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 21, 2023

NOTICE IS HEREBY GIVEN
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.

Regular Session - 6:00 p.m.

Call To Order

Inspirational Reading - Council Member Albert

Pledge

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

Presentations

Proclamation - Colorectal Cancer Awareness Month, March 2023

Public Hearing

TO HEAR INPUT FROM THE PUBLIC REGARDING AN ORDINANCE OF THE CITY OF MANVEL, TEXAS AMENDING THE ZONING ORDINANCE OF THE CITY, BY AMENDING THE ZONING CLASSIFICATION OF AN APPROXIMATE 1.641 ACRE

TRACT OF LAND LOCATED AT THE SOUTHWESTERN CORNER OF STATE HIGHWAY 6 / MORRIS AVE AND BLUEWATER STREET INTERSECTION, MANVEL, TEXAS (ACROSS THE STREET FROM STARBUCKS AT 7326 BLUEWATER ST, MANVEL, TX), FROM LIGHT COMMERCIAL DISTRICT / STATE HIGHWAY 6 OVERLAY DISTRICT (LC/SH6) TO LIGHT COMMERCIAL DISTRICT/STATE HIGHWAY 6 OVERLAY DISTRICT WITH SPECIFIC USE PERMIT (LC/SH6-SUP); PROVIDING FOR THE GRANTING OF A SPECIFIC USE PERMIT WITH CONDITIONS TO AUTHORIZE THE USE OF PROPERTY FOR NAICS USE 811192 "CAR WASHES"; 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.

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.

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-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.

2. Approve the second and final reading 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.

3. Approve the second and final reading 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.

4. Approve the meeting minutes to date.

5. Acceptance of the infrastructure improvements for Pursley Boulevard Phase 7 to begin the One-Year Maintenance Period.

6. Acceptance of the infrastructure improvements for Water and Sewer Facilities to serve Rogers Road and Wilson Drive to begin the Two-Year Maintenance Period.

Regular Agenda

1. Consideration and possible action to approve the first of two readings of Ordinance 2023-O-09;
   AN ORDINANCE OF THE CITY OF MANVEL, TEXAS AMENDING THE ZONING ORDINANCE OF THE CITY, BY AMENDING THE ZONING CLASSIFICATION OF AN APPROXIMATE 1.641 ACRE TRACT OF LAND LOCATED AT THE SOUTHWESTERN CORNER OF STATE HIGHWAY 6 / MORRIS AVE AND BLUEWATER STREET INTERSECTION, MANVEL, TEXAS (ACROSS THE STREET FROM STARBUCKS AT 7326 BLUEWATER ST, MANVEL, TX), FROM LIGHT COMMERCIAL DISTRICT / STATE HIGHWAY 6 OVERLAY DISTRICT (LC/SH6) TO LIGHT COMMERCIAL DISTRICT/STATE HIGHWAY 6 OVERLAY DISTRICT WITH SPECIFIC USE PERMIT (LC/SH6-SUP); PROVIDING FOR THE GRANTING OF A SPECIFIC USE PERMIT WITH CONDITIONS TO AUTHORIZE THE USE OF PROPERTY FOR NAICS USE 811192 "CAR WASHES"; 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.

2. Consideration and possible action to approve a subdivision variance request for an approximate 14.13-acres of land located at 7207 Jordan Road (*7207 S. Masters Rd according to BrazoriaCAD*) 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 participate in the State of Texas' subsequent settlements with litigants in opioid litigation, and authorize the City Manager to execute the following: CVS Settlement Subdivision and Release Form, Allergan Subdivision and Special District Settlement Participation Form, Walgreens Subdivision Participation Form, and the Walmart Subdivision Participation Form and any other paperwork needed to finalize the settlements.

4. Consideration and possible action to approve a third-party headhunter company for the Finance Director position and authorize the City Manager to execute the agreement.

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

Regular Agenda

5. Consideration and possible action regarding compensation and terms of employment of the City Manager.

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 salutary 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 salutary 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 17, 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

CITY OF MANVEL TEXAS CORPORATE SEAL

Proclamation

Office of The Mayor
City of Manvel

Whereas, each year, more than 50,000 families across the country lose a loved one to colorectal cancer – the fourth most common cancer and the second leading cause of cancer deaths in the United States;

Whereas, colorectal cancer is one of the few cancers that can be prevented with timely screening, but 1 in 3 eligible Americans are not up to date on screening;

Whereas, colorectal cancer is estimated to be the number one cancer killer for those ages 20-49 by 2030;

Whereas, while anyone can be afflicted by colorectal cancer, we know that this illness strikes at a disproportionate rate among Black Americans as well as Americans over the age of 50;

Whereas, getting regular screenings and identifying symptoms and risk factors are both pivotal to saving lives;

Whereas, according to the Centers for Disease Control and Prevention, symptoms such as blood in the stool, a change in bowel habits, stomach pain, bloating, cramps that do not go away, or weight loss without a known cause should be discussed with a health care provider. However, early stages of colorectal cancer often emerge without symptoms, and it is important to begin regular screenings starting at the age of 45;

Whereas, the national goal established by the National Colorectal Cancer Roundtable is to strive to increase timely colorectal cancer screening rates to 80 percent in every community for all Americans eligible for screening;

Whereas, observing a Colorectal Cancer Awareness Month during the month of March provides a special opportunity to increase awareness and offer education on the importance of early detection and screening of colorectal cancer.

Now, Therefore, I, Debra Davison, by virtue of the authority vested in me as Mayor of the City of Manvel, Texas, do hereby proclaim March 2023 as

"Colorectal Cancer Awareness Month"

in the City of Manvel, Brazoria County, Texas.

In witness thereof, on February 21, 2023 I have hereunto set my hand and caused the seal of the City of Manvel to be affixed.

_____

Debra Davison, Mayor

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

_X_ 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~~] <u>an</u> 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 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.

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~~ 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~~ 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~~ 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~~ 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~~ 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 ~~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~~ 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 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.

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

_X_ 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 plan 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 903.3.3.1.4:

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 EXTINGQUISHERS" 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

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 2/6/2023

Workshop Session - 5:00 p.m.

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

Robert Gervais, City Attorney explains that Council has three options:
Put the initiative ordinance on the next agenda to approve.
Put it to the voters in May on the ballot.

Put it to the voters in May on the ballot with an alternate ordinance from the city on the same subject.

Mayor Davison asks the City Manager to share some of the ramifications.
Kyle Jung, City Manager shares that we will lose right-of-way dedication, obviously street requirements, sidewalks, lighting, and drainage requirements.
Lorraine Hehn says that if this goes through as is with the drainage requirements being removed, this will not exempt them from the drainage districts. They will still need to go through them.
Clint Weekley states that being exempt from drainage requirements is not in the spirit of what they were trying to accomplish in the petition.
Dan Johnson shares the practical concerns of getting rid of the requirements altogether.
Mayor Davison states that regardless of what the spirit of the intent is, it is these words, and it does not make allowance for what the spirit might be and that is going to be very confusing for the citizens, which is why I would be in favor of writing an initiative of our own that would comply with most of this, but would be more specific.
Clint Weekley shares that if that's the case, then they would get behind it, but the message is that the citizens want change. Single families don't want to be called a developer.
Mayor Davison says the fact of the matter is we are here to guard the people, and we don't want all of the taxpayers in the city to pay for all of these things on behalf of one person/family.
Jason Albert asks how long we are locked into the ordinance and Robert Gervais answers that it's for one year.
Ed Perry is interested in the third option. We should give another option that will not be an encumbrance or a burden on others.
The Mayor suggests that they should give direction to staff to have an option on the ballot.
Robert Gervais reminds Council that there is a timeline that they will be able to do this, and the deadline is Monday, February 13th.
Clint Weekley clarifies that the petitioners committee feels that the right-of-way dedication is covered by the plat review process and is outside of the subsection they're requesting an exemption from.
The citizens do not want not to pay for anything inside of a city-owned right-of-way.
Kyle Jung shares that if a certain developer is exempt from section 104, they're exempt from the comprehensive plan, the transportation plan, the major thoroughfare plan, and the design criteria manual. That's where the dedication requirements are.
Clint Weekley suggests that staff address that by amending those sections if needed to address the right-of-way issue in question.
Jason Albert shares that if the staff feels there are holes in this, then the staff needs to do the due diligence and present a best and final ordinance to place on the ballot.

Discussion on any subject listed on the agenda dated February 6, 2023.
None

Mayor Davison adjourned the Workshop at 6:00 p.m.

Regular Session - 6:00 p.m.

Call To Order

Mayor Davison called the meeting of the Manvel City Council to order at 6:00 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
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 - Council Member Perry

Pledge

Public Comments: "Comment Card" Required
Ann Henderson - Executive Director of Rainbow of Hope, Nonprofit
Needs volunteers for Rainbow of Hope

Clint Weekley -
Petitioner Committee - here to represent the committee.

Rene Arriaga -
Shared that the ribbon cutting for Her Heart Pregnancy Center is on February 8th at 10:30 a.m.

Presentation
Proclamation - Black History Month, February 2023

City Manager Update
Covid Update
21 confirmed cases, down 23 from the last meeting
11 probable cases, down 9 from the last meeting
7,690 recovered cases, up 80 from the last meeting
7,775 total cases in Manvel

Valentine's Day - Blood Drive here at City Hall in the Parking lot 1:30 - 5:00
HEB permits were issued last week.
The PIO is working on a development page on the city website that will display information and drone footage for development happening in the city.
MUD 42 water treatment plant was accepted at the last council meeting. The plant was turned on today.

Consent 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.

Council Member Lorraine Hehn made the motion to approve. Council Member Jerome 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 4 Ed Perry, City Council Member Place 5 Jason Albert, City Council Member Place 6 Jerome Hudson
No:	City Council Member Place 3 Niccole Tyson
Absent:	None
Abstained:	None

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.

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

Mayor Davison recessed the meeting at 6:19 p.m. for executive session.

Mayor Davison reconvened the meeting at 7:17 p.m.

There was no action taken during executive session.

Regular Agenda

1. Consideration and possible action to direct staff on the Initiative Petition.

   Mayor Debra Davison made the motion to direct staff to create an initiative for the City to be placed on the ballot in the May election and to come back in one week with it. Council Member Larry Akery 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

   Council Member Lorraine made the motion to amend the Mayor's motion to add direction to staff to reach out to the petitioner's committee representatives to see if they want to sit down with staff to give input on the city's initiative that will be going on the ballot. Council Member Jason Albert 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 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.

   Jose Abraham, City Planner - Staff recommends approval with two conditions, being:
   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.

   Council Member Jason Albert made the motion to approve with conditions. Mayor Debra 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

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.

Jose Abraham, City Planner - Staff recommends approval with two conditions, being:
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.

Council Member Jason Albert made the motion to approve with conditions. Mayor Debra 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

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.

Council Member Jason Albert made the motion to approve. Council Member Ed Perry 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 authorization for filing of Petition for Entry onto Land in connection with the possible acquisition of right-of-way for Clark Road.

Council Member Jason Albert made the motion to approve. Mayor Debra 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

6. Consideration and possible action directing staff regarding the possible acquisition of right-of-way for Charlotte Street.

Council Member Jason Albert made the motion to approve. Council Member Jerome 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

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.

Council Member Jason Albert made the motion to approve. Mayor Debra 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

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.

Council Member Jason Albert made the motion to approve. Council Member Jerome 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

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.

Mayor Debra Davison made the motion to approve. Council Member Jerome 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

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.

Council Member Jason Albert made the motion to approve. Council Member Ed Perry 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

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.

Council Member Jerome Hudson made the motion to approve. Mayor Debra 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

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 HERE WITH; AND OTHER RELATED MATTERS.

Council Member Jerome Hudson made the motion to approve. Council Member Niccole 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

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 for executive session at 7:43 p.m.
There was action taken during executive session, Mayor Davison reconvened the meeting at 9:10

Regular Agenda

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

Council Member Jason Albert made the motion to table the item and bring it back at the next regular Council meeting. Council Member Jerome 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

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

Council Member Jason Albert made the motion to approve a 7% pay raise. Council Member Ed Perry 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

Adjourn

Council Member Jerome Hudson made the motion to adjourn the meeting at 9:13 p.m. Council Member Lorraine 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

CERTIFICATION

DEBRA DAVISON, MAYOR
CITY OF MANVEL, TEXAS

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 2/13/2023

Regular Session

Call To Order

Mayor Davison called the Special Meeting of the Manvel City Council to order at 5:02 p.m.
Those in attendance were:

Present:	Mayor Debra Davison
	City Council Member Place 1 Larry Akery
	City Council Member Place 3 Niccole Tyson
	City Council Member Place 4 Ed Perry
	City Council Member Place 6 Jerome Hudson
Absent:	City Council Member Place 2 Lorraine Hehn
	City Council Member Place 5 Jason Albert
Also Present:	Kyle Jung, City Manager
	Dan Johnson, Assistant City Manager/City Engineer
	Robert Gervais, City Attorney
	Tammy Bell, City Secretary
	Jessica Rodriguez, Director of Development Services
	Brooke Cyphers, Public Information Officer

Pledge

Public Comments: "Comment Card" Required

None

Regular Agenda

1. Consideration and possible action to approve Ordinance 2023-O-05;
   AN ORDINANCE OF THE CITY OF MANVEL, TEXAS, ORDERING A SPECIAL ELECTION TO BE HELD ON MAY 6, 2023, FOR THE PURPOSE OF SUBMITTING TO

THE QUALIFIED VOTERS OF THE CITY A PROPOSED CITIZEN-INITIATED 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; SUBMITTING AN ALTERNATIVE ORDINANCE PROPOSED BY THE CITY COUNCIL ON THE SAME SUBJECT, CONSISTENT WITH THE CITY CHARTER SEC. 7.07(C), AMENDING THE CODE OF ORDINANCES OF THE CITY OF MANVEL, TEXAS, CHAPTER 62, BY ADDING A SECTION EXEMPTING CERTAIN MANVEL RESIDENTS (THOSE INTENDING TO BUILD A SINGLE-FAMILY RESIDENCE FOR THEMSELVES) FROM SEVERAL CODIFIED PROVISIONS THEREIN AND PROVIDING A MAXIMUM FEE OF $0.00 FOR CERTAIN RELATED FEES; ORDERING THIS SPECIAL ELECTION TO BE HELD CONCURRENTLY WITH THE GENERAL ELECTION FOR THE ELECTION OF THE REGULAR CITY OFFICERS; PROVIDING FOR THE WORDING AND FORM OF THE BALLOT AS TO THE PROPOSED MEASURE; PROVIDING THE MEANS AND METHODS OF CONDUCTING THE ELECTION; DESIGNATING FIVE (5) ELECTION PRECINCTS WITHIN THE CITY; DESIGNATING POLLING PLACES; PROVIDING FOR THE APPOINTMENT OF A PRESIDING ELECTION JUDGE AND ALTERNATE PRESIDING ELECTION JUDGE; APPROVING A JOINT ELECTION WITH BRAZORIA COUNTY; ESTABLISHING OTHER PROCEDURES FOR CONDUCTING THE ELECTION; AND PROVIDING AN EFFECTIVE DATE.

Council Member Jerome Hudson made the motion to approve. Council Member Niccole Tyson 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 3 Niccole Tyson, City Council Member Place 4 Ed Perry, City Council Member Place 6 Jerome Hudson

No: None

Absent: City Council Member Place 2 Lorraine Hehn, City Council Member Place 5 Jason Albert

Abstained: None

Mayor and Council Comments

None

Adjourn

Council Member Niccole Tyson made the motion to adjourn the meeting at 5:06 p.m. Council Member Ed Perry 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 3 Niccole Tyson, City Council Member Place 4 Ed Perry, City Council Member Place 6 Jerome Hudson

No: None

Absent: City Council Member Place 2 Lorraine Hehn, City Council Member Place 5 Jason Albert

Abstained: None

CERTIFICATION

_____

DEBRA DAVISON, MAYOR
CITY OF MANVEL, TEXAS

_____

TAMMY BELL, CITY SECRETARY
CITY OF MANVEL, TEXAS

From:	Dan Johnson
To:	Kyle Jung; Tammy Bell
Cc:	Gilbert Salas; Jessica Rodriguez
Subject:	02/21/2023 Consent Agenda - Pursley Boulevard Phase 7
Date:	Monday, February 13, 2023 9:28:11 AM
Attachments:	image002.png

Kyle and Tammy,

In order to begin the **one-year** maintenance period, a final inspection walk-through has been conducted for:

Pursley Boulevard Phase 7

The Maintenance Bonds have been submitted to the City Secretary's Office, and the As-Built Construction Plans have been submitted to the Development Coordinator's Office.

In short, we recommend that City Council accept the infrastructure improvements for this project to begin the Maintenance Period.

Please let me know if you need any further information.
~Dan

Daniel S. Johnson, P.E., CFM
Assistant City Manager
City Engineer
20025 Highway 6
Manvel, Texas 77578
(832) 336-4049

www.cityofmanvel.com

From:	Dan Johnson
To:	Tammy Bell
Subject:	Fwd: 02/21/2023 Consent Agenda - Water and Sewer Facilities to serve Rogers Road and Wilson Drive
Date:	Thursday, February 16, 2023 3:11:17 PM
Attachments:	image003.png

Oops!

Begin forwarded message:

> **From:** Dan Johnson <dan.johnson@cityofmanvel.com>
> **Date:** February 15, 2023 at 9:52:02 AM CST
> **To:** Kyle Jung <kjung@cityofmanvel.com>, Jessica Rodriguez <jrodriguez@cityofmanvel.com>
> **Cc:** Gilbert Salas <gilbert.salas@cityofmanvel.com>, Jessica Rodriguez <jrodriguez@cityofmanvel.com>
> **Subject: 02/21/2023 Consent Agenda - Water and Sewer Facilities to serve Rogers Road and Wilson Drive**
>
> Kyle and Tammy,
>
> In order to begin the **two-year** maintenance period, a final inspection walk-through has been conducted for:
>
> **Water and Sewer Facilities to serve Rogers Road and Wilson Drive**
>
> The Maintenance Bonds have been submitted to the City Secretary's Office, and the As-Built Construction Plans have been submitted to the Development Coordinator's Office.
>
> In short, we recommend that City Council accept the infrastructure improvements for this project to begin the Maintenance Period.
>
> Please let me know if you need any further information.
> ~Dan

Daniel S. Johnson, P.E., CFM
Assistant City Manager
City Engineer
20025 Highway 6
Manvel, Texas 77578
(832) 336-4049

www.cityofmanvel.com

MANVEL
CITY COUNCIL
DATA SHEET

MEETING DATE: February 21, 2023

TOPIC: Public hearing regarding amending the zoning ordinance by changing the zoning classification of 1.641-acre of lot area located at the southwestern corner of State Highway 6 / Morris Ave and Bluewater Street intersection (across the street from Starbucks at 7326 Bluewater St, Manvel, Tx), from Light Commercial District/State Highway 6 Overlay District (LC/SH6) to Light Commercial District/State Highway 6 Overlay District with Specific Use Permit (LC/SH6-SUP) authorizing NAICS use 811192 "Car Washes".

BACKGROUND: The subject site is located at the southwestern corner of State Highway 6 / Morris Ave and Bluewater Street intersection, Manvel, Texas (across the street from Starbucks at 7326 Bluewater St, Manvel, Tx). The subject site includes three vacant tracts of land that are proposed to be combined and developed as a carwash. The entire subject site will be an approximate 1.641 acres and currently zoned Light Commercial District /State Highway 6 Overlay District (LC/SH6). The applicant, Petty Hardin, is a potential buyer and is intending to develop the subject site for a Rich's carwash-Manvel use. Section 77-50 of the zoning ordinance requires a Specific Use Permit (SUP) for NAICS use No. 811192 "Car Washes." Therefore, with permission from property owner, Scott & Sons Investments Inc. (Charles E. Scott Jr.), is requesting this SUP for NAICS use No. 811192 "Car Washes."

The applicant met with staff for a pre-development meeting in September 2022 to discuss the proposed project. An SUP application with proposed plans were submitted on November 29, 2022. Since the submittal, applicant have addressed preliminary site plan and design comments provided by staff. The submitted plans (Attached as exhibits) demonstrate general conformance to City of Manvel's site development standards. Please note that a detailed review of a full set of construction plans will take place as part of the platting and permitting process. A traffic memo based on Institute of Traffic Engineers Manual was submitted to show that proposed on-site stacking provide will be sufficient to not have peak-hour traffic back-up onto Hwy 6. Staff has also communicated general concerns about impact of car-wash uses on City's wastewater system, to which, the applicant has agreed to conform to all applicable requirements. The applicant has also provided a preliminary drainage study for the proposed development which was reviewed by staff. The proposed use and the submitted concept site layout and design is not anticipated to have any detrimental impact to the area, in comparison to other uses allowed within the LC district. Additionally, surrounding properties are all zoned LC district, therefore, the proposed use is not

abutting any single-family residential areas.

The subject site being located along a major thoroughfare, makes it an appropriate location for the proposed use and hence aligns with the Comprehensive plan goals. The proposed use is not anticipated to be injurious to the use and enjoyment of neighboring property, nor significantly diminish or impair property values in the vicinity.

At the February 13, 2023, Planning, Development and Zoning Commission discussed platting of the property and staff clarified that the platting of the property is a recommended condition for approval. The Commission also asked if on-site detention requirement, to which staff clarified that detention will be required and that the applicant has provided preliminary stormwater management micro-study and detailed review of a full set of construction plans will take place as part of the platting and permitting process.

PD&Z RECOMMENDATION: The Planning, Development and Zoning Commission recommended approval of Ordinance No. 2023-O-09 to the City Council with a vote of six “Yeas” to zero “Nays” at their February 13, 2023, meeting.

ATTACHMENTS: Staff Report and Ordinance No. 2023-O-09

RECOMMENDATION: City staff recommends approval with ten conditions as proposed and listed in the Staff Report.

FUNDING ISSUES

_X_ Not applicable
___ Not budgeted
___ Full amount already budgeted
___ Funds to be transferred from Acct.#

SUBMITTING STAFF MEMBER Jose Abraham	**FINANCE DIRECTOR APPROVAL _____** **CITY MANAGER APPROVAL _____**

City Council
Specific Use Permit Request

Agenda of:	February 21, 2023	**Initiated By:**	Jose Abraham City Planner
Department:	Development Services	**Presented By:**	Jessica Rodriguez Dir. Development Services

Subject/Proceeding
Specific Use Permit (SUP) request to establish a car wash on an approximate 1.641-acre tract located at State Highway 6 / Morris Ave in the Light Commercial District /State Highway 6 Overlay District (LC/SH6).

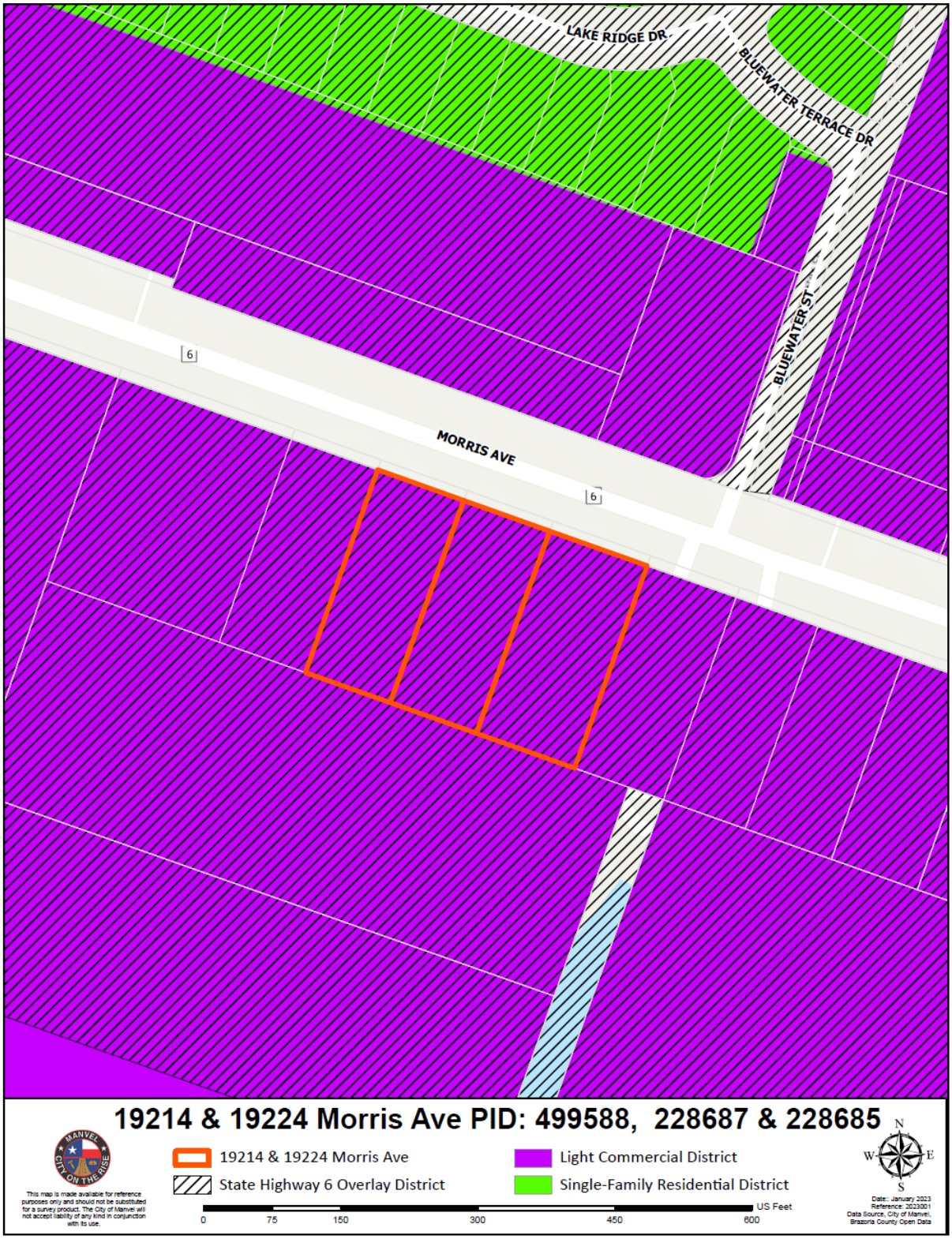
Exhibits
Zoning Vicinity Map, Aerial Vicinity & Surrounding Land Uses Map, Major Thoroughfare Plan Map, Property Survey, Proposed Site Plan, Proposed Elevations, Proposed Landscape Plan, Proposed Photometric Plan, Application, Letter of Authorization, and Public Hearing Notice.

Recommended Action
A Public Hearing following by Consideration and Action from the City Council

Executive Summary
The subject site is located at the southwestern corner of State Highway 6 / Morris Ave and Bluewater Street intersection (across the street from Starbucks at 7326 Bluewater St, Manvel, Tx). The subject site includes three vacant tracts of land that are proposed to be combined and developed as a carwash. The entire subject site is an approximate 1.641 acres and is currently zoned Light Commercial District /State Highway 6 Overlay District (LC/SH6).

The applicant, Petty Hardin, with permission from property owner, Scott & Sons Investments Inc. (Charles E. Scott Jr.), is requesting a Specific Use Permit (SUP) for a carwash use located at State Highway 6 / Morris Ave. The carwash use is classified as NAICS Use No. 811192 "Car Washes." Staff overview of the proposed SUP is contained in the attached Staff Report section.

Zoning Vicinity Map



Staff Report

Zoning Ordinance Provisions for Specific Use Permits

In Section 77-50 (a) *Uses Requiring Specific Use Permit*, of the Zoning Ordinance it states "certain uses of land, buildings or structures may not be appropriate under all circumstances in any given zoning district, but may be appropriate where adequate precautions can be taken to assure compatibility with surrounding uses, public need, and the orderly development of the city as a whole. This section provides City Council and Planning, Development and Zoning the opportunity to deny or to conditionally approve those uses for which specific use permits are required. These uses generally have unusual characteristics or are of a public or semipublic character often essential or desirable for the general convenience and welfare of the community. Because, however, of the nature of use, the importance of the use's relationship to the comprehensive plan, or possible adverse impact on neighboring properties of the use, review, evaluation, and exercise of planning judgement relative to the location and site plan of the proposed use are required."

In Section 77-50 (b) of the Zoning Ordinance it further states, "the city council, after receiving the recommendation of the planning, development and zoning commission, may by ordinance, grant a specific use for the permitted uses, as herein qualified by the permitted use table, in locations and zoning districts to permit a use where they are not otherwise permitted by this article, and may impose any appropriate conditions and safeguards to protect property and property values, and in the interest of health, safety or welfare."

General Site Information

The following is a summary of general site information.

Surrounding Property Zoning	**North:** Light Commercial District /State Highway 6 Overlay District (LC/SH6) **South:** Light Commercial District /State Highway 6 Overlay District (LC/SH6) **East:** Light Commercial District /State Highway 6 Overlay District (LC/SH6) **West:** Light Commercial District /State Highway 6 Overlay District (LC/SH6)
Surrounding Land Use	**North:** Commercial (Starbucks) **South:** Twin Lakes RV Park **East:** Vacant/Undeveloped **West:** Vacant/Undeveloped

Overview

The subject site includes three vacant tracts of land located at 19214, 19224, 19230 Highway 6. The entire subject site, which, is currently zoned Light Commercial District /State Highway 6 Overlay District (LC/SH6) is an approximate 1.641 acres of undeveloped land, located along southern side of State Highway 6 / Morris Ave, adjacent to the northern side of the Twin Lakes RV Park, and across from Starbucks. State Highway 6 is classified as Major Throughfare with minimum right-of-way width of 120 feet. The immediate vicinity of the subject site is Light Commercial District /State Highway 6 Overlay District (LC/SH6), with Starbucks to the north across from State Highway 6 and abutting Twin Lakes RV Park to the south, and undeveloped Light Commercial District /State

Highway 6 Overlay District (LC/SH6) lots to the west, and east. The applicant, Petty Hardin, is a potential buyer and is intending to develop the subject site for a Rich's carwash-Manvel use. Section 77-50 of the zoning ordinance requires a Specific Use Permit (SUP) for NAICS use No. 811192 "Car Washes." Therefore, with permission from property owner, Scott & Sons Investments Inc. (Charles E. Scott Jr.), is requesting this SUP for NAICS use No. 811192 "Car Washes."

The applicant has indicated that Rich's Car wash locations include express wash tunnels and flex-serve options with the option of Unlimited Wash Club memberships. The applicant met with staff for a pre-development meeting in September 2022 to discuss the proposed project. An SUP application with proposed plans were submitted on November 29, 2022. Since the submittal, applicant have addressed preliminary site plan and design comments provided by staff. The submitted plans *(Attached as exhibits)* demonstrate general conformance to City of Manvel's site development standards. Please note that a detailed review of a full set of construction plans will take place as part of the platting and permitting process. A traffic memo based on Institute of Traffic Engineers Manual was submitted to show that proposed on-site stacking provide will be sufficient to not have peak-hour traffic back-up onto Hwy 6. Staff has also communicated general concerns about impact of car-wash uses on City's wastewater system, to which, the applicant has agreed to conform to all applicable requirements. The applicant also provided a Preliminary Stormwater Management Micro-Study for the proposed development to identify any potential issues, show general site compliance with flood mitigation requirements based on development in the floodplain, and to ensure the necessary stormwater storage is available based on the increased runoff while still maintaining existing peak flow rates from the site. The proposed use and the submitted concept site layout and design is not anticipated to have any detrimental impact to the area, in comparison to other uses allowed within the LC district. Additionally, surrounding properties are all zoned LC district, therefore, the proposed use is not abutting any single-family residential areas.

Comprehensive Plan

The vision statement in the 2015 Comprehensive Plan seeks to maintain its rural character and small-town values while managing its growth by: "Benefiting from our strategic location by encouraging well planned quality retail, commercial and residential development that reflects and enhances our small-town quality of life". The subject site being located along a major thoroughfare, makes it an appropriate location for the proposed use and hence aligns with the Comprehensive plan goals. The proposed use is not anticipated to be detrimental to the use and enjoyment of neighboring property, or significantly diminish or impair property values in the vicinity.

Staff Recommendation

Based on the above discussion, staff recommends approval of this SUP request for the subject site to allow NAICS Use No. 811192 "Car Washes" with the following conditions:

1. A plat shall be prepared and approved in conformance with Chapter 62 – Subdivisions, prior to developing the subject site for the proposed carwash;
2. A recorded copy of the agreement with adjacent property owner regarding access to the subject site shall be provided prior to plat approval and referenced on the plat;
3. Any changes to the presented concept site development plan that may be required to conform to adopted City of Manvel codes and ordinances shall be made as part of the construction plan and building permit review process;

4. The proposed carwash on the subject site must comply with all pollution control related requirements of Chapter 77, Article III, Appendix A - *Pollution Control;*
5. Sidewalk shall be provided in conformance with Section 62-113, *Sidewalks;*
6. An opaque fence shall be provided at the rear property line in conformance with Section 77-43, *Fences;*
7. In addition to complying with all *trees, landscaping, fencing and screening* requirements of Section 77-44, a continuous row of shrubs shall be provided along the front property line to provide screening;
8. A minimum of 33 parking spaces as shown on the site plan shall be provided;
9. 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;
10. 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 five-tenths foot-candles, measured vertically and horizontally.

Planning, Development and Zoning Commission Public Hearing

The Notice of Public Hearing was published in the newspaper of general circulation. All property owners within 200 feet of the property were notified. No one spoke in favor or opposition of the proposed SUP at the Public Hearing held on February 13, 2023 at the Planning, Development and Zoning Commission regular meeting.

Planning, Development and Zoning Commission Discussion

At the February 13, 2023, Planning, Development and Zoning Commission discussed platting of the property and staff clarified that the platting of the property is a recommended condition for approval. The Commission also asked if on-site detention requirement, to which staff clarified that detention will be required and that the applicant has provided preliminary stormwater management micro-study and detailed review of a full set of construction plans will take place as part of the platting and permitting process.

Planning, Development and Zoning Commission Recommendation

The Planning, Development and Zoning Commission voted five (6) “Yeas” to zero (0) “Nays” in favor of the staff recommendations as proposed in Ordinance No. 2023-O-09.

City Council Public Hearing

The Notice of Public Hearing was published in the newspaper of general circulation. All property owners within 200 feet of the property were notified. At the time of writing this report, no information inquiries have been received and staff is not aware of opposition.

Site Photographs

View of the property from north-west corner.

View of the property from Starbucks looking to the south-west.

Site Photographs

Looking at abutting property (Twin Lakes RV Park) from the property to the south.

View of the surrounding developed Light Commercial properties to the north-east.

Site Photographs

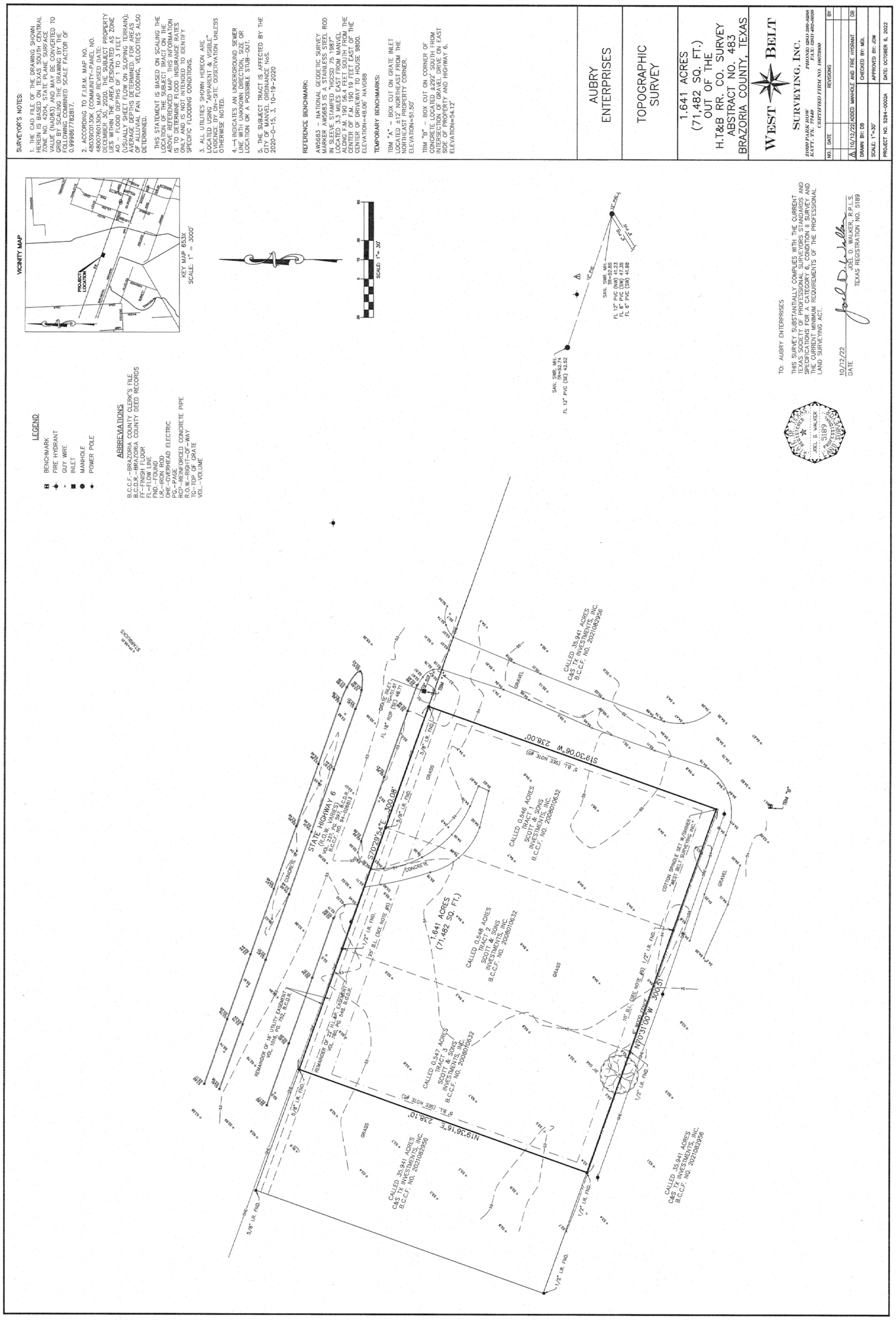
Looking at the proposed access road from abutting property (Twin Lakes RV Park) to the north-east.

Looking at rear of the property from the proposed access road to the west.

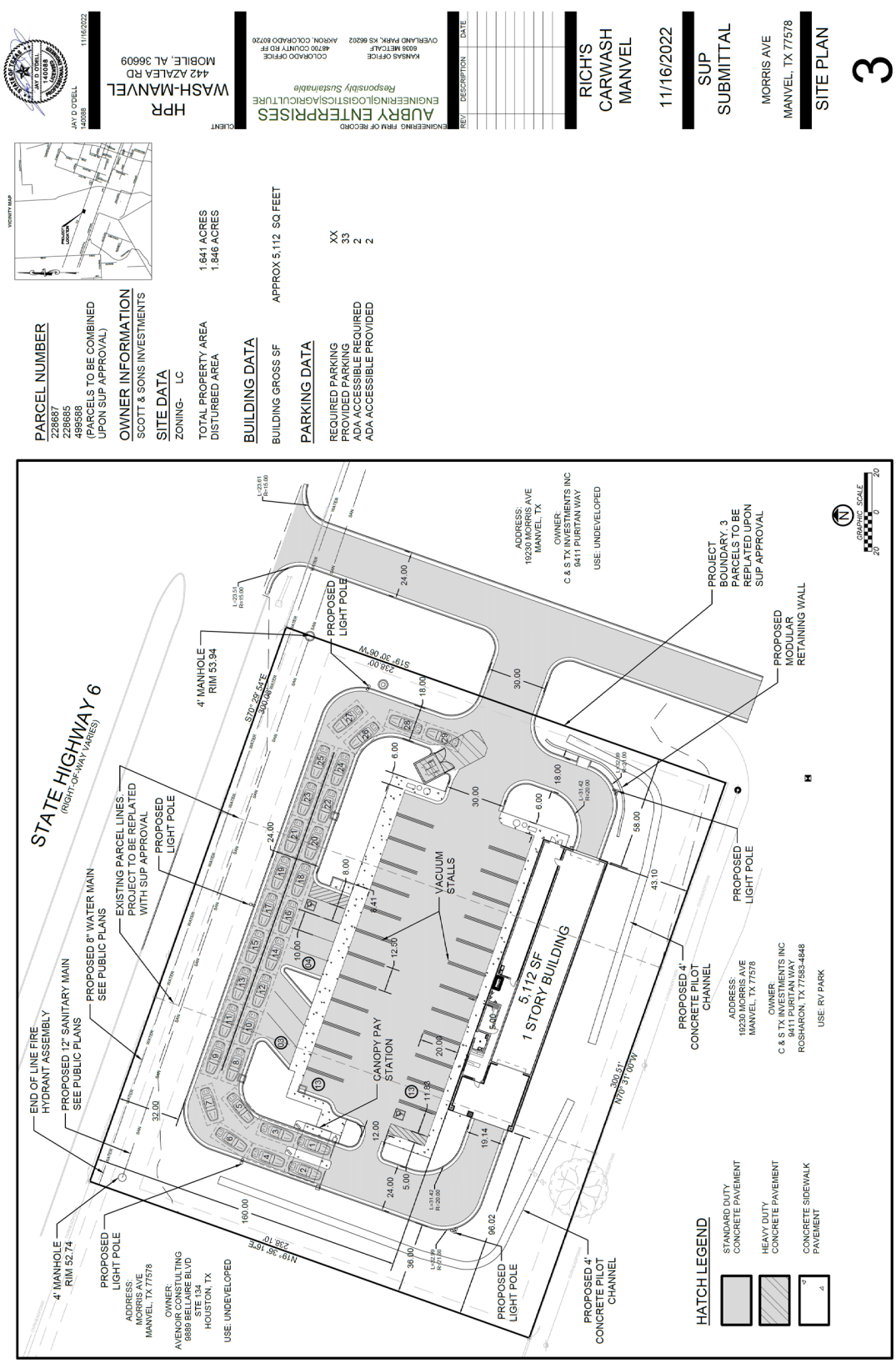
Aerial Vicinity & Surrounding Land Uses Map

Major Thoroughfare Plan Map

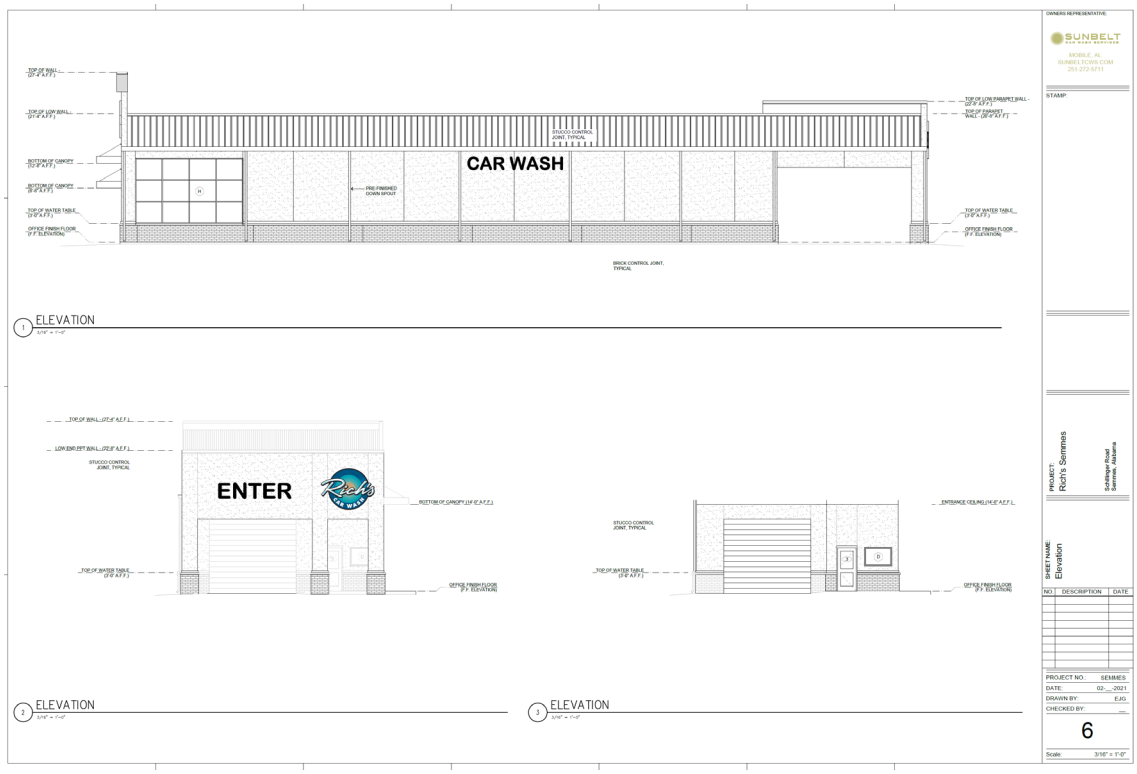
Property Survey

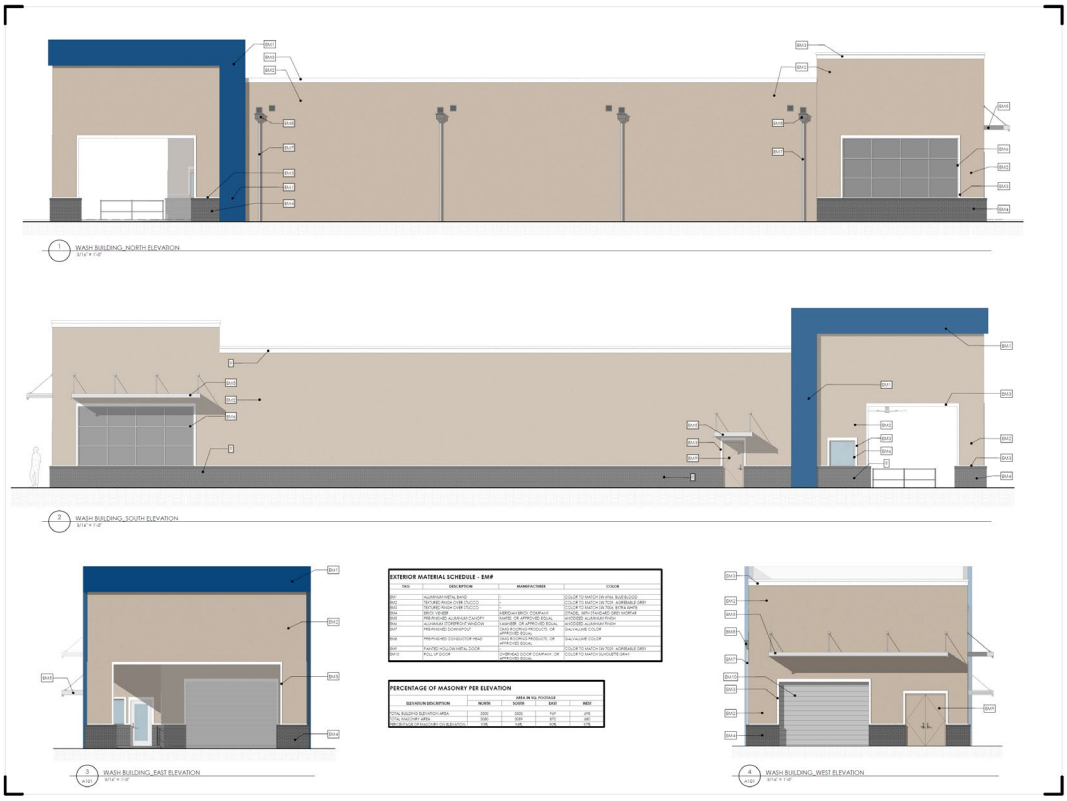


Proposed Site Plan

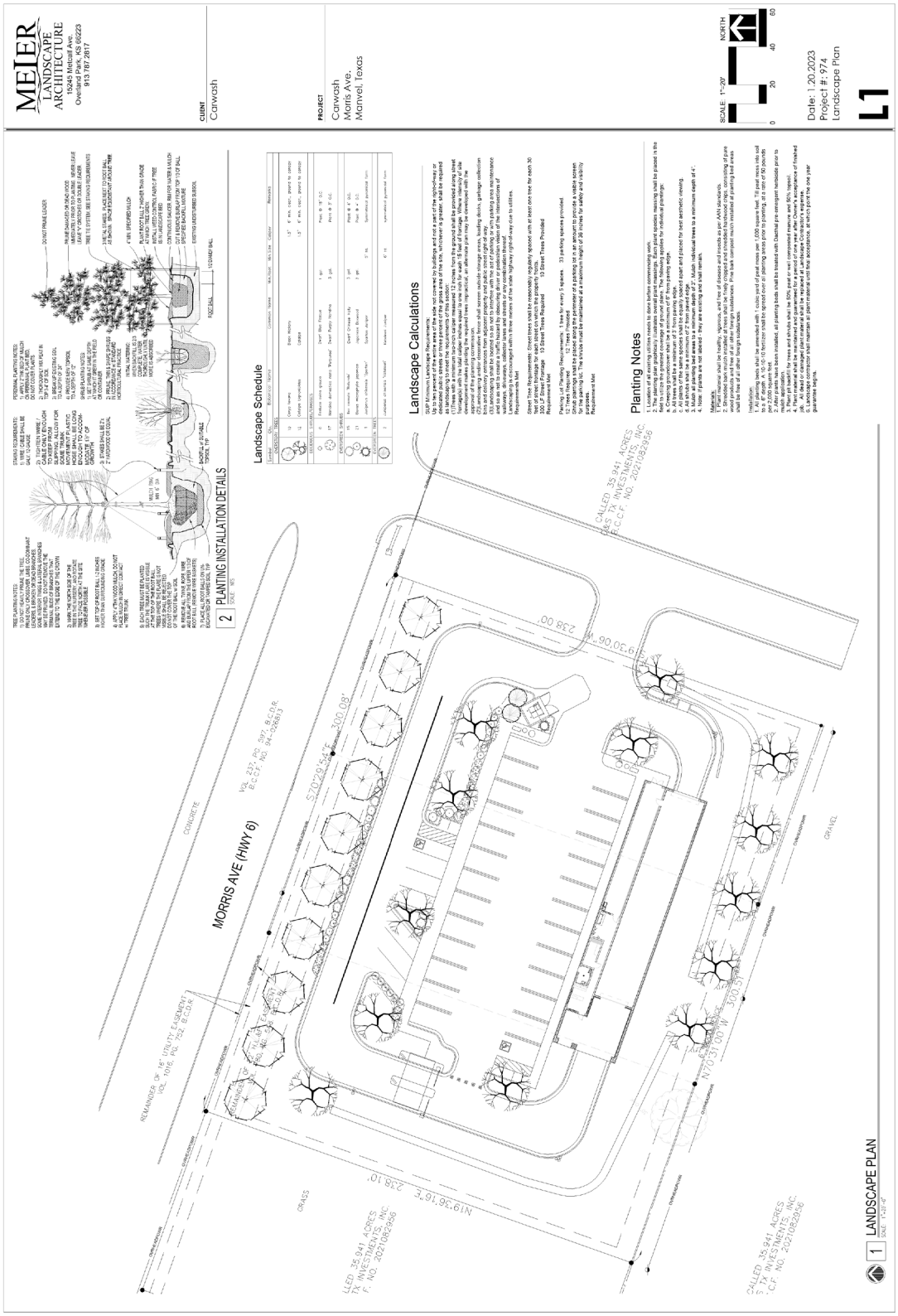


Proposed Elevations





Proposed Landscape Plan



Proposed Photometric Plan

Luminaire Schedule

Symbol	Qty	Label	Arrangement	LMF	Lum. Lumens	Lum. Watts	Part Number
	28	D	SINGLE	1.000	13750	86	CPY250-C-13L-57K7-D-UL-DM-WH-HZ
	5	F	SINGLE	1.000	13750	86	CPY250-C-13L-57K7-F-UL-DM-BK-HZ
	2	3M-8L	SINGLE	1.000	8475	71	XSPW-B-WM-3ME-8L-57K-UL-__
	2	3M-16L w BLS	SINGLE	1.000	12700	104	OSQM-B-16L-57K7-3M-UL-NM-__ w/OSQ-ML-B-DA-__ + OSQ-BLSMF
	4	4M-16L w BLS	SINGLE	1.000	12350	104	OSQM-B-16L-57K7-4M-UL-NM-__ w/OSQ-ML-B-DA-__ + OSQ-BLSMF

Calculation Summary; 1.00 LLF

Label	Units	Avg	Max	Min	Avg/Min	Max/Min
All Calc Points	Fc	2.49	38.0	0.0	N.A.	N.A.
Entry Canopy	Fc	41.03	56	23	1.78	2.43
Pay Canopy	Fc	35.87	48	26	1.38	1.85
Street Parking	Fc	1.05	4.5	0.0	N.A.	N.A.
Vacuum Canopy 1	Fc	42.21	54	18	2.35	3.00
Vacuum Canopy 2	Fc	42.21	57	10	4.22	5.70
Paved Parking	Fc	6.65	38.0	0.3	22.17	126.67

Mounting heights listed on plan: MH

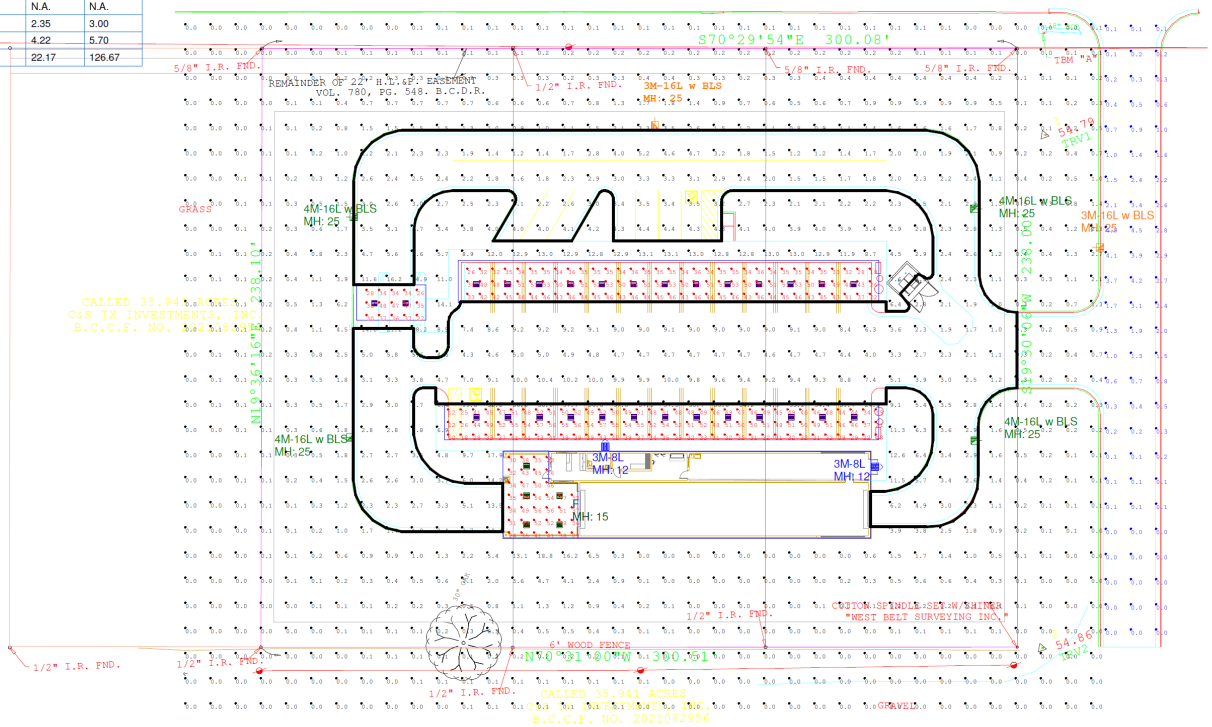
Fixture Mounting Height:
25' AFG (22' Pole + 3.0' Base)

Pole Schedule:
(4) SSS-4-11-22-CW-BS-1D-C-XX (22' X 4" X 11ga SQUARE STEEL POLE, Single)

Proposed poles meet 120mph sustained winds.

Additional Required Equipment:
(6) OSQ-ML-B-DA-XX - (Direct Arm Mount)
(6) OSQ-BLSMF - (Medium Back Light Shield)

*****Customer to verify Color, Mounting, Fixture Location and Voltage prior to ordering.*****



CREE LIGHTING
A COMPANY OF IDEAL INDUSTRIES, INC.
9201 Washington Ave, Racine, WI 53406 https://creelighting.com - (800) 236-6800

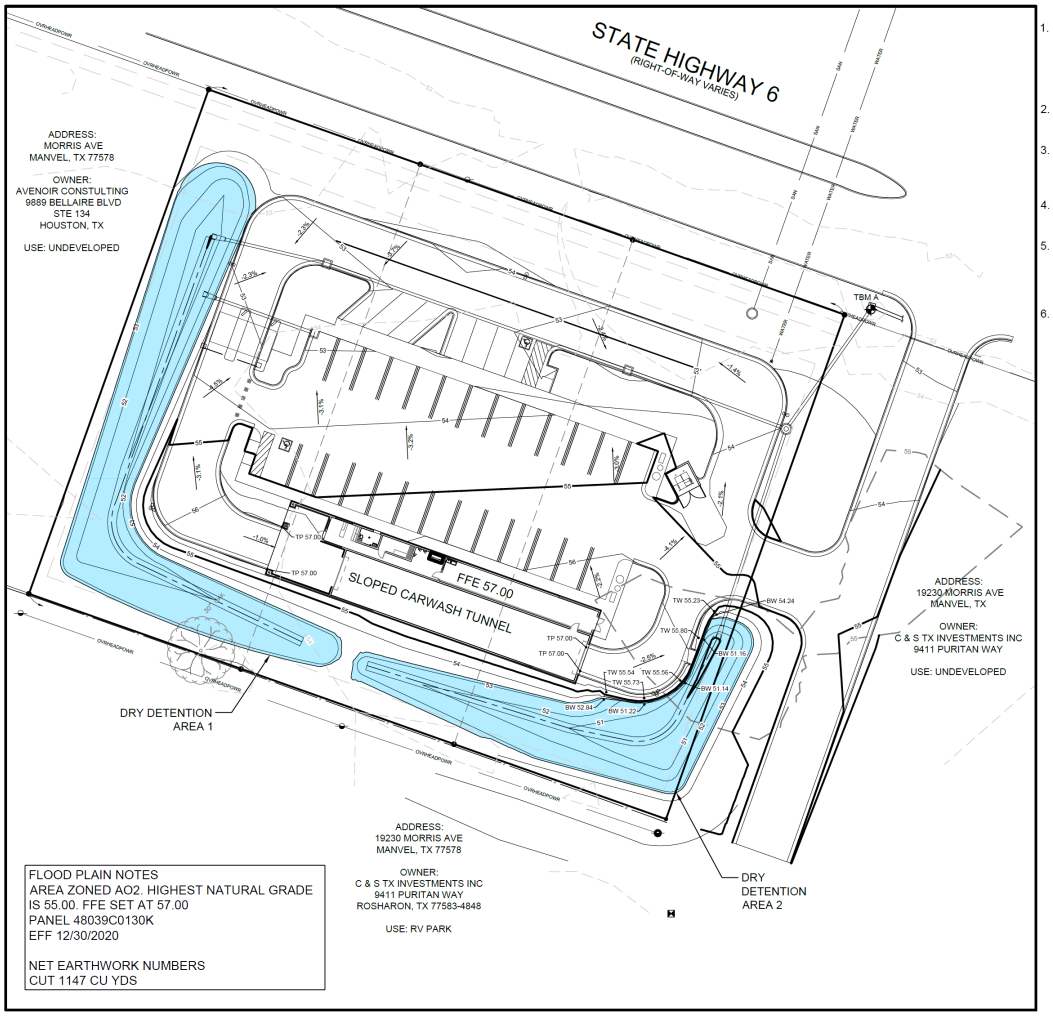
Illumination results shown on this lighting design are based on project parameters provided to Cree Lighting used inconjunction with luminaire test procedures conducted under laboratory conditions. Actual project conditions differing from these design parameters may affect field results. The customer is responsible for verifying dimensional accuracy along with compliance with any applicable electrical, lighting or energy code.

Project Name: Rich's Car Wash - Manvel, TX - EXT

CASE #: 00524525 | Footcandles calculated at grade | Filename: RJ221107MATXCWR3.AGI

Layout By: Collin Witherow
Date:1/9/2023

Scale 1" = 20'
0 40 80



FLOOD PLAIN NOTES
AREA ZONED AO2. HIGHEST NATURAL GRADE IS 55.00. FFE SET AT 57.00
PANEL 48039C0130K
EFF 12/30/2020

NET EARTHWORK NUMBERS
CUT 1147 CU YDS

GRADING NOTES

1. GRADING MATERIALS AND PROCEDURES SHALL BE IN ACCORDANCE WITH CITY OF MANVEL DESIGN CRITERIA MANUAL. ANY REQUIREMENTS SET FORTH IN THE PLANS THAT ARE IN CONFLICT WITH MANVEL DESIGN CRITERIA SHALL BE BROUGHT TO THE ATTENTION OF THE ENGINEER OF RECORD
2. FILL MATERIALS SHALL BE PLACED IN ACCORDANCE TO MANVEL DESIGN CRITERIA MANUAL AND AS DIRECTED BY THE ONSITE GEOTECHNICAL ENGINEER
3. ALL PROPOSED CONTOUR LINES AND SPOT ELEVATIONS SHOWN ARE FINISHED GRADE ELEVATIONS. CONTRACTOR SHALL ACCOUNT FOR PAVEMENT DEPTHS, TOPSOIL, AGGREGATE BASES, ETC WHEN GRADING THE SITE
4. ALL EXCAVATIONS AND EMBANKMENTS SHALL COMPLY WITH THE REQUIREMENTS OF MANVEL DESIGN CRITERIA MANUAL FINISHED GRADES SHALL NOT BE STEEPER THAN 3:1
5. ALL GRADING WORK SHALL BE CONSIDERED UNCLASSIFIED, NO ADDITIONAL PAYMENTS SHALL BE MADE FOR ROCK EXCAVATION. CONTRACTOR SHALL SATISFY HIMSELF AS TO ANY ROCK EXCAVATION REQUIRED TO ACCOMPLISH THE IMPROVEMENTS SHOWN HEREON.
6. UNLESS OTHERWISE NOTED, ALL PAVEMENT GRADES SHALL BE ASSUMED 6" LOWER THAN TOP OF CURB ELEVATIONS.

PROJECT BENCHMARK

AW5683 - NATIONAL GEODETIC SURVEY MARKER AW5683 IS A STAINLESS STEEL ROD IN SLEEVE STAMPED "HGCSD 75 1987" LOCATED 3.3 MILES EAST FROM MANVEL ALONG F.M. 190 56.4 FEET SOUTH FROM THE CENTER OF F.M. 190 19 FEET EAST OF THE CENTER OF DRIVEWAY TO HOUSE 9800.
ELEVATION=48.06' NAVD88

PROJECT BENCHMARK

TBM A
N: 13739114.97
E: 3122844.03
ELEV: 51.50
DESC: BOX CUT ON GRATE INLET NEAR NORTHEST PROPERTY CORNER.

GRADING LEGEND

- EXISTING 5' CONTOUR
- EXISTING 1' CONTOUR
- PROPOSED 5' CONTOUR
- PROPOSED 1' CONTOUR
- PROPOSED HIGH POINT/ RIDGE
- TP XXX.XX — PROPOSED TOP OF PAVEMENT ELEVATION
- TS XXX.XX — PROPOSED TOP OF SIDEWALK ELEVATION
- TC XXX.XX — TOP OF CURB ELEVATION
- EX XXX.XX — EXISTING ELEVATION
- EX TP XXX.XX — EXISTING TOP OF PAVEMENT ELEVATION
- EX TS XXX.XX — EXISTING TOP OF SIDEWALK ELEVATION

STATE OF TEXAS
JAY D O'DELL
140088
LICENSED
PROFESSIONAL ENGINEER

JAY D O'DELL
140088
1/20/2023

CLIENT
HPR
WASH-MANVEL
442 AZALEA RD
MOBILE, AL 36609

ENGINEERING FIRM OF RECORD
AUBRY ENTERPRISES
ENGINEERING|LOGISTICS|AGRICULTURE
Responsibly Sustainable

KANSAS OFFICE
6036 METCALF
OVERLAND PARK, KS 66202

COLORADO OFFICE
43700 COUNTY RD FF
AKRON, COLORADO 80720

REV	DESCRIPTION	DATE

RICH'S
CARWASH
MANVEL

1/19/2023

SUP
SUBMITTAL

MORRIS AVE
MANVEL, TX 77578

GRADING
PLAN
4

Preliminary Grading Plan

Application

DEVELOPMENT SERVICES
20025 HIGHWAY 6
MANVEL, TX 77578
P: 281-489-0630
F: 281-489-0634

SPECIFIC USE PERMIT APPLICATION

PROJECT INFORMATION

Project Name: Rich's Car Wash- Manvel, TX

Project Location/Address: Morris Ave

Legal Description: _____

Current Zoning: LC Proposed Land Use: Commercial NAICS No.: 811192

Parcel/Tax ID# (s): 228687, 228685, 499588 Total Acreage: 1.641

APPLICANT INFORMATION

Applicant Name: Pettey Hardin

Company Name: HPR Wash-Manvel

Address: 442 Azalea Rd City: Mobile State: AL Zip: 36609

Phone #: _____ Email: _____

This is to certify that the information on this form is COMPLETE, TRUE, and CORRECT, and I, the undersigned, am authorized to make this application on behalf of the owner(s). I understand that this application will expire one year from the date submitted.

Pettey Hardin 11-11-22

Applicant Signature **(REQUIRED)** Date

PROPERTY OWNER INFORMATION

Owner(s) Name: SCOTT FUNERAL HOME (CHARLES E. SCOTT JR. OWNER)

Address: 1421 EAST HWY 6 City: ALVIN State: TX Zip: 77511

Phone #: 281-585-1020 Email: KSCOTT@SCOTTFUNERALHOME.NET

PROPERTY OWNER'S AUTHORIZATION **(Required – If owner is also the applicant, must sign as both)**:

I am the owner of the property for which this application is being made. I authorize the above person (Applicant) to submit this application and to correspond with the City of Manvel regarding this application on my behalf.

Charles E. Scott Jr. 11-11-22

Owner's Signature **(REQUIRED)** Date

Application

DEVELOPMENT SERVICES
20025 HIGHWAY 6
MANVEL, TX 77578
P: 281-489-0630
F: 281-489-0634

SUBMITTAL CHECKLIST

So that we may efficiently review your project in a timely manner, it is important that all required documents and fees listed on the "Submittal Checklist" below are submitted with your application. One or more of the required documents may be waived due to the nature of the development; however, it is incumbent upon the applicant to inquire about these exceptions for your project **before** submitting an application. Answers to specific use permit applications can be obtained by attending a pre-development meeting with our Development Review Committee (DRC) prior to submitting a formal application. Please call the phone number on the application to schedule an appointment. Submit application and accompanying documents to the Permits and Inspections at the address above Monday through Thursday between the hours of 7:30 a.m. and 5:30 p.m. and Friday between the hours of 7:30 a.m. and 11:30 a.m.

SPECIFIC USE PERMIT SUBMITTAL CHECKLIST ITEMS	REQUIRED (PLEASE CHECK)
Completed Specific Use Permit Application (with all signatures)	x
Two (2) Copies of a Conceptual Plan (building, parking, landscaping, etc. locations)	x
Two (2) Legal Descriptions of Property (metes & bounds description if not platted)	x
Two (2) Copies of Recorded Plat (if platted)	n/a
Two (2) Applicant Letters of Request	x
Traffic Impact Analysis, (if applicable)	n/a
Paid Application Fee	x

APPLICANT CERTIFICATION

By signing below, I acknowledge that I have reviewed the Submittal Checklist and have included the required submittal items and reviewed them for completeness and accuracy. I also acknowledge that my application will be rejected if it is deemed incomplete.

Peggy Hardin 11-11-22

Applicant Signature Date

Letter Of Authorization

DEVELOPMENT SERVICES
20025 HIGHWAY 6
MANVEL, TX 77578
P: 281-489-0630
F: 281-489-0634

LETTER OF AUTHORIZATION

Have property owner complete and sign, if applicant differs from property owner.

SCOTT FUNERAL HOME <CHARLES E SCOTT JR, OWNER>

Owner Name

1421 EAST HWY 6

Owner Address

ALVIN, TEXAS 77511

Owner City, State Zip

11-11-22

Date

Building and Inspections
20025 Highway 6
Manvel, TX 77578

Dear City of Manvel Permits and Inspections,

I, CHARLES E. SCOTT JR certify that I am the owner of the project property located at MORRIS AVE, MANVEL TX. and that the forgoing statements and answers made and all data, information, and evidence herewith submitted are in all respects to the best of my knowledge and belief, true, and correct. I appoint _____ with the company _____ (if applicable) to act as my representative for this project. I agree to be responsible for payment of bills due to the City of Manvel related to this application. Furthermore, I understand that any material misrepresentation of this application, failure to comply with ordinances, and /or failure to remit payment for services can lead to delays in this project – up to and including rejecting the project and forfeiting any fees paid.

Please contact me directly at 281-595-1000 if you have any questions.

Sincerely,

Owner Name CHARLES E. SCOTT JR.

Owner Signature Charles E. Scott Jr.

Public Hearing Notice

Public Hearing Notice to run on Sunday 01/29/2023

A PUBLIC HEARING WILL BE HELD AT MANVEL CITY HALL, 20031 HWY 6, MANVEL, TX, 77578 AT 6:00 P.M. ON MONDAY, FEBRUARY 13, 2023, BEFORE THE MANVEL PLANNING, DEVELOPMENT, AND ZONING COMMISSION AND AT 6:00 P.M. ON TUESDAY, FEBRUARY 21, 2023, BEFORE THE MANVEL CITY COUNCIL TO HEAR INPUT FROM THE PUBLIC REGARDING AN ORDINANCE OF THE CITY OF MANVEL, TEXAS AMENDING THE ZONING CLASSIFICATION OF AN APPROXIMATE 1.641 ACRE TRACT OF LAND LOCATED AT THE SOUTHWESTERN CORNER OF STATE HIGHWAY 6 / MORRIS AVE AND BLUEWATER STREET INTERSECTION, MANVEL, TEXAS (ACROSS THE STREET FROM STARBUCKS AT 7326 BLUEWATER ST, MANVEL, TX), FROM LIGHT COMMERCIAL DISTRICT/ STATE HIGHWAY 6 OVERLAY DISTRICT (LC/SH6) TO LIGHT COMMERCIAL DISTRICT/STATE HIGHWAY 6 OVERLAY DISTRICT WITH SPECIFIC USE PERMIT (LC/SH6-SUP); PROVIDING FOR THE GRANTING OF A SPECIFIC USE PERMIT WITH CONDITIONS TO AUTHORIZE THE USE OF PROPERTY FOR NAICS USE CODE 811192 "CAR WASHES"; 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. /S/ TAMMY BELL, CITY SECRETARY.

ORDINANCE NO. 2023-O-09

AN ORDINANCE OF THE CITY OF MANVEL, TEXAS AMENDING THE ZONING ORDINANCE OF THE CITY, BY AMENDING THE ZONING CLASSIFICATION OF AN APPROXIMATE 1.641 ACRE TRACT OF LAND LOCATED AT THE SOUTHWESTERN CORNER OF STATE HIGHWAY 6 / MORRIS AVE AND BLUEWATER STREET INTERSECTION, MANVEL, TEXAS (ACROSS THE STREET FROM STARBUCKS AT 7326 BLUEWATER ST, MANVEL, TX), FROM LIGHT COMMERCIAL DISTRICT / STATE HIGHWAY 6 OVERLAY DISTRICT (LC/SH6) TO LIGHT COMMERCIAL DISTRICT/STATE HIGHWAY 6 OVERLAY DISTRICT WITH SPECIFIC USE PERMIT (LC/SH6-SUP); PROVIDING FOR THE GRANTING OF A SPECIFIC USE PERMIT WITH CONDITIONS TO AUTHORIZE THE USE OF PROPERTY FOR NAICS USE 811192 "CAR WASHES"; 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.

* * * * * * * * * * * *

WHEREAS, Scott & Sons Investments Inc, is the owner (the "Owner") of a certain 1.641-acre tract of land located at the southwestern corner of State Highway 6 / Morris Ave and Bluewater Street intersection, Manvel, Texas (across the street from Starbucks at 7326 Bluewater St, Manvel, Tx), such tract being out of the H.T&B RR. CO. Survey, Abstract No. 483, Brazoria County, Texas, a map and description of which is attached hereto as Exhibit "A"; and

WHEREAS, the 1.641-acre tract is currently zoned Light Commercial District/State Highway 6 Overlay District (LC/SH6) District; and

WHEREAS, the Pettey Hardin, on behalf of the owner has filed an application to change the zoning classification of the 1.641-acre tract to Light Commercial

District/State Highway 6 Overlay District with Specific Use Permit (LC/SH6-SUP) allowing use of the property for NAICS use 811192 "Car Washes"; and

WHEREAS, the Planning, Development, and Zoning Commission and the City Council have conducted, in the time and manner required by law and the Zoning Ordinance of the City, a public hearing on such request; and

WHEREAS, the Planning, Development, and Zoning Commission has recommended in its report the approval of such request, and the City Council deems it appropriate to approve said amendment to the zoning and specific use permit; 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. The zoning classification of a certain 1.641-acre tract of land located at the southwestern corner of State Highway 6 / Morris Ave and Bluewater Street intersection, Manvel, Texas (across the street from Starbucks at 7326 Bluewater St, Manvel, Tx), such tract being out of the H.T&B RR. CO. Survey, Abstract No. 483, Brazoria County, Texas, as more particularly described in Exhibit "A" attached hereto, shall be changed from Light Commercial District/State Highway 6 Overlay District (LC/SH6) to Light Commercial District/State Highway 6 Overlay District with Specific Use Permit (LC/SH6-SUP), for uses as permitted within such zone classification, subject to the regulations, regulations, and conditions hereinafter set forth:

1. Car Washes – (NAICS 811192)

Section 3. The request meets the criteria set forth in Section 77-50 of the City of Manvel Zoning Ordinance for a Specific Use Permit. The City of Manvel Zoning Ordinance is hereby further amended by granting a Specific Use Permit authorizing use of the Property for the additional NAICS use listed in Section 2, above.

Section 4. The City Council hereby finds it appropriate to impose the conditions to the granting of the Specific Use Permit as shown in Exhibit "B", attached hereto and incorporated herein as if set out in full. Use and Development of the Property shall comply with the conditions and with the site development plans as shown in Exhibits "C", "D", "E", and "F" attached hereto. The uses and site may not be changed or expanded except by amendment of this Specific Use Permit.

Section 5. The Specific Use Permit issued under this ordinance, or a specific use listed herein, shall expire one year after its date of issuance if construction or if the listed use authorized hereunder is not substantially under way or in use prior to the expiration of said one year period. If, prior to the expiration of such one-year period, the owner of the property to which the Specific Use Permit applies in writing, for an extension, the City Council may, after recommendation from the Planning, Development, and Zoning Commission, grant such extension for one additional year.

Section 6. The Zoning District Map of the City of Manvel shall be revised and amended to show the designation of said tract, as described and as provided in Section 2, above, with the appropriate reference thereon to the number and effective date of this Ordinance and a brief description of the nature of the change.

Section 7. The City Council hereby finds and determines that said rezoning comports to the City's Comprehensive Land Use Plan. 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 in zoning classification of said tract(s) as described above.

Section 8. 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 9. 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.

Section 10. Revocation. This Specific Use Permit may be revoked or modified by the City Council, in whole or in part, after notice and hearing, for either of the following reasons:

(1) The Specific Use Permit was obtained or extended by misrepresentation, fraud or deception: or

(2) That one of more of the conditions imposed by the permit has not been met or has been violated.

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

Exhibit A

1.641 acres being out of the H.T&B RR. CO. Survey, Abstract No. 483, Brazoria County, Texas.

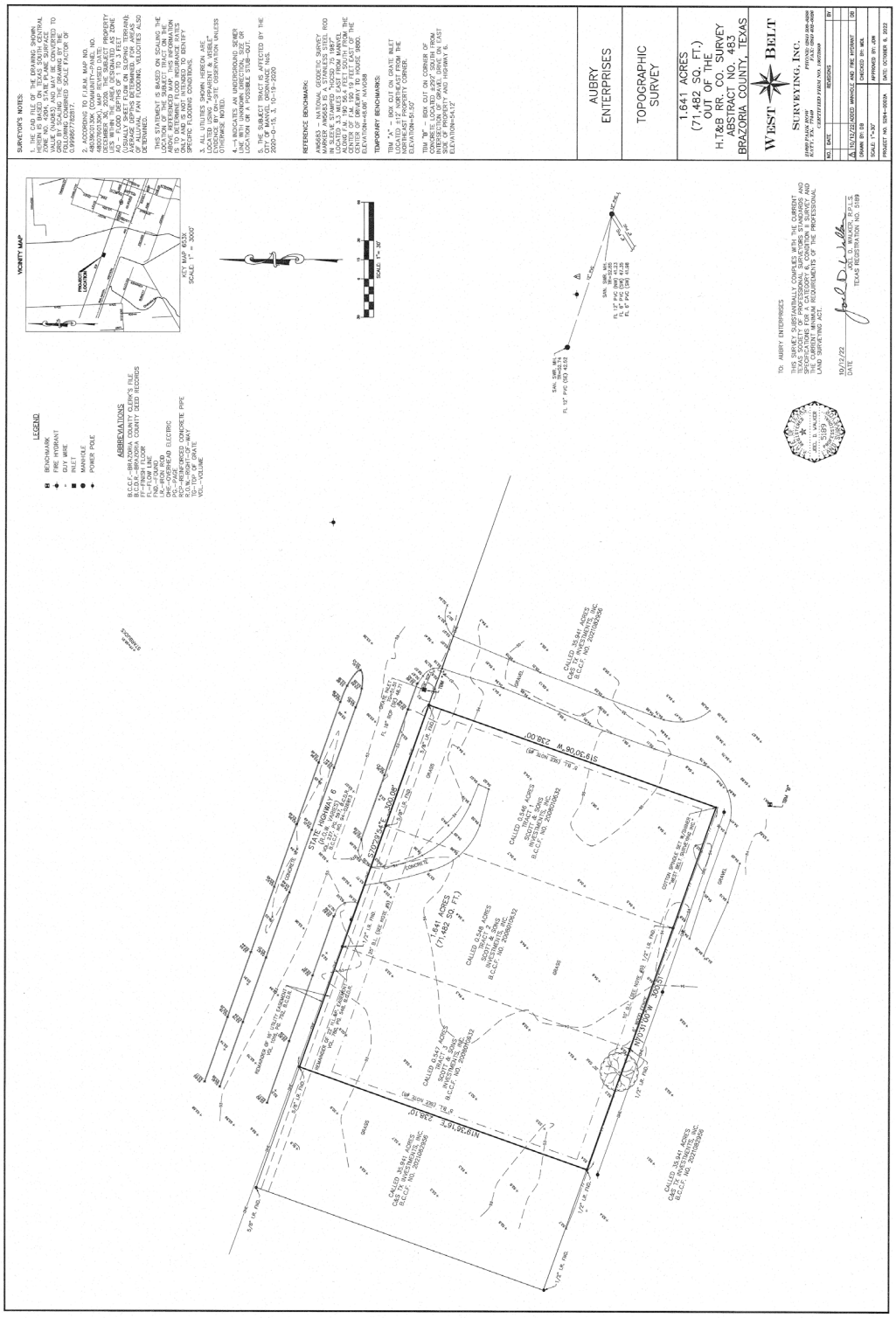


Exhibit B

SUP CONDITIONS FOR TRACT OF LAND LOCATED AT THE SOUTHWESTERN CORNER OF STATE HIGHWAY 6 / MORRIS AVE AND BLUEWATER STREET INTERSECTION, MANVEL, TEXAS (ACROSS THE STREET FROM STARBUCKS AT 7326 BLUEWATER ST, MANVEL, TX) (CARWASH)

1. A plat shall be prepared and approved in conformance with Chapter 62 – Subdivisions, prior to developing the subject site for the proposed carwash;
2. A recorded copy of the agreement with adjacent property owner regarding access to the subject site shall be provided prior to plat approval and referenced on the plat;
3. Any changes to the presented concept site development plan that may be required to conform to adopted City of Manvel codes and ordinances shall be made as part of the construction plan and building permit review process;
4. The proposed carwash on the subject site must comply with all pollution control related requirements of Chapter 77, Article III, Appendix A - *Pollution Control;*
5. Sidewalk shall be provided in conformance with Section 62-113, *Sidewalks;*
6. An opaque fence shall be provided at the rear property line in conformance with Section 77-43, *Fences;*
7. In addition to complying with all *trees, landscaping, fencing and screening* requirements of Section 77-44, a continuous row of shrubs shall be provided along the front property line to provide screening;
8. A minimum of 33 parking spaces as shown on the site plan shall be provided;
9. 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;
10. 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 five-tenths foot-candles, measured vertically and horizontally.

Exhibit C
SITE PLAN

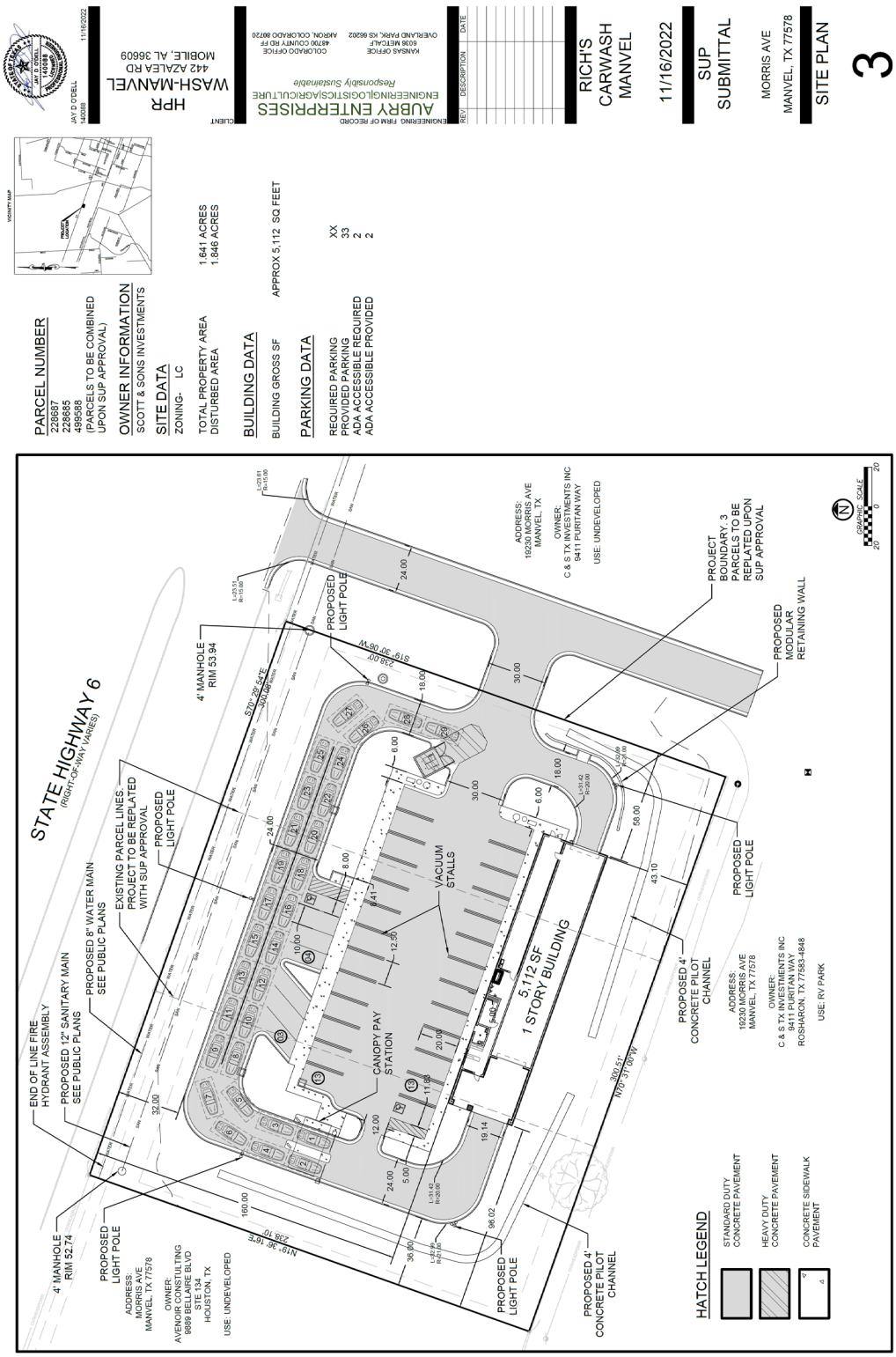
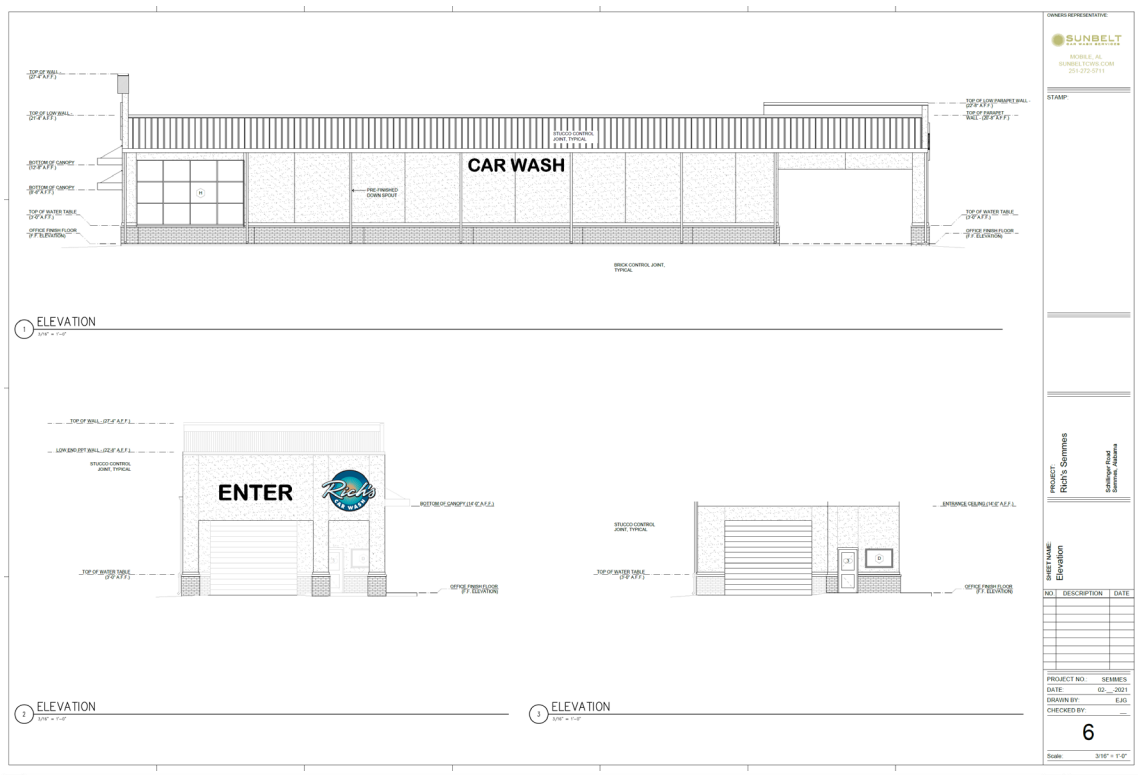


Exhibit D
BUILDING ELEVATIONS



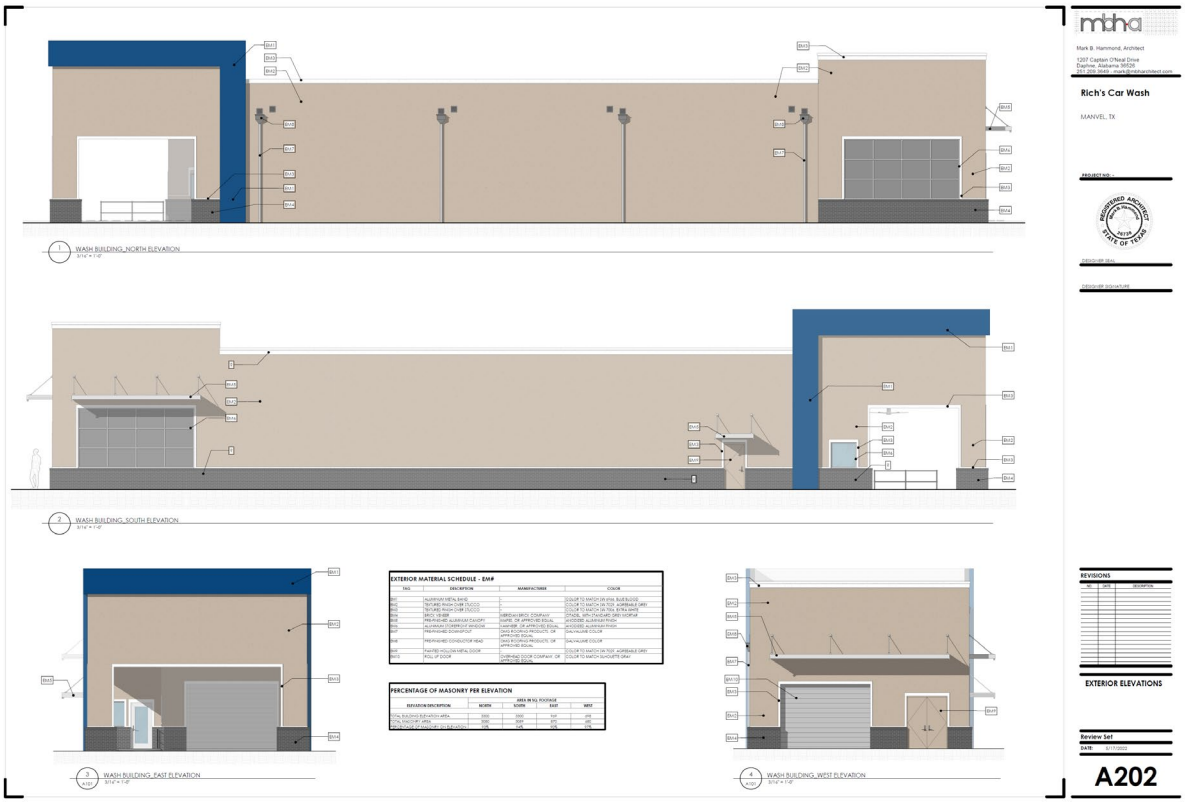


Exhibit E
LANDSCAPE PLAN

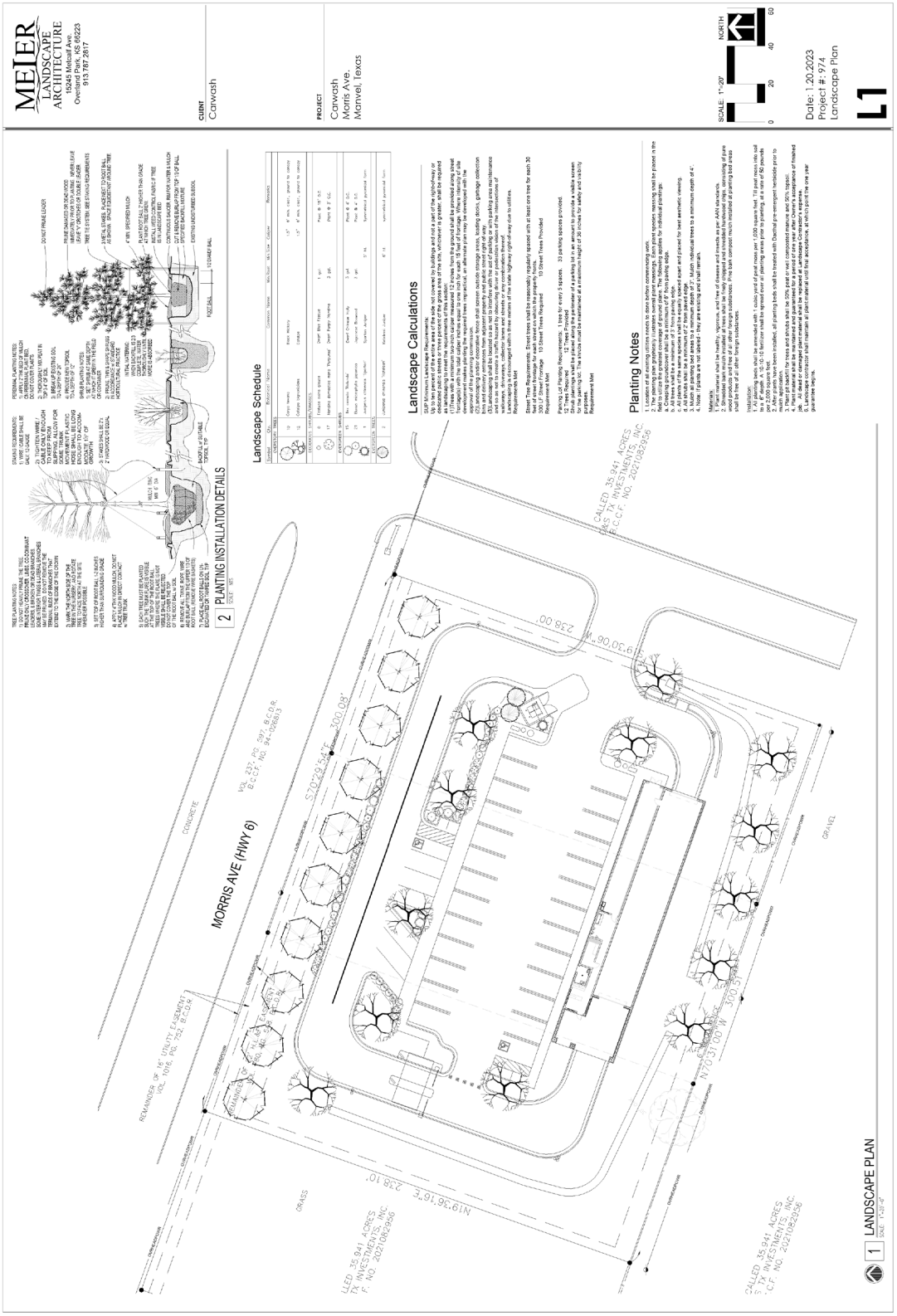


Exhibit F
PHOTOMETRIC PLAN

Luminaire Schedule

Symbol	Qty	Label	Arrangement	LMF	Lum. Lumens	Lum. Watts	Part Number
	28	D	SINGLE	1.000	13750	86	CPY250-C-13L-57K7-D-UL-DM-WH-HZ
	5	F	SINGLE	1.000	13750	86	CPY250-C-13L-57K7-F-UL-DM-BK-HZ
	2	3M-8L	SINGLE	1.000	8475	71	XSPW-B-WM-3ME-8L-57K-UL-__
	2	3M-16L w BLS	SINGLE	1.000	12700	104	OSQM-B-16L-57K7-3M-UL-NM-__ w/OSQ-ML-B-DA-__ + OSQ-BLSMF
	4	4M-16L w BLS	SINGLE	1.000	12350	104	OSQM-B-16L-57K7-4M-UL-NM-__ w/OSQ-ML-B-DA-__ + OSQ-BLSMF

Calculation Summary; 1.00 LLF

Label	Units	Avg	Max	Min	Avg/Min	Max/Min
All Calc Points	Fc	2.49	38.0	0.0	N.A.	N.A.
Entry Canopy	Fc	41.03	56	23	1.78	2.43
Pay Canopy	Fc	35.87	48	26	1.38	1.85
Street Parking	Fc	1.05	4.5	0.0	N.A.	N.A.
Vacuum Canopy 1	Fc	42.21	54	18	2.35	3.00
Vacuum Canopy 2	Fc	42.21	57	10	4.22	5.70
Paved Parking	Fc	6.65	38.0	0.3	22.17	126.67

Mounting heights listed on plan: MH

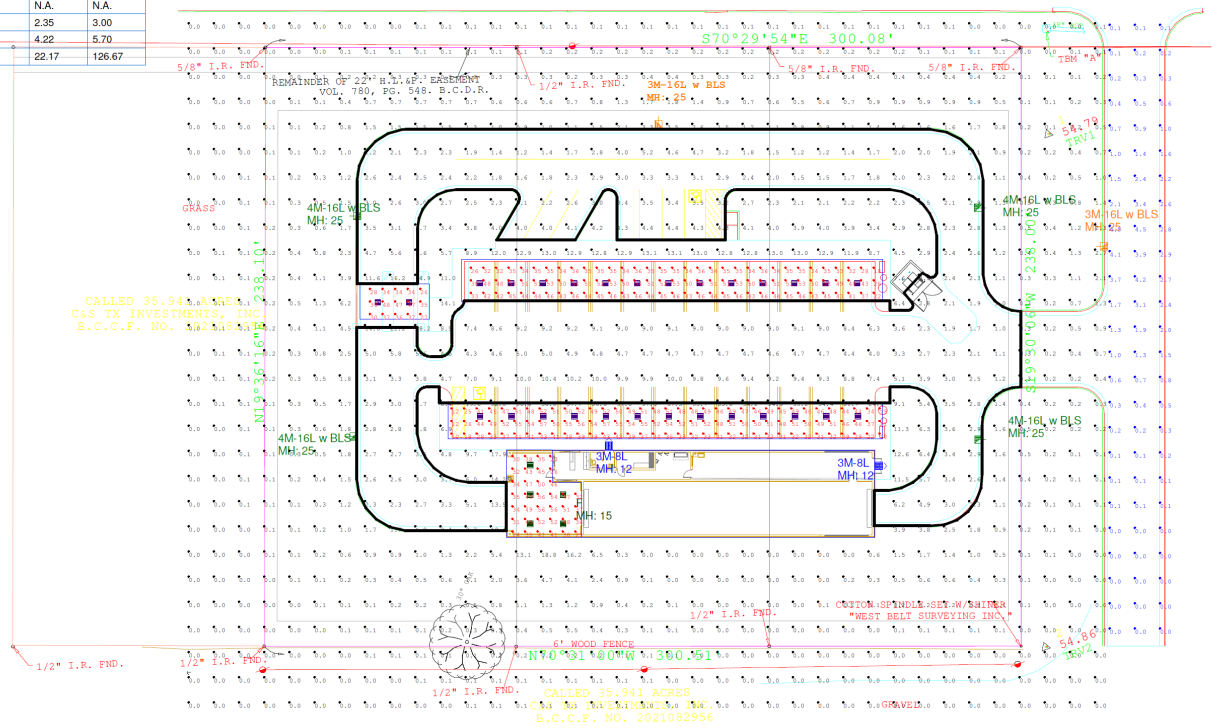
Fixture Mounting Height:
25' AFG (22' Pole + 3.0' Base)

Pole Schedule:
(4) SSS-4-11-22-CW-BS-1D-C-XX (22' X 4" X 11ga SQUARE STEEL POLE, Single)

Proposed poles meet 120mph sustained winds.

Additional Required Equipment:
(6) OSQ-ML-B-DA-XX - (Direct Arm Mount)
(6) OSQ-BLSMF - (Medium Back Light Shield)

*****Customer to verify Color, Mounting, Fixture Location and Voltage prior to ordering.*****



CREE LIGHTING
A COMPANY OF IDEAL INDUSTRIES, INC.
9201 Washington Ave, Racine, WI 53406 https://creelighting.com - (800) 236-6800

Illumination results shown on this lighting design are based on project parameters provided to Cree Lighting used incorporation with luminaire test procedures conducted under laboratory conditions. Actual project conditions differing from these design parameters may affect field results. The customer is responsible for verifying dimensional accuracy along with compliance with any applicable electrical, lighting,or energy code.

Project Name: Rich's Car Wash - Manvel, TX - EXT

CASE #: 00524525 | Footcandles calculated at grade | Filename: RJ221107MATXCWR3.AGI

Layout By: Collin Witherow
Date:1/9/2023

Scale 1" = 20'
0 40 80

MANVEL CITY COUNCIL
DATA SHEET

MEETING DATE: February 21, 2023

TOPIC: Subdivision variance request for an approximate 14.13-acres of land located at 7207 Jordan Road *(7207 S. Masters Rd according to BrazoriaCAD)* seeking to vary Chapter 62, Section 62-111, *Additional Street Requirements* and Section 62-113, *Sidewalks*.

BACKGROUND: The subject site for this requested subdivision variance is located at 7207 Jordan St (7207 S. Masters Rd according to BrazoriaCAD) in the Open Single Family Residential (O-SFR) zoning district *(Vicinity Map attached includes additional lots that are under the same Property ID).* The 14.13-acres subject site is owned by Carl J Frantzen and Michelle E Frantzen and includes acreage bound by multiple street right-of-ways. In 2020, owners had plans to move the existing manufactured home off-site and construct a new single-family residence. Since the property was purchased as multiple tracts of land by metes and bounds, owners were required to plat the property in order to obtain a building permit for a new residence on the property. Therefore, owners applied for a subdivision variance to Section 62-111, *Additional Street Requirements* that requires the developer to construct one-half of all perimeter (abutting) roads as concrete curb and gutter in accordance with the City's Design Criteria Manual and Major Thoroughfare Plan. On January 19, 2021, the City Council approved the requested subdivision variance with a development agreement for this property. However, the variance has expired since construction of the proposed single-family structure was not completed within two-years.

Even though the applicant initiated the development process, a plat and construction plan for the proposed development on the subject site are still under review (Proposed plat attached). Therefore, to complete the development process, the applicant is applying for the variance again with an additional variance request to Section 62-113, *Sidewalks*. The site currently takes access from Jordan Road and the property owners will use this same access once the new single-family residence is constructed. The perimeter roads for subject site include South Masters Road, Jordan Road, Palmetto Street, Shultz Avenue, Holly Street, Taylor Street, and Spillane Street.

This requested variance was previously approved based on the criteria provided in Section 62-5, Variance of the subdivision ordinance. The approval of the variance is not anticipated to be materially detrimental to the public welfare or injurious to other property or property rights in the vicinity. Additionally, the general are has not changed significantly the previous approval of a variance.

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

ATTACHMENTS: Application Form, Proposed Plat, Vicinity Aerial Map, Vicinity Zoning Map, and Development Agreement

FUNDING ISSUES

_X_ 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): _____

Phone: _____ e-mail: _____

Owner: Carl J and Michelle E Frantzen

Owner Address: 3614 Quarter Horse Tr City Manvel State TX Zip 77578

Phone: 979-820-2222 e-mail: 7207jordanrd@gmai.com

979-255-6764

Property Information

Site Address: 7207 Jordan Rd Manvel, TX 77578

Legal description (from deed): Manvel blk 58-59 (all) lot OL 69 (all) and block 53 lot 6-11 to 14 MH designated as real property acres 14.928
(Property must be legally subdivided or be lot of record)

Brazoria County Identification Number: 228154

Description of Subdivision Variance Request

Variance from the subdivision ordinances which require one-half of Shultz Ave, Palmetto Street, Jordan Road, and Masters Road constructed to concrete curb and gutter and sidewalks. 62-111 and 62-113

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 wanting to replace the existing livable mobile home with a new house. The infrastructure (ie. electricity, well water, aerobic sewer, entrance and driveway) are already in place. We will not be dividing the land in any way.

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

Without the variance, building a house for our family will not be financially possible.

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.

Since all the infrastructure is in place, building a house would not change the property to be detrimental to the public health, safety or welfare of any persons or other property.

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 variance will not prevent any orderly subdivision of other land in the 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.

Applicant Signature

1/27/2023

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.

7207 S MASTERS ST PID:228154

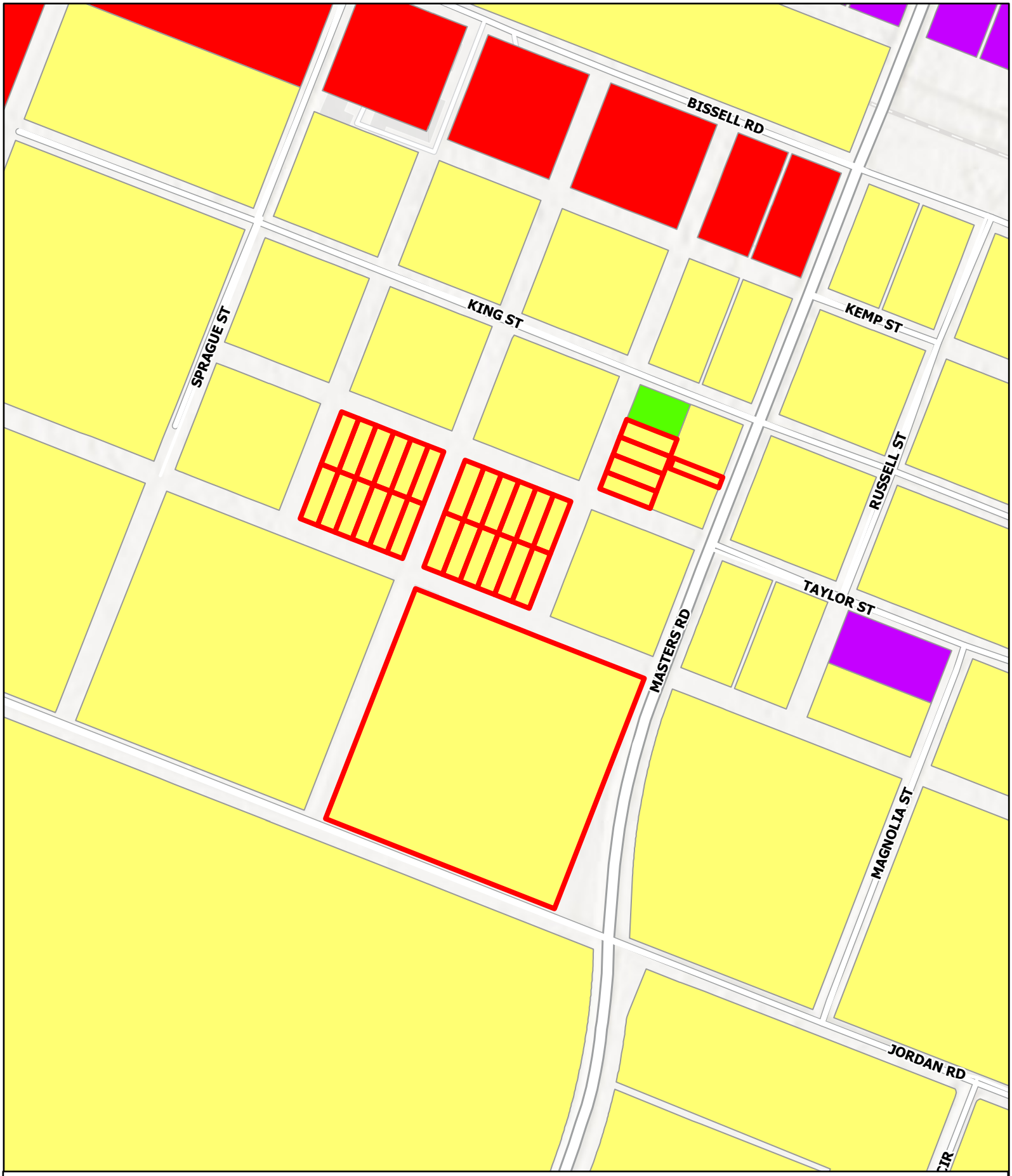
7207 S MASTERS ST | City of Manvel City Limits | City of Manvel ETJ

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.

US Feet

0 425 850 1,700

Date: February 2023
Reference: 2023012
Data Source, City of Manvel, Brazoria County Open Data



7207 S MASTERS ST PID:228154

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.

- 7207 S MASTERS ST
- City of Manvel City Limits
- City of Manvel ETJ
- Heavy Commercial District
- Light Commercial District
- Open Single-Family Residential District
- Single-Family Residential District

US Feet

0 425 850 1,700

N W E S

Date: February 2023
Reference: 2023012
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 Carl J Frantzen and Michelle E Frantzen, 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 14.13-acre tract of land located at 7207 Jordan Road (7207 S. Masters Rd as per Brazoria CAD).

WHEREAS, Developer wishes to construct a new single-family structure on the approximate 14.13-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 of the city code 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; 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

Location. The property that is the subject of this agreement is located at 7207 Jordan Road (7207 S. Masters Rd as per Brazoria CAD) and is all the property legally described as: 1) Tract 1: Lots 1 through 12, Block 58; Manvel Townsite, Brazoria County, Texas, according to the map thereof, recorded in Volume 3, Page 139 of the plat records of Brazoria County, Texas, and 2) Tract 2: a 12.08 acre tract of land being all of Outlot 69, containing 10.01 acres, and all of Block 59 of Manvel Townsites, containing 2.07 acres, situated in the Dr. A. A. Luther's Revised Subdivision of Manvel Townsite and Outlots, recorded in Volume 1 Page 71 & 72, and Volume 3, Page 139, of the map records of Brazoria County, Texas, also being out of the A. B. & M. Survey, Abstract 479, Brazoria County, Texas, and being the same tract as described by deed to

Richard T. Peliter and wife, Irene Peltier, recorded in Volume 1068, Page 4, of the deed records of Brazoria County, Texas (the "Property"). The Property is more fully described and depicted in the proposed plat shown on 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 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:	Carl J Frantzen and Michelle E Frantzen 3614 Quarter Horse Tr 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)

Carl J Frantzen:

By: _____
Name: Carl J Frantzen

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)

Michelle E Frantzen:

By: _____
Name: Michelle E Frantzen

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 14.13-acre tract legally described as:

Tract 1: Lots 1 through 12, Block 58; Manvel Townsite, Brazoria County, Texas, according to the map thereof, recorded in Volume 3, Page 139 of the Plat Records of Brazoria County, Texas.

Tract 2: a 12.08-acre tract of land being all of Outlot 69, containing 10.01 acres, and all of Block 59 of Manvel Townsites, containing 2.07 acres, situated in the Dr. A.A. Luther's Revised Subdivision of Manel Townsite and Outlots, recorded in Volume 1, Page 71 & 72, and Volume 3, Page 139, of the map records of Brazoria County, Texas, also being out of the A. B. & M. Survey, Abstract 479, Brazoria County, Texas, and being the same tract as described by deed to Richard T. Peltier and wife, Irene Peltier, recorded in Volume 1068, Page 4, of the deed records of Brazoria County, Texas.

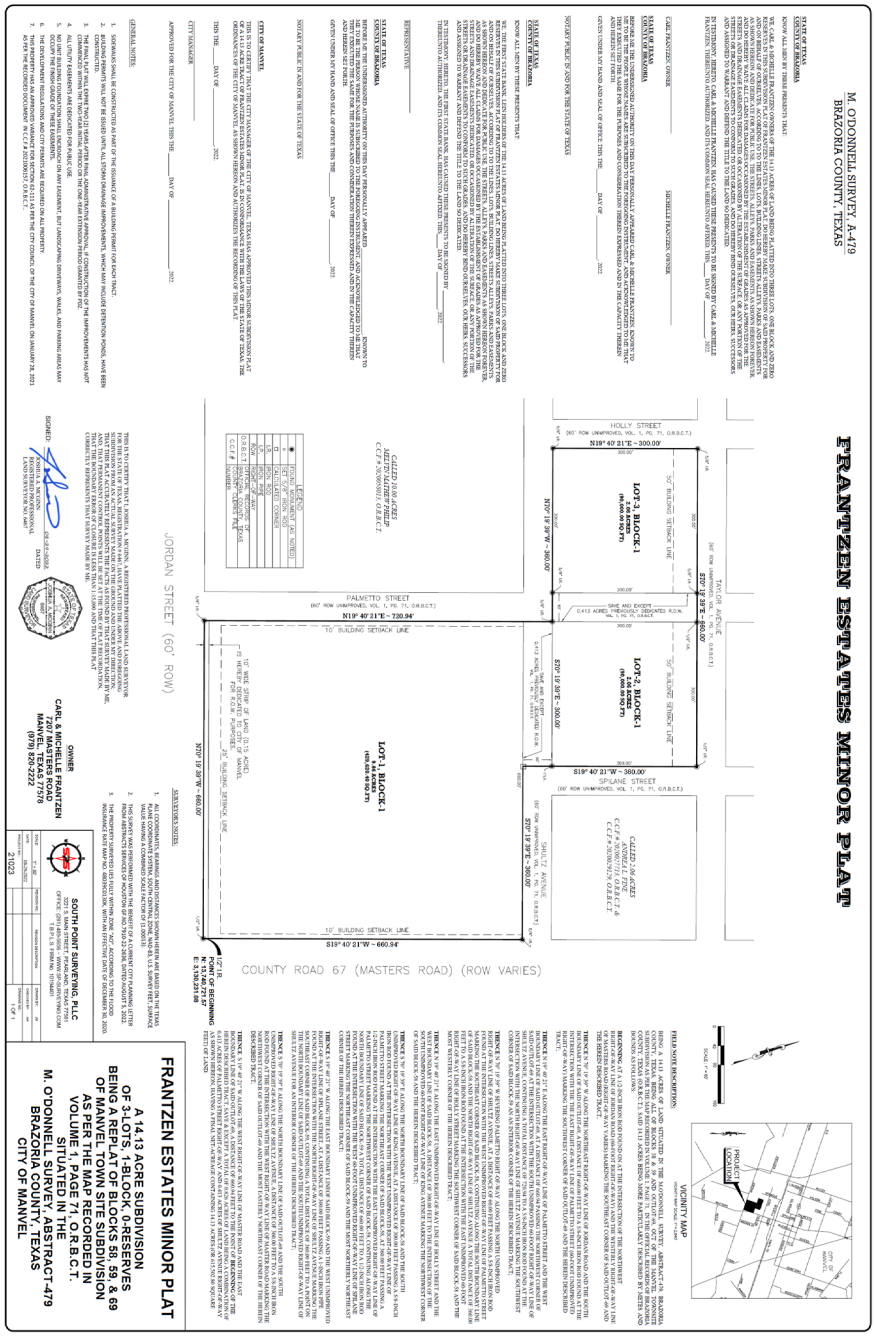


Exhibit B

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): _____

Phone: _____ e-mail: _____

Owner: Carl J and Michelle E Frantzen

Owner Address: 3614 Quarter Horse Tr City Manvel State TX Zip 77578

Phone: 979-820-2222 e-mail: 7207jordanrd@gmai.com
979-255-6764

Property Information

Site Address: 7207 Jordan Rd Manvel, TX 77578

Legal description (from deed): Manvel blk 58-59 (all) lot OL 69 (all) and block 53 lot 6-11 to 14 MH designated as real property acres 14.928
(Property must be legally subdivided or be lot of record)

Brazoria County Identification Number: 228154

Description of Subdivision Variance Request

Variance from the subdivision ordinances which require one-half of Shultz Ave, Palmetto Street, Jordan Road, and Masters Road constructed to concrete curb and gutter and sidewalks. 62-111 and 62-113

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 wanting to replace the existing livable mobile home with a new house. The infrastructure (ie. electricity, well water, aerobic sewer, entrance and driveway) are already in place. We will not be dividing the land in any way.

Exhibit B

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

Without the variance, building a house for our family will not be financially possible.

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.

Since all the infrastructure is in place, building a house would not change the property to be detrimental to the public health, safety or welfare of any persons or other property.

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 variance will not prevent any orderly subdivision of other land in the 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.

Applicant Signature

1/27/2023

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.

EXHIBIT K
Subdivision and Special District Settlement Participation Form

Governmental Entity:	State:
Authorized Signatory:	
Address 1:	
Address 2:	
City, State, Zip:	
Phone:	
Email:	

The governmental entity identified above ("*Governmental Entity*"), in order to obtain and in consideration for the benefits provided to the Governmental Entity pursuant to the Agreement dated November 22, 2022 ("*Allergan Settlement*"), and acting through the undersigned authorized official, hereby elects to participate in the Allergan Settlement, release all Released Claims against all Released Entities, and agrees as follows.

1. The Governmental Entity is aware of and has reviewed the Allergan Settlement, understands that all terms in this Election and Release have the meanings defined therein, and agrees that by this Election, the Governmental Entity elects to participate in the Allergan Settlement as provided therein.

2. Following the execution of this Settlement Participation Form, the Governmental Entity shall comply with Section III.B of the Allergan Settlement regarding Cessation of Litigation Activities.

3. The Governmental Entity shall, within fourteen (14) days of the Reference Date and prior to the filing of the Consent Judgment, file a request to dismiss with prejudice any Released Claims that it has filed. With respect to any Released Claims pending in *In re National Prescription Opiate Litigation*, MDL No. 2804, the Governmental Entity authorizes the MDL Plaintiffs' Executive Committee to execute and file on behalf of the Governmental Entity a Stipulation of Dismissal With Prejudice substantially in the form found at https://nationalopioidsettlement.com.

4. The Governmental Entity agrees to the terms of the Allergan Settlement pertaining to Subdivisions and Special Districts as defined therein.

5. By agreeing to the terms of the Allergan Settlement and becoming a Releasor, the Governmental Entity is entitled to the benefits provided therein, including, if applicable, monetary payments beginning after the Effective Date.

6. The Governmental Entity agrees to use any monies it receives through the Allergan Settlement solely for the purposes provided therein.

7. The Governmental Entity submits to the jurisdiction of the court in the Governmental Entity's state where the Consent Judgment is filed for purposes limited to that court's role as provided in, and for resolving disputes to the extent provided in, the Allergan Settlement.

8. The Governmental Entity has the right to enforce the Allergan Settlement as provided therein.

9. The Governmental Entity, as a Participating Subdivision or Participating Special District, hereby becomes a Releasor for all purposes in the Allergan Settlement, including, but not limited to, all provisions of **Section V (Release)**, and along with all departments, agencies, divisions, boards, commissions, Subdivisions, districts, instrumentalities of any kind and attorneys, and any person in their official capacity whether elected or appointed to serve any of the foregoing and any agency, person, or other entity claiming by or through any of the foregoing, and any other entity identified in the definition of Releasor, provides for a release to the fullest extent of its authority. As a Releasor, the Governmental Entity hereby absolutely, unconditionally, and irrevocably covenants not to bring, file, or claim, or to cause, assist in bringing, or permit to be brought, filed, or claimed, or to otherwise seek to establish liability for any Released Claims against any Released Entity in any forum whatsoever. The releases provided for in the Allergan Settlement are intended to be broad and shall be interpreted so as to give the Released Entities the broadest possible bar against any liability relating in any way to Released Claims and extend to the full extent of the power of the Governmental Entity to release claims. The Allergan Settlement shall be a complete bar to any Released Claim.

10. The Governmental Entity hereby takes on all rights and obligations of a Participating Subdivision or Participating Special District as set forth in the Allergan Settlement.

11. In connection with the releases provided for in the Allergan Settlement, each Governmental Entity expressly waives, releases, and forever discharges any and all provisions, rights, and benefits conferred by any law of any state or territory of the United States or other jurisdiction, or principle of common law, which is similar, comparable, or equivalent to § 1542 of the California Civil Code, which reads:

    > **General Release; extent.** A general release does not extend to claims that the creditor or releasing party does not know or suspect to exist in his or her favor at the time of executing the release that, if known by him or her, would have materially affected his or her settlement with the debtor or released party.

    A Releasor may hereafter discover facts other than or different from those which it knows, believes, or assumes to be true with respect to the Released Claims, but each Governmental Entity hereby expressly waives and fully, finally, and forever settles, releases and discharges, upon the Effective Date, any and all Released Claims that may exist as of such date but which Releasors do not know or suspect to exist, whether through ignorance, oversight, error, negligence or through no fault whatsoever, and which, if known, would materially affect the Governmental Entities' decision to participate in the Allergan Settlement.

12. Nothing herein is intended to modify in any way the terms of the Allergan Settlement, to which the Governmental Entity hereby agrees. To the extent this Settlement Participation Form is interpreted differently from the Allergan Settlement in any respect, the Allergan Settlement controls.

I have all necessary power and authorization to execute this Settlement Participation Form on behalf of the Governmental Entity.

Signature: _____

Name: _____

Title: _____

Date: _____

EXHIBIT K

Subdivision Participation and Release Form

Governmental Entity:	State:
Authorized Signatory:	
Address 1:	
Address 2:	
City, State, Zip:	
Phone:	
Email:	

The governmental entity identified above ("*Governmental Entity*"), in order to obtain and in consideration for the benefits provided to the Governmental Entity pursuant to the Settlement Agreement dated December 9, 2022 ("*CVS Settlement*"), and acting through the undersigned authorized official, hereby elects to participate in the CVS Settlement, release all Released Claims against all Released Entities, and agrees as follows.

1. The Governmental Entity is aware of and has reviewed the CVS Settlement, understands that all terms in this Participation and Release Form have the meanings defined therein, and agrees that by executing this Participation and Release Form, the Governmental Entity elects to participate in the CVS Settlement and become a Participating Subdivision as provided therein.

2. The Governmental Entity shall promptly, and in any event no later than 14 days after the Reference Date and prior to the filing of the Consent Judgment, dismiss with prejudice any Released Claims that it has filed. With respect to any Released Claims pending in *In re National Prescription Opiate Litigation*, MDL No. 2804, the Governmental Entity authorizes the Plaintiffs' Executive Committee to execute and file on behalf of the Governmental Entity a Stipulation of Dismissal with Prejudice substantially in the form found at https://nationalopioidsettlement.com.

3. The Governmental Entity agrees to the terms of the CVS Settlement pertaining to Participating Subdivisions as defined therein.

4. By agreeing to the terms of the CVS Settlement and becoming a Releasor, the Governmental Entity is entitled to the benefits provided therein, including, if applicable, monetary payments beginning after the Effective Date.

5. The Governmental Entity agrees to use any monies it receives through the CVS Settlement solely for the purposes provided therein.

6. The Governmental Entity submits to the jurisdiction of the court in the Governmental Entity's state where the Consent Judgment is filed for purposes limited to that court's role as provided in, and for resolving disputes to the extent provided in, the CVS Settlement. The Governmental Entity likewise agrees to arbitrate before the National Arbitration Panel as provided in, and for resolving disputes to the extent otherwise provided in, the CVS Settlement.

7. The Governmental Entity has the right to enforce the CVS Settlement as provided therein.

8. The Governmental Entity, as a Participating Subdivision, hereby becomes a Releasor for all purposes in the CVS Settlement, including without limitation all provisions of Section XI (Release), and along with all departments, agencies, divisions, boards, commissions, districts, instrumentalities of any kind and attorneys, and any person in their official capacity elected or appointed to serve any of the foregoing and any agency, person, or other entity claiming by or through any of the foregoing, and any other entity identified in the definition of Releasor, provides for a release to the fullest extent of its authority. As a Releasor, the Governmental Entity hereby absolutely, unconditionally, and irrevocably covenants not to bring, file, or claim, or to cause, assist or permit to be brought, filed, or claimed, or to otherwise seek to establish liability for any Released Claims against any Released Entity in any forum whatsoever. The releases provided for in the CVS Settlement are intended by the Parties to be broad and shall be interpreted so as to give the Released Entities the broadest possible bar against any liability relating in any way to Released Claims and extend to the full extent of the power of the Governmental Entity to release claims. The CVS Settlement shall be a complete bar to any Released Claim.

9. The Governmental Entity hereby takes on all rights and obligations of a Participating Subdivision as set forth in the CVS Settlement.

10. In connection with the releases provided for in the CVS Settlement, each Governmental Entity expressly waives, releases, and forever discharges any and all provisions, rights, and benefits conferred by any law of any state or territory of the United States or other jurisdiction, or principle of common law, which is similar, comparable, or equivalent to § 1542 of the California Civil Code, which reads:

    > **General Release; extent.** A general release does not extend to claims that the creditor or releasing party does not know or suspect to exist in his or her favor at the time of executing the release that, if known by him or her would have materially affected his or her settlement with the debtor or released party.

    A Releasor may hereafter discover facts other than or different from those which it knows, believes, or assumes to be true with respect to the Released Claims, but each Governmental Entity hereby expressly waives and fully, finally, and forever settles, releases and discharges, upon the Effective Date, any and all Released Claims that may exist as of such date but which Releasors do not know or suspect to exist, whether through ignorance, oversight, error, negligence or through no fault whatsoever, and which, if known, would materially affect the Governmental Entities' decision to participate in the CVS Settlement.

11. Nothing herein is intended to modify in any way the terms of the CVS Settlement, to which Governmental Entity hereby agrees. To the extent this Participation and Release Form is interpreted differently from the CVS Settlement in any respect, the CVS Settlement controls.

I have all necessary power and authorization to execute this Participation and Release Form on behalf of the Governmental Entity.

Signature: _____

Name: _____

Title: _____

Date: _____

EXHIBIT K

Subdivision Participation and Release Form

Governmental Entity:	State:
Authorized Signatory:	
Address 1:	
Address 2:	
City, State, Zip:	
Phone:	
Email:	

The governmental entity identified above ("*Governmental Entity*"), in order to obtain and in consideration for the benefits provided to the Governmental Entity pursuant to the Settlement Agreement dated December 9, 2022 ("*Walgreens Settlement*"), and acting through the undersigned authorized official, hereby elects to participate in the Walgreens Settlement, release all Released Claims against all Released Entities, and agrees as follows.

1. The Governmental Entity is aware of and has reviewed the Walgreens Settlement, understands that all terms in this Participation and Release Form have the meanings defined therein, and agrees that by executing this Participation and Release Form, the Governmental Entity elects to participate in the Walgreens Settlement and become a Participating Subdivision as provided therein.

2. The Governmental Entity shall promptly, and in any event no later than 14 days after the Reference Date and prior to the filing of the Consent Judgment, dismiss with prejudice any Released Claims that it has filed. With respect to any Released Claims pending in *In re National Prescription Opiate Litigation*, MDL No. 2804, the Governmental Entity authorizes the Plaintiffs' Executive Committee to execute and file on behalf of the Governmental Entity a Stipulation of Dismissal with Prejudice substantially in the form found at https://nationalopioidsettlement.com.

3. The Governmental Entity agrees to the terms of the Walgreens Settlement pertaining to Participating Subdivisions as defined therein.

4. By agreeing to the terms of the Walgreens Settlement and becoming a Releasor, the Governmental Entity is entitled to the benefits provided therein, including, if applicable, monetary payments beginning after the Effective Date.

5. The Governmental Entity agrees to use any monies it receives through the Walgreens Settlement solely for the purposes provided therein.

6. The Governmental Entity submits to the jurisdiction of the court in the Governmental Entity's state where the Consent Judgment is filed for purposes limited to that court's role as provided in, and for resolving disputes to the extent provided in, the Walgreens Settlement. The Governmental Entity likewise agrees to arbitrate before the National Arbitration Panel as provided in, and for resolving disputes to the extent otherwise provided in, the Walgreens Settlement.

7. The Governmental Entity has the right to enforce the Walgreens Settlement as provided therein.

8. The Governmental Entity, as a Participating Subdivision, hereby becomes a Releasor for all purposes in the Walgreens Settlement, including without limitation all provisions of Section XI (Release), and along with all departments, agencies, divisions, boards, commissions, districts, instrumentalities of any kind and attorneys, and any person in their official capacity elected or appointed to serve any of the foregoing and any agency, person, or other entity claiming by or through any of the foregoing, and any other entity identified in the definition of Releasor, provides for a release to the fullest extent of its authority. As a Releasor, the Governmental Entity hereby absolutely, unconditionally, and irrevocably covenants not to bring, file, or claim, or to cause, assist or permit to be brought, filed, or claimed, or to otherwise seek to establish liability for any Released Claims against any Released Entity in any forum whatsoever. The releases provided for in the Walgreens Settlement are intended by the Parties to be broad and shall be interpreted so as to give the Released Entities the broadest possible bar against any liability relating in any way to Released Claims and extend to the full extent of the power of the Governmental Entity to release claims. The Walgreens Settlement shall be a complete bar to any Released Claim.

9. The Governmental Entity hereby takes on all rights and obligations of a Participating Subdivision as set forth in the Walgreens Settlement.

10. In connection with the releases provided for in the Walgreens Settlement, each Governmental Entity expressly waives, releases, and forever discharges any and all provisions, rights, and benefits conferred by any law of any state or territory of the United States or other jurisdiction, or principle of common law, which is similar, comparable, or equivalent to § 1542 of the California Civil Code, which reads:

    > **General Release; extent.** A general release does not extend to claims that the creditor or releasing party does not know or suspect to exist in his or her favor at the time of executing the release that, if known by him or her would have materially affected his or her settlement with the debtor or released party.

    A Releasor may hereafter discover facts other than or different from those which it knows, believes, or assumes to be true with respect to the Released Claims, but each Governmental Entity hereby expressly waives and fully, finally, and forever settles, releases and discharges, upon the Effective Date, any and all Released Claims that may exist as of such date but which Releasors do not know or suspect to exist, whether through ignorance, oversight, error, negligence or through no fault whatsoever, and which, if known, would materially affect the Governmental Entities' decision to participate in the Walgreens Settlement.

11. Nothing herein is intended to modify in any way the terms of the Walgreens Settlement, to which Governmental Entity hereby agrees. To the extent this Participation and Release Form is interpreted differently from the Walgreens Settlement in any respect, the Walgreens Settlement controls.

I have all necessary power and authorization to execute this Participation and Release Form on behalf of the Governmental Entity.

Signature: _____

Name: _____

Title: _____

Date: _____

EXHIBIT K

Subdivision Participation Form

Governmental Entity:	State:
Authorized Official:	
Address 1:	
Address 2:	
City, State, Zip:	
Phone:	
Email:	

The governmental entity identified above ("Governmental Entity"), in order to obtain and in consideration for the benefits provided to the Governmental Entity pursuant to the Settlement Agreement dated November 14, 2022 ("Walmart Settlement"), and acting through the undersigned authorized official, hereby elects to participate in the Walmart Settlement, release all Released Claims against all Released Entities, and agrees as follows.

1. The Governmental Entity is aware of and has reviewed the Walmart Settlement, understands that all terms in this Election and Release have the meanings defined therein, and agrees that by this Election, the Governmental Entity elects to participate in the Walmart Settlement and become a Participating Subdivision as provided therein.

2. The Governmental Entity shall promptly, and in any event within 14 days of the Effective Date and prior to the filing of the Consent Judgment, dismiss with prejudice any Released Claims that it has filed. With respect to any Released Claims pending in In re National Prescription Opiate Litigation, MDL No. 2804, the Governmental Entity authorizes the Plaintiffs' Executive Committee to execute and file on behalf of the Governmental Entity a Stipulation of Dismissal With Prejudice substantially in the form found at https://nationalopioidsettlement.com/.

3. The Governmental Entity agrees to the terms of the Walmart Settlement pertaining to Subdivisions as defined therein.

4. By agreeing to the terms of the Walmart Settlement and becoming a Releasor, the Governmental Entity is entitled to the benefits provided therein, including, if applicable, monetary payments beginning after the Effective Date.

5. The Governmental Entity agrees to use any monies it receives through the Walmart Settlement solely for the purposes provided therein.

6. The Governmental Entity submits to the jurisdiction of the court in the Governmental Entity's state where the Consent Judgment is filed for purposes limited to that court's role as provided in, and for resolving disputes to the extent provided in, the Walmart Settlement.

7. The Governmental Entity has the right to enforce the Walmart Settlement as provided therein.

8. The Governmental Entity, as a Participating Subdivision, hereby becomes a Releasor for all purposes in the Walmart Settlement, including but not limited to all provisions of Section X (Release), and along with all departments, agencies, divisions, boards, commissions, districts, instrumentalities of any kind and attorneys, and any person in their official capacity elected or appointed to serve any of the foregoing and any agency, person, or other entity claiming by or through any of the foregoing, and any other entity identified in the definition of Releasor, provides for a release to the fullest extent of its authority. As a Releasor, the Governmental Entity hereby absolutely, unconditionally, and irrevocably covenants not to bring, file, or claim, or to cause, assist or permit to be brought, filed, or claimed, or to otherwise seek to establish liability for any Released Claims against any Released Entity in any forum whatsoever. The releases provided for in the Walmart Settlement are intended by the Parties to be broad and shall be interpreted so as to give the Released Entities the broadest possible bar against any liability relating in any way to Released Claims and extend to the full extent of the power of the Governmental Entity to release claims. The Walmart Settlement shall be a complete bar to any Released Claim.

9. In connection with the releases provided for in the Walmart Settlement, each Governmental Entity expressly waives, releases, and forever discharges any and all provisions, rights, and benefits conferred by any law of any state or territory of the United States or other jurisdiction, or principle of common law, which is similar, comparable, or equivalent to § 1542 of the California Civil Code, which reads:

   > **General Release; extent.** A general release does not extend to claims that the creditor or releasing party does not know or suspect to exist in his or her favor at the time of executing the release that, if known by him or her, would have materially affected his or her settlement with the debtor or released party.

   A Releasor may hereafter discover facts other than or different from those which it knows, believes, or assumes to be true with respect to the Released Claims, but each Governmental Entity hereby expressly waives and fully, finally, and forever settles, releases and discharges, upon the Effective Date, any and all Released Claims that may exist as of such date but which Releasors do not know or suspect to exist, whether through ignorance, oversight, error, negligence or through no fault whatsoever, and which, if known, would materially affect the Governmental Entities' decision to participate in the Walmart Settlement.

10. Nothing herein is intended to modify in any way the terms of the Walmart Settlement, to which Governmental Entity hereby agrees. To the extent this Election and Release is interpreted differently from the Walmart Settlement in any respect, the Walmart Settlement controls.

I have all necessary power and authorization to execute this Election and Release on behalf of the Governmental Entity.

Signature: _____

Name: _____

Title: _____

Date: _____

MANVEL CITY COUNCIL
DATA SHEET

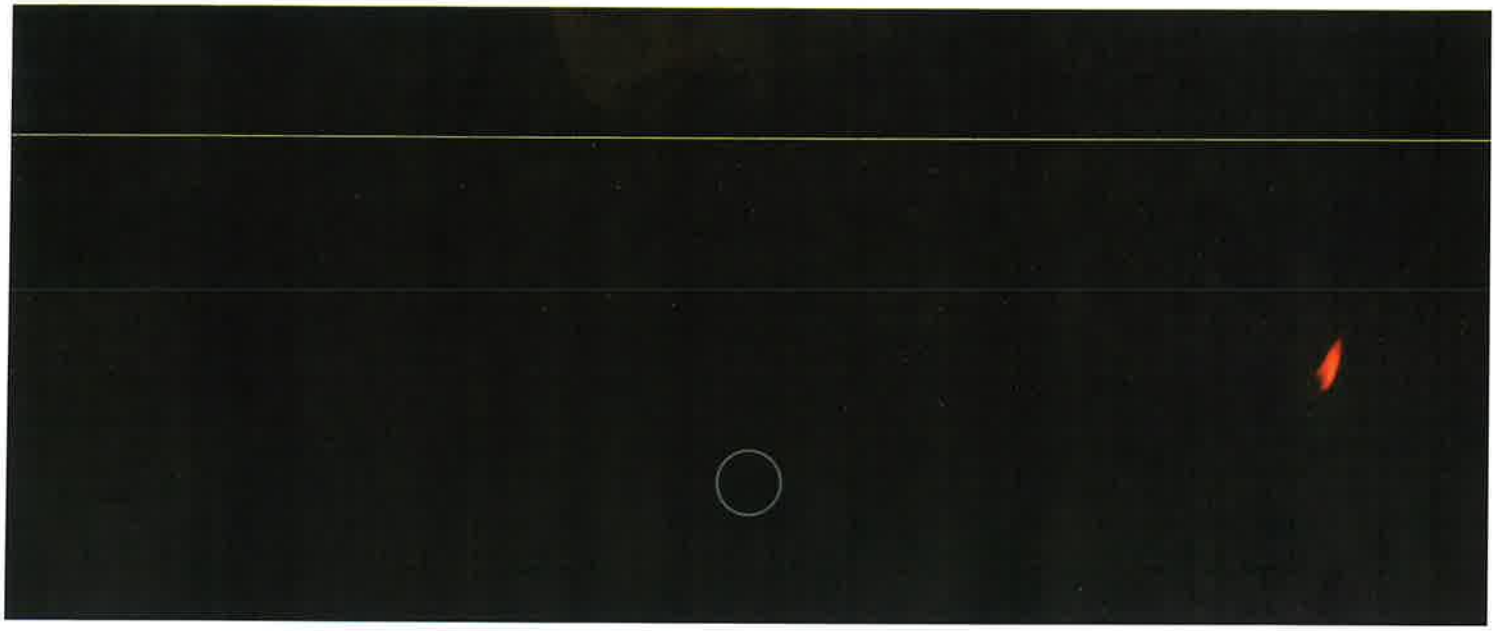
MEETING DATE: 2/21/23

TOPIC	Third party headhunter for Finance Director
BACKGROUND	Request for City funds to be used for obtaining a third party headhunter company.
RECOMMENDATION	Did not seem interested in finance positions. Only a phone conversation.
ATTACHMENTS	Ralph Anderson & Associates - 2 attachments

FUNDING ISSUES

___ **Not applicable**
___ **Not budgeted**
___ **Full amount already budgeted**
___ **Funds to be transferred from Acct.#**

SUBMITTING STAFF MEMBER CHAD J. DUMONT HR MANAGER CJD	**FINANCE DIRECTOR APPROVAL** _____ **CITY MANAGER APPROVAL** _____



A Proven Track Record of Exceeding Expectations

Our firm has a proven track record of success and versatility; we have provided executive search services to large and small organizations throughout the nation for nearly half a century. Our consultants utilize research, immersion, and analysis to gain an understanding of each client's unique goals and objectives. Using this knowledge, our Search Team strikes with precision—identifying candidates and generating interest through targeted marketing and personal outreach.

Heather Renschler
President | Chief Executive Officer

Robert Burg
Executive Vice President

$25,000
+ FEES
(DEPENDING ON
LENGTH OF SEARCH)

Our 360 Perspective

At Ralph Andersen & Associates we believe that gaining a complete understanding of our client's specific objectives and priorities is essential prior to launching any search assignment.

We begin every search by working closely with your leadership, stakeholders, staff, and, when appropriate, your community to develop a complete picture of the desired candidate. Our team-oriented combined with this 360 perspective ensures that a complete understanding of the organization's mission and culture will be achieved.

What Sets Us Apart

In today's demanding economic environment, it is more important than ever to work with a search firm that adds value to your organization over the long term. Ralph Andersen & Associates has extensive experience and the resources to be your Trusted Advisor.

National Reach +

Diverse Talent +

Commitment +

Accountability +

Experience +

Professionalism +

MANVEL CITY COUNCIL
DATA SHEET

MEETING DATE: 2/21/23

TOPIC	Third party headhunter for Finance Director
BACKGROUND	Request for City funds to be used for obtaining a third party headhunter company.
RECOMMENDATION	2nd choice recommendation. Well reviewed firm, but high fees.
ATTACHMENTS	Renee Narloch & Associates - 4 attachments

FUNDING ISSUES

___ **Not applicable**
___ **Not budgeted**
___ **Full amount already budgeted**
___ **Funds to be transferred from Acct.#**

SUBMITTING STAFF MEMBER CHAD J. DUMONT HR MANAGER CJD	**FINANCE DIRECTOR APPROVAL** _____ **CITY MANAGER APPROVAL** _____

S. RENÉE NARLOCH
& ASSOCIATES
PROFESSIONAL EXECUTIVE RECRUITMENT

February 15, 2023

Mr. Chad Dumont
Human Resource Manager
City of Manvel
20031 Highway 6
Manvel, TX 77578

Submitted via e-mail to: chad.dumont@cityofmanvel.com

Dear Mr. Dumont:

Thank you for the opportunity to provide the City of Manvel with information about our recruitment services. We are excited about the opportunity to work with the City on this important project of recruiting candidates for the position of Director of Finance. The following includes an outline of our services, fee, and schedule for completing the recruitment. Upon request, we will gladly provide a list of references.

Our recruiters have many years of experience conducting searches nationwide. Our thorough recruitment process combined with our extensive network of contacts and knowledge of outstanding candidates nationwide and throughout the State of Texas will ensure that the City of Manvel has a quality group of finalists from which to select the next Director of Finance.

We look forward to the opportunity to serve the City, and we will gladly provide a full proposal upon request. Feel free to contact me for additional information.

Sincerely,

S. Renée Narloch, President

2910 Kerry Forest Pkwy D4-242, Tallahassee, FL 32309 ◆ T 850.391.0000

S. RENÉE NARLOCH
& ASSOCIATES
PROFESSIONAL EXECUTIVE RECRUITMENT

About Our Firm

S. Renée Narloch & Associates is incorporated in the State of Florida and is a small, woman-owned business. Prior to forming S. Renée Narloch & Associates, Ms. Narloch served as the Senior Vice President of Recruitment for a nationwide public sector consulting firm. Her career in public sector recruitment spans over 25 years, during which time she has participated in hundreds of public sector searches nationwide.

Our firm is comprised of individuals who are highly trained and experienced in the recruitment of public sector executives. We have offices in Tallahassee, Florida, and Georgetown (Austin), Texas.

We have a good understanding of the challenges facing cities/agencies and understand the importance of finding leadership who brings the necessary skills to meet those challenges. We also understand the need for the new Director of Finance to acclimate to and fit the organization and its culture to ensure the selected candidate's overall success.

Our initial meetings with the City will be the foundation for a successful search. We strive to learn as much as possible about the desires and expectations of the City regarding the knowledge, skills, and experience of the next Director of Finance. It is our attention to detail during this phase of the recruitment that has ensured our success in finding committed and long-term placements. Our placements on average serve at least five to seven years with agencies, several of which have significantly longer tenures.

S. Renée Narloch & Associates has an excellent reputation nationwide among candidates and clients. We are known for conducting quality searches that result in the placement of candidates ideally suited to meet our clients' needs. We pride ourselves on our responsiveness to clients and candidates and assure the City of Manvel that you will receive the highest caliber of service throughout the recruitment process.

The Assigned Staff/Experience

S. Renée Narloch & Associates has successfully recruited more than 400 public sector professionals. Our recruiters have extensive experience recruiting candidates for agencies such as the Cities of Baytown, TX; Sugar Land, TX: Dallas, TX; Austin, TX; and many others. We feel confident in our ability to locate an excellent pool of qualified candidates for the City of Manvel Director of Finance position

Ms. S. Renée Narloch will be the lead recruiter for the City of Manvel. Ms. Narloch has more than 25 years of experience in public sector executive recruitment, having recruited more than 400 public sector professionals.

Ms. Narloch will be assisted as needed by Mr. Elliott S. Pervinich and Ms. Liana Velez Thompson. The recruitment will be conducted from our Tallahassee Office. Additional information about Ms. Narloch and her staff is included in the Staff Bios section.

S. RENÉE NARLOCH
& ASSOCIATES
PROFESSIONAL EXECUTIVE RECRUITMENT

THE RECRUITMENT PROCESS

S. Renée Narloch & Associates' unique, client-driven approach to executive search will ensure that the City of Manvel has a pool of highly qualified candidates from which to select the new Director of Finance. As we discussed, we would reach out to eligible candidates, make personal contact with qualified individuals who may be interested, and present those candidates to the City for review. In addition, we will contact references and do backgrounds on the finalists.

Our proven recruitment process has been instrumental in our success in placing outstanding candidates. Outlined below are the key steps in our recruitment process.

Step 1. Developing the Candidate Profile
Step 2. Advertising Campaign and Recruitment Brochure
Step 3. Recruiting Candidates
Step 4. Screening Candidates
Step 5. Personal Interviews
Step 6. Public Records Search
Step 7. Recommendations to City
Step 8. Final Interviews with City
Step 9. Background Checks & Detailed Reference Checks
Step 10. Negotiations
Step 11. Complete Administrative Assistance

We include significant minority outreach as part of our recruitment process. We will contact minority candidates we know personally who are in the industry, as well as work with associations that represent diverse groups to further obtain referrals of potential minority candidates. In the last five years, we have a record of success placing many women and minority candidates in different types and levels of positions, specifically public sector department head-level positions, as well as top-level administrators.

S. RENÉE NARLOCH
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PROFESSIONAL FEES AND EXPENSES

The consulting fee for conducting the Director of Finance recruitment on behalf of the City of Manvel is $24,450, plus expenses. Services covered by the fee consist of all steps outlined in this proposal letter, including three (3) video/onsite meetings.

The City will be responsible for reimbursing expenses that S. Renée Narloch & Associates incurs on behalf of the City. We estimate expenses for this project not-to-exceed $4,450. Reimbursable expenses include such items as the cost of consultant travel, clerical support, placement of ads, credit, criminal and civil checks, education verification, as well as newspaper searches. In addition, postage, photocopying, and telephone charges are reimbursable. Expenses related to the use of video conferencing equipment for interviews and candidates' travel for interviews are the responsibility of the City.

TIMELINE

In order to meet the City's anticipated schedule, we would like to begin the search as soon as possible. The following is a typical timeline for the process:

WEEK:	*TASK:*
1	Conduct meeting with the City and others involved in the process
2	Develop recruitment brochure and advertisements
3	City reviews recruitment brochure and advertisements
4	Recruitment brochure printed and advertisements placed
5	Active recruitment of candidates begins
9	Closing date
10	Screen resumes
11-12	Recruiter interviews top candidates
12-13	Public records search
14	Review recommendations with the City and others involved in the process
15	Candidates interview with City, follow-up interviews, and consultant reference/ background checks
16	Candidate selected

S. RENÉE NARLOCH
& ASSOCIATES
PROFESSIONAL EXECUTIVE RECRUITMENT

STAFF BIOS

S. RENÉE NARLOCH, PRESIDENT

Ms. Narloch is the President of S. Renée Narloch & Associates and the Director of our offices located in Tallahassee, Florida, and Georgetown (Austin), Texas. She is recognized as one of the nation's leading recruiters. She has more than 25 years of experience conducting public sector recruitments and has participated in more than 400 searches nationwide. Prior to forming S. Renée Narloch & Associates, Ms. Narloch spent 10 years as the Senior Vice President of a public sector executive search firm with responsibilities for clients in 40 states from Texas northward to the East Coast. She also previously served as a Senior Recruiter with DMG and MAXIMUS with sole responsibility for the firm's executive search practice in the Southeastern, Mid-Atlantic, and Mid-Western states. Ms. Narloch is an expert in public-sector recruitment and is often a guest speaker at the National ICMA Conference. Ms. Narloch received her Bachelor of Science degree in Information Studies, summa cum laude, from Florida State University, Tallahassee, Florida.

ELLIOTT S. PERVINICH, VICE PRESIDENT

Mr. Pervinich is the Vice President of S. Renée Narloch & Associates offices located in Tallahassee, Florida, and Georgetown (Austin), Texas. He concentrates on client outreach and business operations. Mr. Pervinich previously worked for a local city government in central Texas as a team-building trainer and facilitator in corporate development, which has given him great insight into the needs of our clients. He has eight years of experience working in executive administration in both local government and the for-profit sectors. Mr. Pervinich received his Bachelor of Science degree in Recreation and Leisure Services Administration from Florida State University, Tallahassee, Florida.

LIANA VELEZ THOMPSON, SENIOR CONSULTANT

As a Senior Consultant with S. Renée Narloch & Associates, Ms. Thompson is responsible for research, candidate recruitment, screening, reference checks, and background verifications. She focuses on client communication and works closely with clients to coordinate candidate outreach and ensure a successful search. Prior to joining S. Renée Narloch & Associates, Ms. Thompson spent several years in the field of special education. Ms. Thompson received her Bachelor of Arts degree, magna cum laude, and Master's degree in Special Education from Florida State University, Tallahassee, Florida.

MANVEL CITY COUNCIL
DATA SHEET

MEETING DATE: 2/21/23

TOPIC	Third party headhunter for Finance Director
BACKGROUND	Request for City funds to be used to obtain a third party headhunter company
RECOMMENDATION	Top recommendation: 25% fee w/ zero fee if unsuccessful
ATTACHMENTS	Robert Half - three attachments

FUNDING ISSUES

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

SUBMITTING STAFF MEMBER	FINANCE DIRECTOR APPROVAL _____
CHAD J. DUMONT HR MANAGER CJD	CITY MANAGER APPROVAL _____

Chad Dumont

From: Shupe, Jacob (89220) <Jacob.Shupe@roberthalf.com>
Sent: Tuesday, February 14, 2023 11:13 AM
To: Chad Dumont
Cc: Johnson, Jennifer (04040)
Subject: RE: RHF - Contact Info
Attachments: finance-accounting-talent-solutions-slick-us-en.pdf; Company Accolades 20230201.docx

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Chad, NO FEE IF THEY ARE UNABLE TO FILL

It was a pleasure chatting with you. I was able to confirm that the City of Manvel is a member of the Houston-Galveston Area Council of Govts (HGAC) agreement with an already executed and active direct hire fee arrangement of 25% of the individuals base salary (exclusive of bonus).

As promised, here's a bit about my team and our processes as a whole:

The Houston Direct Hire Permanent Placement team is comprised of 30+ individuals with an average tenure of 10+ years and a specialization in the areas of Accounting, Finance, Audit, Tax, HR, Supply Chain/Procurement, and Executive Administrative Support. The majority of the individuals on my team have practical backgrounds in the areas we specialize in and our focus is on making the right long term fit for our clients and candidates.

We are a contingency based search firm so you don't owe us a fee until you hire an individual onto your team and our fee is based upon the individuals base salary - due to your participation in the HGAC agreement it would be capped at 25%. As to process, Robert Half holds to the highest standards in the industry and we're focused on executing your search in the most effective and efficient way possible.

We will start with an intake meeting with a dedicated Recruiter who will be your advocate to the greater Houston candidate market and the entirety of our team. This conversation will focus on fit as much as technical skill set as the right employee needs to hit both targets. Once that occurs we will then begin activating our very large network of existing candidates as well as proactively pinpoint recruiting for this role using all the available avenues. All candidates presented will have met with one of our Recruiting Managers in-person or via video and professional references will be validated to ensure they are the right match for your role/environment. We have the ability to run a background check as requested though as a general rule we try not to duplicate our client's processes – i.e. if you are already going to be running one we traditionally will not unless specifically requested. We will partner with you throughout the process on interviews, scheduling, market intel, and will help to ensure that the closing process goes as smooth as it can through transparent communication in a timely manner.

I've attached a couple of items we provide to of our clients with an overview of our process as well as our company accolades. Please let me know if you need more information or something in a different format to help with your dialogues internally. Finally, I've copied Jennifer Johnson on this email as she is a leader for my team and will most likely be the dedicated recruiter for this role.

Jacob Shupe
Direct:713.581.8027 Office:713.623.4700
Email: jacob.shupe@roberthalf.com
Connect with us: LinkedIn | Facebook | Twitter | YouTube | Google+

Talent Solutions for Your Finance and Accounting Needs

When you need finance or accounting talent to get your team through busy periods, seasonal peaks or special projects, Robert Half has you covered. We offer a full suite of finance and accounting talent solutions, including staff-, senior- and management-level professionals available on a contract, project and permanent placement basis. We can supplement your staff or we can supply an entire team — the choice is yours. Robert Half has the largest database of specialized candidates in the market. We match businesses like yours with finance and accounting professionals who have the skills, expertise and work style that best fit your needs.

WHY YOU SHOULD WORK WITH US

Our global network and local market expertise means you have access to skilled professionals when and where you need them, whether on-site or remote through our secure virtual workspaces.

Our matching technology uses decades of placement data to help find candidates with qualifications that match your needs, quickly.

We can connect with you in person, by phone, through email or via video chat — whichever you find most convenient.

We perform skills tests of candidates' competencies using industry-leading exams to analyze and better understand job seekers' abilities and preferences.

AREAS OF EXPERTISE

- Business systems
- Finance and accounting
- Finance optimization
- Governance, risk and compliance
- Operations management
- Taxation

ROLES WE PLACE

Accounting
- Cost
- Management
- Project
- Staff- and senior-level

Accounts payable/ receivable

Audit/compliance/risk
Billing
Bookkeeping
Budgeting/forecasting
Business analysis
Cash management
Credit/collections

Data entry
Financial analysis
General ledger
Insurance/claims/benefits
Inventory/purchasing
Month- and year-end close
Payroll

Reconciliation Tax
- Federal
- State
- Local
- Corporate

And more...

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Talent Solutions

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FLEXIBLE TALENT SOLUTIONS

Contract and contract-to-hire — Get access to more than 3 million skilled finance and accounting professionals who are available to start work immediately.

Permanent placement — Save time and hire in as little as one to two weeks with our Company-In process, and we'll manage everything from recruiting through negotiating final offers.

Full-time engagement professionals — Our top finance and accounting professionals are available for your long-term project or management needs.

Managed Business Solutions — Fully customized solutions and resources are delivered with world-class consulting from Robert Half subsidiary Protiviti, leading a team of the best local, experienced contract talent through Robert Half. Projects include relocation of finance and accounting, business and digital transformation, transaction backlog and cleanup, and process optimization.

Specialized solutions — Beyond the financial field, our areas of specialization include administrative and customer support, legal, marketing and creative, technology, and internal audit and risk consulting through Protiviti.

OUR PROCESS

Talent acquisition — We interview candidates in person or via phone or video and retain the best talent in our network until the right opportunity comes along for them.

Personalized service — Every client has distinct needs, so we make sure we fully understand your specific hiring requirements, workplace culture and budget before recommending any of our candidates.

Hiring logistics — We handle all the details of hiring, including pay rate negotiation, start date, time reporting and payroll.

Experience placing remote and hybrid workers — Your new candidate can start on the date you choose, whether in your office or through a virtual workspace we provide them, and we will follow up to make sure things are going smoothly.

Digital Experience — Make it even faster and easier to hire and manage new team members by submitting a hiring request and creating your online account today. See your job order history, extend contract professionals on assignment, pay invoices, approve time reports and more. Visit roberthalf.com to get started.

Get started with confidence

We believe in our process and the talent of our people, and we stand behind each one of our placements.

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