on a particular subject under consideration. Any appeal must be filed within twenty (20) calendar days from receipt of the decision of the building official.

(11) Section 113.3 of the code is hereby deleted in its entirety.

(12) Section 114 of the code is deleted in its entirety and the penalty provision of this ordinance is substituted in its place.

(13) Section 202 *Definitions*. The following definitions in Section 202 are amended to read as follows:

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

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

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

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

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

~~[(14) Section 303.1.3; is hereby amended by add a sentence to read as follows:~~

~~303.1.3 Associated with Group E occupancies. A room or space used for assembly purposes that is associated with a Group E occupancy is not considered a separate occupancy except when applying the assembly requirements of Chapter 10 and 11.~~

~~(15) Section 307.1.1; is hereby amended by add the following sentence to Exception 4:~~

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

(16) Section 903.1.1; is hereby amended to read as follows:

[F] 903.1.1 *Alternative protection*. Alternative automatic fire-extinguishing systems complying with Section 904 shall be permitted in addition to automatic sprinkler protection where recognized by the applicable standard, or as approved by the fire code official.

(17) Section 903.2 is amended to read as follows:

903.2 *Where required*. Approved automatic sprinkler systems shall be required in new buildings and structures when the gross square footage of the building or structure exceeds eight thousand (8,000) square feet, regardless of occupancy use. For any building constructed 6 months after the adoption of this code that exceeds 8,000 sq. ft. or any attached construction, alteration, or in the case of an addition to an existing structure of any group that causes the structure to exceed 8,000 sq. ft., for purposes of this section, an automatic fire sprinkler system shall be installed in the non-conforming or existing structure in addition to the new construction area, regardless of separation. Approved automatic sprinkler systems shall be required in buildings with less than 8,000 square feet, where the code expressly requires it. If there is a conflict between this section and another section of this code, the most restrictive requirement shall apply.

(18) Section 903.2.9 is hereby amended to add Section 903.2.9.3 to read as follows:

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

(19) Section 903.2.11; is hereby amended to change 903.2.11.3 and add new sections 903.2.11.7 and 903.2.11.8, as follows:

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

Exceptions:

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

2. [deleted]

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

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

(20) Section 903.3.1.2. is hereby amended to read as follows and to add section 903.3.1.2.3 to read as follows:

903.3.1.2 *NFPA 13R Sprinkler Systems*—Automatic sprinkler systems in Group R occupancies up to and including 2 stories in height shall be permitted to be installed throughout in accordance with NFPA 13R.

Section 903.3.1.2.3 *Attics and Attached Garages*. Sprinkler protection is required in attic spaces of such buildings two or more stories in height, in accordance with NFPA 13 and or NFPA 13R requirements, and attached garages.

(21) Section 903.3.1.3 is hereby amended to read as follows:

903.3.1.3 *NFPA 13D sprinkler systems*. Automatic sprinkler systems installed in one- and two-family dwellings; Group R-3; Group R-4 Condition 1 and townhouses shall be permitted to be installed throughout in accordance with NFPA 13D or in accordance with state law.

(22) Section 905.3 is hereby amended to add Section 905.3.9 and exception to read as follows:

905.3.9 *Buildings exceeding 10,000 sq. ft.* In buildings exceeding 10,000 square feet in area per story and where any portion of the building's interior area is more than 200 feet (60960 mm) of travel, vertically and horizontally, from the nearest point of fire department vehicle access, Class I automatic wet or manual wet standpipes shall be provided.

Exceptions:

1. Automatic dry and semi-automatic dry standpipes are allowed as provided for in NFPA 14.
2. R-2 occupancies of four stories or less in height having no interior corridors.

(23) Section 907.1 is hereby amended by adding section 907.1.4 to read as follows:

Section 907.1.4 *Design Standard*. All new fire alarm systems installed in structures with more than one story, or larger than two thousand five hundred (2,500) square feet shall be addressable and communication devices shall be compatible for emergency force notification. The system shall have occupant notification throughout the building in compliance with ADA requirements, and manual pull stations shall be required by all exits regardless of any conflicting provision in the code. Fire alarm systems utilizing more than 20 smoke detectors shall have analog initiating devices.

(24) Section 907.2.9.1 is hereby amended to read as follows and all exceptions deleted:

907.2.9.1 *Manual Fire Alarm System*. A Manual Fire Alarm System that activates the occupant notification system in accordance with Section 907.5 shall be installed in Group R-2 occupancies where:

1. Any dwelling unit or sleeping unit is located two or more stories above the lowest level of exit discharge.
2. Any dwelling unit or sleeping unit is located more than one story below the highest level of exit discharge of exits serving the dwelling unit or sleeping unit, or;
3. The building contains more than 12 dwelling units or sleeping units.

(25) Section 907.6.1 is hereby amended to add Section 907.6.1.1 to read as follows:

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

(26) Section 907.6.3 is hereby amended by deleting all four exceptions.

(27) Section 907.6.6 is hereby amended by adding a sentence at end of paragraph to read as follows:

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

(28) Sections 1507.8 is hereby amended by deleting the entire section in its entirety replacing it to read as follows:

1507.8 *Wood Shingles.*

(a) Allowed roof coverings of any structure regulated by this International Building Code shall be as provided in this Section.

(b) Wood shingles 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.

(c) Existing structures which have wood shingles 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, 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 shingled roof may not be replaced with wood shingles or shakes in increments which are undertaken as repairs.

(29) Sections 1507.9 is hereby amended by deleting the entire section in its entirety replacing it to read as follows:

1507.9 *Wood Shakes.*

(a) Allowed roof coverings of any structure regulated by this International Building Code shall be as provided in this Section.

(b) Wood 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.

(c) Existing structures which have wood 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 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 shake roof may not be replaced with wood shingles or shakes in increments which are undertaken as repairs.

(30) *Appendices.* The following appendices contained in the International Building Code are deleted their entirety:

Appendix A, Employee Qualifications;

Appendix B, Board of Appeals;

Appendix D, Fire Districts;

Appendix G, Section G501 Manufactured Homes;

Appendix H, Signs; and

Appendix I, Patio Covers.

Appendices C, E, F, and J contained in such code are hereby adopted.”

Section 3. The Code of Ordinances of the City of Manvel, Texas, is hereby amended by amending Chapter 17, Buildings and Building Regulations, Article III, Technical Codes, Division 4, Plumbing Code to adopt the *International Plumbing Code*, 2021 Edition, with certain local amendments and deletions thereto, to read and provide as follows:

“Sec. 17-138. - International Plumbing Code.

The International Plumbing Code, 2021 [2012] 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.

Sec. 17-139. - Amendments to the International Plumbing Code.

- (1) Section 101.1 is hereby deleted in its entirety and a new Section 101.1 is substituted therefor as follows:

101.1 *Title.* These regulations shall be known as the Plumbing Code of the City of Manvel, Texas, hereinafter sometimes referred to as "this Code."

- (2) Section 103 is hereby deleted in its entirety and shall be replaced with the following:

103.1 The code official and any deputies shall be appointed by, and serve at the pleasure of, the city manager. If the code official or any deputy is hired as a city employee, he/she shall be an at-will employee and shall be subject to the city's ordinances and personnel policies governing all city employees.

- (3) Sections 106.6.2 and 106.6.3 of the Code are hereby deleted in their entirety and a new Section 106.6.2 is substituted therefor as follows:

Section 106.6.2 *Fee Schedule.* The fees for all plumbing work shall be paid as required, in accordance with the City of Manvel's Fee Schedule, as it may be amended from time to time by City Council.

- (4) Sections 108.3 and 108.4 of the Code are deleted in their entirety and the penalty provision of the ordinance from which this section was derived is substituted in its place.

- (5) Section 109 is hereby deleted in its entirety and a new Section 109 is substituted therefor as follows:

109.1. *Appeals.* Appeals of orders, decisions, or determinations made by the City's building official in interpreting or applying this Code shall be to the City Council. The City Council may obtain the assistance of persons who are qualified by experience and training on a particular subject under consideration. Any appeal must be filed within twenty (20) calendar days from receipt of the decision of the building official.

Secs. 17-140—17-159. - Reserved.”

Section 4. The Code of Ordinances of the City of Manvel, Texas, is hereby amended by amending Chapter 17, Buildings and Building Regulations, Article III, Technical Codes, Division 5, Fuel and Gas Code, to adopt the *International Fuel Gas Code*, 2021 Edition, with certain local amendments and deletions thereto, to read and provide as follows:

“Sec. 17-160. - International Fuel Gas Code.

The International Fuel Gas Code, 2021 [2012] 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.

Sec. 17-161. - Amendments to International Fuel Gas Code.

(1) Section 101.1 is hereby deleted in its entirety and a new Section 101.1 is substituted therefor as follows:

101.1 *Title.* These regulations shall be known as the Fuel Gas Code of the City of Manvel, Texas, hereinafter sometimes referred to as "this Code."

(2) Section 103 is hereby deleted in its entirety and shall be replaced with the following:

103.1 The code official and any deputies shall be appointed by, and serve at the pleasure of, the city manager. If the code official or any deputy is hired as a city employee, he/she shall be an at-will employee and shall be subject to the city's ordinances and personnel policies governing all city employees.

(3) Sections 106.6.2 and 106.6.3 of the code are hereby deleted in their entirety and a new section 106.5.2 is substituted therefor as follows:

Section 106.6.2 *Fee Schedule.* The fees for all plumbing work shall be paid as required, in accordance with the City of Manvel's Fee Schedule, as it may be amended from time to time by City Council.

(4) Sections 108.3, 108.4, and 108.5 of the code are deleted in their entirety and the penalty provision of the ordinance from which this section was derived is substituted in its place.

(5) Section 109 is hereby deleted in its entirety and a new section 109 is substituted therefor as follows:

109.1. *Appeals.* Appeals of orders, decisions, or determinations made by the City's building official in interpreting or applying this Code shall be to the City Council. The City Council may obtain the assistance of persons who are qualified by experience and training on a particular

subject under consideration. Any appeal must be filed within twenty (20) calendar days from receipt of the decision of the building official.

- (6) Section 409.2 is hereby deleted in its entirety and a new section 409.2 is substituted therefor as follows:

409.2. *Meter Valve*. Every meter shall be equipped with a shutoff valve located on the supply side of the meter, outside of any structure or dwelling, and shall be downstream of the meter, between the meter and point of entry into any structure or dwelling.

Secs. 17-162—17-188. - Reserved.”

Section 5. The Code of Ordinances of the City of Manvel, Texas, is hereby amended by amending Chapter 17, Buildings and Building Regulations, Article III, Technical Codes, Division 6, Energy Conservation Code, to adopt the *International Energy Conservation Code*, 2021 Edition, with certain local amendments and deletions thereto, to read and provide as follows:

“Sec. 17-189. - International Energy Conservation Code.

The International Energy Conservation Code, 2021 [~~2012~~] 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.

Sec. 17-190. - Amendments to International Energy Conservation Code.

- (1) Section C101.1 is hereby deleted in its entirety and a new section C101.1 is substituted therefor as follows:

C101.1 *Title*. These regulations shall be known as the Energy Conservation Code of the City of Manvel, Texas, hereinafter sometimes referred to as "this code."

- (2) Section C109. *Means of Appeal* is hereby modified to provide that an appeal from a decision of the code official shall be to the city council, who shall act as the board of appeals. Any appeal must be filed within twenty (20) calendar days from receipt of the decision of the code official.

Secs. 17-191—17-222. - Reserved.”

Section 6. The Code of Ordinances of the City of Manvel, Texas, is hereby amended by amending Chapter 17, Buildings and Building Regulations, Article III, Technical Codes, Division 7, Mechanical Code, to adopt the *International Mechanical Code*, 2021 Edition, with certain local amendments and deletions thereto, to read and provide as follows:

“Sec. 17-223. - International Mechanical Code.

The International Mechanical Code, 2021[~~2012~~] 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.

Sec. 17-224. - Amendments to International Mechanical Code.

(1) Section 103 of said code is deleted in its entirety and shall be replaced with the following:

103.1 The code official and any deputies shall be appointed by, and serve at the pleasure of, the city manager. If the code official or any deputy is hired as a city employee, he/she shall be an at-will employee and shall be subject to the city's ordinances and personnel policies governing all city employees.

(2) Section 104 of said Code is hereby deleted in its entirety and a new section 104 is substituted therefor as follows:

104. Duties and powers 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.

104.2. *Right of entry.* When it is necessary to make an inspection to enforce the provisions of this Code, or when the building official has reasonable cause to believe that there exists in a building or upon its premises a condition which is contrary to or in violation of this Code which makes the building or premises unsafe, dangerous, or hazardous, the building official may request entry. If entry is refused, the building official shall have recourse to the remedies provided by law to secure entry.

104.3. *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.

105.1. *Modifications.* When there are practical differences involved in carrying out the provisions of this Code, the building official may grant modifications for individual cases. The building official must find that a special reason makes the strict letter of this Code impractical and that modification is in conformance with the intent and purpose of this Code, and that such modification does not lessen accessibility, health, life and fire safety, or structural integrity. The details of any action granting modifications shall be written and recorded and entered in the files of the city.

105.2. *Alternate materials, alternative design and methods of construction.* The provisions of this Code are not intended to prevent the use of a material, alternate design, or method of construction not specifically prescribed by this Code, provided any alternate has been approved by the building official.

The building official may approve any such alternate, provided the building official finds that the proposed material, design, or method is satisfactory and complies with the provisions of this Code and that the material and method of work offered is, for the purpose intended, at least equivalent of that prescribed in this Code in suitability, effectiveness, fire resistance, durability, and safety.

The building official shall require that sufficient written evidence or proof be submitted to substantiate any claims that may be made regarding an alternate. The details of any action granting approval of an alternate shall be written and recorded and entered in the files of the city.

105.3. *Tests.* Whenever there is insufficient evidence of compliance with any of the provisions of this Code or evidence that any material or work does not conform to the requirements of this Code, the building official may require tests as proof of compliance to be made at no expense to the city.

Test methods shall be as specified by this Code or other recognized test standards. If there are no recognized and accepted test methods for the proposed alternate, the building official shall determine test procedures.

All tests shall be made by an approved agency. Reports of such tests shall be retained by the building official for the period required for the retention of public records.

(3) Section 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 1-1/2 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.

(4) Section 106 of said code is amended by adding a new section 106.5.4, which provides 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.

(5) Section 106 of said code is amended by adding a new section 106.5.5, which provides as follows:

106.5.5. *Construction hours.* Within the City of Manvel, Texas, and ETJ, outdoor (unenclosed) construction of buildings and structures and related activities is permitted during the time periods allowed by section 17-415 of The City Code, and the Design Criteria Manual.

The building official shall include written notice of these construction hours with each building permit issued.

These hours shall apply except in cases of extreme and urgent necessity, which are in the interest of public safety and convenience, and then only by permit obtained from and issued by the City's building official. Such permit may be renewed during the time the emergency exists.

(6) Section 106 of said code is amended by adding a new section 106.5.1, which provides as follows:

106.5.1. *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.

(7) Said code is amended by deleting section 106.5.2 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.

(8) Section 108 of said code is deleted in its entirety and the penalty provision of this division is substituted in its place.

(9) Section 109 of said code is deleted in its entirety and a new section 109 substituted therefor 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 city council. The city council may obtain the assistance of persons who are qualified by experience and training on the particular subject under consideration. Any appeal must be filed within twenty (20) calendar days from receipt of the decision of the code official.

(10) Appendix A contained in the International Mechanical Code is hereby adopted.

Secs. 17-225—17-240. - Reserved.”

Section 7. The Code of Ordinances of the City of Manvel, Texas, is hereby amended by amending Chapter 17, Buildings and Building Regulations, Article III, Technical Codes, Division 9, Residential Building Code, to adopt the *International Residential Code for One and Two Family Dwellings*, 2021 Edition, with certain local amendments and deletions thereto, to read and provide as follows:

“Sec. 17-275. Residential Building Code.

The International Residential Code for One and Two Family Dwellings, 2021 [2012] 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.

Sec. 17-256. - Amendments to Residential Building Code.

(1) Section R103 of said code is hereby deleted in its entirety and a new section R103 is substituted therefor as follows:

R103 Building Official. [~~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. The building official may appoint deputies to assist him/her, subject to city manager approval. Said deputies shall serve at the pleasure of the city manager and may be removed without cause. If the building official or any deputy is hired as a city employee, he/she shall be an at-will employee and shall be subject to the city's ordinances and personnel policies governing all city employees.

(2) Section R104 of said code is hereby deleted in its entirety and a new section R104 is substituted therefor as follows:

R104 Duties and Powers of the Building Official.

R104.1 *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.

R104.2 *Right of Entry.* When it is necessary to make an inspection to enforce the provisions of this Code, or when the building official has reasonable cause to believe that there exists in a building or upon its premises a condition which is contrary to or in violation of this code which makes the building or premises unsafe, dangerous, or hazardous, the building official may

request entry. If entry is refused, the building official shall have recourse to the remedies provided by law to secure entry.

R104.3 *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.

R104.4 *Modifications.* When there are practical differences involved in carrying out the provisions of this Code, the building official may grant modifications for individual cases. The building official must find that a special reason makes the strict letter of this Code impractical and that modification is in conformance with the intent and purpose of this code, and that such modification does not lessen accessibility, health, life and fire safety, or structural integrity. The details of any action granting modifications shall be written and recorded and entered in the files of the City.

R104.5 *Alternate Materials, Alternative Design and Methods of Construction.* The provisions of this code are not intended to prevent the use of a material, alternate design, or method of construction not specifically prescribed by this Code, provided any alternate has been approved by the building official.

The building official may approve any such alternate, provided the building official finds that the proposed material, design, or method is satisfactory and complies with the provisions of this Code and that the material and method of work offered is, for the purpose intended, at least equivalent of that prescribed in this code in suitability, effectiveness, fire resistance, durability, and safety.

The building official shall require that sufficient written evidence or proof be submitted to substantiate any claims that may be made regarding an alternate. The details of any action granting approval of an alternate shall be written and recorded and entered in the files of the City.

R104.6 *Tests.* Whenever there is insufficient evidence of compliance with any of the provisions of this code or evidence that any material or work does not conform to the requirements of this Code, the building official may require tests as proof of compliance to be made at no expense to the City.

Test methods shall be as specified by this Code or other recognized test standards. If there are no recognized and accepted test methods for the proposed alternate, the building official shall determine test procedures.

All tests shall be made by an approved agency. Reports of such tests shall be retained by the building official for the period required for the retention of public records.

(3) Section R105.2 of said Code is hereby amended by adding the following to the list of exemptions: (a) carports (attached) of area less than 400 square feet; and (b) decks of less than

30 inches in height. ~~[Additionally, carports (detached) of area less than 600 square feet are still required to be permitted, but are exempt from the payment of the permit fee, with the following conditions:~~

- ~~a. — Less than 600 square feet in area;~~
- ~~b. — Enclosed on no more than two sides;~~
- ~~c. — Unfinished on the interior;~~
- ~~d. — No utilities connected to the structure;~~
- ~~e. — Can be used only for parking and limited storage and not used for habitation (no working, sleeping, living, cooking, or restroom areas);~~
- ~~f. — Must be detached from residential structure;~~
- ~~g. — Must be firmly anchored to prevent floatation, collapse, and lateral movement;~~
- ~~h. — Must abide by the same setbacks as required by zoning on the property;~~
- ~~i. — No elevation certificate is required; and~~
- ~~j. — A site drawing (can be hand drawn) is required to show where the structure will be located.]~~

(4) Section R105.5 of said code is hereby deleted in its entirety and a new section R105.5 is substituted therefor 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 (1-½) 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.

(5) Section R105 of said code is hereby amended by adding a new section R105.10, which provides 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 bodily injury limit of \$100,000, \$300,000 per occurrence, and a property damage limit of \$400,000, or a property damage limit equal to or exceeding the amount of the contract amount, whichever is greater.

(6) Section R108 of the code is amended by adding to section R108.2 the following provision:

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.

(7) Section R108 of said code is hereby amended by adding a new section R108.6, which provides 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.

(8) Section R110.1 of said code is deleted in its entirety and a new section R110.1 is substituted therefor, which provides as follows:

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.

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

112.1. *Appeals.* Appeals of orders, decisions, or determinations made by the City's building official in interpreting or applying this Code shall be to the City Council. The City Council may obtain the assistance of persons who are qualified by experience and training on a particular subject under consideration. Any appeal must be filed within twenty (20) calendar days from receipt of the decision of the building official.

(10) Section R112.3 of the code is hereby deleted in its entirety.

(11) Section R113 of the code is deleted in its entirety and the penalty provision of the ordinance from which this section was derived is substituted in its place.

(12) Chapter 4, section R401.1—Application, shall be amended to provide:

- (a) All flat work shall be reinforced to city requirements; and
 - (b) All reinforcement shall be elevated as required in ACI 318 and ACI 302.
- (13) 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, 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.

- (14) The following appendices contained in the code are deleted their entirety:

Appendix AD, AE, AF, AH, AI, AJ, AK, AL, AM, AO, AQ, AR, AS, AT, AU, AV, AW, AX

~~[The following appendix contained in the code is deleted its entirety:~~

~~Appendix E, Manufactured Housing Used As Dwellings]~~

- (15) Section G2420.2 (409.2) is hereby deleted in its entirety and a new section G2420.2 (409.2) is substituted therefor as follows:

Section G2420.2 (409.2) Meter Valve. Every meter shall be equipped with a shutoff valve located on the supply side of the meter, outside of any structure or dwelling, and shall be downstream of the meter, between the meter and point of entry into any structure or dwelling.

~~[Appendices A through D, and F through K contained in the Code are hereby adopted.]~~

Appendices AA, AB, AC, AG, AN, and AP contained in the Code are hereby adopted.

(16) Section P2904 Dwelling Unit Fire Sprinkler Systems is amended to provide that residential sprinkler systems are optional and not required.

Secs. 17-257—17-260. - Reserved.”

Section 8. The Code of Ordinances of the City of Manvel, Texas, is hereby amended by amending Chapter 17, Buildings and Building Regulations, Article III, Technical Codes, Division 10, International Swimming Pool and Spa Code, to adopt the *International Property Maintenance Code*, 2021 [2012] Edition, with certain local amendments and deletions thereto, to read and provide as follows:

“DIVISION 10. – PROPERTY MAINTENANCE CODE

Sec. 17-261. - The International Property Maintenance Code.

The International Property Maintenance Code, 2021 [2018] 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.

Sec. 17-262. - Amendments to the International Property Maintenance Code.

(1) Section 101.1 of said Code is hereby deleted in its entirety and a new Section 101.1 is substituted therefor to read as follows:

Section 101.1 *Title.* These regulations shall be known as the International Property Maintenance Code of the City of Manvel, Texas, hereinafter sometimes referred to as the "Code."

(2) Section 101.4 of said Code is hereby deleted in its entirety.

(3) Section 102.3 of said Code is hereby deleted in its entirety.

(4) Section 103.2 of said Code is hereby deleted in its entirety and a new Section 103.2 is substituted therefor to read as follows:

103.2 *Appointment.* The code official shall be appointed by the city manager and may be removed without cause at any time. If the code official or any deputy is hired as a city employee, he/she shall be an at-will employee and shall be subject to the city's ordinances and personnel policies governing all city employees.

(5) Section 103.5 of said Code is hereby deleted in its entirety and a new Section 103.5 is substituted therefor as follows:

103.5 *Fees*. The fees for activities and services performed by the department in carrying out its responsibilities under this code shall be approved by resolution adopted by City Council; said fees may be changed from time to time by resolution adopted by City Council.

(6) Section 104.1 of said Code is hereby amended by amending Section 104.1 to read and provide as follows:

104.1 *Rule-making authority*. The code official shall have authority as necessary in the interest of the public health, safety and general welfare, to interpret and implement the provisions of this code; to secure the intent thereof; and to designate requirements applicable because of local climatic or other conditions. Such rules shall not have the effect of waiving structural or fire performance requirements specifically provided for in this code, or of violating accepted engineering methods involving public safety.

(7) Section 111, *Means of Appeal* is hereby modified to provide that an appeal from [a] an interpretation of the code official shall be to the city council, who shall act as the board of appeals. Any appeal must be filed within twenty (20) calendar days from receipt of the decision of the code official. Any appeal of an interpretation decision does not constitute an appearance in any related criminal case filed in municipal court. The municipal court judge, at his or her discretion, may stay a pending criminal case until the appeal has been decided by the city council.

(8) Section 112.4 is hereby amended to read as follows:

112.4 *Failure to comply*. Any person who shall continue any work after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be assessed a fine up to \$2,000. Each day that a violation continues after due notice has been served shall be deemed a separate offense.

(9) Section 302.3 of the Code is hereby amended to read as follows:

302.3 *Sidewalks and driveways*. All non-City sidewalks, walkways, stairs, driveways, parking spaces and similar areas shall be kept in a proper state of repair, and maintained free from hazardous conditions.

(10) Section 302.4 of said code is hereby deleted in its entirety and a new amended section 302.4 is substituted therefore to read as follows:

302.4 *Weeds*. All premises and exterior property shall be maintained free from weeds or plant growth in the excess of nine inches (9"). All 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 violation, they shall be subject to prosecution in accordance with Section 302.4 and as prescribed by the authority having jurisdiction. Upon failure to comply with the

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.

(11) Section 304.14 of said code is hereby deleted in its entirety and a new section 304.14 is substituted therefor to read as follows:

304.14 *Insect screens.* During the period from January 1st to December 31st, every door, window and other outside opening required for ventilation of habitable rooms, food preparation areas, food service areas or any areas where products to be included or utilized in food for human consumption are processed, manufactured, packaged or stored, shall be supplied with approved tightly fitting screens of not less than 16 mesh per inch (16 mesh per 25 mm) and every swinging door shall have a self-closing devise in good working condition.

Exception: Screens shall not be required where other approved means, such as air curtains or insect repellent fans, are employed.

(12) Section 602.3 of said code is hereby deleted in its entirety and a new section 602.3 is substituted therefor to read as follows:

Section 602.3 *Heat supply.* Every owner and operator of any building who rents, leases or lets one or more dwelling unit, rooming unit, dormitory or guestroom on terms, either expressed or implied, to furnish heat to the occupants thereof shall supply heat during the period from September 1st through May 1st to maintain a temperature of not less than 68°F (20°C) in all habitable rooms, bathrooms, 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 its 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.

(13) Section 602.4 of said code is hereby deleted in its entirety and a new section 602.4 is substituted therefor to read as follows:

Section 602.4 *Occupiable work spaces.* Indoor occupiable work spaces shall be supplied with heat during the period from September 1st to May 1st to maintain a temperature of not less than 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.”

Section 9. The Code of Ordinances of the City of Manvel, Texas, is hereby amended by amending Chapter 17, Buildings and Building Regulations, Article III, Technical Codes, Division 12, International Swimming Pool and Spa Code, to adopt the *International Swimming Pool and Spa Code*, 2021 [2012] Edition, with certain local amendments and deletions thereto, to read and provide as follows:

“DIVISION 12. - SWIMMING POOL AND SPA CODE

Sec. 17-264. - The International Swimming Pool and Spa Code.

The International Swimming Pool and Spa Code, 2021 [2012] Edition, 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.

Sec. 17-265. - Amendments to the International Swimming Pool and Spa Code.

(a) Section 101.1 of said code is hereby deleted in its entirety and a new section 101.1 is substituted therefor to read as follows:

Section 101.1 *Title*. These regulations shall be known as the International Swimming Pool and Spa Code of the City of Manvel, Texas, hereinafter sometimes referred to as the "Code."

(b) Section 103, *Code Official* [~~Department of Building Safety~~], shall be amended to provide that the code official and any deputies shall be appointed by, and serve at the pleasure of, the city manager. If the code official or any deputy is hired as a city employee, he/she shall be an at-will employee and shall be subject to the city's ordinances and personnel policies governing all city employees.

(c) Section 108, *Means of Appeal*, is hereby modified to provide that an appeal from a decision of the code official shall be to the city council, who shall act as the board of appeals. Any appeal must be filed within 20 calendar days from receipt of the decision of the code official.

(d) Section 304, *Flood Hazard Areas*, is deleted.

(e) Chapter 7, *Onground Storable Residential Swimming Pools*, is deleted.

Secs. 17-28—17-55. - Reserved. “

Section 10. Future Amendments. Future amendments of these codes not including clarifications or technical notices of any type, are not adopted by this Ordinance and must be subsequently approved and adopted by the City Council.

Section 11. Effect of Code. This Code shall not be construed to relieve or lessen the responsibility of any person owning, operating, or controlling any building or structure for any damages to persons or property caused by defects, nor shall the City Council, the City, its agents or representatives assume any such liability by reason of these regulations or the inspections authorized by this Code or any permits or certificates issued under this code.

Section 12. Penalty. Any person who intentionally, knowingly, recklessly, or with criminal negligence violates any provision of this Ordinance shall be deemed guilty of a misdemeanor and, upon conviction, shall be fined in an amount not to exceed \$2,000.00. Each day of violation shall constitute a separate offense. Any person who shall continue any work after being served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be liable to a fine in an amount not to exceed \$2,000.00.

Section 13. Repealer. All ordinances or parts of ordinances inconsistent or in conflict herewith, are, to the extent of such inconsistency or conflict, hereby repealed.

Section 14. Severability. In the event any 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 the City of Manvel, Texas, declares that it would have passed each and every part of the same notwithstanding the omission of any such part thus declared to be invalid or unconstitutional, whether there be one or more parts.

PASSED AND APPROVED on first reading this ____ day of _____, 2023.

PASSED, APPROVED, AND ADOPTED on second and final reading this _____, 2023.

Debra Davison, Mayor

ATTEST:

Tammy Bell, City Secretary

APPROVED AS TO FORM:

Bobby Gervais, City Attorney

ARTICLE II. - BUILDING PERMITS

Sec. 17-23. - Building permits.

- (a) The fee for obtaining a building permit in the city shall be set at an amount as is determined from time to time by resolution.
- (b) The standard minimum requirements for light frame wood structures must comply with the International Building Code; or International Residential Code as well as the current regulations adopted by the Texas Department of insurance.

Sec. 17-24. - On-Site Sewage Facilities.

Sec. 17-27. - Permit required.

- (a) Excluding work expressly stated to be exempt from permits. It shall be unlawful for any person within the city limits or areas developed constructed in accordance with a Development Agreement within the extraterritorial jurisdiction of the city to commence construction or excavation for construction of any building or structure, including accessory buildings, or to commence the erection, reconstruction, conversion, or alteration of any building or structure, including accessory buildings, until the building inspector has issued a building permit for such work. The movement of buildings and other structures into the city is prohibited except upon written authorization of the building official. No building permit shall be issued for any building or structure where the construction, reconstruction, conversion, moving, alteration or use thereof would be in violation of any provisions of this chapter or of the code(s) adopted by the City of Manvel.
- (b) No building permit shall be issued for any building or structure, including accessory buildings, unless the lot, plot, tract or parcel of land complies with Sec. 62-3 of the Subdivision Ordinance.

Secs. 17-56—17-83. - Reserved.

Sec. 17-84. - International Building Code.

- (1) The International Building Code, 2021 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 hereto and made a part hereof for all purposes, an authentic copy of which has been filed with the city secretary.

Sec. 17-85. - Amendments to the International Building Code.

The International Building Code is expressly amended as follows:

- (1)
- (2)

106 Right of Entry. When it is necessary to make an inspection to enforce the provisions of this code, or when the building official has reasonable cause to believe that there exists in a building or upon its premises a condition which is contrary to or in violation of this code which makes the building or premises unsafe, dangerous, or hazardous, the building official may request entry. If entry is refused, the building official shall have recourse to the remedies provided by law to secure entry.

111.1 Use and Occupancy. No Building or structure shall be used or occupied, and no change in the occupancy 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.

DIVISION 3. - ELECTRICAL CODE^[3]

Sec. 17-112. - National Electrical Code.

The National Electrical Code, 2020 Edition, hereinafter sometimes referred to as the "Code," 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.

Sec. 17-113. - Amendments to the National Electrical Code.

In addition to the provisions of the National Electrical Code, 2020 Edition, the following regulations shall also apply:

- (1) The fee for obtaining an electrical permit in the city shall be set at an amount as is determined from time to time by resolution.
- (2) The National Electrical Code edition adopted by the state commission of licensing and regulation pursuant to state law is hereby adopted by reference as the electrical code for the city in its entirety.
- (3) No person shall engage in the business of contracting for, installing, altering or repairing any electrical work within the city, which is regulated by this article, unless said person shall hold a valid, unexpired electrician's license issued pursuant to state law.

DIVISION 4. - PLUMBING CODE^[4]

Sec. 17-138. - International Plumbing Code.

The International Plumbing Code, 2021 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.

DIVISION 5. - FUEL AND GAS CODE^[5]

Sec. 17-160. - International Fuel Gas Code.

The International Fuel Gas Code, 2021 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.

Sec. 17-161. - Amendments to International Fuel Gas Code.

- (6) Section 409.2 is hereby deleted in its entirety and a new section 409.2 is substituted therefor as follows:

409.2. Meter Valve. Every meter shall be equipped with a shutoff valve located outside of any structure or dwelling, and shall be downstream of the meter between the meter and point of entry into any structure or dwelling.

DIVISION 6. - ENERGY CONSERVATION CODE^[6]

Sec. 17-189. - International Energy Conservation Code.

The International Energy Conservation Code, 2021 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.

DIVISION 7. - MECHANICAL CODE^[7]

Sec. 17-223. - International Mechanical Code.

The International Mechanical Code, 2021 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.

DIVISION 9. - RESIDENTIAL BUILDING CODE^[9]

Sec. 17-255. - Residential Building Code.

The International Residential Code for One- and Two-Family Dwellings, 2021 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.

Sec. 17-256. - Amendments to Residential Building Code.

- (3) Section R105.2 of said Code is hereby amended by adding the following to the list of exemptions: (a) carports (attached) of area less than 400 square feet; and (b) decks of less than 30 inches in height.
- (14) The following appendix contained in the code is deleted its entirety:
Appendix AD, AE, AF, AH, AI, AJ, AK, AL, AM, AO, AQ, AR, AS, AT, AU, AV, AW, AX
- (15) Section G2420.2 (409.2) is hereby deleted in its entirety and a new section G2420.2 (409.2) is substituted therefor as follows:
Section G2420.2 (409.2) Meter Valve. Every meter shall be equipped with a shutoff valve located outside of any structure or dwelling, and shall be downstream of the meter between the meter and point of entry into any structure or dwelling.
- (16) Appendices AA, AB, AC, AG, AN, AP contained in the Code are hereby adopted.

DIVISION 10. - PROPERTY MAINTENANCE CODE^[10]

Sec. 17-261. - The International Property Maintenance Code.

The International Property Maintenance Code, 2021 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.

Sec. 17-262. - Amendments to the International Property Maintenance Code.

- (1) Section 101.1 of said Code is hereby deleted in its entirety and a new Section 101.1 is substituted therefor to read as follows:
Section 101.1 Title. These regulations shall be known as the International Property Maintenance Code of the City of Manvel, Texas, hereinafter sometimes referred to as the "Code."
- (2) Section 101.4 of said Code is hereby deleted in its entirety.
- (3) Section 102.3 of said Code is hereby deleted in its entirety.
- (4) Section 103.2 of said Code is hereby deleted in its entirety and a new Section 103.2 is substituted therefor to read as follows:
103.2 Appointment. The code official shall be appointed by the city manager and may be removed without cause at any time. If the code official or any deputy is hired as a city employee,

he/she shall be an at-will employee and shall be subject to the city's ordinances and personnel policies governing all city employees.

- (5) Section 103.5 of said Code is hereby deleted in its entirety and a new Section 103.5 is substituted therefor as follows:
103.5 Fees. The fees for activities and services performed by the department in carrying out its responsibilities under this code shall be approved by resolution adopted by City Council; said fees may be changed from time to time by resolution adopted by City Council.
- (6) Section 104.1 of said Code is hereby amended by amending Section 104.1 to read and provide as follows:
104.1 Rule-making authority. The code official shall have authority as necessary in the interest of the public health, safety and general welfare, to interpret and implement the provisions of this code; to secure the intent thereof; and to designate requirements applicable because of local climatic or other conditions. Such rules shall not have the effect of waiving structural or fire performance requirements specifically provided for in this code, or of violating accepted engineering methods involving public safety.
- (7) Section 111, Means of Appeal is hereby modified to provide that an appeal from a an interpretation of the code official shall be to the city council, who shall act as the board of appeals. Any appeal must be filed within twenty (20) calendar days from receipt of the decision of the code official. Any appeal of an interpretation decision does not constitute an appearance in any related criminal case filed in municipal court. The municipal court judge, at his or her discretion, may stay a pending criminal case until the appeal has been decided by the city council.
- (8) Section 112.4 is hereby amended to read as follows:
112.4 Failure to comply. Any person who shall continue any work after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be assessed a fine up to \$2,000. Each day that a violation continues after due notice has been served shall be deemed a separate offense.
- (9) Section 302.3 of the Code is hereby amended to read as follows:
302.3 Sidewalks and driveways. All non-City sidewalks, walkways, stairs, driveways, parking spaces and similar areas shall be kept in a proper state of repair, and maintained free from hazardous conditions.
- (10) Section 302.4 of said code is hereby deleted in its entirety and a new amended section 302.4 is substituted therefore to read as follows:
302.4 Weeds. All premises and exterior property shall be maintained free from weeds or plant growth in the excess of nine inches (9"). All 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 violation, they shall be subject to prosecution in accordance with Section 302.4 and as prescribed by the authority having jurisdiction. Upon failure to comply with the 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.
- (11) Section 304.14 of said code is hereby deleted in its entirety and a new section 304.14 is substituted therefor to read as follows:
304.14 Insect screens. During the period from January 1st to December 31st, every door, window and other outside opening required for ventilation of habitable rooms, food preparation areas, food service areas or any areas where products to be included or utilized in food for human consumption are processed, manufactured, packaged or stored, shall be supplied with approved

tightly fitting screens of not less than 16 mesh per inch (16 mesh per 25 mm) and every swinging door shall have a self-closing device in good working condition.

Exception: Screens shall not be required where other approved means, such as air curtains or insect repellent fans, are employed.

- (12) Section 602.3 of said code is hereby deleted in its entirety and a new section 602.3 is substituted therefor to read as follows:

Section 602.3 Heat supply. Every owner and operator of any building who rents, leases or lets one or more dwelling unit, rooming unit, dormitory or guestroom on terms, either expressed or implied, to furnish heat to the occupants thereof shall supply heat during the period from September 1st through May 1st to maintain a temperature of not less than 68°F (20°C) in all habitable rooms, bathrooms, 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 its 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.

- (13) Section 602.4 of said code is hereby deleted in its entirety and a new section 602.4 is substituted therefor to read as follows:

Section 602.4 Occupiable work spaces. Indoor occupiable work spaces shall be supplied with heat during the period from September 1st to May 1st to maintain a temperature of not less than 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.

DIVISION 12. - SWIMMING POOL AND SPA CODE^[12]

Sec. 17-264. - The International Swimming Pool and Spa Code.

The International Swimming Pool and Spa Code, 2021 Edition, 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.

ARTICLE II. - BUILDING PERMITS

Sec. 17-23. - Building permits.

- (a) The fee for obtaining a building permit in the city shall be set at an amount as is determined from time to time by resolution.
- (b) ~~The standard minimum requirements for light frame wood structures must comply with the International Building Code; or International Residential Code as well as the current regulations adopted by the Texas Department of insurance. be upgraded to the following standards: all rafters 16 inches on center shall have a minimum one-half inch thick plywood decking and all rafters 24 inches on center shall have a minimum five-eighth inch thick plywood decking for any building within the limits of the city.~~

Sec. 17-24. - Plumbing: **On-Site Sewage Facilities.**

~~Sec. 17-25. - Electrical.~~

- ~~(a) The fee for obtaining an electrical permit in the city shall be set at an amount as is determined from time to time by resolution.~~
- ~~(b) The National Electrical Code edition adopted by the state commission of licensing and regulation pursuant to state law is hereby adopted by reference as the electrical code for the city in its entirety, except that the standard for all electrical wiring shall be upgraded so that all electrical wiring to be used in any building within the limits of the city shall be at least 600-volt UL-approved wiring with no exceptions. No 300-volt wiring or similar inferior electrical wiring shall be permitted, and no aluminum wiring of any kind is permitted for use within the city limits.~~
- ~~(c) No person shall engage in the business of contracting for, installing, altering or repairing any electrical work within the city, which is regulated by this article, unless said person shall hold a valid, unexpired electrician's license issued pursuant to state law.~~
- ~~(d) Nothing in this code shall prevent a home owner from installing or maintaining electrical work within his own property boundaries, providing such electrical work is done by himself and is used exclusively by him or his family. Such privilege does not convey the right to violate any of the provisions of this code, nor is it to be construed as exempting any such property owner from obtaining a permit and paying the required fees therefor.~~
- ~~(e) Aluminum wiring shall not be used in the city. Utilities who service and maintain all of their installations may use aluminum wiring.~~

Sec. 17-27. - Permit required.

- (a) **Excluding work expressly stated to be exempt from permits.** It shall be unlawful for any person within the city limits or **areas developed constructed in accordance with a Development Agreement within the** extraterritorial jurisdiction of the city to commence construction or excavation for construction of any building or structure, including accessory buildings, or to commence the erection, reconstruction, conversion, or alteration of any building or structure, including accessory buildings, until the building inspector has issued a building permit for such work. The movement of buildings and other structures into the city is prohibited except upon written authorization of the building official. No building permit shall be issued for any building or structure where the construction, reconstruction, conversion, moving, alteration or use thereof would be in violation of any provisions of this chapter or of the code(s) adopted by the City of Manvel.
- (b) No building permit shall be issued for any building or structure, including accessory buildings, **unless the lot, plot, tract or parcel of land complies with Sec. 62-3 of the Subdivision Ordinance, where said building, structure or accessory buildings would be situated upon any lot, plot, tract or parcel of land less than the original size of said lot, plot, tract or parcel of land as previously platted or replatted?**

Secs. 17-56—17-83. - Reserved.

Sec. 17-84. - International Building Code.

- (1) The International Building Code, 2015- 2021 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 hereto and made a part hereof for all purposes, an authentic copy of which has been filed with the city secretary.

Sec. 17-85. - Amendments to the International Building Code.

The International Building Code is expressly amended as follows:

(1)

(2)

~~104.2~~ **6 Right of Entry.** When it is necessary to make an inspection to enforce the provisions of this code, or when the building official has reasonable cause to believe that there exists in a building or upon its premises a condition which is contrary to or in violation of this code which makes the building or premises unsafe, dangerous, or hazardous, the building official may request entry. If entry is refused, the building official shall have recourse to the remedies provided by law to secure entry.

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.

(14) ~~Section 303.1.3; is hereby amended by add a sentence to read as follows:~~

~~303.1.3 Associated with Group E occupancies. A room or space used for assembly purposes that is associated with a Group E occupancy is not considered a separate occupancy except when applying the assembly requirements of Chapter 10 and 11.~~

(15) ~~Section 307.1.1; is hereby amended by add the following sentence to Exception 4:~~

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

DIVISION 3. - ELECTRICAL CODE^[3]

Sec. 17-112. - National Electrical Code.

The National Electrical Code, 2014 2020 Edition, hereinafter sometimes referred to as the "Code," 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.

Sec. 17-113. - Amendments to the National Electrical Code.

In addition to the provisions of the National Electrical Code, 2014 2020 Edition, the following regulations shall also apply:

- (1) The fee for obtaining an electrical permit in the city shall be set at an amount as is determined from time to time by resolution.
- (2) The National Electrical Code edition adopted by the state commission of licensing and regulation pursuant to state law is hereby adopted by reference as the electrical code for the city in its entirety., except that the standard for all electrical wiring shall be upgraded so that all electrical wiring to be used in any building within the limits of the city shall be at least 600-volt UL-approved

~~wiring with no exceptions. No 300-volt wiring or similar inferior electrical wiring shall be permitted and no aluminum wiring of any kind is permitted for use within the city limits.~~

- (3) ~~No person shall engage in the business of contracting for, installing, altering or repairing any electrical work within the city, which is regulated by this article, unless said person shall hold a valid, unexpired electrician's license issued pursuant to state law.~~
- (4) ~~Nothing in this code shall prevent a home owner from installing or maintaining electrical work within his own property boundaries, providing such electrical work is done by himself and is used exclusively by him or his family. Such privilege does not convey the right to violate any of the provisions of this code, nor is it to be construed as exempting any such property owner from obtaining a permit and paying the required fees therefor.~~

DIVISION 4. - PLUMBING CODE^[4]

Sec. 17-138. - International Plumbing Code.

The International Plumbing Code, 2012 ~~2012~~ 2021 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.

DIVISION 5. - FUEL AND GAS CODE^[5]

Sec. 17-160. - International Fuel Gas Code.

The International Fuel Gas Code, 2012 ~~2012~~ 2021 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.

Sec. 17-161. - Amendments to International Fuel Gas Code.

- (6) Section 409.2 is hereby deleted in its entirety and a new section 409.2 is substituted therefor as follows:

409.2. *Meter Valve.* Every meter shall be equipped with a shutoff valve located ~~on the supply side of the meter,~~ outside of any structure or dwelling, and shall be ~~downstream~~ of the meter between the meter and point of entry into any structure or dwelling.

DIVISION 6. - ENERGY CONSERVATION CODE^[6]

Sec. 17-189. - International Energy Conservation Code.

The International Energy Conservation Code, 2012 ~~2012~~ 2021 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.

DIVISION 7. - MECHANICAL CODE^[7]

Sec. 17-223. - International Mechanical Code.

The International Mechanical Code, 2012 ~~2012~~ 2021 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.

DIVISION 9. - RESIDENTIAL BUILDING CODE^[9]

Sec. 17-255. - Residential Building Code.

The International Residential Code for One- and Two-Family Dwellings, 2012 ~~2012~~ 2021 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.

Sec. 17-256. - Amendments to Residential Building Code.

- (3) Section R105.2 of said Code is hereby amended by adding the following to the list of exemptions: (a) carports (attached) of area less than 400 square feet; and (b) decks of less than 30 inches in height. ~~Additionally, carports (detached) of area less than 600 square feet are still required to be permitted, but are exempt from the payment of the permit fee, with the following conditions:~~
- ~~a. Less than 600 square feet in area;~~
 - ~~b. Enclosed on no more than two sides;~~
 - ~~c. Unfinished on the interior;~~
 - ~~d. No utilities connected to the structure;~~
 - ~~e. Can be used only for parking and limited storage and not used for habitation (no working, sleeping, living, cooking, or restroom areas);~~
 - ~~f. Must be detached from residential structure;~~
 - ~~g. Must be firmly anchored to prevent floatation, collapse, and lateral movement;~~
 - ~~h. Must abide by the same setbacks as required by zoning on the property;~~
 - ~~i. No elevation certificate is required; and~~
 - ~~j. A site drawing (can be hand drawn) is required to show where the structure will be located.~~
- (14) The following appendix contained in the code is deleted its entirety:
- Appendix ~~AD, AE, AF, AH, AI, AJ, AK, AL, AM, AO, AQ, AR, AS, AT, AU, AV, AW, AX~~
~~Manufactured Housing Used As Dwellings~~
- (15) Section G2420.2 (409.2) is hereby deleted in its entirety and a new section G2420.2 (409.2) is substituted therefor as follows:
- Section G2420.2 (409.2) Meter Valve.* Every meter shall be equipped with a shutoff valve located ~~on the supply side of the meter,~~ outside of any structure or dwelling, and shall be **downstream** of the meter between the meter and point of entry into any structure or dwelling.
- (16) Appendices ~~AA, AB, AC, AG, AN, AP~~ **AA, AB, AC, AG, AN, AP** A through D, and F through K, contained in the Code are hereby adopted.

DIVISION 10. - PROPERTY MAINTENANCE CODE^[10]

Sec. 17-261. - The International Property Maintenance Code.

The International Property Maintenance Code, 2018 ~~2018~~ 2021 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.

Sec. 17-262. - Amendments to the International Property Maintenance Code.

- (1) Section 101.1 of said Code is hereby deleted in its entirety and a new Section 101.1 is substituted therefor to read as follows:
Section 101.1 Title. These regulations shall be known as the International Property Maintenance Code of the City of Manvel, Texas, hereinafter sometimes referred to as the "Code."
- (2) Section 101.4 of said Code is hereby deleted in its entirety.
- (3) Section 102.3 of said Code is hereby deleted in its entirety.
- (4) Section 103.2 of said Code is hereby deleted in its entirety and a new Section 103.2 is substituted therefor to read as follows:
103.2 Appointment. The code official shall be appointed by the city manager and may be removed without cause at any time. If the code official or any deputy is hired as a city employee, he/she shall be an at-will employee and shall be subject to the city's ordinances and personnel policies governing all city employees.
- (5) Section 103.5 of said Code is hereby deleted in its entirety and a new Section 103.5 is substituted therefor as follows:
103.5 Fees. The fees for activities and services performed by the department in carrying out its responsibilities under this code shall be approved by resolution adopted by City Council; said fees may be changed from time to time by resolution adopted by City Council.
- (6) Section 104.1 of said Code is hereby amended by amending Section 104.1 to read and provide as follows:
104.1 Rule-making authority. The code official shall have authority as necessary in the interest of the public health, safety and general welfare, to interpret and implement the provisions of this code; to secure the intent thereof; and to designate requirements applicable because of local climatic or other conditions. Such rules shall not have the effect of waiving structural or fire performance requirements specifically provided for in this code, or of violating accepted engineering methods involving public safety.
- (7) Section 111, Means of Appeal is hereby modified to provide that an appeal from an interpretation of the code official shall be to the city council, who shall act as the board of appeals. Any appeal must be filed within twenty (20) calendar days from receipt of the decision of the code official. Any appeal of an interpretation decision does not constitute an appearance in any related criminal case filed in municipal court. The municipal court judge, at his or her discretion, may stay a pending criminal case until the appeal has been decided by the city council.
- (8) Section 112.4 is hereby amended to read as follows:
112.4 Failure to comply. Any person who shall continue any work after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be assessed a fine up to \$2,000. Each day that a violation continues after due notice has been served shall be deemed a separate offense.
- (9) Section 302.3 of the Code is hereby amended to read as follows:
302.3 Sidewalks and driveways. All non-City sidewalks, walkways, stairs, driveways, parking spaces and similar areas shall be kept in a proper state of repair, and maintained free from hazardous conditions.
- (10) Section 302.4 of said code is hereby deleted in its entirety and a new amended section 302.4 is substituted therefore to read as follows:
302.4 Weeds. All premises and exterior property shall be maintained free from weeds or plant growth in the excess of nine inches (9"). All 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 violation, they shall be subject to prosecution in accordance with Section 302.4 and as prescribed by the authority having jurisdiction. Upon failure to comply with the 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.

- (11) Section 304.14 of said code is hereby deleted in its entirety and a new section 304.14 is substituted therefor to read as follows:
304.14 Insect screens. During the period from January 1st to December 31st, every door, window and other outside opening required for ventilation of habitable rooms, food preparation areas, food service areas or any areas where products to be included or utilized in food for human consumption are processed, manufactured, packaged or stored, shall be supplied with approved tightly fitting screens of not less than 16 mesh per inch (16 mesh per 25 mm) and every swinging door shall have a self-closing device in good working condition.
Exception: Screens shall not be required where other approved means, such as air curtains or insect repellent fans, are employed.
- (12) Section 602.3 of said code is hereby deleted in its entirety and a new section 602.3 is substituted therefor to read as follows:
Section 602.3 Heat supply. Every owner and operator of any building who rents, leases or lets one or more dwelling unit, rooming unit, dormitory or guestroom on terms, either expressed or implied, to furnish heat to the occupants thereof shall supply heat during the period from September 1st through May 1st to maintain a temperature of not less than 68°F (20°C) in all habitable rooms, bathrooms, 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 its 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.
- (13) Section 602.4 of said code is hereby deleted in its entirety and a new section 602.4 is substituted therefor to read as follows:
Section 602.4 Occupiable work spaces. Indoor occupiable work spaces shall be supplied with heat during the period from September 1st to May 1st to maintain a temperature of not less than 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.

DIVISION 12. - SWIMMING POOL AND SPA CODE^[12]

Sec. 17-264. - The International Swimming Pool and Spa Code.

The International Swimming Pool and Spa Code, 2012 ~~2021~~ Edition, 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.



MANVEL CITY COUNCIL DATA SHEET

MEETING DATE: February 6, 2023

TOPIC:

Consideration and possible action to approve ORDINANCE NO. 2023-O-08, which includes repealing the 2015 edition of the International Fire Code and section 319 of the 2018 edition of the International Fire Code contained in Chapter 17, Buildings and Building Regulations, Article III, Technical Codes, Division 8, "Fire Code," and the local amendments to the Fire Code. In addition, consideration and possible action to adopt and implement the 2021 edition of the International Fire Code, and revising the provisions relating to certain local amendments to the Fire Code.

BACKGROUND:

Staff has researched and reviewed the 2021 edition of the International Fire Code (IFC), to recommend implementation the Fire Code and including the revising of provisions relating to certain local amendments to the Fire Code. Certain appendices of the Fire code were not adopted to maintain continuity with the adopted City of Manvel Standard Details and Design Criteria Manual (DCM). Other provisions and amendments to the Fire Code were revised to maintain continuity with other chapters of the Fire Code and the adopted City of Manvel Standard Details and DCM.

The 2021 IFC 903.2 and 907.2 were amended and read as follows:

Previous amendment: 903.2 *Where required.* Approved automatic sprinkler systems shall be required in new buildings and structures when the gross square footage of the building or structure exceeds eight thousand (8,000) square feet, regardless of occupancy use.

For any building constructed 6 months after the adoption of this code that exceeds 8,000 sq. ft. or any attached construction, alteration, or in the case of an addition to an existing structure of any group that causes the structure to exceed 8,000 sq. ft., for purposes of this section, an automatic fire sprinkler system shall be installed in the non-conforming or existing structure in addition to the new construction area, regardless of separation.

Approved automatic sprinkler systems shall be required in buildings with less than 8,000 square feet, where the code expressly requires it.

If there is a conflict between this section and another section of this code, the most restrictive requirement shall apply.

Amended: 903.2 *Where required.* Approved automatic sprinkler systems shall be required in new buildings and structures when the gross square footage of the building or structure exceeds five thousand (5,000) square feet, regardless of occupancy use.

For any attached construction, alteration, or in the case of an addition to an existing structure of any group that causes the structure to exceed 8,000 sq. ft., for purposes of this section, an automatic fire sprinkler system shall be installed in the non-conforming or existing structure in addition to the new construction area, regardless of separation. Approved automatic sprinkler systems shall be required in buildings with less than 8,000 square feet, where the code expressly requires it.

If there is a conflict between this section and another section of this code, the most restrictive requirement shall apply.

Automatic Sprinklers shall not be installed in elevator machine rooms, elevator machine spaces, and elevator hoistways, other than pits where such sprinklers would not necessitate shunt trip requirements under any circumstances. Storage shall not be allowed within the elevator machine room. Signage shall be provided at the entry doors to the elevator machine room indicating "ELEVATOR MACHINERY – NO STORAGE ALLOWED."

Exception: Deleted

Previous Fire Code: *Where required—new buildings and structures.* An approved fire alarm system installed in accordance with the provisions of this code and NFPA 72 shall be provided in new buildings and structures in accordance with Sections 907.2.1 through 907.2.23 and provide occupant notification in accordance with Section 907.5, unless other requirements are provided by another section of this code.

Not fewer than one manual fire alarm box shall be provided in an approved location to initiate a fire alarm signal for fire alarm systems employing automatic fire detectors or waterflow detection devices. Where other sections of this code allow elimination of fire alarm boxes due to sprinklers, a single fire alarm box shall be installed.

Exceptions:

1. The manual fire alarm box is not required for fire alarm systems dedicated to elevator recall control and supervisory service.
2. The manual fire alarm box is not required for Group R-2 occupancies unless required by the fire code official to provide a means for fire watch personnel to initiate an alarm during a sprinkler system impairment event. Where provided, the manual fire alarm box shall not be located in an area that is accessible to the public.

Amended: 907.2 *Where required—new buildings and structures.* An approved fire alarm system installed in accordance with the provisions of this code and NFPA 72 shall be provided in new buildings and structures with more than one story, or larger than two thousand five hundred (2,500) square feet shall be addressable and communication devices shall be compatible for emergency force notification; for occupancy Group B, Group M. The system shall have occupant notification throughout the building in compliance with ADA requirements.

Not fewer than one manual fire alarm box shall be provided in an approved location to initiate a fire alarm signal for fire alarm systems employing automatic fire detectors or waterflow detection devices. Where other sections of this code allow elimination of fire alarm boxes due to sprinklers, a single fire alarm box shall be installed.

All manual, automatic or manual and automatic fire alarm systems shall also include smoke detectors in each mechanical equipment, electrical, transformer, telephone equipment, corridors, lobbies, storage rooms larger than 200 square feet, elevator machine rooms, elevator lobbies, and other areas determined to be a special hazard by

the Fire Marshal.

For any attached construction, alteration, or in the case of an addition to an existing structure of any group that causes the structure with more than one story, or larger than two thousand five hundred (2,500) square feet for purposes of this section, an approved fire alarm system installed in accordance with the provisions of this code and NFPA 72 shall be provided in the non-conforming or existing structure in addition to the new construction area, regardless of separation.

Exceptions:

1. The manual fire alarm box is not required for fire alarm systems dedicated to elevator recall control and supervisory service.
2. The manual fire alarm box is not required for Group R-2 occupancies unless required by the fire code official to provide a means for fire watch personnel to initiate an alarm during a sprinkler system impairment event. Where provided, the manual fire alarm box shall not be located in an area that is accessible to the public.

If there is a conflict between this section and another section of this code, the most restrictive requirement shall apply.

STAFF RECOMMENDATION:

The staff recommends approval of Ordinance No. 2023-O-08.

ATTACHMENTS: Ordinance No. 2023-O-08, CHAPTER 17, BUILDINGS AND BUILDING REGULATIONS, ARTICLE III, TECHNICAL CODES, 2021 INTERNATIONAL FIRE CODE

FUNDING ISSUES

- ☒ **Not applicable**
☐ **Not budgeted**
☐ **Full amount already budgeted**
☐ **Funds to be transferred from Acct.#**

SUBMITTING STAFF MEMBER

Jessica Rodriguez

FINANCE DIRECTOR APPROVAL _____

CITY MANAGER APPROVAL _____

ORDINANCE NO. 2023-O-08

AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF MANVEL, TEXAS BY AMENDING CHAPTER 17, BUILDINGS AND BUILDING REGULATIONS, ARTICLE III, TECHNICAL CODES, BY REPEALING THE 2015 EDITION OF THE INTERNATIONAL FIRE CODE AND SECTION 319 OF THE 2018 INTERNATIONAL FIRE CODE AND ADOPTING THE 2021 INTERNATIONAL FIRE CODE; AMENDING THE LOCAL AMENDMENTS TO THE CITY’S INTERNATIONAL FIRE CODE; PROVIDING THAT FEES ASSOCIATED WITH THE FIRE CODE SHALL BE THE FEES STATED IN THE MOST CURRENT FEE SCHEDULE RESOLUTION ADOPTED BY CITY COUNCIL; PROVIDING A PENALTY OF AN AMOUNT NOT TO EXCEED \$2,000 FOR EACH VIOLATION OF ANY PROVISION HEREOF, WITH EACH DAY OF VIOLATION CONSTITUTING A SEPARATE OFFENSE; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES INCONSISTENT OR IN CONFLICT HERewith; AND PROVIDING FOR SEVERABILITY.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MANVEL, TEXAS:

Section 1. The Code of Ordinances of the City of Manvel, Texas, is hereby amended by repealing the 2015 edition of the International Fire Code and section 319 of the 2018 edition of the International Fire Code currently contained in Chapter 17, Buildings and Building Regulations, Article III, Technical Codes, Division 8, “Fire Code,” and the local amendments to the Fire Code, by deleting Division 8, “Fire Code”, as follows:

“CHAPTER 17 - BUILDING AND BUILDING REGULATIONS

...

Article III. Technical Codes

...

DIVISION 8. - FIRE CODE

[deleted] “

Section 2. The Code of Ordinances of the City of Manvel, Texas, is hereby amended by adopting a new Chapter 17, Buildings and Building Regulations, Article III, Technical Codes, Division 8, "Fire Code," to adopt and implement the 2021 edition of the International Fire Code, and revising the provisions relating to certain local amendments to the Fire Code, to read and provide as follows:

"CHAPTER 17 - BUILDING AND BUILDING REGULATIONS

...

Article III. Technical Codes

...

DIVISION 8. - FIRE CODE

Sec. 17-241. - International Fire Code.

(1) The 2021 edition of the International Fire Code, including Chapter 80 Referenced Standards, appendices B, E, F, G, H, I and local amendments, are hereby adopted as the official fire code of the city. This fire code is fully incorporated by reference as though copied into this article in its entirety. The material contained in the International Fire Code shall not be included in the formal codification of ordinances but shall be maintained as a public record in the office of the city fire marshal and made part of this division.

(2) The reference to "fire code official" and/or "fire chief" in the International Fire Code can mean the "fire marshal," or a duly authorized representative with the duties of administration and enforcement of the code.

Sec. 17-242. - Amendments to International Fire Code.

The International Fire Code is expressly amended as follows:

(1) Section 101.1 is hereby deleted in its entirety and a new section 101.1 is substituted therefor as follows:

101.1 Title. These regulations shall be known as the Fire Code of the City of Manvel, Texas, hereinafter sometimes referred to as "this Code."

(2) Reserved.

(3) Section 101.2.1 is hereby amended to read as follows:

101.2.1 Appendices. All provisions in appendices B, E, F, G, H, and I are hereby adopted.

(4) Section 102.1 (3) is hereby amended to read as follows:

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

(5) Section 103.1 is hereby amended to read as follows:

103.1 Creation of Agency. The City of Manvel Department of Fire Safety was created by Ordinance 2021-O-31 and the official in charge thereof is known as the Director of Fire Safety/Fire Marshal. The jurisdiction for fire prevention is under the direction of the Director of Fire Safety. The function of the agency shall be implementation, administration and enforcement of the provisions of this code.

(6) Section 103.2 is hereby amended by substituting a new section 103.2 to read as follows:

103.2. Appointment. The Director of Fire Safety/Fire Marshal shall be appointed by, and serve at the pleasure of, the city manager. If the Director of Fire Safety/Fire Marshal or any deputy is hired as a city employee, he/she shall be an at-will employee and shall be subject to the city's ordinances and personnel policies governing all city employees.

(7) Section 106 is hereby amended by adding a new section 106.5 and a new section 106.6 to read as follows:

106.5 Periodic Inspections. As often as is deemed necessary, the fire code official shall enter upon and make a thorough examination of all mercantile, manufacturing, commercial, and public buildings, together with the premises belonging thereto, in order to ensure compliance with this code.

106.6 Inspection by Fire Marshal. The City of Manvel Fire Marshal, or designee, shall inspect all registered and licensed personal care facilities, foster care facilities, foster care, child-care, and group homes within the City of Manvel for compliance with the fire code.

(8) Section 107.5 is amended to read as follows:

109.5. Rendering equipment inoperable. Portable or fixed fire-extinguishing systems or devices, and fire-warning systems shall not be rendered inoperative or inaccessible, except as necessary during emergencies, maintenance, repairs, alterations, drills or prescribed testing. No fire protection system may be taken out of service or allowed to remain out of service beyond normal working hours without the prior approval of the fire code official. The fire code official shall be notified prior to any fire sprinkler or standpipe system being temporarily or permanently removed from service. No operation protected by a fire suppression system may be used or operated while the fire suppression system is out of service.

(9) Section 111.1.1 is added to read as follows:

Section 111.1.1 Board of Appeals is hereby modified to provide that an appeal from a decision of the fire code official shall be to the city council, who shall act as the board of appeals. Any appeal must be filed within twenty (20) calendar days from receipt of the decision of the fire code official.

(10) Section 112.4. is amended to read as follows:

112.4 Violation penalties. Persons who shall violate a provision of this code or shall fail to comply with any of the requirements thereof or who shall erect, install, alter, repair or do work in violation of the approved construction documents or directive of the fire code official, or in violation of a permit or certificate issued or conducting business without a Certificate of Occupancy under provisions of this code, shall be assessed a fine up to \$2,000. Each day that a violation continues after due notice has been served shall be deemed a separate offense.

(11) Section 113.4 is amended to read as follows:

113.4. Failure to comply. Any person who continues any work after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition by the fire code official shall be subjected to a fine not to exceed \$2,000.

(12) Section 202. The following definitions in section 202 are amended to read as follows:

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

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

Atrium. An opening connecting three or more stories other than enclosed stairways, elevators, hoistways, escalators, plumbing, electrical, air-conditioning or other equipment, which is closed at the top and not defined as a mall. Stories, as used in this definition, do not include balconies within assembly groups or mezzanines that comply with Section 505 of the International Building Code.

Brush. Cuttings or trimmings from trees, shrubs, gardens or lawns and similar materials.

Defund in Place. A method of emergency response that engages building components and trained staff to provide occupant safety during an emergency. Emergency response involves remaining in place, relocating within the building, or both, without evacuating the building.

Domestic waste. Garbage and rubbish resulting from the function of life within a residence.

Fire Code Official. The fire marshal or other designated authority charged with the administration and enforcement of the code, or a duly authorized representative.

Fire Watch. A temporary measure intended to ensure continuous and systematic surveillance of a building or portion thereof by one or more qualified individuals or standby personnel when required by the fire code official, for the purposes of identifying and controlling fire hazards, detecting early signs of unwanted fire, raising an alarm of fire and notifying the fire department. The fire watch may have a cost associated with it that shall be paid at the time of service.

Fireworks. Any composition or device for the purpose of producing a visible or an audible effect for entertainment purposes by combustion, deflagration, detonation, and/or activated by ignition with a match or other heat producing device that meets the definition of 1.4G fireworks or 1.3G fireworks as set forth herein. (** See also Manvel Code of Ordinances, Chapter 29. Fire Prevention and Protection, Article III - Fireworks. **).

High-piled combustible storage. Any building classified as a group S Occupancy or Speculative Building exceeding 6,000 sq. ft. that has a clear height in excess of 14 feet, making it possible to be used for storage in excess of 12 feet, shall be considered to be high-piled storage. When a specific product cannot be identified, a fire protection system and life safety features shall be installed as for Class IV commodities, to the maximum pile height.

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

Land-clearing operation. The uprooting, cutting or clearing of vegetation in connection with conversion for the construction of buildings, rights-of-way, residential, commercial, or industrial development, or the clearing of vegetation to enhance property value, access or production. It does not include the maintenance burning of on-site property wastes such as fallen limbs, branches, or leaves, or other wastes from routine property clean-up activities, nor does it include burning following clearing for ecological restoration.

Person. Any individual, corporation, organization, partnership, business trust, association or any other legal entity.

Practical alternative. An economically, technologically, ecologically and logistically viable option. Practical alternatives may include recycling, composting, mechanical chipping or mulching, land-filling, logging, or using a state registered forced air trench burner system or air curtain incinerator.

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

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

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

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

Structure containing sensitive receptor. A man-made structure utilized for human residence or business, the containment of livestock, or the housing of sensitive live vegetation. The term "man-made structure" does not include such things as range fences, roads, bridges, hunting blinds or facilities used solely for the storage of hay or other livestock feeds. The term "sensitive live vegetation" is defined as vegetation which has potential to be damaged by smoke and heat, examples of which include, but are not limited to, nursery production, mushroom cultivation, pharmaceutical plant production, or laboratory experiments involving plants.

Upgraded or replaced fire alarm system. A fire alarm system that is upgraded or replaced includes, but is not limited to the following:

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

The following are not considered an upgrade or replacement: firmware updates, software updates, and replacing boards of the same model with chips utilizing the same or newer firmware.

(13) Section 307.1 is hereby amended to read as follows:

307.1 General. A person shall not kindle or maintain any open burning unless it is conducted in accordance with Sections 307.1.1 through 307.5 and its safety precautions and the TCEQ Outdoor Burning Rules.

(14) Section 307.1.1 is hereby amended as follows:

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

Exception: Prescribed burning for the purpose of reducing the impact of wildland fire when authorized by the fire code official.

(15) Section 307.2 is hereby deleted in its entirety and a new section 307.2 is substituted therefor to read as follows:

307.2 Permit Required. A permit shall be obtained from the fire code official in accordance with Section 105.5.

(a) Prior to outdoor burning, the person in control of the burn shall submit outdoor burning permit application to the City of Manvel Permits Department, pay a fee for such application as determined by resolution of City Council, and receive a natural product burning permit from the City.

(b) Prior to any outdoor burning the person in control of the fire shall submit an outdoor burning, ceremonial fire, or trench burn permit application to the City of Manvel Permits Department, pay a fee for such application and receive an outdoor burning, ceremonial fire, or trench burn permit from the City. The ceremonial fire permit application shall be submitted to the City a minimum of five (5) business days prior to the scheduled date of the fire.

307.2.1 Conditions of Permit. An open burning permit, ceremonial fire, or trench burn permit may be revoked at any time and a citation for violation of this article may be issued upon any violation of the provisions of this article.

(16) Section 307.3 is hereby amended to read as follows:

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

(17) Section 307.4 is hereby amended to read as follows:

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

(18) Section 307.4.1 is hereby deleted in its entirety and a new section 307.4.1 is substituted therefor to read as follows:

307.4.1 Open Burning. Open burning is burning of waste plant growth/maintenance like burning of trees, brush, leaves, branch trimmings, or other plant growth may be burned on the property of one-half acres or larger on which the material grew. Materials cannot be brought in from another property or site. The plant growth must be burned by the property owner or another person authorized by the owner. Fires covered under this section shall be no larger than five feet in height × three feet in width × ten feet in length. Open burning shall not be conducted within one hundred feet (100') of a structure or combustible material. Conditions which could cause a fire to spread within one hundred feet (100') of a structure shall be eliminated prior to ignition. Open burning shall be three hundred feet (300') from neighboring structures. Prohibited burning materials include but not limited to materials such as plastics, rubber, used building materials, cross ties, utility poles, and furniture.

(19) Section 307.4.3 is hereby amended as follows:

307.4.3 Portable outdoor fireplaces. Portable outdoor fireplaces shall be used in accordance with the manufacturer's instructions and shall not be operated within 15 feet of a structure or combustible material.

Exception:

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

(20) Section 307.4.4 Permanent Outdoor Fire pit. Is hereby added and shall read:

307.4.4 Permanent Outdoor Fire pit. Permanently installed outdoor fire pits for recreational fire purposes shall not be installed within 10 feet of a structure or combustible material.

Exception: Permanently installed outdoor fireplaces constructed in accordance with the International Building Code.

(21) Section 307.4.5. Trench Burns is hereby added and shall read:

307.4.5 Trench Burns. Trench burns shall be conducted in air curtain trenches and in accordance with Section 307.2. and in accordance with the City of Manvel Code of Ordinances.

(22) Section 307.5 is hereby deleted in its entirety and a new section 307.5 is substituted therefor to read as follows:

307.5 Attendance. All outdoor burning including open burning, trench burning, recreational fires, ceremonial fires, and the use of portable outdoor fireplaces shall be constantly attended until the fire is 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 barrel, garden hose or water truck, shall be available for immediate utilization.

(23) Section 307 is hereby amended to add new sections 307.6 and 307.7 to read as follows:

307.6 Inspection. The Fire Marshal, Building Official, or their designee shall be permitted to enter upon any lands upon which any burning is being conducted in accordance with this article to inspect the condition of any burn pile any time before, during or after any burn to ensure that the pile complies with the requirements of this article and any applicable regulations issued by the TCEQ.

307.7 Violations. If a burn pile is found not to be in compliance at any time, the Fire Marshal, Building Official, or their designee, at his or her sole discretion, may issue an order that there shall be no burning of the pile until after a re-inspection fee as determined by resolution of the City Council is paid the burn pile is re-inspected and found to be in compliance.

(24) Section 308.1.4 is hereby amended to read as follows:

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

Exceptions:

1. One- and two-family dwellings, where LP-gas containers are limited to a water capacity not greater than 50 pounds (22.68 kg) [nominal 20-pound (9.08 kg) LP-gas capacity] with an aggregate LP-gas capacity not to exceed 100 lbs. (5 containers). All LP-gas containers shall be stored outside, as per Chapter 61.

2. Where buildings, balconies and decks are protected by an approved automatic sprinkler system, and LP-gas containers are limited to a water capacity not greater than 50 pounds (22.68 kg) [nominal 20 pound (9.08 kg) LP-gas capacity], with an aggregate LP-gas capacity not to exceed 40 lbs. (2 containers). All LP-gas containers shall be stored outside, as per Chapter 61.

3. LP-gas cooking devices having LP-gas container with a water capacity not greater than 2-1/2 pounds [nominal 1 pound (0.454 kg) LP-gas capacity].

(25) Section 308.1.6.3 Sky Lanterns is hereby amended to read as follows:

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

(26) Section 311.5 is amended by adding the following:

311.5 Placards. Any The fire code official is authorized to require marking of any vacant or abandoned buildings or structures determined to be unsafe pursuant to Section 114 of this code relating to structural or interior hazards, shall be marked as required by Section 311.5.1 through 311.5.5.

(27) Section 403 is amended by adding the following:

403.2.3 Fire watch personnel. Fire watch personnel shall be provided where required by Section 403.12.1.

403.11.1 Fire watch personnel. Where, in the opinion of the fire code official, it is essential for public safety in a place of assembly or any other place where people congregate, because of the number of persons, or the nature of the performance, exhibition, display, contest or activity, the owner, agent or lessee shall provide one or more fire watch personnel, as required and approved. Fire watch personnel shall comply with Sections 403.11.1.1 and 403.11.1.2. The fire watch fees shall be paid upon completion of the fire watch. The Manvel Fire Department or other providing department will set the fire watch fee schedule, if needed. Upon approval by the fire code official, other suitable arrangements for certified persons and satisfactory equipment to perform the fire watch shall be allowable.

403.2.2 Enforceability. The public safety plan, as described in 403.1 and approved by the fire code official, shall be complied with and is enforceable under the provisions of this code. Any person, firm or corporation violating a provision of this section shall be guilty of a misdemeanor, and upon conviction, shall be subject to a fine in accordance with the general penalty provisions of section 1-4 of the City of Manvel Code of Ordinances.

(28) Section 403.4 is hereby amended to read as follows:

403.4 Group E Occupancies. An approved fire safety and evacuation plan in accordance with Section 404 shall be prepared and maintained for Group E occupancies and for buildings containing both a Group E occupancy and an atrium. A diagram depicting two evacuation routes shall be posted in a conspicuous location in each classroom. Group E occupancies shall also comply with Sections 403.4.1 through 403.4.3.

(29) Section 405.5 is hereby amended to read as follows:

405.5 Time. The fire code official may require an evacuation drill at any time. Drills shall be held at unexpected times and under varying conditions to simulate the unusual conditions that occur in case of fire.

Exceptions:

1. In severe climates, the fire code official shall have the authority to modify the emergency evacuation drill termination points and frequency.
2. In Groups I-1, I-2, I-3 and R-4, where staff-only emergency evacuation drills are conducted after visiting hours or where care recipients are expected to be asleep, a coded announcement shall be acceptable to audible alarms.
3. Notification of teachers/staff having supervision of light- or sound-sensitive students/occupants, such as those on the autism spectrum, for the protection of those students/occupants, shall be allowed prior to conducting a drill.

(30) Section 501.4 is hereby amended to read as follows:

501.4 Timing of Installation. When fire apparatus access roads or a water supply for fire protection is required to be installed for any structure or development, they shall be installed, tested, and approved prior to the time of which construction has progressed beyond completion of the foundation of any structure.

(31) Section 503.2.1 is hereby amended to read as follows:

503.2.1 Dimensions. Fire apparatus access roads shall have an unobstructed width of not less than 25 feet, exclusive of shoulders, except for approved security gates in accordance with Section 503.6, and an unobstructed vertical clearance of not less than 14 feet.

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

(32) Section 503.2.2 is hereby amended to read as follows:

503.2.2 Authority. The fire code official shall have the authority to require an increase in the minimum access widths and vertical clearances where they are inadequate for fire or rescue operations.

(33) Section 503.2.3 is hereby amended to read as follows:

503.2.3 Surface. Fire apparatus access roads shall be designed and maintained to support imposed loads of 80,000 lbs. for fire apparatus and shall be surfaced so as to provide all-weather driving capabilities.

(34) Section 503.3 is hereby amended to read as follows:

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

(a) Striping - Fire apparatus access roads shall be continuously marked by painted lines of red traffic paint six inches (6") in width to show the boundaries of the lane. The words "NO PARKING FIRE LANE TOW-A-WAY ZONE" shall appear in four inch (4") white letters at 35 feet intervals on the red border markings along both sides of the fire lanes. Where a curb is available, the striping shall be on the vertical face of the curb.

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

(35) Section 503.4 is hereby amended to read as follows:

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

(36) Section 504 is amended to add a new subsection 504.4 to read as follows:

504.4 Rear exterior building access. A building that is 40 feet or greater in depth shall have an exterior rear access/exit door.

(37) Section 505.1 is hereby amended to read as follows:

505.1 Address Identification. New and existing buildings shall be provided with address identification. The address identification shall be legible and placed in a position that is visible from the street or road fronting the property. Address identification characters shall contrast with their background. Address numbers shall be Arabic numbers or alphabetical letters. Numbers shall not be spelled out. Each character shall be not less than 6 inches high with a minimum stroke width of 1/2 inch. Where required by the fire code official, address numbers shall be

provided in additional approved locations to facilitate emergency response. Where access is by means of a private road, buildings do not immediately front a street, and/or the building cannot be viewed from the public way, a monument, or other approved sign with approved 6-inch height building numerals or addresses and 4-inch height suite/apartment numerals of a color contrasting with the background of the building or other approved means shall be used to identify the structure. Numbers and addresses shall be posted on a minimum 20-inch by 30-inch background on border. Address identification shall be maintained.

Exception: R-3 Single Family occupancies shall have approved numerals of a minimum 4 inches in height and a color contrasting with the background clearly visible and legible from the street fronting the property and rear alleyway where such alleyway exists.

(38) Section 507.4 is hereby amended to read as follows:

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

(39) Section 507.5.1 is amended to read as follows and deleting exception 1 and changing the distance on exception 2 to 500 feet:

507.5.1 Where Required. Where a portion of the facility or building hereafter is constructed or moved into or within the jurisdiction is more than 300 feet from a hydrant on a fire apparatus road, as measured by an approved route around the exterior of the facility or building, on-site fire hydrants and mains shall be provided where required by the fire marshal. Hydrant spacing is 300 feet and a hydrant shall be accessible within 150 feet of all points of the building.

(40) Section 507.5.1.1 is amended by deleting the exceptions and to read as follows:

507.5.1.1. Hydrant for standpipe systems. Buildings equipped with a standpipe system installed in accordance with section 905 shall have a fire hydrant within 50 feet of the fire department connections

(41) Section 507.5.4 is hereby amended to read as follows:

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

(42) Section 507 is amended by adding the following:

507.5.7. Marking. All fire hydrants located in the city shall be identified with a blue reflector affixed to the pavement so that a hydrant is readily visible to arriving fire companies. On unpaved streets, a blue reflector shall be affixed to a post as close as practicable to the edge of the roadway so as to be visible.

(43) Section 604.2 is hereby amended by adding section 604.2.17 to read as follows requiring emergency standby power generators for leasing offices servicing R occupancies:

604.2.17 Leasing offices servicing R occupancies.

Standby and emergency power shall be required for leasing offices servicing R occupancies.

(44) Section 606.2 is hereby amended to read as follows:

606.2 Where Required. A Type I hood shall be installed at or above all cooking appliances used for commercial purposes that produce grease vapors, including but not limited to cooking equipment used in fixed, mobile, or temporary food establishments such as trucks, buses, trailers, pavilions, or any form of roofed enclosure, as required by the fire code official.

Exceptions:

(a) Tents, as provided for in Fire Code, Chapter 31.

(b) (No change to existing Exception.)

(c) (No change to existing Exception.)

(d) (No change to existing Exception.)

(45) Section 901.6 is hereby amended to add section 901.6.3 to read as follows:

901.6.3 False Alarms and Nuisance Alarms. False alarms and nuisance alarms shall not be given, signaled or transmitted or caused or permitted to be given, signaled or transmitted in any manner.

(46) Section 901.7 is hereby amended to read as follows:

901.7 Systems Out of Service. Where a required fire protection system is out of service or in the event of an excessive number of activations, the fire department and the fire code official shall be notified immediately and, where required by the fire code official, the building shall either be evacuated or an approved fire watch shall be provided for all occupants left unprotected by the shut down until the fire protection system has been returned to service. Where utilized, fire watches shall be provided with not less than 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.

901.7.2-Tag required. A 'red' tag shall be used to indicate that a system, or portion thereof, has been removed from service. The 'red' tag shall indicate the nature of the problem, the date, time and location, and name of the person and service company applying the tag. All information shall be printed on the tag legibly. Upon the placement of a 'red' tag the technician shall notify the appropriate fire department personnel before leaving said property or within two hours, whichever comes first. The technician/company then has 12 hours to provide the Fire Marshal's Office written documentation of the exact problem with the system.

A 'yellow' tag shall be used to indicate that the system does not comply with applicable NFPA standards. The technician/company has 72 hours to provide the Fire Marshal's Office written documentation of the exact problem with the system.

901.7.5-Emergency Impairments. Where unplanned impairments occur, appropriate emergency action shall be taken to minimize potential injury and damage. The impairment coordinator shall implement the steps outlined in Section 901.7.4.

The City of Manvel Fire Marshal's Office shall be immediately notified by telephone, at 281-489-0630, and the City of Manvel Dispatch Center shall also be notified immediately by telephone, at 281-489-1212, where the life safety system or fire protection system is placed out of service for emergency or non-scheduled repairs, replacements, or services. The Fire Marshal's Office and Dispatch shall be provided with the following information:

(a) Correct street address and name of the building or structure.

(b) The caller's name and contact phone number.

- (c) The identity of the system that is impaired or shut down, and if known, the nature of impairment or failure.
- (d) Estimated length of time system is to be out of service for repairs.
- (e) The Fire Marshal's Office and the City of Manvel Emergency Dispatch Center shall again be notified when the system is restored to normal operational status.
- (f) The Fire Marshal's Office shall be notified in advance of any repairs that are to be made to any system, which is out of service.

(47) Section 903.2 is amended to read as follows:

903.2 Where required. Approved automatic sprinkler systems shall be required in new buildings and structures when the gross square footage of the building or structure exceeds five thousand (5,000) square feet, regardless of occupancy use.

For any attached construction, alteration, or in the case of an addition to an existing structure of any group that causes the structure to exceed 8,000 sq. ft., for purposes of this section, an automatic fire sprinkler system shall be installed in the non-conforming or existing structure in addition to the new construction area, regardless of separation.

Approved automatic sprinkler systems shall be required in buildings with less than 8,000 square feet, where the code expressly requires it.

If there is a conflict between this section and another section of this code, the most restrictive requirement shall apply.

Automatic Sprinklers shall not be installed in elevator machine rooms, elevator machine spaces, and elevator hoistways, other than pits where such sprinklers would not necessitate shunt trip requirements under any circumstances. Storage shall not be allowed within the elevator machine room. Signage shall be provided at the entry doors to the elevator machine room indicating "ELEVATOR MACHINERY – NO STORAGE ALLOWED."

Exception: Deleted

(48) Section 903.2.9 is hereby amended to add section 903.2.9.3 to read as follows:

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

(49) Section 903.2.11.3 is hereby amended to read as follows:

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

(50) Section 903.2.11 is hereby amended by adding sections 903.2.11.7 and 903.2.11.8:

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

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

(51) Section 903.3 is hereby amended by amending sections 903.1.1.1, 903.3.1.2 and 903.3.1.3 to read as follows and by adding a new section 903.3.1.4:

903.3.1.1.1 Exempt Locations. When approved by the fire code official, automatic sprinklers shall not be required in the following rooms or areas where such rooms or areas are protected with an approved automatic fire detection system in accordance with Section 907.2 that will respond to visible or invisible particles of combustion. Sprinklers shall not be omitted from a room merely because it is damp, of fire-resistance-rated construction or contains electrical equipment.

(1) Any room where the application of water, or flame and water, constitutes a serious life or fire hazard.

(2) Any room or space where sprinklers are considered undesirable because of the nature of the contents, where approved by the fire code official.

(3) Generator and transformer rooms, under the direct control of a public utility, separated from the remainder of the building by walls and floor/ceiling or roof/ceiling assemblies having a fire-resistance rating of not less than 2 hours.

(4) Elevator machine rooms, machinery spaces, and hoistways, other than pits where such sprinklers would not necessitate shunt trip requirements under any circumstances.

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

1. Four stories or less above grade plane.

2. The floor level of the highest story is 35 feet (10668 mm) or less above the lowest level of fire department vehicle access.

3. The floor level of the lowest story is 35 feet (10668 mm) or less below the lowest level of fire department vehicle access.

903.3.1.2.2 Corridors and balconies. Sprinkler protection shall be provided in all corridors and for all balconies.

903.3.1.2.3 Attics, Subfloor and Attached Garages. Sprinkler protection is required in attic spaces of such buildings two or more stories in height, in accordance with NFPA 13 and or NFPA 13R requirements, and attached garages and subfloors between floors of two or more stories in height.

Exceptions: R-3 single family structures.

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

1. Attics that are used or intended for living purposes or storage shall be protected by an automatic sprinkler system.

2. Where fuel-fired equipment is installed in a non-sprinklered attic, not fewer than one quick-response intermediate temperature sprinkler shall be installed above the equipment.

3. Attic spaces of buildings that are two or more stories in height above grade plane or above the lowest level of fire department vehicle access.

4. Group R-4, Condition 2 occupancy attics not required by Item 1 or 3 to have sprinklers shall comply with one of the following:

4.1. Provide automatic sprinkler system protection.

4.2. Provide a heat detection system throughout the attic that is arranged to activate the building fire alarm system.

4.3. Construct the attic using noncombustible materials.

4.4. Construct the attic using fire-retardant-treated wood complying with Section 2303.2 of the International Building Code.

4.5. Fill the attic with noncombustible insulation.

903.3.1.3 NFPA 13D Sprinkler Systems. Automatic sprinkler systems installed in one- and two-family dwellings; Group R-3; Group R-4, Condition 1; and townhouses shall be permitted to be installed throughout in accordance with NFPA 13D or in accordance with state law. Section 903.3.1.4; add to read as follows:

903.3.1.4 Freeze protection. Freeze protection systems for automatic fire sprinkler systems shall be in accordance with the requirements of the applicable referenced NFPA standard and this section.

903.3.1.4.1 Attics. Only dry-pipe, preaction, or listed antifreeze automatic fire sprinkler systems shall be allowed to protect attic spaces.

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

1. The attic sprinklers are supplied by a separate floor control valve assembly to allow ease of draining the attic system without impairing sprinklers throughout the rest of the building, and
2. Adequate heat shall be provided for freeze protection as per the applicable referenced NFPA standard, and
3. The attic space is a part of the building's thermal, or heat, envelope, such that insulation is provided at the roof deck, rather than at the ceiling level.

(52) Section 903.4.2 is amended to read as follows:

903.4.2 Alarms. An approved audible device, located on the exterior of the building in an approved location, shall be connected to each automatic sprinkler system. Such sprinkler waterflow alarm devices shall be activated by water flow equivalent to the flow of a single sprinkler of the smallest orifice size installed in the system. Where a fire alarm system is installed, actuation of the automatic sprinkler system shall actuate the building fire alarm system. The alarm device required on the exterior of the building shall be a weatherproof horn/strobe notification appliance with a minimum 75 candela strobe rating, installed as close as practicable to the fire department connection.

(53) Section 903.3.7 is amended to read as follows:

903.3.7 Fire Department connections. The fire department connection (FDC) shall be located at a point no further than twenty (20) feet from a fire apparatus access road, remotely located at a horizontal distance that is greater than the height of the building on the main street side, and easily accessible to the Fire Department. The location of the FDC shall be such so as to provide hose connections that shall not block access to the building or obstruct other fire apparatus from accessing the building. There shall be an approved sign as specified by the Fire Marshal designating the address served by the FDC. A fire hydrant shall be located within fifty (50) feet of the FDC measured along a fire apparatus road. All FDC's shall be at least 2 ½ inch pipe with the either two 2 ½ connections or one 5" Storz connection or as designated by the fire marshal. If there is a conflict between this section and another section of this code, the most restrictive requirement shall apply.

(54) Section 905.3 is hereby amended by adding section 905.3.9 and exception to read as follows:

905.3.9 Buildings Exceeding 10,000 sq. ft. In buildings exceeding 10,000 square feet in area per story and where any portion of the building's interior area is more than 200 feet (60960 mm) of travel, vertically and horizontally, from the nearest point of fire department vehicle access, Class I automatic wet or manual wet standpipes shall be provided.

Exceptions:

- (a) Automatic dry and semi-automatic dry standpipes are allowed as provided for in NFPA 14.
- (b) R-2 occupancies of four stories or less in height having no interior corridors.

(55) SECTION 906 "PORTABLE FIRE EXTINGUISHERS" shall be amended to read and provide as follows:

906.1 Where required. Portable fire extinguishers shall be installed in the following locations.

1. In new and existing Group A, B, E, F, H, I, M, R-1, R-2, R-4 and S occupancies.

Exception:

1. In Group R-2 occupancies, portable fire extinguishers shall be required only in locations specified in Items 2 through 8 where each dwelling unit is provided with a portable fire extinguisher having a minimum rating of 1-A:10-B: C.
2. In Group E occupancies, portable fire extinguishers shall be required only in locations specified in Items 2 through 8 where each classroom is provided with a portable fire extinguisher having a minimum rating of 2-A:20-B: C.

Exception: Deleted.

2. Within 30 feet (9144 mm) distance of travel from commercial cooking equipment and from domestic cooking equipment in Group I-1; I-2, Condition 1; and R-2 college dormitory occupancies.

3. In areas where flammable or combustible liquids are stored, used or dispensed.

4. On each floor of structures under construction, except Group R-3 occupancies, in accordance with Section 3316.1.

5. Where required by the sections indicated in Table 906.1.

6. Special-hazard areas, including but not limited to laboratories, computer rooms and generator rooms, where required by the fire code official.

7. In all individual apartments (each living unit) a 2 ½ Lb. (ABC Cl-A: 10-B: CO.)

8. In all individual hotel rooms and motel rooms which include a kitchenette.

Exception: Deleted.

(56) Section 907.1.4 is amended by adding the following:

907.1.4 Design Standard. All new fire alarm systems installed in structures with more than one story, or larger than two thousand five hundred (2,500) square feet shall be addressable and communication devices shall be compatible for emergency force notification. The system shall have occupant notification throughout the building in compliance with ADA requirements.

(57) Section 907.2 is hereby amended to read as follows:

907.2 Where required—new buildings and structures. An approved fire alarm system installed in accordance with the provisions of this code and NFPA 72 shall be provided in new buildings and structures with more than one story, or larger than two thousand five hundred (2,500) square feet shall be addressable and communication devices shall be compatible for emergency force notification; for occupancy Group B, Group M. The system shall have occupant notification throughout the building in compliance with ADA requirements.

Not fewer than one manual fire alarm box shall be provided in an approved location to initiate a fire alarm signal for fire alarm systems employing automatic fire detectors or waterflow detection devices. Where other sections of this code allow elimination of fire alarm boxes due to sprinklers, a single fire alarm box shall be installed.

All manual, automatic or manual and automatic fire alarm systems shall also include smoke detectors in each mechanical equipment, electrical, transformer, telephone equipment, corridors, lobbies, storage rooms larger than 200 square feet, elevator machine rooms, elevator lobbies, and other areas determined to be a special hazard by the Fire Marshal.

For any attached construction, alteration, or in the case of an addition to an existing structure of any group that causes the structure with more than one story, or larger than two thousand five

hundred (2,500) square feet for purposes of this section, an approved fire alarm system installed in accordance with the provisions of this code and NFPA 72 shall be provided in the non-conforming or existing structure in addition to the new construction area, regardless of separation.

Exceptions:

1. The manual fire alarm box is not required for fire alarm systems dedicated to elevator recall control and supervisory service.

2. The manual fire alarm box is not required for Group R-2 occupancies unless required by the fire code official to provide a means for fire watch personnel to initiate an alarm during a sprinkler system impairment event. Where provided, the manual fire alarm box shall not be located in an area that is accessible to the public.

If there is a conflict between this section and another section of this code, the most restrictive requirement shall apply.

(58) Section 907.2.1 is hereby amended to read as follows:

907.2.1 Group A. A manual fire alarm system that activates the occupant notification system in accordance with Section 907.5 shall be installed in Group A occupancies having an occupant load of 300 or more persons or where the occupant load is more than 100 persons above or below the lowest level of exit discharge. Group A occupancies not separated from one another in accordance with Section 707.3.10 of the *International Building Code* shall be considered as a single occupancy for the purposes of applying this section. Portions of Group E occupancies occupied for assembly purposes shall be provided with a fire alarm system as required for the Group E occupancy.

Exception:

Activation of fire alarm notification appliances shall:

(a) Cause illumination of the means of egress with light of not less than 1 foot-candle (11 lux) at the walking surface level, and

(b) Stop any conflicting or confusing sounds and visual distractions.

(59) Section 907.2.3 is hereby amended to read as follows:

907.2.3 Group E. A manual fire alarm system that initiates the occupant notification signal utilizing an emergency voice/alarm communication system meeting the requirements of Section 907.5.2.2 and installed in accordance with Section 907.6 shall be installed in Group E educational occupancies. When automatic sprinkler systems or smoke detectors are installed, such systems or detectors shall be connected to the building fire alarm system. An approved smoke detection system shall be installed in Group E Day care occupancies. Unless separated by a minimum of 100' open space, all buildings, whether portable buildings or the main building, will be considered one building for alarm occupant load consideration and interconnection of alarm systems.

Exceptions:

1. A manual fire alarm system is not required in Group E occupancies with an occupant load of 50 or less.

1.1. Residential In-Home day care with not more than 12 children may use interconnected single station detectors in all habitable rooms. (For care of more than five children 2 1/2 or less years of age, see Section 907.2.6.)

2. Emergency voice/alarm communication systems meeting the requirements of Section 907.5.2.2 and installed in accordance with Section 907.6 shall not be required in Group E occupancies with occupant loads of 100 or less, provided that activation of the manual

fire alarm system initiates an approved occupant notification signal in accordance with Section 907.5.

3. Manual fire alarm boxes are not required in Group E occupancies where all of the following apply:

3.1. Interior corridors are protected by smoke detectors.

3.2. Auditoriums, cafeterias, gymnasiums and similar areas are protected by heat detectors or other approved detection devices.

3.3. Shops and laboratories involving dusts or vapors are protected by heat detectors or other approved detection devices.

4. Manual fire alarm boxes shall not be required in Group E occupancies where all of the following apply:

4.1. The building is equipped throughout with an approved automatic sprinkler system installed in accordance with Section 903.3.1.1.

4.2. The emergency voice/alarm communication system will activate on sprinkler water flow.

4.3. Manual activation is provided from a normally occupied location.

(60) Section 907.2.9.1 is hereby amended to read as follows, with all exceptions deleted.

907.2.9.1 Manual Fire Alarm System. A manual fire alarm system that activates the occupant notification system in accordance with Section 907.5 shall be installed in Group R-2 occupancies where:

(a) any dwelling unit or sleeping unit is located two or more stories above the lowest level of exit discharge.

(b) any dwelling unit or sleeping unit is located more than one story below the highest level of exit discharge of exits serving the dwelling unit or sleeping unit, or;

(c) the building contains more than 12 dwelling units or sleeping units.

(61) Section 907.2.3 is hereby amended to read as follows, with exception deleted.

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

(62) Section 907.4.2 is hereby amended to add section 907.4.2.7 to read as follows:

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

(63) Section 907.5.2.3.3 is hereby amended by deleting and replacing with:

907.5.2.3.3 Group R-2. In Group R-2 occupancies required by Section 907 to have a fire alarm system, all dwelling units and sleeping units shall be provided with audible and visual alarm notification appliances in accordance with Chapter 10 of ICC A117.1.

(64) Section 907.6.1 is hereby amended to add section 907.6.1.1 to read as follows:

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

(65) Section 907.6.3 is hereby amended by deleting all four exceptions.

(66) Section 907.6.6 is hereby amended by adding this sentence at end of paragraph to read as follows:
See 907.6.3 for the required information transmitted to the supervising station.

(67) Section 907.11 is added as follows:

907.11 Evacuation. Upon activation of any automatic fire alarm system, all occupants of the structure shall be evacuated and shall remain outside the structure until the fire department has determined that no fire or danger exists. To enable fire department personnel to locate the area or zone activated, occupants of the structure shall not reset an alarm activation. A trained individual with the responsibility to respond to an emergency may only silence alarm activations if such can be achieved without resetting the alarm. Only fire department personnel or employees of the fire alarm company may reset a fire alarm system.

(68) Section 910.2.3; add to read as follows:

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

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

Exception: Buildings of noncombustible construction containing only noncombustible materials.

2. In areas of buildings in Group H used for storing Class 2, 3, and 4 liquid and solid oxidizers, Class 1 and unclassified detonable organic peroxides, Class 3 and 4 unstable (reactive) materials, or Class 2 or 3 water-reactive materials as required for a high-hazard commodity classification.

Exception: Buildings of noncombustible construction containing only noncombustible materials.

(69) Section 910.4.3.1; change to read as follows:

910.4.3.1 Makeup Air. Makeup air openings shall be provided within 6 feet (1829 mm) of the floor level. Operation of makeup air openings shall be automatic. The minimum gross area of makeup air inlets shall be 8 square feet per 1,000 cubic feet per minute (0.74 m² per 0.4719 m³/s) of smoke exhaust.

(70) Section 912.2.3; add to read as follows:

912.2.3 Hydrant Distance. An approved fire hydrant shall be located within 50 feet of the fire department connection as the fire hose lays along an unobstructed path.

(71) Section 913.2.1; add second paragraph and exception to read as follows:

913.2.1 Protection of fire pump rooms. Rooms where fire pumps are located shall be separated from all other areas of the building in accordance with Section 913.2.1 of the International Building Code. When located on the ground level at an exterior wall, the fire pump room shall be provided with an exterior fire department access door that is not less than 3 ft. in width and 6 ft. – 8 in. in height, regardless of any interior doors that are provided. Access keys shall be provided in the key box as required by Section 506.1.

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

(72) Section 914.3.1.2; change to read as follows:

914.3.1.2 Water Supply to required Fire Pumps. In all buildings that are more than 120 feet building height, required fire pumps shall be supplied by connections to no fewer than two water

mains located in different streets. Separate supply piping shall be provided between each connection to the water main and the pumps. Each connection and the supply piping between the connection and the pumps shall be sized to supply the flow and pressure required for the pumps to operate.

Exception: Exception: Two connections to the same main shall be permitted provided the main is valved such that an interruption can be isolated so that the water supply will continue without interruption through no fewer than one of the connections.

(73) Section 1009.8; add Exception #7 to read as follows:

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

Exceptions:

1. Two-way communication systems are not required at the landing serving each elevator or bank of elevators where the two-way communication system is provided within areas of refuge in accordance with Section 1009.6.5.

2. Two-way communication systems are not required on floors provided with ramps conforming to the provisions of Section 1012.

3. Two-way communication systems are not required at the landings serving only service elevators that are not designated as part of the accessible means of egress or serve as part of the required accessible route into a facility.

4. Two-way communication systems are not required at the landings serving only freight elevators.

5. Two-way communication systems are not required at the landing serving a private residence elevator.

6. Two-way communication systems are not required in Group i-2 or I-3 facilities.

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

(74) Section 1030.1.1.1; add Exception#4 to read as follows:

1030.1.1.1 Spaces under grandstands and bleachers. Spaces under grandstands or bleachers shall be separated by fire barriers complying with Section 707 of the International Building Code and horizontal assemblies complying with Section 711 of the International Building Code with not less than 1-hour fire-resistance-rated construction.

Exceptions:

1. Ticket booths less than 100 square feet (9m²) un area.

2. Toilet rooms.

3. Other accessory use areas 1, 000 square feet (93.2 m²) or less in area and equipped with an automatic sprinkler system in accordance with Section 903.3.1.1.

4. Where alternate means or methods are submitted to and approved by the Building and Fire Officials.

(75) Section 1032.2; change to read as follows:

1032.2 Reliability. Required exit accesses, exits and exit discharges shall be continuously maintained free from obstructions or impediments to full instant use in the case of fire or other emergency. An exit or exit passageway shall not be used for any purpose that interferes with a means of egress.

(76) Section 1103.7 is hereby amended to add section 1103.7.8 and 1103.7.8.1 to read as follows:

1103.7.8 Fire Alarm System Design Standards. Where an existing fire alarm system is upgraded or replaced, the devices shall be addressable. Fire alarm systems utilizing more than 20 smoke and/or heat detectors shall have analog initiating devices.

Exception: Existing systems need not comply unless the total building, or fire alarm system, remodel or expansion exceeds 30% of the building. When cumulative building, or fire alarm system, remodel or expansion initiated after the date of original fire alarm panel installation exceeds 50% of the building, or fire alarm system, the fire alarm system must comply within 18 months of permit application.

1103.7.8.1 Communication requirements. Refer to Section 907.6.6 for applicable requirements.

(77) Section 1203; change and add to read as follows:

1203.1.1 {No change.}

1203.1.2 {No change.}

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

1203.1.4 {No change.}

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

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

1203.1.6 through 1203.1.9 {No changes to these sections.}

1203.1.10 Critical Operations Power Systems (COPS). For Critical Operations Power Systems necessary to maintain continuous power supply to facilities or parts of facilities that require continuous operation for the reasons of public safety, emergency management, national security, or business continuity, see NFPA 70.

1203.2 Where Required. Emergency and standby power systems shall be provided where required by Sections 1203.2.1 through 1203.2.1826 or elsewhere identified in this code or any other referenced code.

1203.2.1 through 1203.2.3 {No change.}

1203.2.4 Emergency Voice/alarm Communications Systems. Emergency power shall be provided for emergency voice/alarm communications systems in the following occupancies, or as specified elsewhere in this code, as required in Section 907.5.2.2.5. The system shall be capable of powering the required load for a duration of not less than 24 hours, as required in NFPA 72.

Covered and Open Malls, Section 907.2.20 and 914.2

Group A Occupancies, Sections 907.2.1 and 907.5.2.2

Special Amusement Areas, Section 907.2.12 and 914.7

High-rise Buildings, Section 907.2.13 and 914.3

Atriums, Section 907.2.14 and 914.4

Deep Underground Buildings, Section 907.2.19 and 914.5

1203.2.5 through 1203.2.14 {No change.}

1203.2.15 Means of Egress Illumination. Emergency power shall be provided for means of egress illumination in accordance with Sections 1008.3 and 1104.5.1. (90 minutes)

1203.2.16 Membrane Structures. Emergency power shall be provided for exit signs in temporary tents and membrane structures in accordance with Section 3103.12.6. (90 minutes) Standby

power shall be provided for auxiliary inflation systems in permanent membrane structures in accordance with Section 2702 of the International Building Code. (4 hours) Auxiliary inflation systems shall be provided in temporary air-supported and air-inflated membrane structures in accordance with section 3103.10.4.

1203.2.17 {No change.}

1203.2.18 Smoke Control Systems. Standby power shall be provided for smoke control systems in the following occupancies, or as specified elsewhere in this code, as required in Section 909.11:

Covered Mall Building, International Building Code, Section 402.7

Amendments 2021 International Fire Code

Atriums, International Building Code, Section 404.7

Underground Buildings, International Building Code, Section 405.8

Group I-3, International Building Code, Section 408.4.2

Stages, International Building Code, Section 410

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

Smoke Protected Seating, Section 1030.6.2

1203.2.19 {No change.}

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

1203.2.21 Airport Traffic Control Towers. A standby power system shall be provided in airport traffic control towers more than 65 ft. in height. Power shall be provided to the following equipment:

1. Pressurization equipment, mechanical equipment and lighting.

2. Elevator operating equipment.

3. Fire alarm and smoke detection systems.

1203.2.22 Smokeproof Enclosures and Stair Pressurization Alternative. Standby power shall be provided for smokeproof enclosures, stair pressurization alternative and associated automatic fire detection systems as required by the International Building Code, Section 909.20.7.2.

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

1203.2.24 Elimination of Smoke Dampers in Shaft Penetrations. Standby power shall be provided when eliminating the smoke dampers in ducts penetrating shafts in accordance with the International Building Code, Section 717.5.3, exception 2.3.

1203.2.25 Common Exhaust Systems for Clothes Dryers. Standby power shall be provided for common exhaust systems for clothes dryers located in multistory structures in accordance with the International Mechanical Code, Section 504.11, Item 7.

1203.2.26 Means of Egress Illumination in Existing Buildings. Emergency power shall be provided for means of egress illumination in accordance with Section 1104.5 when required by the fire code official. (90 minutes in I-2, 60 minutes elsewhere.)

1203.3 through 1203.6 {No change.}

(78) Section 2304.1; change to read as follows:

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

1. Conducted by a qualified attendant; and/or,

2. Shall be under the supervision of a qualified attendant; and/or

3. Shall be an unattended self-service facility in accordance with Section 2304.3.

(79) Section 2401.2; delete this section in its entirety.

(80) Section 3103.3.1; delete this section in its entirety.

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

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

(82) Section 3311.1; change to read as follows:

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

(84) Section 5601.1.3 is hereby amended to read as follows:

5601.1.3 Fireworks. The possession, manufacture, storage, sale, handling, and use of fireworks are prohibited. See also Section 29-50 of the City of Manvel Code of Ordinances.

Exceptions:

(a) Only when approved for fireworks displays, storage, and handling of fireworks as allowed in Section 5604 and 5608.

(b) The use of fireworks for approved fireworks displays as allowed in Section 5608.

(85) Section 5707.4 is hereby amended to read as follows:

5707.2 Mobile fueling areas. During fueling, the mobile fueling vehicle and point of connection to the vehicle shall not be located on public streets, public ways or inside buildings. Fueling on the roof level of parking structures or other buildings is prohibited. Mobile fueling sites shall be restricted to commercial, industrial, governmental, or manufacturing, where the parking area having such operations is primarily intended for employee vehicles. Mobile fueling shall be conducted for fleet fueling or employee vehicles only, not the general public. Commercial sites shall be restricted to office-type or similar occupancies that are not primarily intended for use by the public.

(86) Section 6103.2.1.8; add to read as follows:

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

(87) Section 6104.2 is hereby amended to read as follows:

6104.2 Maximum capacity within established limits. Within the limits established by law restricting the storage of liquefied petroleum gas for the protection of heavily populated or

congested areas, the aggregate capacity of any one installation shall not exceed a water capacity of 2,000 gallons (7570 L).

Exceptions:

1. In particular installations, this capacity limit shall be determined by the fire code official, after consideration of special features such as topographical conditions, nature of occupancy, and proximity to buildings, capacity of proposed LP-gas containers, degree of fire protection to be provided and capabilities of the local fire department.

2. Except as permitted in Sections 308 and 6104.3.3, LP-gas containers are not permitted in residential areas.

(88) Section 6104.3.3; add to read as follows:

6104.3.3 Spas, Pool Heaters, and Other Listed Devices. Where natural gas service is not available, an LP-gas container is allowed to be used to supply spa and pool heaters or other listed devices. Such container shall not exceed 250-gallon water capacity per lot. See Table 6104.3 for location of containers.

Exception: Lots where LP-gas can be off-loaded wholly on the property where the tank is located may install up to 500 gallon above ground or 1,000 gallon underground approved containers.

(89) Section 6107.4 and 6109.13 are hereby amended to read as follows:

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

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

Exception - deleted

(90) {Appendix B Fire-Flow Requirements for Buildings amendments} Table B105.2; change footnote a. to read as follows:

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

Sec. 17-243. - Mobile food units.

The 2021 International Fire Code, Section 319. *Mobile Food Preparation Vehicles* pertains to Mobile Food Units.”

Section 3. Fees. Any fees resulting from the Fire Code shall be the fees stated in the most current fee schedule resolution adopted by City Council.

Section 4. Future Amendments. Future amendments of these codes not including clarifications or technical notices of any type, are not adopted by this Ordinance and must be subsequently approved and adopted by the City Council.

Section 5. Effect of Code. This Code shall not be construed to relieve or lessen the responsibility of any person owning, operating, or controlling any building or structure for any damages to persons or property caused by defects, nor shall the City Council, the City, its agents or representatives assume any such liability by reason of these regulations or the inspections authorized by this Code or any permits or certificates issued under this code.

Section 6. Penalty. Any person who intentionally, knowingly, recklessly, or with criminal negligence violates any provision of this Ordinance shall be deemed guilty of a misdemeanor and, upon conviction, shall be fined in an amount not to exceed \$2,000.00. Each day of violation shall constitute a separate offense. Any person who shall continue any work after being served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be liable to a fine in an amount not to exceed \$2,000.00.

Section 7. Repealer. All ordinances or parts of ordinances inconsistent or in conflict herewith, are, to the extent of such inconsistency or conflict, hereby repealed.

Section 8. Severability. In the event any 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 the City of Manvel, Texas, declares that it would have passed each and every part of the same notwithstanding the omission of any such part thus declared to be invalid or unconstitutional, whether there be one or more parts.

PASSED AND APPROVED on first reading this ____ day of _____, 2023.

PASSED, APPROVED, AND ADOPTED on second and final reading this _____,

day of _____, 2023.

Debra Davison, Mayor

ATTEST:

Tammy Bell, City Secretary

RESOLUTION NO. 2023-R-04

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MANVEL,
TEXAS, ADOPTING A SCHEDULE OF FEES, RATES, DEPOSITS, AND
OTHER CHARGES FOR ZONING, PLATTING, BUILDING AND
OTHER RELATED MATTERS; AND REPEALING ALL RESOLUTIONS
IN CONFLICT HERE WITH; AND OTHER RELATED MATTERS.**

* * * * *

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF MANVEL, TEXAS:

Section 1. That certain “**FEE SCHEDULE – March 1, 2023,**” a true and correct copy of which is attached hereto as Exhibit “A,” and for all things is made a part of this Resolution, is hereby in all things adopted. The fees set forth in said Exhibit “A” shall be applicable beginning March 1, 2023.

Section 2. That certain “**FIRE PROTECTION AND PREVENTION – August 2, 2022**” fee schedule, reflects no changes and is attached hereto as Exhibit “B,” and for all things is made a part of this Resolution, is hereby in all things adopted.

Section 3. That certain “**UTILITY FEES – August 2, 2022,**” a true and correct copy of which is attached hereto as Exhibit “C,” reflects no changes and for all things is made a part of this Resolution, is hereby in all things adopted.

Section 4. All resolutions or parts of resolutions inconsistent or in conflict herewith are, to the extent of such inconsistency or conflict, hereby repealed.

RESOLVED, this the _____, day of _____, 2023.

Debra Davison, Mayor

ATTEST:

Tammy Bell, City Secretary

CITY OF MANVEL FEE SCHEDULE MARCH 1, 2023

ZONING

OCCUPANCY PERMITS, NON-RESIDENTIAL	
CHANGE OF USE / TENANCY	\$150.00
REGISTRATION FOR NEWLY ANNEXED BUSINESSES	\$0
TEMPORARY BUSINESS PERMITS	\$50.00
INTERPRETATION FROM ZONING OFFICIAL	\$50.00
RE-ZONING APPLICATION	\$1,800.00
SPECIFIC USE PERMIT FEE	\$1,500.00
APPEAL TO THE ZONING BOARD OF ADJUSTMENTS	\$750.00
PLANNED UNIT DEVELOPMENT (PUD)	
PUBLIC NOTICE FEE	\$150.00
SMALL PUD	\$4,000.00
MEDIUM PUD	\$4,000.00 plus \$40.00/acre
LARGE PUD (LESS THAN 1,000 ACRES OR GREATER)	\$10,000.00 plus \$30.00/acre
LARGE PUD (GREATER THAN 1,000 ACRES)	\$20,000.00 plus \$20.00/acre
PLANNED UNIT DEVELOPMENT (PUD) AMENDMENT	\$500.00

CITY PLANNING

PRELIMINARY PLAT	\$750.00	
		+ \$10/lot and \$15/acre or fraction in reserves
FINAL PLAT	\$750.00	
		+ \$25 / LOT and \$15/acre or fraction in reserves
MASTER PLAN		
50 ACRES TO 100 ACRES	\$1,000.00	
101 ACRES OR MORE	\$2,000.00	
REPLATTING CHARGES WHEN A PUBLIC HEARING IS HELD		
WITH NOTIFICATION		
Advertising Fee	\$75.00	
Per Mailing Notification Fee	\$1.00	
WITHOUT NOTIFICATION	\$75.00	
DEVELOPMENT PLAT	\$750.00	PLUS \$15/ACRE
MINOR PLAT OR AMENDING PLAT	\$500.00	
PLAT EXTENSION (6 MONTHS)	NO CHARGE	
RECORDING FEES WITH BRAZORIA COUNTY		
- ACTUAL COST OF RECORDING, PLUS	\$30.00	
PLAT RE-SUBMITTAL	\$200.00 each	
VARIANCE TO THE SUBDIVISION ORDINANCE	\$500.00	
VARIANCE TO THE DESIGN CRITERIA MANUAL	\$200.00	

ENGINEERING

PLAN REVIEW, STREETS, UTILITIES, PUBLIC SYSTEMS, ETC.

\$500.00 base plus \$50.00 per document page larger than legal size sheets

RESUBMITTALS FOR PLAN REVIEW, STREETS, UTILITIES, PUBLIC SYSTEMS

(After second submittal) \$250.00 base plus \$10.00 per document page

PLAN REVIEW FOR BINDERS (every ten (10) sheets equal 1 document page)

\$500.00 base plus \$5.00 per legal size or smaller sheets

CIVIL SITE IMPROVEMENTS, STREETS, UTILITIES, PUBLIC SYSTEMS, ETC.

\$1,000.00 flat fee for projects up to and including \$100,000.00.

Over \$100,000.00- \$1,000.00 plus \$8.00 for each thousand over \$100,000.00

RE-CHECK FEE or VERIFICATION OF CORRECTIONS \$250.00

ENVIRONMENTAL HEALTH

Onsite Septic System permits

Residential \$250.00

Commercial \$410.00

On site evaluation \$50.00

(This will be an inspection to make sure a septic system is working properly)

BUILDING DEPARTMENT - ALL PERMITS EXPIRE AT 180 DAYS UNLESS NOTED OTHERWISE

CONSTRUCTION PERMITS RESIDENTIAL AND COMMERCIAL

Minimum permit fee \$50.00

Commercial Construction Permit Application Fee (values greater than \$10,000) \$50.00

\$15.00 for the first \$1,000.00 of construction value plus;

\$5.00 per thousand, up to and including \$50,000.00

\$260 for the first \$50,000.00 plus \$4 per additional thousand

\$460 for the first \$100,000.00 plus \$3 per additional thousand

\$1,660 for the first \$500,000.00 plus \$2 per additional thousand

Residential Construction Permit Application Fee \$0.40/sq. ft.

\$70.00 FOR DETACHED GARAGES OR NATIONALLY RECOGNIZED COST ESTIMATING BOOK

PLAN REVIEW FEE ½ OF THE BUILDING PERMIT FEE

RESIDENTIAL STREAMLINE PERMITS FEE FOR ELECTRICAL, PLUMBING AND HVAC; FEE
WILL BE A MINIMUM OF 25 % OF THE BUILDING PERMIT FEE FOR EACH CATEGORY

REVIEW FOR ELEVATION CERTIFICATES INCLUDED IN NEW CONSTRUCTION PERMIT (3
TOTAL (at start, at pre-pour and final) PER CERTIFICATE \$50.00

REVIEW FOR ELEVATION CERTIFICATES NOT INCLUDED IN NEW CONSTRUCTION
PER CERTIFICATE \$65.00

MANUFACTURED AND MODULER HOMES \$0.30/sq. ft.

IMPACT FEES: (2021-R-26)

Meter Size	Meter Type	Service Unit Equivalent	Impact Fees		
			Water	Wastewater	Total
3/4"	Displacement	1.0	\$2,441	\$7,107	\$9,548
1"	Displacement	1.6	\$3,906	\$11,371	\$15,277
1-1/2"	Turbine	4.0	\$9,766	\$28,428	\$38,194
2"	Turbine	6.4	\$15,625	\$45,484	\$61,109
3"	Displacement	12.8	\$31,251	\$90,969	\$122,220
4"	Displacement	20.0	\$48,830	\$142,140	\$190,970
6"	Displacement	40.0	\$97,660	\$284,280	\$381,940
8"	Displacement	64.0	\$156,256	\$454,848	\$611,104
10"	Displacement	92.0	\$224,618	\$653,844	\$878,462

****CARPORTS** (see below), POLE BARNs, SHEDs, ELEVATED DECKs 30" OR HIGHER, ETC...
(NON-LIVING AREAS OVER 200 SQ FEET – OUTSIDE THE FLOOD ZONE)
(CARPORTS – metal pre-fab structure, open on all four sides, 400 sq. feet or less over parking area, does NOT require a permit)**

MINIMUM \$50.00
Plus Plan Review (if required)

ADDITIONALLY, CARPORTS (DETACHED) OF AREA LESS THAN 600 SQUARE FEET ARE STILL REQUIRED TO BE PERMITTED, BUT ARE EXEMPT FROM THE PAYMENT OF THE PERMIT FEE, WITH THE FOLLOWING CONDITIONS: (SEE ORDINANCE 2016-O-05)

1) Less than 600 square feet in area; 2) Enclosed on no more than 2 sides; 3) Unfinished on the interior; 4) No utilities connected to the structure; 5) Can be used only for parking and limited storage and not used for habitation (no working, sleeping, living, cooking, or restroom areas); 6) Must be detached from residential structure; 7) Must be firmly anchored to prevent floatation, collapse, and lateral movement; 8) Must abide by the same setbacks as required by zoning on the property; 9) No elevation certificate is required; and 10) A site drawing (can be hand drawn) is required to show where the structure will be located.

FEE No Cost

ELECTRICAL AND PLUMBING PERMITS PULLED SEPARATELY, THE BASE FEE IS APPLIED, PLUS ANY ADDITIONAL COST ITEMS LISTED ON THE APPLICATION.

PLUMBING PERMITS	BASE FEE	REPAIRS	\$100.00
		RESIDENTIAL (New & Add-Ons)	\$150.00
		COMMERCIAL (New & Add-Ons)	\$200.00
ELECTRICAL PERMITS	BASE FEE	REPAIRS	\$100.00
		RESIDENTIAL (New & Add-Ons)	\$150.00
		COMMERCIAL (New & Add-Ons)	\$200.00
MECHANICAL PERMITS	BASE FEE	REPAIRS	\$100.00
		RESIDENTIAL (New & Add-Ons)	\$150.00
		COMMERCIAL (New & Add-Ons)	\$200.00
RENEWAL BUILDING PERMITS		RESIDENTIAL INDIVIDUAL PERMIT	\$150.00
		NEW HOME PERMIT (4 PERMITS IN ONE)	\$300.00
		COMMERCIAL PERMIT	\$300.00
RE-INSPECTION FEES FOR FAILED WITH PENALTY (PAYABLE IN ADVANCE)			
		RESIDENTIAL	\$50.00
		COMMERCIAL	\$100.00

PERMITS	Residential/ General Fee	Commercial	Notes
Culvert (Per Crossing)	\$100.00	\$100.00	
Demolition permits	\$50.00	\$50.00	
Display permits (per unit)	\$50.00		Annual renewal from date of issue. Inspections done on anchoring and location of display. Electrical permits pulled separately
Driveways	\$100.00	\$150.00	
Driveways (TXDOT)		\$500.00	Commercial properties fronting on a State maintained road
Development Permit (in Floodplain)	\$500.00		Property located in a floodplain or property not in a floodplain that has reached 20 loads with approved permit.
Development Permit (outside Floodplain)	\$100.00		Property outside the floodplain up to 20 loads
Irrigation (Base)	\$140.00	\$200.00	
Pond permits	\$50.00	N/A	
Sign Permits	\$100.00		
Review fee	\$50.00		
Sign Permit – Misc.	\$-0-	N/A	Political and non-profit signs
Swimming Pool (Based on value of Pool)			Electrical and plumbing can be included in one permit, fee is based on a minimum of 25 % of the permit fee
Water Wells	\$50		

ANNUAL PERMITS

EXPIRE ON DEC. 31ST EACH YEAR

	<u>FEE</u>	<u>NOTES</u>
Ambulance Provider License	\$500.00	
EMS Vehicle (per Ambulance Charge)	\$100.00	
Beer and Wine		not to exceed ½ of TABC license fee
Burn (Residential)	\$15.00	
<u>Manufactured Home Community</u>		
Annual Fee	\$100.00	
Plus per space fee	\$5.00	
<u>Pet Registration** (Police Dept.)</u>		**The pet licenses expire one year from the <u>date of issue.</u>
If spayed or neutered	\$5.00	
without proof not spayed or neutered	\$10.00	
Pet impound fee (first day)	\$30.00	
Each additional day impound	\$5.00	

<u>ROW (Ordinance 2011-O-22)</u>		
Use of public right-of-way or City property		
Right-of way crossing		
Right-of way, first year per rod	\$1,000.00	(per crossing per year)
Annual renewal, per rod	\$21.00	
	\$7.50	
<u>RV Park License</u>		
Annual fee	\$100.00	
Plus per space fee	\$5.00	
<u>Solicitor Permit</u>		
30 day renewal, passport picture required	\$50.00	First Person
	\$25.00	Additional Person
Storage Facility	\$250.00	
Wrecker Permits - Per wrecker charge	\$100.00	
Hotel Operation License*	\$100.00	
*annual permit expires per adopted ordinance		
Coin Operated Machine Tax	\$50.00	per Machine
<u>Health Inspections/Permits</u>		
Mobile Food Unit	\$200.00	per Unit
Food Establishment – Small (< 1,000 sf.)	\$200.00	Bi-Annual Site Inspection
Food Establishment – Medium (1,001-10,000 sf.)	\$400.00	Bi-Annual Site Inspection
Food Establishment – Large (>10,000 sf.)	\$600.00	Bi-Annual Site Inspection
Non-Profit Organizations*	\$100.00	Bi-Annual Site Inspection
Day Care Center	\$150.00	Bi-Annual Site Inspection
Group Residence (institution)	\$150.00	Bi-Annual Site Inspection
Ownership Change Food Establishment		
Small (full year July 1 st to December 31 st)	\$200.00	Site Inspection
Medium (full year July 1 st to December 31 st)	\$400.00	Site Inspection
Large (full year July 1 st to December 31 st)	\$600.00	Site Inspection
Small (6 months – January 1 st to June 30 th)	\$100.00	Site Inspection
Medium (6 months – January 1 st to June 30 th)	\$200.00	Site Inspection
Large (6 months – January 1 st to June 30 th)	\$300.00	Site Inspection
Non-Profit Organizations (full year July 1 st to December 31 st)	\$100.00	Site Inspection
Non-Profit Organizations (6 months – January 1 st to June 30 th)	\$50.00	Site Inspection
Day Care Center (full year July 1 st to December 31 st)	\$150.00	Site Inspection
Day Care Center (6 months – January 1 st to June 30 th)	\$75.00	Site Inspection
Group Residence (full year July 1 st to December 31 st)	\$150.00	Site Inspection
Group Residence (6 months – January 1 st to June 30 th)	\$75.00	Site Inspection
Temporary Food Establishment	\$50.00	Site Inspection
Re-Inspections	\$150.00	Re-Inspection
Owner Initiated Inspection	\$150.00	Re-Inspection
*supporting documentation required		
<u>SPECIAL EVENT PERMIT</u>		
Type A Special Event	\$100.00	per event
Type B Special Event	\$50.00	per event
Type C Special Event (Recurring Activity)	\$25.00	per event

FRANCHISE FEES (Pipeline Ordinance 2011-O-22)

Pipeline Registration Fee	\$100.00
Deposit	\$5,000.00
Franchise Administrative Application fee	\$500.00
City Inspection Fee	\$150.00 / HR

RENTAL REGISTRATION AND INSPECTIONS (Rental Ordinance 2013-O-06)

Annual Rental Permit Fee	\$50.00 per unit
Initial inspection, re-inspection	no charge
All subsequent re-inspections	\$250.00
Untimely registration fee from 10/1/2013	
Within 30 days after date set in section 17-426	\$300.00
after 30 th day before 60 th day set in section 17-426	\$375.00
after 60 th day set in section 17-426	\$450.00
Failure to register mandatory inspection fee	\$500.00
(includes initial inspection and one re-inspection)	
Additional Re-Inspections	\$250.00

SMALL CELL WIRELESS FACILITIES (Ordinance 2017-O-30) Application Fee

<u>Network Node</u>	<u>Fee</u>
Fee per application for up to 5 network nodes	\$500.00
Additional network nodes (up to 30 per application) support pole	\$250.00
Node support pole (per application for each pole)	\$1,000.00

Transport Facility

Fee per application	\$500.00	1-5 network nodes
Additional network nodes	\$250.00	1-30 additional nodes

Annual Small Cell Wireless Facilities Fee (Ordinance 2017-O-30)

Network node per network site support pole	\$250.00	
No separate rate from the network node annual fee (each support pole should have a network node attached) Transport facility per app.	\$28.00/monthly	(for each network node site, unless an equal or greater amount is paid to the City Under chapter 283, Tex. Loc. Gov. Code or Chapter 66, Tx. Util. Code)

ALARMS (PERMITTED THROUGH THE MANVEL POLICE DEPT.)

<u>Burglar and Fire Alarm Systems</u> (expire on December 31 st each year)		
Residential Permit	\$50.00 annually	*change of resident will require a new permit
Pro-Rated Residential Alarm Permit	\$50.00 from January 1 st to March 31 st	
	\$25.00 from April 1 st to September 30 th	
	\$12.50 from October 1 st to December 31 st plus annual fee	
Commercial Permit	\$100.00 annually	*change of occupancy will require a new permit
Pro-Rated Commercial Alarm Permit	\$100.00 from January 1 st to March 31 st	
	\$50.00 from April 1 st to September 30 th	
	\$25.00 from October 1 st to December 31 st plus annual fee	

False Alarms

Burglar	50.00	<u>Burglar</u> - fee charged after 5 false alarms within 12 month period
Fire	100.00	<u>Fire</u> - fee charged after 2 false within 12 month period
Fee taken upon submittal of Burglar and Fire Alarm Systems Permit for Residential and Commercial Business		

<u>Fingerprint Fee</u>	Resident	\$5.00
	Non-Resident	\$10.00

CITY OF MANVEL PAYMENT OPTIONS AND CREDIT CARD PROCESSING FEES

Municipal Court (Cash and Credit Cards – No checks accepted)

In person - Credit Card Convenience Fee	3.5 % of total transaction.
On line Credit Card Convenience Fee	\$6.50
Night Court payment paid through Square Incorporated	\$3.00 per \$100.00

Permit Department (Cash, credit cards and checks accepted)

Credit Card Convenience Fee	3.25% of total transaction
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Police Department

Court payment paid thru Square Incorporated	\$3.00 per \$100.00
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Utility payments (Cash, check and on-line through TX eCommerce)

Fire Safety and Prevention
Resolution 2023-R-04
Exhibit B (-2022-R-10) August 2, 2022

Permit Type	Additional Information	Fee
Certificate of Occupancy (Change of Occupancy)	Fire Final Inspection	\$150.00
Open Burning		
Commercial (Trench burn Only)	Site Inspection	\$200.00
Residential	Site Inspection	\$15.00
Fire Inspections		
Construction Site Offices/Trailers/Containers.(Inspection required)	One Time Service	\$150.00
Construction Site Fuel Tanks (Inspection required)	One Time Service per tank	\$100.00
Fireworks Display/Show	Per Site	\$1,000.00
All Fire Plans Review Fees		
Fire Sprinkler System		
Plans Review Fee	50% of total Permit Cost	
Number of Sprinkler Head	per Sprinkler Head	\$5.00
Number of Tamper Devices	per Tamper Divide	\$5.00
Number of Flow Devices	per Flow Device	\$5.00
Jockey Pump		\$50.00
Fire Pump Acceptance Test		\$100.00
Fire Pump Acceptance Test (Re-Test)		\$150.00
Number of Hose Valves	per Hose Valve	\$10.00
Combined Sprinkler and Standpipe	per Combined Sprinkler & Standpipe	\$50.00
Hydrostatic Test	Fee will be charged for each test	\$100.00
Fire Service Underground Main, Fire/Private Hydrants/Storage Tanks		
Plans Review Fee	50% of total Permit Cost	
Fire Service Underground Main		\$100.00
Storage Tanks		\$150.00
Hydrant	per Hydrant	\$50.00
Hydrostatic Test	Fee will be charged for each test	\$100.00
Re-Test Fee		\$175.00
Fixed Suppression System (Commercial Cooking Hood, Spray Booth or Room)		
Plans Review Fee	50% of total Permit Cost	
Automatic Fire-Extinguishing Systems	Fixed Systems	\$150.00
Number of Nozzles	Plus Additional Per Head 2.00	\$5.00
Number of Audio/Visual Devices		\$5.00
System Test		\$100.00
Re-Test Fee		\$175.00

Fire Safety and Prevention
Resolution 2023-R-04
Exhibit B (-2022-R-10) August 2, 2022

Permit Type	Additional Information	Fee
Fire Alarm and Detection System		
Plans Review Fee	50% of total Permit Cost	
Number of Smoke Detectors	per Device	\$5.00
Number of Duct Detectors	per Device	\$5.00
Number of Heat Activated Devices	per Device	\$5.00
Number of Manual Pull Devices	Per Device	\$5.00
Number of Releasing Devices	per Device	\$5.00
Number of Audio/Visual Devices	per Device	\$5.00
Number of Additional Devices (i.e., Relay/Modules, etc.)	per Device	\$5.00
Remote Annunciator	Each	\$50.00
Emergency Public Address	per Floor	\$50.00
(For first 10 floors and \$5.00 per floor thereafter)	per Floor	\$5.00
Re-Test Fee		\$175.00
Flammable and Combustible Liquids		
Plans Review Fee	50% of total Permit Cost	
Pipeline		\$600.00
Aboveground Storage Tank Install		\$250.00
Aboveground Storage Tank Repair and/or Removal		\$100.00
Underground Storage Tank Install		\$400.00
Underground Storage Tank Repair and/or Removal		\$100.00
Construction Site Fuel Tank (Inspection Required)	One Time Service per Tank	\$100.00
Re-Test Fee		\$175.00
Oil/Gas Well Drilling	Construction Site	\$1,000.00
Oil/Gas Well Workover/Recompletions	Construction Site	\$500.00
Hazardous Materials	Storage	\$200.00
LP-Gas	Storage	\$100.00
Compressed Gas, Hazardous Material and Industrial Ovens		
Plans Review Fee	50% of total Permit Cost	
Compressed Gas	per System	\$150.00
Hazardous Material		\$450.00
Industrial Ovens		\$200.00
Re-Test Fee		\$175.00
Temporary Booth, Membrane Structures and Tents		
Plans Review Fee	50% of total Permit Cost	
Temporary Membrane Structures		\$250.00
Tent and Canopy 201 to 300 square feet		\$50.00
Tent and Canopy 301 to 600 square feet		\$75.00
Tent and Canopy 601 to 1,000 square feet		\$100.00
Tent and Canopy over 1,001 square feet		\$150.00

Fire Safety and Prevention
Resolution 2023-R-04
Exhibit B (-2022-R-10) August 2, 2022

Permit Type	Additional Information	Fee
Annual Fire Inspections		
Commercial/Public	Initial Inspection	No Fee
Commercial/Public	1st Re-Inspection	No Fee
Commercial/Public	2nd Re-Inspection	\$100.00
Commercial/Public	3rd Re-Inspection	\$200.00
Foster Home	Licensed 1-3	\$25.00
Foster Home	Licensed 3 or more	\$50.00
Group Home	Licensed 1-6	\$50.00
Group Home	Licensed 7-12	\$100.00
Multi-Family Residences/Hotels/Motels	3-20 Dwelling Units	\$200.00
Multi-Family Residences/Hotels/Motels	21 or more Dwelling Units	\$350.00
Hospitals/Nursing Homes Providing 24-Hour Care	Licensed 1-99 Beds	\$300.00
Hospitals/Nursing Homes Providing 24-Hour Care	Licensed 100-199 Beds	\$400.00
Hospitals/Nursing Homes Providing 24-Hour Care	Licensed 200 or more Beds	\$500.00
Other 24-Hour Care Facilities	Licensed for 1-3 Occupants	\$100.00
Other 24-Hour Care Facilities	Licensed for 4-16 Occupants	\$175.00
Other 24-Hour Care Facilities	Licensed for 17-25 Occupants	\$250.00
Other 24-Hour Care Facilities	Licensed for 26 or more Occupants	\$325.00
Required Operational Permits	Annual from Month of Issuance	
Aerosol Products		\$150.00
Amusement Building		\$75.00
Aviation Facilities		\$450.00
Carnivals and Fairs		\$500.00
Battery Systems		\$150.00
Cellulose Nitrate Film		\$500.00
Combustible Dust-Producing Operations		\$500.00
Combustible Fibers		\$150.00
Compressed Gases		\$150.00
Covered Mall Building		\$450.00
Cryogenic Fluids		\$150.00
Cutting and Welding		\$50.00
Day Care Centers (Licensed Facilities Providing Less than 24 Hour Care)	1-50 Children	\$75.00
Day Care Centers (Licensed Facilities Providing Less than 24 Hour Care)	50-99 Children	\$100.00
Day Care Centers (Licensed Facilities Providing Less than 24 Hour Care)	100-149 Children	\$125.00
Day Care Centers (Licensed Facilities Providing Less than 24 Hour Care)	150 or more Children	\$150.00
Dry Cleaning Plants		\$150.00
Exhibits and Trade Shows		\$75.00
Explosives		\$500.00
Flammable and Combustible Liquids (includes Aboveground and Underground Storage Tanks)		\$150.00
Floor Finishing		\$50.00

Fire Safety and Prevention
Resolution 2023-R-04
Exhibit B (-2022-R-10) August 2, 2022

Permit Type	Additional Information	Fee
Fruit and Crop Ripening		\$50.00
Fumigation and Thermal Insecticide Fogging		\$100.00
Hazardous Materials		\$450.00
Hazardous Production Materials Facilities		\$450.00
High-Piled Storage		\$300.00
Hot Work Operations		\$100.00
Industrial Ovens		\$250.00
Lumber Yards and Woodworking Plants		\$250.00
Liquid/Gas-Fueled Vehicles/Equipment in Assembly Building		\$100.00
LP Gas		\$200.00
Magnesium		\$250.00
Miscellaneous Combustible Storage		\$150.00
Motor Fuel-Dispensing Facilities		\$150.00
Open Burning	see Open Burning Category	--
Organic Coatings		\$150.00
Assembly A	Occupant Load 50-300	\$100.00
Assembly B	Occupant Load 301-1,000	\$150.00
Assembly C	Occupant Load Over 1,000	\$200.00
Private Fire Hydrants		\$50.00
Pyrotechnic Special Effects Material		\$150.00
Pyroxylin Plastics		\$250.00
Refrigeration Equipment		\$150.00
Repair Garages and Motor Fuel-Dispensing Facilities		\$150.00
Rooftop Heliports		\$100.00
Spraying or Dipping		\$100.00
Storage of Scrap Tires and Tire Byproducts		\$350.00
Tire Rebuilding Plants		\$500.00
Waste Handling		\$150.00
Wood Products		\$150.00
Double Permit Fee		
If it is determined by the Fire Code Official that an activity, condition, or occupancy requiring		
a permit exists and no permit has been issued, the Fire Code Official may impose a double		
permit fee.		
<i>If a New Installation, Renovation/Addition to Existing System, or Repair is completed without</i>		
<i>an approved permit, then double fees shall be added to the permit fee total.</i>		

Utility Fees - Resolution 2023-R-04
Resolution 2022-R-10 (Aug 2, 2022)
Exhibit C

Tap and Inspection Fees (Sec. 71-2)		
Water Connection Fee Schedule	Meter size	Cost
Single-Family Residential	3/4"	\$550 plus 1/2 cost of any required bore
	>3/4"	\$750 plus 1/2 cost of any required bore
Sewer Connection Fee Schedule	Fee Type	Cost
Single-Family Residential	Connection Fee	\$750 plus 1/2 cost of any required bore
Multi-family Residential and Non-Residential	Connection Fee	Based on individual needs of the facility based on engineering requirements
Temporary Construction & Bulk Water Meters	Fee Type	Cost
Temporary meter & use of a fire hydrant wrench	Installation Fee	\$50
	Deposit	\$750
Bulk Water	Water Meter Base Charge	\$100
	Rate per 1,000 gallons	\$10/per 1,000 gallons of water used
Pre-facility Inspection	Inspection Fee	\$25
	Reinspection Fee	\$25
Grease Trap Inspections	Inspection Fee	\$35
	Reinspection Fee	\$40
Sewer and Water Complaints	If on consumer-side	\$40 per hour time required for inspection
Swimming Pool Inspections (Sec.71-6)	Fee Type	Cost
	Inspection Fee	\$40
Plumbing (Sec. 71-7)	Fee Type	Cost
Backflow Prevention Assemblies	Testing and Certification	\$75
Customer Service Inspections	Single-Family Residential Users	\$100
	Other Users	Determined on an individual basis
Final Plumbing Inspection	Single-Family Residential Users	\$50
	Other Users	Determined on an individual basis
Late Payments (Sec. 71-8)	Fee Type	Cost
	Certified Delinquent Letter Fee	\$10 for each notice of termination
Termination & Reconnection of Service (Sec. 71-9)	Fee Type	Cost
Reconnection	Reconnection Fee	\$50 plus \$75 security deposit, less prior security deposit on file
Vacation	Temporary Suspension & Reconne	\$50 for meter pull and \$50 for reconnection
Returned Checks (Sec. 71-10)	Fee Type	Cost
	Returned check fee added to bill	\$25
New Account Fee (Sec. 71-11)	Fee Type	Cost
	New Account Setup Fee	\$20 (nonrefundable)
Security Deposits (Sec. 71-12)	Fee Type	Cost
Residential Owner	Security Deposit	\$75
Residential Renter	Security Deposit	\$200
Commercial - 1" meter or smaller	Security Deposit	\$200
Commercial - 2" meter or larger	Security Deposit	\$400
Temporary Construction Meter	Security Deposit	\$750
Bulk Water Purchase (Residential)	Security Deposit	\$1,000
Bulk Water Purchase (Commercial/Pipeline)	Security Deposit	\$5,000
Builder Deposits	Security Deposit	\$500 at time a request for each initial water tap is made

Utility Fees - Resolution 2023-R-04
Resolution 2022-R-10 (Aug 2, 2022)
Exhibit C

*** Separate from fee schedule ***		
Water and Sewer Rates adopted by Ordinance 2022-O-21 (Effective 10/1/2022)		
*Water Rates (Monthly) (Sec. 71-4)	Gallons	Cost
Single-Family Residential Users	First 2,000 gallons	\$28.36 (Minimum)
	All over 2,000 gallons	\$2.60 per 1,000 gallons
Commercial Users	First 2,000 gallons	\$34.03 (Minimum)
	All over 2,000 gallons	\$2.60 per 1,000 gallons
*Sewer Rates (Sec. 71-5)	Gallons	Cost
Single-Family Residential Users	First 2,000 gallons	\$34.03 (Minimum)
	All over 2,000 gallons	\$2.60 per 1,000 gallons
Multi-Family Residential Users	First 2,000 gallons	\$34.03 (Minimum)
	All over 2,000 gallons	\$2.60 per 1,000 gallons
Commercial Users	First 2,000 gallons	\$39.71 (Minimum)
	All over 2,000 gallons	\$2.60 per 1,000 gallons

CITY OF MANVEL FEE SCHEDULE MARCH 1, 2023

ZONING

OCCUPANCY PERMITS, NON-RESIDENTIAL	
CHANGE OF USE / TENANCY	\$150.00
REGISTRATION FOR NEWLY ANNEXED BUSINESSES	\$0
TEMPORARY BUSINESS PERMITS	\$50.00
INTERPRETATION FROM ZONING OFFICIAL	\$50.00
RE-ZONING APPLICATION	\$1,800.00
SPECIFIC USE PERMIT FEE	\$1,500.00
APPEAL TO THE ZONING BOARD OF ADJUSTMENTS	\$750.00
PLANNED UNIT DEVELOPMENT (PUD)	
PUBLIC NOTICE FEE	\$150.00
SMALL PUD	\$4,000.00
MEDIUM PUD	\$4,000.00 plus \$40.00/acre
LARGE PUD (LESS THAN 1,000 ACRES OR GREATER)	\$10,000.00 plus \$30.00/acre
LARGE PUD (GREATER THAN 1,000 ACRES)	\$20,000.00 plus \$20.00/acre
PLANNED UNIT DEVELOPMENT (PUD) AMENDMENT	\$500.00

CITY PLANNING

PRELIMINARY PLAT	\$750.00	
	+ \$10/lot and \$15/acre or fraction in reserves	
FINAL PLAT	\$750.00	
	+ \$25 / LOT and \$15/acre or fraction in reserves	
MASTER PLAN		
50 ACRES TO 100 ACRES	\$1,000.00	
101 ACRES OR MORE	\$2,000.00	
REPLATTING CHARGES WHEN A PUBLIC HEARING IS HELD		
WITH NOTIFICATION	Advertising Fee	\$75.00
	Per Mailing Notification Fee	\$1.00
WITHOUT NOTIFICATION		\$75.00
DEVELOPMENT PLAT	\$750.00	PLUS \$15/ACRE
MINOR PLAT OR AMENDING PLAT	\$500.00	
PLAT EXTENSION (6 MONTHS)	NO CHARGE	
RECORDING FEES WITH BRAZORIA COUNTY		
- ACTUAL COST OF RECORDING, PLUS	\$30.00	
PLAT RE-SUBMITTAL	\$200.00 each	
VARIANCE TO THE SUBDIVISION ORDINANCE	\$500.00	
VARIANCE TO THE DESIGN CRITERIA MANUAL	\$200.00	

ENGINEERING

PLAN REVIEW, STREETS, UTILITIES, PUBLIC SYSTEMS, ETC.
 \$500.00 base plus \$50.00 per document page larger than legal size sheets
 RESUBMITTALS FOR PLAN REVIEW, STREETS, UTILITIES, PUBLIC SYSTEMS
 (After second submittal) \$250.00 base plus \$10.00 per document page

 PLAN REVIEW FOR BINDERS (every ten (10) sheets equal 1 document page)
 \$500.00 base plus \$5.00 per legal size or smaller sheets

 CIVIL SITE IMPROVEMENTS, STREETS, UTILITIES, PUBLIC SYSTEMS, ETC.
 \$1,000.00 flat fee for projects up to and including \$100,000.00.
 Over \$100,000.00- \$1,000.00 plus \$8.00 for each thousand over \$100,000.00

 RE-CHECK FEE or VERIFICATION OF CORRECTIONS \$250.00

ENVIRONMENTAL HEALTH

Onsite Septic System permits
 Residential \$250.00
 Commercial \$410.00
 On site evaluation \$50.00
 (This will be an inspection to make sure a septic system is working properly)

BUILDING DEPARTMENT - ALL PERMITS EXPIRE AT 180 DAYS UNLESS NOTED OTHERWISE

CONSTRUCTION PERMITS RESIDENTIAL AND COMMERCIAL

Minimum permit fee \$50.00
 Commercial Construction Permit Application Fee (values greater than \$10,000) \$50.00
 \$15.00 for the first \$1,000.00 of construction value plus;
 \$5.00 per thousand, up to and including \$50,000.00
 \$260 for the first \$50,000.00 plus \$4 per additional thousand
 \$460 for the first \$100,000.00 plus \$3 per additional thousand
 \$1,660 for the first \$500,000.00 plus \$2 per additional thousand

 Residential Construction Permit Application Fee \$0.40/sq. ft.

\$70.00 FOR DETACHED GARAGES OR NATIONALLY RECOGNIZED COST ESTIMATING BOOK

 PLAN REVIEW FEE ½ OF THE BUILDING PERMIT FEE

 RESIDENTIAL STREAMLINE PERMITS FEE FOR ELECTRICAL, PLUMBING AND HVAC; FEE
 WILL BE A MINIMUM OF 25 % OF THE BUILDING PERMIT FEE FOR EACH CATEGORY

 REVIEW FOR ELEVATION CERTIFICATES INCLUDED IN NEW CONSTRUCTION PERMIT (3
 TOTAL (at start, at pre-pour and final) PER CERTIFICATE \$50.00

 REVIEW FOR ELEVATION CERTIFICATES NOT INCLUDED IN NEW CONSTRUCTION
 PER CERTIFICATE \$65.00

 MANUFACTURED AND MODULER HOMES \$0.30/sq. ft.

IMPACT FEES: (2021-R-26)

Meter Size	Meter Type	Service Unit Equivalent	Impact Fees		
			Water	Wastewater	Total
3/4"	Displacement	1.0	\$2,441	\$7,107	\$9,548
1"	Displacement	1.6	\$3,906	\$11,371	\$15,277
1-1/2"	Turbine	4.0	\$9,766	\$28,428	\$38,194
2"	Turbine	6.4	\$15,625	\$45,484	\$61,109
3"	Displacement	12.8	\$31,251	\$90,969	\$122,220
4"	Displacement	20.0	\$48,830	\$142,140	\$190,970
6"	Displacement	40.0	\$97,660	\$284,280	\$381,940
8"	Displacement	64.0	\$156,256	\$454,848	\$611,104
10"	Displacement	92.0	\$224,618	\$653,844	\$878,462

****CARPORTS** (see below), POLE BARNs, SHEDs, ELEVATED DECKs 30" OR HIGHER, ETC...
(NON-LIVING AREAS OVER 200 SQ FEET – OUTSIDE THE FLOOD ZONE)
(CARPORTS – metal pre-fab structure, open on all four sides, 400 sq. feet or less over parking area, does NOT require a permit)**

MINIMUM \$50.00
Plus Plan Review (if required)

ADDITIONALLY, CARPORTS (DETACHED) OF AREA LESS THAN 600 SQUARE FEET ARE STILL REQUIRED TO BE PERMITTED, BUT ARE EXEMPT FROM THE PAYMENT OF THE PERMIT FEE, WITH THE FOLLOWING CONDITIONS: (SEE ORDINANCE 2016-O-05)

1) Less than 600 square feet in area; 2) Enclosed on no more than 2 sides; 3) Unfinished on the interior; 4) No utilities connected to the structure; 5) Can be used only for parking and limited storage and not used for habitation (no working, sleeping, living, cooking, or restroom areas); 6) Must be detached from residential structure; 7) Must be firmly anchored to prevent floatation, collapse, and lateral movement; 8) Must abide by the same setbacks as required by zoning on the property; 9) No elevation certificate is required; and 10) A site drawing (can be hand drawn) is required to show where the structure will be located.

FEE No Cost

ELECTRICAL AND PLUMBING PERMITS PULLED SEPARATELY, THE BASE FEE IS APPLIED, PLUS ANY ADDITIONAL COST ITEMS LISTED ON THE APPLICATION.

PLUMBING PERMITS	BASE FEE	REPAIRS	\$100.00
		RESIDENTIAL (New & Add-Ons)	\$150.00
		COMMERCIAL (New & Add-Ons)	\$200.00
ELECTRICAL PERMITS	BASE FEE	REPAIRS	\$100.00
		RESIDENTIAL (New & Add-Ons)	\$150.00
		COMMERCIAL (New & Add-Ons)	\$200.00
MECHANICAL PERMITS	BASE FEE	REPAIRS	\$100.00
		RESIDENTIAL (New & Add-Ons)	\$150.00
		COMMERCIAL (New & Add-Ons)	\$200.00
RENEWAL BUILDING PERMITS		RESIDENTIAL INDIVIDUAL PERMIT	\$150.00
		NEW HOME PERMIT (4 PERMITS IN ONE)	\$300.00
		COMMERCIAL PERMIT	\$300.00
RE-INSPECTION FEES FOR FAILED WITH PENALTY (PAYABLE IN ADVANCE)			
		RESIDENTIAL	\$50.00
		COMMERCIAL	\$100.00

PERMITS	Residential/ General Fee	Commercial	Notes
Culvert (Per Crossing)	\$100.00	\$100.00	
Demolition permits	\$50.00	\$50.00	
Display permits (per unit)	\$50.00		Annual renewal from date of issue. Inspections done on anchoring and location of display. Electrical permits pulled separately
Driveways	\$100.00	\$150.00	
Driveways (TXDOT)		\$500.00	Commercial properties fronting on a State maintained road
Development Permit (in Floodplain)	\$500.00		Property located in a floodplain or property not in a floodplain that has reached 20 loads with approved permit.
Development Permit (outside Floodplain)	\$100.00		Property outside the floodplain up to 20 loads
Irrigation (Base)	\$140.00	\$200.00	
Pond permits	\$50.00	N/A	
Sign Permits	\$100.00		
Review fee	\$50.00		
Sign Permit – Misc.	\$-0-	N/A	Political and non-profit signs
Swimming Pool (Based on value of Pool)			Electrical and plumbing can be included in one permit, fee is based on a minimum of 25 % of the permit fee
Water Wells	\$50		

ANNUAL PERMITS

EXPIRE ON DEC. 31ST EACH YEAR

	<u>FEE</u>	<u>NOTES</u>
Ambulance Provider License	\$500.00	
EMS Vehicle (per Ambulance Charge)	\$100.00	
Beer and Wine		not to exceed ½ of TABC license fee
Burn (Residential)	\$15.00	
<u>Manufactured Home Community</u>		
Annual Fee	\$100.00	
Plus per space fee	\$5.00	
<u>Pet Registration** (Police Dept.)</u>		**The pet licenses expire one year from the <u>date of issue.</u>
If spayed or neutered	\$5.00	
without proof not spayed or neutered	\$10.00	
Pet impound fee (first day)	\$30.00	
Each additional day impound	\$5.00	

ROW (Ordinance 2011-O-22)

Use of public right-of-way or City property

Right-of way crossing

Right-of way, first year per rod

\$1,000.00 (per crossing per year)

Annual renewal, per rod

\$21.00

\$7.50

RV Park License

Annual fee

\$100.00

Plus per space fee

\$5.00

Solicitor Permit

30 day renewal, passport picture required

\$50.00

First Person

\$25.00

Additional Person

Storage Facility

\$250.00

Wrecker Permits - Per wrecker charge

\$100.00

Hotel Operation License*

\$100.00

*annual permit expires per adopted ordinance

Coin Operated Machine Tax

\$50.00

per Machine

Health Inspections/Permits

Mobile Food Unit

\$200.00

per Unit

Food Establishment – Small (< 1,000 sf.)

\$200.00

Bi-Annual Site Inspection

Food Establishment – Medium (1,001-10,000 sf.)

\$400.00

Bi-Annual Site Inspection

Food Establishment – Large (>10,000 sf.)

\$600.00

Bi-Annual Site Inspection

Non-Profit Organizations*

\$100.00

Bi-Annual Site Inspection

Day Care Center

\$150.00

Bi-Annual Site Inspection

Group Residence (institution)

\$150.00

Bi-Annual Site Inspection

Ownership Change Food Establishment

Small (full year July 1st to December 31st)

\$200.00

Site Inspection

Medium (full year July 1st to December 31st)

\$400.00

Site Inspection

Large (full year July 1st to December 31st)

\$600.00

Site Inspection

Small (6 months – January 1st to June 30th)

\$100.00

Site Inspection

Medium (6 months – January 1st to June 30th)

\$200.00

Site Inspection

Large (6 months – January 1st to June 30th)

\$300.00

Site Inspection

Non-Profit Organizations (full year July 1st to December 31st)

\$100.00

Site Inspection

Non-Profit Organizations (6 months – January 1st to June 30th)

\$50.00

Site Inspection

Day Care Center (full year July 1st to December 31st)

\$150.00

Site Inspection

Day Care Center (6 months – January 1st to June 30th)

\$75.00

Site Inspection

Group Residence (full year July 1st to December 31st)

\$150.00

Site Inspection

Group Residence (6 months – January 1st to June 30th)

\$75.00

Site Inspection

Temporary Food Establishment

\$50.00

Site Inspection

Re-Inspections

\$150.00

Re-Inspection

Owner Initiated Inspection

\$150.00

Re-Inspection

*supporting documentation required

SPECIAL EVENT PERMIT

Type A Special Event

\$100.00 per event

Type B Special Event

\$50.00 per event

Type C Special Event (Recurring Activity)

\$25.00 per event

FRANCHISE FEES (Pipeline Ordinance 2011-O-22)

Pipeline Registration Fee	\$100.00
Deposit	\$5,000.00
Franchise Administrative Application fee	\$500.00
City Inspection Fee	\$150.00 / HR

RENTAL REGISTRATION AND INSPECTIONS (Rental Ordinance 2013-O-06)

Annual Rental Permit Fee	\$50.00 per unit
Initial inspection, re-inspection	no charge
All subsequent re-inspections	\$250.00
Untimely registration fee from 10/1/2013	
Within 30 days after date set in section 17-426	\$300.00
after 30 th day before 60 th day set in section 17-426	\$375.00
after 60 th day set in section 17-426	\$450.00
Failure to register mandatory inspection fee	\$500.00
(includes initial inspection and one re-inspection)	
Additional Re-Inspections	\$250.00

SMALL CELL WIRELESS FACILITIES (Ordinance 2017-O-30) Application Fee

<u>Network Node</u>	<u>Fee</u>
Fee per application for up to 5 network nodes	\$500.00
Additional network nodes (up to 30 per application) support pole	\$250.00
Node support pole (per application for each pole)	\$1,000.00

Transport Facility

Fee per application	\$500.00	1-5 network nodes
Additional network nodes	\$250.00	1-30 additional nodes

Annual Small Cell Wireless Facilities Fee (Ordinance 2017-O-30)

Network node per network site support pole	\$250.00	
No separate rate from the network node annual fee (each support pole should have a network node attached) Transport facility per app.	\$28.00/m onthly	(for each network node site, unless an equal or greater amount is paid to the City Under chapter 283, Tex. Loc. Gov. Code or Chapter 66, Tx. Util. Code)

ALARMS (PERMITTED THROUGH THE MANVEL POLICE DEPT.)

<u>Burglar and Fire Alarm Systems</u> (expire on December 31 st each year)		
Residential Permit	\$50.00 annually	*change of resident will require a new permit
Pro-Rated Residential Alarm Permit	\$50.00 from January 1 st to March 31 st	
	\$25.00 from April 1 st to September 30 th	
	\$12.50 from October 1 st to December 31 st plus annual fee	
Commercial Permit	\$100.00 annually	*change of occupancy will require a new permit
Pro-Rated Commercial Alarm Permit	\$100.00 from January 1 st to March 31 st	
	\$50.00 from April 1 st to September 30 th	
	\$25.00 from October 1 st to December 31 st plus annual fee	

False Alarms

Burglar	50.00	<u>Burglar</u> - fee charged after 5 false alarms within 12 month period
Fire	100.00	<u>Fire</u> - fee charged after 2 false within 12 month period
Fee taken upon submittal of Burglar and Fire Alarm Systems Permit for Residential and Commercial Business		

<u>Fingerprint Fee</u>	Resident	\$5.00
	Non-Resident	\$10.00

CITY OF MANVEL PAYMENT OPTIONS AND CREDIT CARD PROCESSING FEES

Municipal Court (Cash and Credit Cards – No checks accepted)

In person - Credit Card Convenience Fee	3.5 % of total transaction.
On line Credit Card Convenience Fee	\$6.50
Night Court payment paid through Square Incorporated	\$3.00 per \$100.00

Permit Department (Cash, credit cards and checks accepted)

Credit Card Convenience Fee	3.925% of total transaction
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Police Department

Court payment paid thru Square Incorporated	\$3.00 per \$100.00
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Utility payments (Cash, check and on-line through TX eCommerce)