

CHAPTER 4

BUILDINGS AND BUILDING REGULATIONS*

***Cross reference(s)**--The planning commission shall recommend building codes for the city, § 2-203(11); fire prevention standards adopted, § 7-51 et seq.; new materials, processes or occupancies requiring permits from the fire marshal, etc., § 7-65; specific standards for flood hazard prevention in nonresidential buildings, § 8-72(2); certain fences prohibited, § 16-56; block provisions in subdivision regulations, § 17-144; lots in subdivisions, § 17-145; building setback lines in subdivisions, § 17-146.

	Page
Art. I In General, §§ 4-1--4-30	1
Art. II Administration, §§ 4-31--4-125	5
Div. 1. Generally, §§ 4-31--4-45	5
Div. 2. Board of Adjustment and Appeal, §§ 4-46--4-65	5
Div. 3. Building Official, §§ 4-66--4-85	6
Div. 4. Permits and Miscellaneous Fees, §§ 4-86--4-125	7
Art. III Codes and Standards, §§ 4-126--4-145	11
Art. IV Towers and Telecommunications Facilities, §§ 4-200--4-240	17
Art. V Plumbing Cross-Connection Program, §§ 4-241--4-243	33

ARTICLE I. IN GENERAL

Sec. 4-1. Responsibility for damages.

This chapter shall not be construed to relieve from or lessen the responsibility of any person regulated by this chapter for damages to anyone injured thereby, nor shall the city be held as assuming any liability by reason of the inspection authorized herein or certificate or permits issued pursuant to the provisions of this

chapter.

(Ord. No. 287, § 1(4-60), 1-28-80)

Sec. 4-2. Bond required.

Each person performing the work regulated by the codes as specified in this chapter shall file a surety bond to the city in the sum of two thousand dollars (\$2,000.00). The bond shall be conditioned that the holder thereof will indemnify and hold harmless the city against all cost, expense, damages, and injuries sustained by the city by reason of carelessness or neglect of such person in operating under the provisions of this chapter. All such bonds shall be approved by the city attorney as to form.

(Ord. No. 287, § 1(4-64), 1-28-80)

Sec. 4-3. Use of bonds upon forfeiture.

The amount realized upon forfeiture of any bond over and above the expense involved in its forfeiture shall be expended in making the necessary changes in that which is found to be contrary to the provisions of this chapter.

(Ord. No. 287, § 1(4-65), 1-28-80)

Sec. 4-4. Fire limits.

The following described territory shall constitute the fire limits of the city:

(a) **Primary fire limits.** The south one-half of blocks Two (2), Nine (9), Twelve (12), and Nineteen (19); the north one-half of blocks Three (3), Eight (8), Thirteen (13), and Eighteen (18), all according to plat records of Brazoria County, Texas.

(b) **Secondary fire limits.** The secondary fire limits lie in sections which are described as follows:

(1) Section 1, which lies on each side of 17th Street, and is described as follows: Beginning at a point on the west line of block Three (3) in the city, according to plat recorded in Vol. 4, Page 154, of the plat records of Brazoria County, Texas, said point being equal distance from the northwest corner of said block and the southwest corner of block Three (3), being also the east right-of-way line of 17th Street; thence, in an easterly direction, parallel to the south right-of-way line

of Brazos Avenue, one hundred (100) feet to a point; thence, in a southerly direction parallel to and one hundred (100) feet from the east right-of-way line of 17th Street, continuing to a point four hundred (400) feet southwesterly from the centerline of Columbia Drive (State Highway 36) said point being one hundred (100) feet from the southeast right-of-way line of 17th Street (State Highway 35); thence, in a northwesterly direction across 17th Street (State Highway 35) to a point one hundred (100) feet from the northwesterly right-of-way line of said 17th Street; thence, in a northeasterly direction and parallel to 17th Street, one hundred (100) feet from the northwesterly right-of-way line of 17th Street to a point one hundred (100) feet south of the right-of-way line of Brazos Avenue, thence, in an easterly direction at one hundred (100) feet past the west right-of-way line of 17th Street, continuing across 17th Street to a point in the east right-of-way line of 17th Street; thence, in a southerly direction to the place of beginning.

- (2) Section 2, which lies on each side of Brazos Avenue, and is described as follows: Beginning at a point in the east right-of-way line of 17th Street in the city according to plat recorded in Vol. 4, Page 154, of the plat records of Brazoria County, Texas, said point also being on the west property line of block Three (3), one hundred (100) feet south from the northwest corner of said block Three (3); thence, north at one hundred (100) feet past the northwest corner of block Three (3), continuing across Brazos Avenue to a point on the east line of block Two (2), one hundred (100) feet north of the southwest corner of said block, thence in a westerly direction, one hundred (100) feet from and parallel to the north right-of-way line of Brazos Avenue to a point one hundred (100) feet from the west right-of-way line of Columbia Drive (State Highway 36); thence, in a southerly direction and one hundred (100) feet from the west right-of-way line of Columbia Drive to a point one hundred (100) feet south of the south right-of-way line of Brazos Avenue; thence, in an easterly direction one hundred (100) feet from and parallel to the south right-of-way line of Brazos Avenue at one hundred (100) feet past the west right-of-way line of Columbia Drive continuing across Columbia Drive to the place of beginning.
- (3) Section 3, which lies on each side of Brazos Avenue (State

Highway 35) and west of 12th Street, and is described as follows: Beginning at a point on the west right-of-way line of 12th Street, one hundred (100) feet south of the south right-of-way line of Brazos Avenue (State Highway 35), said point also being in the east line of outlot 97; thence, in a northerly direction along the west line of 12th Street to the northeast corner of outlot 97, continuing across Brazos Avenue in a northerly direction to the southeast corner of lot Four (4) of the subdivision recorded in Vol. 4, Page 174, of the plat records of Brazoria County, Texas; thence, in a northerly direction along the east line of the said lot Four (4), same being the west right-of-way line of 12th Street for a distance of one hundred (100) feet to a point; thence, in a westerly direction, parallel to and one hundred (100) feet from the north right-of-way line of Brazos Avenue to a point in the west right-of-way line of 14th Street, said point being one hundred (100) feet north of the southeast corner of block Nineteen (19); thence, in a southerly direction along the west line of 14th Street, cross Brazos Avenue continuing in a southerly direction along the east line of block Eighteen (18) and the west line of 14th Street to a point one hundred (100) feet from the northeast corner of block Eighteen (18); thence in an easterly direction one hundred (100) feet from and parallel to the south right-of-way line of Brazos Avenue and the place of beginning.

- (4) Section 4, which lies on each side of Columbia Drive (State Highway 36) and between 17th Street (State Highway 35) (See Section One) and Brazos Avenue (State F.M. 1301), and is described as follows: Beginning at a point on the westerly right-of-way line of Columbia Drive (State Highway 36) northerly one hundred (100) feet from the intersection of the northerly right-of-way line of 17th Street and the westerly right-of-way line of Columbia Drive; thence, in a southwesterly direction, one hundred (100) feet from and parallel to the northerly line of 17th Street a distance of one hundred (100) feet to a point; thence, in a northwesterly direction, one hundred (100) feet from and parallel to the westerly right-of-way line of Columbia Drive (State Highway 36) to a point one hundred (100) feet perpendicular to the south right-of-way line of Brazos Avenue (State F.M. 1301); thence, in a southeasterly direction, one hundred (100) feet from and parallel to the south right-of-way line of Brazos Avenue, cross Columbia Drive (State Highway 36) to a point

one hundred (100) feet perpendicular to the easterly right-of-way line of Columbia Drive; thence, in a southeasterly direction one hundred (100) feet from and parallel to the easterly right-of-way line of Columbia Drive (State Highway 36) to a point one hundred (100) feet perpendicular to the northwest right-of-way line of 17th Street (State Highway 35); thence, in a southwesterly direction one hundred (100) feet from and parallel to the northwest right-of-way line of 17th Street, continuing across Columbia Drive (State Highway 36) to the place of beginning.

(Ord. No. 287, § 1(4-70), 1-28-80)

Cross reference(s)--Fire prevention and protection, ch. 7.

Sec. 4-5. Enforcement in extraterritorial jurisdiction.

This chapter and the codes adopted hereby shall henceforth be applicable to and enforceable within not only the city, but also within its allowable extraterritorial jurisdiction, as that now exists and as it may be changed from time to time, to the fullest extent permitted by law.

(Ord. No. 372, § 1(4-66), 10-12-87)

Secs. 4-6--4-30. Reserved.

ARTICLE II. ADMINISTRATION

DIVISION 1. GENERALLY

Secs. 4-31--4-45. Reserved.

DIVISION 2. BOARD OF ADJUSTMENT AND APPEAL *

***Cross reference(s)**--Boards, committees, commissions, § 2-96 et seq.

Sec. 4-46. Designated.

Whenever a code in this chapter shall refer to the board of adjustment and appeal, the language shall be interpreted to mean the City Council or the designated board as appointed by the City Council.

(Ord. No. 287, § 1(4-59), 1-28-80)

Secs. 4-47--4-65. Reserved.

DIVISION 3. BUILDING OFFICIAL *

***Cross reference(s)**--Officers and employees, § 2-226 et seq.; revocation or suspension of license are grounds for disconnection of utility to manufactured housing, mobile homes and travel trailers, § 11-90; retirement and pensions, ch. 14.

Sec. 4-66. Office created.

The office of building official is hereby created in and for the city, which office shall be filled by the city manager or by appointment by the city manager. The building official shall be well versed in the requirements of the city building codes adopted in this chapter.

(Ord. No. 287, § 1(4-1), 1-28-80)

Sec. 4-67. Right of entry.

The building official shall have the right during reasonable hours to enter any building, manhole or subterranean structure or passageway in the discharge of his official duties, or for the purpose of making any test of the building, the apparatus, or appliances therein contained, on application to the company or individual owning or in charge or control of same.

(Ord. No. 287, § 1(4-2), 1-28-80)

Sec. 4-68. Enforcement of chapter.

It shall be the duty of the building official to enforce the provisions of this chapter. The building official shall decide all questions not provided for in this chapter.

(Ord. No. 287, § 1(4-3), 1-28-80)

Sec. 4-69. Interference by others.

No person shall interfere with the building official while in the performance of duty and each such interference shall be deemed to constitute a separate offense within the intent and meaning of this chapter.

(Ord. No. 287, § 1(4-4), 1-28-80)

Sec. 4-70. Record, reports.

The building official shall keep a full and complete record of all work done, permits issued, inspections made, or other official work performed as required by this chapter. These records shall be open to public inspection.

(Ord. No. 287, § 1(4-5), 1-28-80)

Secs. 4-71--4-85. Reserved.

DIVISION 4. PERMITS AND MISCELLANEOUS FEES*

***Cross reference(s)**--Construction permit required for a mobile home park, § 11-56; building, electrical, plumbing, driveway-sidewalk and other permits required for mobile home parks, § 11-58; a building permit to repair or establish a structure in a subdivision shall not be issued unless the plat has been approved and recorded, § 17-31.

Sec. 4-86. Payment of fees required.

A permit shall not be issued until the fees which are on file in the city secretary's office shall have been paid. Nor shall any amendment to a permit be approved until the additional fee, if any, shall have been paid.

(Ord. No. 287, § 1(4-61), 1-28-80)

Sec. 4-87. Minimum fees.

(a) The minimum inspection fee shall be on file in the city secretary's office.

(b) On moving and relocating of electrical equipment authorized to be done by a maintenance electrician and a master electrician for which a permit fee is not otherwise provided for in this section, the minimum inspection fee shall apply.

(c) No fee shall be charged for routine reinspections of electrical installations.

(Ord. No. 287, § 1(4-53), 1-28-80)

Sec. 4-88. Building permit fee.

The building permit fee shall be as on file in the city secretary's office. The square foot figure used in calculating the fee shall be the total square feet under roof including garages, porches, etc., exclusive of type of construction.

(Ord. No. 287, § 1(4-61(B)), 1-28-80; Ord. No. 313, § 1, 4-12-82)

Cross reference(s)--Building codes and standards, § 4-126 et seq.

Sec. 4-89. Electrical permit fees.

(a) The electrical permit fees shall be on file in the city secretary's office. An additional permit issuing fee is required and shall be on file in the city secretary's office.

(b) Temporary installations, such as wood saws, floor surfacing machines, paint spraying apparatus, and the like, shall be charged a fee of which is on file in the city secretary's office per installation, plus the regular service and meter loop charge.

(c) Temporary lighting installations shall be charged a fee of which is on file in the city secretary's office per installation, plus the regular service and meter loop.

(d) Additional work on old work shall be charged at the same rate as new work.

(Ord. No. 287, § 1(4-53, 4-61(C)), 1-28-80)

Cross reference(s)--Electrical standards adopted, § 4-131.

Sec. 4-90. Plumbing permit fees.

The plumbing permit fees shall be on file in the city secretary's office. An additional permit issuing fee is required and is on file in the city secretary's office.

(Ord. No. 287, § I(4-61(D)), 1-28-80)

Cross reference(s)--Plumbing code adopted, § 4-130; gas code adopted, § 4-138; swimming pool code adopted, § 4-143.

Sec. 4-91. Mechanical permit fees.

The mechanical permit fees shall be on file in the city secretary's office. An additional permit issuing fee is required and is on file in the city secretary's office.

(Ord. No. 287, § I(4-61(E)), 1-28-80)

Cross reference(s)--Mechanical code adopted, § 4-139.

Sec. 4-92. Permit fee for moving buildings.

The permit fee for the moving of buildings or structures per each building or structure is on file in the city secretary's office.

(Ord. No. 287, § I(4-61(F)), 1-28-80)

Cross reference(s)--Moving of manufactured homes, mobile homes, travel trailers within the city, § 11-145.

Sec. 4-93. Demolition permit fee.

The permit fee for the demolition of buildings or structures per each building or structure is on file in the city secretary's office.

(Ord. No. 287, § I(4-61(G)), 1-28-80)

Cross reference(s)--Dangerous buildings code adopted, § 4-141.

Sec. 4-94. Swimming pool permit fee.

The swimming pool permit fee shall be per pool installation and is on file in the city secretary's office.

(Ord. No. 287, § I(4-61(A)), 1-28-80)

Cross reference(s)--Swimming pool code adopted, § 4-143.

Sec. 4-95. Reinspection fee.

The fee for reinspection of any work done under this chapter shall be on file in the city secretary's office.

(Ord. No. 287, § I(4-61(I)), 1-28-80)

Sec. 4-96. Plan checking fee.

Where the building official determines that plans and specifications need to be checked to insure that proper codes are complied therewith, the fee shall be one-half the total building fee.

(Ord. No. 287, § I(4-61(H)), 1-28-80)

Sec. 4-97. Failure to obtain a permit.

Any person who commences any work regulated by the codes adopted in this chapter and fails to obtain the necessary permit and fees therefor shall be subject to the penalties prescribed by this Code or in lieu of such penalty the total permit fee shall be doubled.

(Ord. No. 287, § I(4-62), 1-28-80)

Sec. 4-98. Permit valuations.

If, in the opinion of the building inspector, the valuation of building, alteration, service, structure, or apparatus appears to be underestimated on the application, the permit shall be denied, unless the applicant can show detailed estimated cost to meet the approval of the building inspector. Permit valuations shall include total cost, such as plumbing, electrical, mechanical equipment, and other systems.

(Ord. No. 287, § 1(4-63), 1-28-80)

Secs. 4-99--4-125. Reserved.

ARTICLE III. CODES AND STANDARDS*

***Cross reference(s)--**Permit fees, § 4-88 et seq.

Sec. 4-126. Short title.

This article shall be known as the Building Code of the City of West Columbia, and may be cited as the Building Code.

(Ord. No. 287, § 1(4-21), 1-28-80)

Cross reference(s)--Building permit fees established, § 4-88.

Sec. 4-127. Building code adopted.

The Standard Building Code, 1988 edition, 1989 Revision, as published by the Southern Building Code Congress International, Inc., is hereby adopted and incorporated as fully as if set forth at length herein. A copy is filed in the office of the city secretary.

(Ord. No. 287, § 1(4-20), 1-28-80)

Sec. 4-128. Compliance with building code; penalty.

It shall be unlawful for any person to engage in the building business, or do or perform any building as defined in the building code, without first having procured the necessary licenses, bond or permits as provided for in the code adopted in section 4-127.

(Ord. No. 372, § 1(4-22), 10-12-87)

Sec. 4-129. Spacing between residential structures.

It shall be strictly prohibited to construct a residential dwelling with less than seven (7) feet six (6) inches distance between the property line and roof line eaves of the dwelling. There shall be a minimum of fifteen (15) feet between roof line eaves of adjacent residential dwellings.

(Ord. No. 287, § 1(4-21--4-23), 1-28-80; Ord. No. 372, § 1(4-22), 10-12-87)

Sec. 4-130. Plumbing code adopted.

(a) The Standard Plumbing Code, 1988 edition, 1989 Revision, as published by the Southern Building Code Congress International, Inc., is hereby adopted and incorporated as fully as if set forth at length herein. A copy is filed in the office of the city secretary.

(b) The intent and purpose of this section is to regulate the construction, erection, enlargement, alteration, maintenance, or repair of all piping, fittings, fixtures, etc., used for the conduction of water, sewage, and natural gas.

(c) It shall be unlawful for any person to engage in the plumbing business, or do or perform any plumbing as defined in the plumbing code, without first having procured the necessary licenses, bond, or permits as provided for in such plumbing code.

(Ord. No. 287, § 1(4-25--4-27), 1-28-80; Ord. No. 372, § 1(4-25--4-27), 10-12-87)

Cross reference(s)--Plumbing permit fees, § 4-90.

Sec. 4-131. Electrical standards--Code adopted.

(a) The National Electrical Code, 1990 edition, published by the National Fire Protection Association, is hereby adopted and incorporated as fully as if set forth at length herein. One (1) copy is filed in the office of the city secretary.

(b) It shall be unlawful for any person to engage in, do, or perform any electrical service as defined in the electrical code without having first procured the necessary licenses, bond, or permits as provided for in this chapter.

(Ord. No. 287, § 1(4-50, 4-58), 1-28-80; Ord. No. 372, § 1(4-57, 4-58), 10-12-87)

Cross reference(s)--Electrical permit fees, § 4-89.

Sec. 4-132. Same--Scope.

The electrical code covers:

(1) Electric conductors and equipment installed within or on public and private buildings or other structures, including mobile homes and recreational vehicles, and other premises such as yards, carnivals, parking and other lots, and industrial substations.

(2) Conductors that connect the installations to a supply of electricity.

(3) Other outside conductors on the premises.

(Ord. No. 287, § I(4-51), 1-28-80)

Sec. 4-133. Same--Purpose.

The purpose of the electrical code is the practical safeguarding of persons and property from hazards arising from the use of electricity.

(Ord. No. 287, § I(4-52), 1-28-80)

Sec. 4-134. Same--Sign installation.

All electric signs shall be erected under the supervision of the building official.

(Ord. No. 287, § I(4-54), 1-28-80)

Sec. 4-135. Same--Signal wires.

Wherever possible and expedient, signal wires shall not be carried on the same pole with or in dangerous proximity to high potential electric light or power wires. Where a joint occupancy pole line composed of these two (2) classes of systems is necessary, or where the routes traversed by these systems cross each other, the high potential electric light or power wires shall be placed and maintained not less than four (4) feet above every signal wire. Where it is impossible to provide for such a separation, it shall be the duty of the electrical inspector to arrange and enforce an equitable and safe alternative plan.

(Ord. No. 287, § I(4-55), 1-28-80)

Sec. 4-136. Same--Inspection; certificate.

Upon the completion of the installation of electric wires and apparatus in any building for use in connection with electric light, heat or power, it shall be the duty of the person doing the work to notify the building official, who shall inspect the same. If approved by the building official, he shall issue a certificate of satisfactory inspection which shall contain the date of inspection and the results of such inspection. No current shall be turned on any wiring apparatus until a certificate of satisfactory inspection is issued.

(Ord. No. 287, § I(4-56), 1-28-80)

Sec. 4-137. Same--Master electrician's license required.

No person shall engage in the business of installing electric wiring and apparatus within any building in the city for use in connection with electricity for light, heating or power without first appearing in person or by duly authorized representative at the office of the city secretary and securing a master electrician's license.

(Ord. No. 287, § I(4-57), 1-28-80)

Cross reference(s)--Licenses, permits and business regulations, ch. 10.

Sec. 4-138. Gas code adopted.

(a) The Standard Gas Code, being particularly the 1988 edition, 1989 Revision, published by the Southern Building Code Congress International, Inc., is hereby adopted and incorporated as fully as if set forth at length herein. One (1) copy is filed in the office of the city secretary.

(b) The provisions of the gas code shall govern the installation of consumer's gas piping and gas appliances.

(c) It shall be unlawful for any person to engage in, do, or perform any service as defined in this gas code, without first having procured the necessary licenses, bond, or permits as provided for in the gas code.

(Ord. No. 287, § I(4-35--4-37), 1-28-80; Ord. No. 372, § 1(4-35--4-37), 10-12-87)

Cross reference(s)--Permit fees, § 4-90.

Sec. 4-139. Mechanical code adopted.

(a) The Standard Mechanical Code, being particularly the 1988 edition, 1989 Revision, as published by the Southern Building Code Congress International, Inc., is hereby adopted and incorporated as fully as if set forth at length herein. One (1) copy is filed in the office of the city secretary.

(b) The provisions of the mechanical code shall apply to the installations of mechanical systems, including alterations, repairs, replacement, equipment, appliances, fixtures, fittings, and/or appurtenances thereto, including ventilating, heating, cooling, air conditioning and refrigeration systems, incinerators and other energy related systems.

(c) It shall be unlawful for any person to engage in, do, or perform any service as defined in this mechanical code, without first having procured the necessary licenses, bond or permits as provided for in the mechanical code.

(Ord. No. 287, § 1(4-30--4-32), 1-28-80; Ord. No. 372, § 1(4-30--4-32), 10-12-87)

Cross reference(s)--Mechanical permit fees, § 4-91.

Sec. 4-140. Housing code adopted.

The Standard Housing Code, being particularly the 1988 edition, 1989 Revision, as published by the Southern Building Code Congress International, Inc., is hereby adopted and incorporated as fully as if set forth at length herein. A copy is filed in the office of the city secretary.

(Ord. No. 287, § 1(4-10), 1-28-80)

Cross reference(s)--Manufactured housing, mobile homes, travel trailers and parks, ch. 11.

Sec. 4-141. Dangerous buildings--Code adopted.

The Standard Unsafe Building Abatement Code, being particularly the 1985 edition, as published by the Southern Building Code Congress International, Inc., is hereby adopted and incorporated as fully as if set forth at length herein. A copy is filed in the office of the city secretary.

(Ord. No. 287, § 1(4-15), 1-28-80)

Cross reference(s)--Demolition permit fees adopted, § 4-93.

Sec. 4-142. Same--Assessment of lien.

The city manager shall file a statement of expenses incurred in the demolition, removal, or repair of the building, giving the amount of such expense and the date on which such work was done with the county clerk. The city shall have a privileged lien on such lot, lots or other premises or real estate upon which such building was located, to secure the expenditure so made, which lien shall be second only to tax liens and liens for street improvements; such amount shall bear ten (10) percent interest from the date such statement was filed. For any such expenditure and interest, suit may be instituted and recovered, and foreclosure of such lien may be made in the name of the city. The statement of expense so made, or a certified copy thereof, shall be prima facie proof of the amount expended for such work or expense.

(Ord. No. 287, § 1(4-17), 1-28-80)

Sec. 4-143. Swimming pool code adopted.

(a) The Standard Swimming Pool Code, being particularly the 1985 edition, as published by the Southern Building Code Congress International, Inc., is hereby adopted and incorporated as fully as if set forth at length herein. One (1) copy is filed in the office of the city secretary.

(b) The provisions of the swimming pool code apply to the protection of the public health, safety, and welfare by prescribing minimum standards for the design, construction or installation, repair, or alterations of swimming pools, public or private, and equipment related thereto, and requiring a permit and inspection therefor.

(c) It shall be unlawful for any person to engage in, do, or perform any service as defined in the swimming pool code, without first having procured the necessary licenses, bond, or permits as provided for in such code.

(Ord. No. 287, § 1(4-40--4-42), 1-28-80; Ord. No. 372, § 1(4-40--4-42), 10-12-87)

Cross reference(s)--Plumbing permit fees adopted, § 4-90.

Sec. 4-144. Excavation and grading code adopted.

(a) The Standard Excavation and Grading Code, being particularly the 1975 edition, as published by the Southern Building Code Congress International, Inc., is hereby adopted and incorporated as fully as if set forth at length herein. One (1)

copy is filed in the office of the city secretary.

(b) This code sets forth rules and regulations to control excavation, grading, and earthwork construction, including fills and embankments; establishes the administrative procedure for issuance of permits; and provides for approval of plans and inspection of grading construction.

(c) It shall be unlawful for any person to engage in, do, or perform any service as defined in the excavation and grading code without having first procured the necessary licenses, bond, or permit as provided for in such code.

(Ord. No. 287, § 1(4-45--4-47), 1-28-80; Ord. No. 372, § 1(4-45--4-47), 10-12-87)

Cross reference(s)--Excavations in streets and sidewalks, § 16-26.

Sec. 4-145. Trench safety requirements.

(a) Notwithstanding any provision contained in this chapter or the codes adopted hereby to the contrary, on all construction projects governed by this chapter in which trench excavation will exceed a depth of five (5) feet, the bid documents and the contract must include detailed plans and specifications for trench safety systems that meet occupational safety and health administration standards. These plans and specifications must include a pay item for these same safety systems. The requirements of this section do not apply to a contract entered into by a person subject to safety standards adopted under the Utilities Code, Sections 121.201 *et seq.*, and 121.206 *et seq.*, respectively.

(b) For all construction projects under a contract to which the city is a party and in which trench excavation will exceed a depth of five (5) feet, the bid documents and the contract must include detailed plans and specifications for trench safety systems that meet occupational safety and health administration standards. These plans and specifications must include a pay item for these same safety systems, subject to the exceptions set forth in subsection (a) above.

(Ord. No. 372, § 1(4-48, 4-49), 10-12-87)

State law reference(s)--Trench safety standards, V.T.C.A., Health and Safety Code § 756.021.

ARTICLE IV. TOWERS AND TELECOMMUNICATIONS FACILITIES

Sec. 4-200. Findings

(a) *The Communications Act of 1934* as amended by the Telecommunications Act of 1996 (the “Act”) grants the Federal Communications Commission (FCC) exclusive jurisdiction over:

- (1) The regulation of the environmental effects of radio frequency (RF) emissions from Telecommunications Facilities; and
- (2) The regulation of radio signal interference among users of RF spectrum.

(b) The regulations contained in this Article have been developed under the following general guidelines as provided in the federal Telecommunications Act of 1996:

- (1) Cities have local authority over “placement, construction and modification” of cellular telephone facilities and other personal wireless telecommunication service facilities.
- (2) Regulations “shall not unreasonably discriminate among providers of functionally equivalent services.”
- (3) Regulations “shall not prohibit or have the effect of prohibiting the provision of personal wireless services.”
- (4) “Denial shall be in writing and supported by substantial evidence.”
- (5) Cities may not “regulate the placement, construction and modification of personal wireless service facilities on the basis of environmental or radio frequency emissions to the extent that such facilities comply with the Federal Communication Commission’s regulations concerning such emissions.”

Sec. 4-201. Purposes

The general purpose of this Article is to regulate the placement, construction, and modification of Towers and Telecommunications Facilities in order to protect the health, safety, and welfare of the public, while at the same time not

unreasonably interfering with the development of the competitive wireless telecommunications marketplace in the City.

Specifically, the purposes of this Article are:

- (1) To regulate the location of Towers and Telecommunications Facilities in the City;
- (2) To protect residential areas and land uses from potential adverse impact of Towers and Telecommunications Facilities;
- (3) To minimize adverse visual impact of Towers and Telecommunications Facilities through careful design, siting, landscaping and innovative camouflaging techniques;
- (4) To promote and encourage shared use/collocation of Towers and Antenna Support Structures as a primary option rather than construction of additional single-use Towers;
- (5) To promote and encourage utilization of technological designs that will either eliminate or reduce the need for erection of new Tower structures to support antenna and Telecommunications Facilities;
- (6) To avoid potential damage to property caused by Towers and Telecommunications Facilities by ensuring such structures are soundly and carefully designed, constructed, modified, maintained, and removed when no longer used or if determined to be structurally unsound; and
- (7) To ensure that Towers and Telecommunications Facilities are compatible with surrounding land uses.

Section 4-202. Definitions

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

(1) **Alternative Mounting Structure.** A man made tree, clock tower, church steeple, bell tower, utility pole, light standard, identification pylon, flagpole, or similar structure, designed to support and camouflage or conceal the presence of telecommunications antennas.

(2) **Antenna.** A structure or device used to collect or radiate

electromagnetic waves, including directional antennas, such as panels, wireless cable and satellite dishes, and omni-directional antennas, such as whips, but not including satellite earth stations.

(3) **Antenna, Dish.** An arrangement of antennas and their supporting structure.

(4) **Antenna, Panel.** An antenna which receives and/or transmits signals in a directional pattern.

(5) **Antenna, Stealth.** A telecommunications antenna that is effectively camouflaged or concealed from view.

(6) **Antenna Support Structure.** Any building or structure other than a Tower which can be used for location of Telecommunication Facilities.

(7) **Antenna, Telecommunications.** An antenna used to provide a telecommunications service. This excludes lightning rods, private mobile radio systems, amateur radio antennas less than 50 feet (15 meters) in height and whip antennas less than 4 inches (10 cm) in diameter and less than 10 feet (3 meters) in height.

(8) **Antenna, Whip.** An omni-directional dipole antenna of cylindrical shape which is no more than 6 inches (15 cm) in diameter.

(9) **Applicant.** Any Person that applies for a Tower development unit.

(10) **Application.** The process by which the Owner of a parcel of land within the City submits a request to develop, construct, build, modify, or erect a Tower upon such parcel of land. Application includes all written documentation, verbal statements, and representations, in whatever form or forum, made by an Applicant to the City concerning such a request.

(11) **Co-location.** A single telecommunications tower and/or site used by more than one telecommunications service provider.

(12) **EIA-222.** Electronics Industries Association Standard 222, "Structural Standards for Steel Antenna Towers and Antennas Support Structures."

(13) **Engineer.** Means any engineer licensed by the State of Texas.

(14) **Identification Pylon.** A permanent ground mounted sign consisting solely of a single monolithic structure used to identify a development.

(15) Owner. Any person with fee title or a long-term (exceeding ten (10) years) leasehold to any parcel of land within the City who desires to develop, or construct, build, modify, or erect a Tower upon such parcel of land.

(16) Person. Any natural person, firm, partnership, association, corporation, company, or other legal entity, private or public, whether for profit or not for profit.

(17) Residential Property. Any lot within a platted subdivision or any other tract or lot used for residential purposes.

(18) Stealth. Any Tower or Telecommunications Facility which is designed to enhance compatibility with adjacent land uses, including, but not limited to, architecturally screened roofmounted antennas, antennas integrated into architectural elements, and Towers designed to look other than like a Tower, such as light poles, power poles, and trees. The term Stealth does not necessarily exclude the use of camouflaged lattice, guyed, or monopole Tower designs.

(19) Structure. An object, including a mobile object, constructed or installed by man, including, but not limited to, buildings, poles, water towers, cranes, smokestacks, earth formations and overhead transmission lines.

(20) Telecommunications. The transmission, between or among points specified by the user, of audio and/or visual information of the user's choosing, without change in the form or content of the information as sent and received.

(21) Telecommunication Facilities. Any cable, wires, lines, wave guides, antennas, and any other equipment or facilities associated with the transmission or reception of communications which a Person seeks to locate or has installed upon or near a Tower or Antenna Support Structure. However, Telecommunications Facilities shall not include:

- (i) Any satellite earth station antenna two (2) meters in diameter or less which is located in a residential area; or
- (ii) Any satellite earth station antenna one (1) meter or less in diameter, regardless of where located within the City.

(22) Telecommunications Service. The offering of telecommunications for a fee directly to the public, or to such classes or users as to be effectively available directly to the public, regardless of the facilities used.

(23) Tower. A self-supporting lattice, guyed, or monopole structure constructed from grade which supports Telecommunications Facilities. The term Tower

shall not include amateur radio operators' equipment, as licensed by the FCC.

(24) Tower, Electric Transmission. A self supporting structure in excess of 50 feet (15 meters) in height designed to support high voltage electric lines. This does not include local utility or distribution poles (with or without transformers) designed to provide electric service to individual customers.

(25) Tower, Guyed. Any telecommunications tower supported in whole or in part by cables anchored to the ground.

(26) Tower, Height. The distance measured from grade to the highest point of any and all components of the structure, including antennas, hazard lighting , and other appurtenances, if any.

(27) Tower, Monopole. A self-supporting telecommunications tower which consists of a single vertical pole fixed into the ground and/or attached to a foundation.

(28) Tower, Self-supporting Lattice. A telecommunications tower which consists of an open network of metal braces forming a tower which is usually triangular or square in cross-section.

(29) Tower, Telecommunications. A self-supporting or guyed structure more than twenty feet (6 meters) in height, built primarily to support one or more telecommunications antennas.

(30) Tower Site. A tract or parcel of land upon which a Tower is situated or is proposed to be situated.

Sec. 4-203. Placement of Towers

(a) A Tower Site shall be a specially permitted use of land, and permitted only in either (a) high tension electric power line easements, on electrical power substations, on the top of City water towers (“Pre-Designated Tower Sites”), or (b) in a specially designated Tower Site which may be approved only by the City Council, upon written Application (“Application Only Sites”). No person shall build, erect or construct a Tower within the City, whether on a Pre-Designated Tower Site or on an Application Only Site, unless and until a Tower permit shall have been approved by the City Council. Application shall be made to the City Manager in the manner provided in this Article.

(b) In determining whether to approve an Application for the construction of a Tower on a Tower Site other than a Pre-Designated Tower Site, the City Council shall consider any and all pertinent factors relating to the health, welfare and safety of the public and the orderly growth and development of the City, including, but not limited to, proximity to other buildings or structures, use and potential use of the surrounding property, and the height and general height of construction of the proposed Tower.

(c) No new Tower shall be built, constructed, or erected in the City unless the Tower is capable of supporting another Person’s Telecommunications Facilities comparable in weight, size and surface area to the Telecommunications Facilities installed by the Applicant on the Tower within six (6) months of the completion of the Tower construction. This requirement is intended to facilitate co-location as an accessory use on an existing Tower.

(d) With respect to an Application for an Application Only Site, and when the technical information provided by the applicant is beyond the technical capacity of city staff to review, the applicant, in addition to the usual application fee, shall reimburse the City for the actual cost to the City for the services of a technical expert to review the application and/or information supplement, up to a maximum of Five Thousand Dollars (\$5,000.00).

(e) Prior to leasing or purchasing facilities, the telecommunications service provider is encouraged to meet with the City Manager to determine if the location will require a Application Only Site approval or other approvals, and to review the merits of potential locations.

(f) To facilitate co-location and coordination of telecommunication sites, the City shall, within thirty (30) days of its effective date, notify the owners of any Towers, Tower Sites, and/or Telecommunication Facilities within the City, of the enactment of this Article. Said Persons shall, within ninety (90) days of the date of such notice, provide the City with their respective master antenna plans. Said plans

shall include detailed maps, showing the locations and characteristics of all telecommunications towers and antennas servicing any portion of the City and indicating coverage areas for current and , to the extent possible, further telecommunications towers and antennas. Said Persons shall also provide the City with any updates to the above documents within ninety (90) days of their creation.

Sec. 4-204. Application Process

An Application to develop the Tower shall include:

(1) The name, address and telephone number of the Owner and lessee of the Tower Site. If the Applicant is not the Owner of the Tower Site, the written consent of the Owner shall be evidenced in the Application.

(2) The legal description, deed record and address of the Tower Site.

(3) The names, addresses and telephone numbers of all owners of other Towers or usable Antenna Support Structures within a one-half ($\frac{1}{2}$) mile radius of the proposed new Tower Site, including City-owned property.

(4) A completed supplemental information form obtained from the City regarding said facilities.

(5) A description of the design plan proposed by the Applicant in the City. Applicant must identify its utilization of the most recent technological design, including microcell design, as part of the design plan. The Applicant must demonstrate the need for Towers and why design alternatives, such as the use of microcell, cannot be utilized to accomplish the provision of the Applicant's telecommunication services.

(6) An affidavit attesting to the fact that the Applicant made diligent, but unsuccessful, efforts to obtain permission to install or co-locate the Applicant's Telecommunications Facilities on Towers or usable Antenna Support Structures owned by other Persons located within a one-half ($\frac{1}{2}$) mile radius of the proposed Tower Site.

(7) Written technical evidence from an Engineer(s) that the proposed Tower or Telecommunications Facilities cannot be installed or co-located on another Person's Tower or usable Antenna Support Structures owned by other Persons located within one-half ($\frac{1}{2}$) mile radius of the proposed Tower Site.

(8) A written statement from an Engineer(s) that the construction and placement of the Tower will not interfere with public safety communications and the usual and customary transmission or reception of radio, television or other communications services enjoyed by adjacent residential and non-residential

properties.

(9) Written technical evidence from a qualified Engineer(s) that the proposed structure meets the standards set forth in Section 4-206, "Telecommunications Tower Standards," of this Article.

(10) Written technical evidence from a qualified Engineer(s) acceptable to the Fire Marshall and the building official that the proposed Tower Site does not pose a risk of explosion, fire or other danger to life or property due to its proximity to volatile, flammable, explosive or hazardous materials such as LP gas, propane, gasoline, natural gas or corrosive or other dangerous chemicals.

(11) In order to assist City staff and City Council in evaluating visual impact, the Applicant shall submit color photo simulations showing the proposed Tower Site with a photo-realistic representation of the proposed Tower as it would appear viewed from the closest residential property and adjacent roadways.

(12) The Act gives the FCC sole jurisdiction of the field of regulation of RF emissions and does not allow the City to condition or deny on the basis of RF impacts the approval of any Telecommunications Facilities (whether mounted on Towers or Antenna Support Structures) which meet FCC standards. In order to provide information to its citizens, the City shall make available upon request copies of ongoing FCC information and RF emission standards for Telecommunications Facilities transmitting from Towers or Antenna Support Structures. Applicants shall be required to submit information on the proposed power density of their proposed Telecommunications Facilities and demonstrate how this meets FCC standards.

The City Manager may require an Applicant to supplement any information that the City Manager considers inadequate or that the Applicant has failed to supply. The City Council may deny an Application on the basis that the Applicant has not satisfactorily supplied the information required in this section. Applications shall be reviewed by the City in a prompt manner and all decisions shall be supported in writing setting forth the reasons for approval or denial.

Sec. 4-205. Setbacks

(a) All Towers, as well as guys and guy anchors, shall be located wholly within the buildable area of the Tower Site, and shall not extend into any applicable front, rear or sideyard building setbacks.

(b) Any Tower in excess of four hundred (400) feet in height shall be set back on all sides a distance at least equal to 1-1/2 times the height of the Tower.

(c) All Towers in excess of four hundred (400) feet in height shall be set back from the perimeter of the Tower Site on all sides a distance equal to at least 2 times the height of the Tower. Setback requirements for Towers shall be measured from the base of the Tower to the property line of the Tower Site.

(d) All Towers up to four hundred (400) feet in height shall be set back from the perimeter of the Tower Site on all sides a distance equal to at least 1-½ times the height of the Tower.

Sec. 4-206. Telecommunications Standards

(a) *Applicable Federal and State Standards.* All Telecommunications Towers and antennas shall be erected and operated in compliance with current Federal Communications Commission (FCC) and Federal Aviation Administration (FAA) rules and regulations and other applicable federal, state and local standards.

(b) *Structural Standards.* Telecommunications Tower structures must conform to the most current revision of EIA 222 standards. Guyed Telecommunications Towers shall be designed and located such that if the structure should fall it will avoid habitable structures and public streets.

(c) *Design and Certification by Engineer.* All Telecommunication towers must be designed and certified by an Engineer to be structurally sound and, at minimum, in conformance with the Building Code, and any other standards outlined in this Article. All Towers in operation shall be fixed to land.

(d) *Co-location.* Towers shall be designed and built to accommodate a minimum of two cellular or PCSA providers, if over seventy-five feet (23 meters) in height. The owner of the Tower must certify to the City that the Tower is available for use by other telecommunications service providers on a reasonable and nondiscriminatory basis.

(e) *Fencing.* Security fencing, if installed, shall be by a wrought iron or steel chain link fence with evergreen hedge, or a masonry wall, each not less than six feet (1.8 meters) in height. The exterior of equipment buildings and/or metal equipment cabinets visible from residential areas or public rights-of-way must have a neutral aggregate finish or be painted to reflect the color and character or adjoining structures or blend with adjacent landscaping and other surroundings.

Sec. 4-207. Separation or Buffer Requirements

For the purpose of this Article, the separation distances between Towers shall be measured by drawing or following a straight line between the base of the existing or approved structure and the proposed base, pursuant to a site plan of the

proposed Tower. Tower separation distances from residential property shall be measured from the base of the Tower to the closest point of the perimeter of the residential property. The minimum Tower separation distances from residential property and from other Towers shall be calculated and applied irrespective of City jurisdictional boundaries.

(a) Towers shall be separated from any existing residence or platted subdivision by a minimum of five hundred (500) feet or two hundred (200) percent of the height of the proposed Tower, whichever is greater.

(b) Proposed Towers must meet the following minimum separation requirements for existing Towers or Towers which have a development permit but are not yet constructed at the time a development permit is granted pursuant to this Code.

- (1) Monopole Tower structures shall be separated from all other Towers, whether monopole, self-supporting lattice or guyed, by a minimum of seven hundred fifty (750) feet.
- (2) Self-supporting lattice or guyed Tower structures shall be separated from all other self-supporting or guyed Towers by a minimum of fifteen hundred (1,500) feet.
- (3) Self-supporting lattice or guyed Tower structures shall be separated from all monopole Towers by a minimum of seven hundred fifty (750) feet.

Sec. 4-208. Method of Determining Tower Height

Measurement of Tower height for the purpose of determining compliance with all requirements of this Article shall include the Tower structure itself, the base pad and any other Telecommunications Facilities attached thereto which extend more than twenty (20) feet over the top of the Tower structure itself. Tower height shall be measured from grade.

Sec. 4-209. Illumination

Towers shall not carry lettering, signage, symbols, images, signals, lights or illumination and shall not be artificially lighted except as required by the Federal Aviation Administration (FAA) or the Federal Communications Commission (FCC). Upon commencement of construction of a Tower, in cases where residential property is located within a distance from the Tower which is equal to three hundred (300) percent

of the height of the Tower, and/or when the same is required by federal law, dual mode lighting shall be requested from the FAA.

Sec. 4-210. Exterior Finish

Towers not requiring FAA painting or marking shall have an exterior finish which enhances compatibility with adjacent land uses, as approved by the City Council.

Sec. 4-211. Landscaping

All landscaping on a parcel of land containing Towers, Antenna Support Structures or Telecommunications Facilities shall be in accordance with any applicable requirements of the Code of the Ordinances and in a manner consistent with landscaping in the area surrounding the site where the Tower, Antenna Support Structure, or Telecommunications Facilities are located. The City may require landscaping in excess of the requirements in the City Code in order to enhance compatibility with adjacent land uses. Landscaping shall be installed on the outside of any fencing.

Sec. 4-212. Access

Each Tower Site must provide access to at least one (1) paved vehicular parking space on site.

Sec. 4-213. Stealth Design

All Towers which must be approved as a conditional use, as provided under Section 4-217 shall be of Stealth design.

Sec. 4-214. Tower Location Standards

(a) *Historical Cultural.* Except for compatible alternative mounting structures that effectively camouflage or conceal the presence of telecommunications antennas, Telecommunications Facilities should not be located on or within five hundred (500) feet from property included in a national or local historical district. In addition, said facilities should, wherever possible, be located so as to ensure that historic or culturally significant vistas and landscapes are protected and that the views of and vistas from architecturally and/or historically significant structures are not impaired or diminished.

(b) *Residential Subdivision.* Towers are not permitted on any residential property and must be a minimum of the greater of (a) 500 feet in distance from a single family residence district and (b) a one to one distance to height ratio from any residential property.

(c) *Towers Requiring Council Approval.* Except as otherwise provided in this Article, all telecommunications towers and monopole towers are permitted in an Application Only Site only with a Permit issued by the City Council following a public hearing on the Application. All Pre-Designated Tower Sites may be approved by the

City Council without the necessity of a hearing, but no approval shall be given to any Tower that would be within 300 feet of a City-declared scenic area or scenic roadway.

(d) *Tower Spacing.* Any new telecommunications tower in excess of 180 feet (55 meters) in height must be located a minimum of one mile (1.6 km) from any existing tower in excess of 180 feet (55 meters) in height.

(e) *Alternative Mounting Structures.* Alternative Mounting Structures must be similar in color, scale and character to adjoining buildings or structures or blend with the landscaping and other surroundings immediately adjacent to them so as to generally avoid the creation of unique visual objects that stand out in the environment.

Sec. 4-215. Certifications and Inspections

(a) All Towers shall be certified by an Engineer to be structurally sound and in conformance with the requirements of the Building Code and all other construction standards set forth by the City's Code and federal and state law. For new monopole Towers, such certification shall be submitted with an Application pursuant to Section 4-204 of this Article and every five (5) years thereafter. For existing monopole Towers, certification shall be submitted within sixty (60) days of the effective date of this Article and then every five (5) years thereafter. For new lattice or guyed Towers, such certification shall be submitted with an Application pursuant to Section 4-204 of this Article and every two (2) years thereafter. For existing lattice or guyed Towers, certification shall be submitted within sixty (60) days of the effective date of this Article and then every two (2) years thereafter. The Tower owner may be required by the City to submit more frequent certifications should there be reason to believe that the structural and electrical integrity of the Tower is jeopardized.

(b) The City or its agents shall have the authority to enter onto any Tower Site, between the inspections and certifications required above, to inspect the Tower for the purpose of determining whether it complies with the Building Code and all other construction standards provided by the City Code and federal and state law.

(c) The City reserves the right to conduct such inspections at any time, upon reasonable notice to the Tower owner. All expenses related to such inspections by the City shall be borne by the Tower owner.

Sec. 4-216. Maintenance

(a) Tower owners shall at all times employ ordinary and reasonable care and shall install and maintain in use nothing less than commonly accepted

methods and devices for preventing failures and accidents which are likely to cause damage, injuries or nuisances to the public.

(b) Tower owners shall install and maintain Towers, Telecommunications Facilities, wires, cables, fixtures and other equipment in substantial compliance with the requirements of the National Electric Safety Code and all FCC, state and local regulations, and in such manner that will not interfere with the use of other property.

(c) All Towers, Telecommunications Facilities and Antenna Support Structures shall at all times be kept and maintained in good condition, order and repair so that the same shall not menace or endanger the life or property of any Person.

(d) All maintenance or construction of Towers, Telecommunications Facilities, or Antenna Support Structures shall be performed by licensed maintenance and construction personnel.

(e) All Towers shall maintain compliance with current RF emission standards of the FCC.

(f) In the event that the use of the Tower is discontinued by the Tower owner, the Tower owner shall provide written notice to the City of its intent to discontinue use and the date when the use shall be discontinued.

Sec. 4-217. Criteria for Site Plan Development Modifications - Conditional Use

(a) Notwithstanding the Tower requirements provided in this Article, a modification to the requirements may be approved by the City Council as a conditional use in accordance with the following:

- (1) In addition to the requirement for a Tower Application, the Application for modification shall include the following:
 - (i) A description of how the plan addresses any adverse impact that might occur as a result of approving the modification.
 - (ii) A description of off-site or on-site factors which mitigate any adverse impacts which might occur as a result of the modification.
 - (iii) A technical study that documents and supports the criteria submitted by the Applicant upon which the

request for modification is based. The technical study shall be certified by an Engineer and shall document the existence of the facts related to the proposed modifications and its relationship to surrounding rights-of-way and properties.

- (iv)** For a modification of the setback requirement, the Application shall identify all potential Tower Sites, attempts by the Applicant to contract and negotiate an agreement for co-location, and the result of such attempts.
- (v)** The City Council may require the Application to be reviewed by an independent Engineer under contract to the City to determine whether the antenna study supports the basis for the modification requested. The cost of review by the City's Engineer shall be reimbursed to the City by the Applicant.

(2) The City Council shall consider the Application for modification based on the following criteria:

- (i)** That the Tower as modified will be compatible with and not adversely impact the character and integrity of surrounding properties.
- (ii)** Off-site or on-site conditions exist which mitigate the adverse impacts, if any, created by the modification.
- (iii)** In addition, the Council may include conditions on the Tower Site if such conditions are necessary to preserve the character and integrity of the neighborhoods affected by the proposed Tower and mitigate any adverse impacts which arise in connection with the approval of the modification.

(b) In addition to the requirements of subparagraph a. of this Section, in the following the cases the Applicant must also demonstrate, with written evidence, the following:

- (1)** In the case of a requested modification to the setback requirement, Section 4-205, that the setback requirement cannot be met on the proposed Tower Site, and the alternative for the Person is to locate the Tower at another

site which is closer in proximity to residential property.

- (2) In the case of a request for modification to the separation and buffer requirements from the other Towers of Section 4-207, "Separation or Buffer Requirements," that the proposed site is at least double the minimum standard for separation from residential property as provided for in Section 4-207.
- (3) In the case of a request for modification of the separation and buffer requirements from residential property of Section 4-207, if the Person provides written technical evidence from an Engineer(s) that the proposed Tower and Telecommunications Facilities must be located at the proposed site in order to meet the coverage requirements of the Applicant's wireless communications system and if the Person is willing to create approved landscaping and other buffers to screen the Tower from being visible to residential property.
- (4) In the case of a request for modification of the height limit for Towers and Telecommunications Facilities or to the minimum height requirements for Antenna Support Structures, that the modification is necessary to: (i) facilitate co-location of Telecommunications Facilities in order to avoid construction of a new Tower; or (ii) to meet the coverage requirements of the Applicant's wireless communications system, which requirements must be documented with written, technical evidence from an Engineer(s) that demonstrates that the height of the proposed Tower is the minimum height required to function satisfactorily, and no Tower that is taller than such minimum height shall be approved.

Sec. 4-218. Abandonment

(a) If any Wireless Communications Facility, Communications Tower or other Antenna Support Structure shall cease to be used for a period 365 consecutive days, the City Council shall notify the Owner, with a copy to the Applicant, that the site will be subject to a determination by the City Council that such site has been abandoned. The Owner shall have thirty (30) days from receipt of said notice to show, by a preponderance of the evidence, that the Tower has been in use or under repair during the period. If the Owner fails to show that the Tower has been in use or under repair during the period, the City Council shall issue a final determination of

abandonment for the site. Upon issuance of the final determination of abandonment, the Owner shall, within ninety (90) days, dismantle and remove the Tower. If said Tower or Antenna Support Structure is not removed within ninety (90) days, the Building Official may cause it to be removed at the Owner's expense.

(b) To secure the obligation set forth in this Section, the Applicant (and/or Owner) shall post a bond in an amount to be determined by the City Council on a case by case basis, based upon the anticipated cost of the removal of the Tower.

Sec. 4-219. Antenna Mounting Standards

The purpose of this Section is to promote public safety and maintain order and harmony within the City's business, cultural and residential districts by restricting the size and location of Telecommunications Antennas. The objective is to avoid the creation of visual distractions, prevent obstructions to the view of pedestrians and motorists on public thoroughfares, and to ensure the structural integrity of supporting structures.

(a) *Whip and Panel Antenna Mounting Standards*

(1) Individual Telecommunications Antennas are allowed on existing electric utility poles, light standards, and Telecommunications Towers in excess of forty (40) feet (12 meters) in height, provided that the total length of any antenna does not exceed fifteen (15) percent of the height of the structure. The height of a Telecommunications Tower is determined by the highest point of any and all components of the structure, including antennas.

(2) Telecommunications Antennas and arrays are allowed by right on existing electric transmission towers.

(3) Existing structures in excess of fifty (50) feet (15 meters) in height may, as a matter of right, be rebuilt, if necessary, to support or contain a new antenna, provided that the new structure is the same height and substantially the same in appearance as the structure it replaces.

(4) Panel antennas which do not extend above the structure, or whip antennas fifteen (15) feet (4.5 meters) or less in height, are permitted on conforming billboard structures.

(5) Building mounted panel antennas are permitted on non-residential buildings and multifamily dwellings in the City, provided that they are mounted flush with the exterior of the building and that they do not project above the roof line nor more than thirty (30) inches (75 cm) from the surface of the building to which they are attached. The antenna's appearance shall be such that its color and texture blends with the surrounding surface of the building.

(6) Whip antennas are permitted on non-residential buildings and multifamily dwellings in the City, provided that the total length of said Whip antennas, regardless of mounting method or location, does not exceed fifteen (15) percent of the height of the building.

(7) Only one building/roof mounted Antenna Support Structure, less than one hundred (100) square feet (9 square meters) in area, is permitted per five thousand (5,000) square feet (450 square meters) of building floor area.

(b) *Structural Certification*

Prior to the installation of any building/roof mounted telecommunications antenna, antenna array or support structure, the City's Building Official shall be provided with an Engineer's certification that the structure will support and not be adversely affected by the propose antenna and associated equipment.

Sec. 4-220. Appeal

Any entity that desires to erect or utilize telecommunications facilities and that wishes to present evidence that such entity would be limited by the current ordinances or regulations of the City dealing with Telecommunications Facilities may apply for such use under this Section. The City Council shall, upon a showing that strict application of the regulations would prohibit or have the effect of prohibiting personal wireless service, as defined by federal law, modify the subject regulations, consistent with the spirit and intent of this Chapter 4 Article IV of the Code of Ordinances to the extent necessary to prevent the prohibition.

Sec. 4-221.

All Telecommunication Tower facilities erected in the City prior to April 20, 1999, are hereby approved as exceptions to this Chapter. Any additions or modifications of the facilities after April 20, 1999, shall be subject to this Chapter and shall require a permit or approval from the City Council as required by the provisions of this Article.

Secs. 4-222–4-240. Reserved

ARTICLE V. PLUMBING CROSS-CONNECTION PROGRAM

Sec. 4-241. General

No water section connection shall be made to any establishment where a

potential or actual contamination hazard exists unless the water supply is protected in accordance with the Texas Natural Resource Conservation Commission Rules and Regulations for Public Water Systems (TNRCC Rules) and for this chapter. Water service shall be discontinued by the water purveyor if a required backflow prevention assembly is not installed, maintained and tested in accordance with TNRCC Rules and this chapter.

Sec. 4-242. Backflow Prevention Assembly Installation, Testing and Maintenance

(a) All backflow prevention assemblies shall be tested upon installation by recognized backflow prevention assembly tester and certified to be operating within specifications. Backflow prevention assemblies which are installed to provide protection against health hazards must also be tested and certified to be operating within specifications at least annually by a recognized backflow prevention assembly tester. A test report must be completed by a recognized backflow prevention assembly tester for each assembly tested. The signed and dated original form must be submitted to the City of West Columbia within five (5) working days of the test.

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

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

(d) No backflow prevention assembly or device shall be removed from use, relocated, or other assembly or device substituted without the approval of the City of West Columbia. Whenever the existing assembly is moved from the present location or can not be repaired, the backflow prevention assembly shall be replaced with a backflow prevention assembly or device that complies with this section of the American Water Works Association Manual M14, current addition, University of Southern California Manual of Cross Connection Control, current addition, or the current Plumbing Code of the City of West Columbia, whichever is more stringent.

(e) Test gauges used for backflow prevention assemblies testing shall be calibrated manually in accordance with the American Water Works Association's Recommended Practice for Backflow Prevention and Cross-Connection Control (Manual M14) or the University of Southern California's Manual of Cross-Connection Control. The original calibration form must be submitted to the City of West Columbia within five (5) working days after calibration.

(f) A recognized backflow prevention assembly tester must hold a current endorsement from the Texas Natural Resource Conservation Commission (Commission).

Sec. 4-243. Customer Service Inspections

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

(b) Only individuals with the following credentials shall be recognized as capable of conducting a customer service inspection:

- (1)** Plumbing Inspectors and Water Supply Protection Specialists that have been licensed by the Texas State Board of Plumbing Examiners.
- (2)** Customer service inspectors who have completed a Commission approved course, passed an examination administered by the Commission or its designated agent and hold current certification or endorsement as a customer service inspector issued by the Commission.

(c) The Customer Service Inspection must certify that:

- (1)** No direct connection between the public drinking water supply and a potential source of contamination is permitted. Potential sources of contamination shall be isolated from the public water system by an air-gap or an appropriate backflow prevention device.
- (2)** No cross-connection between the public drinking water supply and a private water system is permitted. These potential threats to the public drinking water supply shall be eliminated at the service connection by the installation of an air-gap or a reduced pressure to the backflow prevention device.
- (3)** No connection which allows water to be returned to the public drinking water supply is permitted.
- (4)** No pipe or pipefitting which contains more than 8.0% lead may be used for the installation or repair of plumbing at any connection which provides water for human use.
- (5)** No solder or flux which contains more than 0.2 % lead can

be used for installation or repair of plumbing at any connection which provides water for human use. A minimum of one lead test shall be performed for each inspection.