



LAKWOOD VILLAGE TOWN HALL
100 HIGHRIDGE DRIVE
LAKWOOD VILLAGE, TEXAS
VIA TELEPHONE CONFERENCE
TOWN COUNCIL MEETING
MAY 13, 2021 7:00 P.M.

NOTICE IS HEREBY GIVEN Pursuant to section 551.127 of the Texas Government Code, and in conjunction with the guidance and provisions provided by the Governor of Texas in the declaration of disaster and subsequent executive orders altering certain Open Meetings Act requirements and banning gatherings of more than 10 people, the Town Council of the Town of Lakewood Village will conduct the meeting scheduled at the date and time above at Lakewood Village Town hall, 100 Highridge Drive by telephone conference in order to advance the public health goal of limiting face-to-face meetings (also called “social distancing”) to slow the spread of the Coronavirus (COVID-19). There will be **no in-person public access** for the agenda items at the location described above and less than a quorum may be physically present at the location.

This Notice and Meeting Agenda, and the Agenda Packet, are posted online at lakewoodvillagetx.us. The public toll-free dial-in number to participate in the telephonic meeting is hosted through ZOOM. The dial in number is: 346-248-7799. You will be prompted to enter the meeting ID number: 856 3061 0706, and you will be prompted to enter the passcode: 354473.

The public will be permitted to offer public comments telephonically as provided by the agenda and as permitted by the presiding officer during the meeting. **Persons wishing to speak before the Council must notify the Town Secretary via email, linda@lakewoodvillagetx.us, no later than 6:30 p.m. on the date of the scheduled meeting. The email must include your name, full address, and the agenda item on which you wish to speak.** A recording of the telephonic meeting will be made and will be available to the public in accordance with the Open Meetings Act upon written request.

REGULAR SESSION – AGENDA

Call to Order and Announce a Quorum is Present

A. PLEDGE TO THE FLAG:

B. EXECUTIVE SESSION: – In accordance with Texas Government Code, Section 551.001, et seq., the Town Council will recess into Executive Session (closed meeting) to discuss the following:

1. § 551.071(2), Texas Government Code to wit: consultation with Town Attorney on a matter in which the duty of the attorney to the governmental body under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas clearly conflicts with this chapter to receive legal advice re: Development agreements

C. RECONVENE: Reconvene into regular session at 7:30 p.m.

D. PRESENTATIONS: Certificates of Election and Administration of Oaths of Office to Re-Elected Council Members.

E. VISITOR/CITIZENS FORUM: At this time, any person with business before the Council not scheduled on the agenda may speak to the Council. The council may not comment or deliberate such statements during this period, except as authorized by Section 551.042, Texas Government Code.

F. PUBLIC HEARING – A public hearing is scheduled to provide an opportunity for citizen comment on the proposed ordinances related to building codes (Agenda Items H.7. – H.12.)

G. CONSENT AGENDA: All the items on the Consent Agenda are considered to be self-explanatory and will be enacted by one motion. There will be no separate discussion of these items unless a Council Member requests an item be removed from the Consent Agenda.

1. Minutes of March 11, 2021 Council Meeting (Asbell)
2. Resolution Naming the Denton Record Chronicle as the Official Newspaper (Asbell)
3. Professional Services Agreement with Corson Cramer Development (Asbell)
4. Engagement of P3Works Public Improvement District Consultants (Asbell)
5. Reappointment of Robin West, Linda Loudon, and Linda Asbell to the Municipal Development District Board of Directors (Asbell)

H. REGULAR AGENDA:

1. Consideration of Election of Mayor Pro-Tem (Asbell)
2. Consideration of Variance for 780 Carrie Lane for front facing garage (Asbell)
3. Resolution Nominating a Candidate to the Denco Area 9-1-1 Board of Managers (Asbell)

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4. Consideration of Hiring Part-Time Utility Billing/Building Department Clerk (Vargus)
5. Consideration of Interlocal Agreement with the Town of Little Elm for Fire and Emergency Medical Services (Vargus)
6. Consideration of Consolidated Fee Ordinance (Bushong)
7. Discussion of 2018 Residential Code (Bushong)
8. Discussion of 2018 Swimming Pool and Spa Code (Bushong)
9. Discussion of 2017 Electrical Code (Bushong)
10. Discussion of 2018 Fuel Gas Code (Bushong)
11. Discussion of 2018 Mechanical Code (Bushong)
12. Discussion of 2018 Plumbing Code (Bushong)
13. Discussion of Concrete Roads (Vargus)
14. Town Finance Update (Vargus)
15. Discussion of Federal Emergency Management Agency Reimbursement and Texas Municipal League Claims (Asbell)

I. EXECUTIVE SESSION: – In accordance with Texas Government Code, Section 551.001, et seq., the Town Council will recess into Executive Session (closed meeting) to discuss the following:

1. § 551.071(2), Texas Government Code to wit: consultation with Town Attorney on a matter in which the duty of the attorney to the governmental body under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas clearly conflicts with this chapter to receive legal advice re: Development agreements, development and zoning standards; and
2. § 551.072 Texas Government Code to wit: deliberations about real property regarding Sam Hill Ventures, Sanctuary at Sunset Cove, Project Left Field, Project Slade Rock, and Project Boy Scout; and
3. § 551.087 Texas Government Code to wit: Economic Development Negotiations regarding Sam Hill Ventures, Sanctuary at Sunset Cove, Project Left Field, Project Slade Rock, and Project Boy Scout.

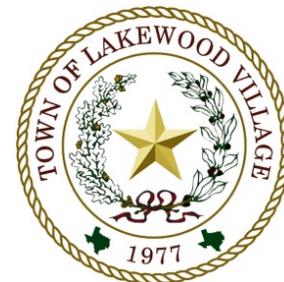
J. RECONVENE: Reconvene into regular session

K. ADJOURNMENT

I do hereby certify that the above notice of meeting was posted on the designated place for official notice at 5:30 p.m. on Monday, May 10, 2021.



Linda Asbell, TRMC, CMC, Town Secretary



The Town Council reserves the right to adjourn into closed session at any time during the course of this meeting to discuss any of the matters listed above, as authorized by Texas Government Code Section 551.071 (Consultation with Attorney), 551.072 (Deliberations about Real Property), 551.073 (Deliberations about Gifts and Donations), 551.074 (Personnel Matters), 551.076 (Deliberations about Security Devices) and 551.087 (Economic Development), 418.183 (Homeland Security)

This facility is wheelchair accessible and accessible parking spaces are available. Please contact the Town Secretary's office at 972-294-5555 or FAX 972-292-0812 for further information.

One or more board members of the LAKEWOOD VILLAGE MUNICIPAL DEVELOPMENT DISTRICT may attend this meeting. No action will be taken by the MDD board.



In the name and by the authority of The State of Texas

*Pursuant to Lakewood Village Ordinance 21-03 declaring the
unopposed candidates to be winners of the election that was scheduled to be held
on May 1, 2021*

Eric Farage

was duly elected

Councilman, Place 1

of The Town of Lakewood Village

*In testimony whereof, I have set my hand and
caused the Seal of the Town to be affixed this
10th day of May 2021.*

Mark E. Vargas

Dr. Mark E. Vargas, Mayor





In the name and by the authority of The State of Texas

*Pursuant to Lakewood Village Ordinance 21-03 declaring the
unopposed candidates to be winners of the election that was scheduled to be held
on May 4, 2021*

Matt Bissonnette

was duly elected

Councilman, Place 3

of The Town of Lakewood Village

*In testimony whereof, I have set my hand and
caused the Seal of the Town to be affixed this
10th day of May, 2021.*

Mark E. Vargus

Dr. Mark E. Vargus, Mayor





In the name and by the authority of The State of Texas

*Pursuant to Lakewood Village Ordinance 21-03 declaring the
unopposed candidates to be winners of the election that was scheduled to be held
on May 1, 2021*

Clint Bushong

was duly elected

Councilman, Place 5

of The Town of Lakewood Village

*In testimony whereof, I have set my hand and
caused the Seal of the Town to be affixed this
10th day of May 2021.*

Mark E. Vargas

Dr. Mark E. Vargas, Mayor



LAKWOOD VILLAGE TOWN COUNCIL

COUNCIL MEETING

MARCH 11, 2021

Council Members:

Dr. Mark Vargus, Mayor
Darrell West – Mayor Pro-Tem
Clint Bushong
Serena Lepley
Matt Bissonnette
Eric Farage

Town Staff:

Linda Asbell, TRMC, CMC – Town Secretary

REGULAR SESSION - 7:00 P.M.

With a quorum of the Council Members present, Mayor Vargus called the Regular Meeting of the Town Council to order at 7:02 p.m. on Thursday, March 11, 2021 in the Council Chambers of the Lakewood Village Town Hall, 100 Highridge Drive, Lakewood Village, Texas.

PLEDGE TO THE FLAG:

(Agenda Item A)

Mayor Vargus led the Pledge of Allegiance.

EXECUTIVE SESSION:

(Agenda Item B)

At 7:04 p.m. Mayor Vargus recessed into executive session in accordance with § 551.071(2), Texas Government Code to wit: consultation with Town Attorney on a matter in which the duty of the attorney to the governmental body under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas clearly conflicts with this chapter to receive legal advice re: Development agreements, development and zoning standards.

RECONVENE:

(Agenda Item C)

Mayor Vargus reconvened the regular session at 7:30 p.m. No action was taken.

VISITOR/CITIZENS FORUM:

(Agenda Item D)

Eric Hancock, 8249 Treemont Place, Frisco, Texas, stated he is a one-third owner of a property at Eldorado and Lakecrest near the entrance to town. Mr. Hancock stated he uses the Frisco address as his address in Texas and he can legally use more than one address as his residence. Mr. Hancock stated that fraud exists at the highest level in Lakewood Village. Mr. Hancock stated that he sells the most land in the area. Mr. Hancock listed many examples of areas in which he has concern and expressed concern about a lack of developers in Lakewood Village. Mr. Hancock listed areas he will be covering in visitor/citizen forum statements in future meetings.

PUBLIC HEARING:

(Agenda Item E)

A public hearing was held to provide an opportunity for citizen comment on a proposed zoning change to property described as Denton CAD Property ID 183763, being an approximate 14.9108 acre tract of land in Denton County, Texas, legally described as Abstract No. 0339A in the C.C. Dickson Survey, Tract 2A; Denton CAD Property ID 636539, being an approximate 0.164 acre tract of land in Denton County, Texas, legally described as Abstract No. 0339A in the C.C. Dickson Survey, Tract 2A(1); Denton CAD Property ID 44330, being an approximate 0.81 acre tract of land in Denton County, Texas, legally described as Abstract No. 0339A in the C.C. Dickson Survey, Tract 3; Denton CAD Property ID 123076, being an approximate 0.28 acre tract of land in Denton County, Texas, legally described as Abstract No. A1044A in the William H. Pea Survey, Tract 5; Denton CAD Property ID 45584, being an approximate 6.473 acre tract of land in Denton County, Texas, legally described as Abstract No. A0750A in the William Loftin Survey, Tract 3; Denton CAD Property ID 133261, being an approximate 65.039 acre tract of land in Denton County, Texas, legally described as Abstract No. A0750A in the William Loftin Survey, Tract 4A; Denton CAD Property ID 133254, being an approximate 0.588 acre tract of land in Denton County, Texas, legally described as Abstract No. A1169A in the B.C. Shahan Survey, Tract 45D; and Denton CAD Property ID 45675, being an approximate 4.7 acre tract of land in Denton County, Texas, legally described as Abstract No. A1169A in the B.C. Shahan Survey, Tract 46 to change the zoning from a Single-Family Residential – District 5 zoning to Planned Development – PD.

Town Secretary Asbell read responses received to the public hearing notice:

Alice Swenson, 300 Parkwood – Supports the zoning change.

Michael Smith, 301 Parkwood – Supports the zoning change.

Lain Hancock, R0133256, R0133253, & R0133262 – Opposes the zoning change “unless you can guarantee that no part of the ordinance passing would remove the road or its easement that we currently use to access our property. (the current town entrance). In doing so, would [sic] considerable devalue our property.”

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Eric Hancock, 8249 Treemont Place, Frisco, Texas, stated he is a partial owner of a property at Eldorado and Lakecrest near the entrance to town. Mayor Vargus reported that Mr. Hancock has engaged an attorney regarding this matter, the Town Attorney has responded to Mr. Hancock's attorney. Mayor Vargus stated that because Mr. Hancock engaged an attorney, he may speak during the public hearing, but the council will not be able to respond. Mr. Hancock stated he wanted to ask if any part of the zoning change would support the removal of the current town entrance. Mr. Hancock stated passage of this ordinance would be an unconstitutional regulatory taking of his property. Mr. Hancock reported that he as off-market comps to prove value. Mr. Hancock stated he has been a local real estate expert in the area for 26 years. Mr. Hancock requested the current entrance be left as a driveway to his property. Mr. Hancock stated that the off-market comps will become public if he uses them in court, the appraisal district will then use those comps, the citizen's property taxes will go up and citizens will have no one to blame but the mayor and council.

MOTION: Upon a motion made by Mayor Pro-Tem West and seconded by Councilman Bushong, council voted five (5) "ayes", no (0) "nays" to close the public hearing at 7:45 p.m. *The motion carried.*

CONSENT AGENDA:

(Agenda Item F)

Councilman Bissonnette abstained from participating in the consent agenda and left the dais.

1. Minutes of February 11, 2021, 2020 Council Meeting (Asbell)
2. Ordinance Cancelling May 1, 2021 General Election and Declaring Winners (Asbell)
3. Variance at 77 Stowe Court for Roof Pitch of 2/12 for a Standing Seam Metal Roof (Asbell)
4. Variance at 645 Woodcrest for Front Facing Garage (Asbell)

MOTION: Upon a motion made by Councilwoman Lepley and seconded by Councilman Farage, council voted four (4) "ayes", no (0) "nays" to approve the consent agenda items as presented. *The motion carried.*

Councilman Bissonnette returned to the dais.

REGULAR AGENDA:

(Agenda Item G)

**Consideration of Resolution Extending the
Mayoral Disaster Declaration (Asbell)**

(Agenda Item G.1)

Town Secretary Asbell reported that federal funding is available to areas that have issued disaster declarations. This resolution is a necessary step to access those funds. Secretary Asbell reviews some of the expenses that might qualify for reimbursement. Mayor Vargus declared a disaster but

the mayoral declaration only lasts seven days. Council would need to approve the resolution to extend the disaster declaration.

MOTION: Upon a motion made by Mayor Pro-Tem West and seconded by Councilman Bissonnette, council voted five (5) “ayes”, no (0) “nays” to approve the resolution extending the mayoral disaster declaration. *The motion carried.*

Consideration of Lease Agreement with Little Elm Independent School District for Recreational Use of Property (Vargus)

(Agenda Item G.2)

Mayor Vargus reported reviewed the lease agreement of the school district property. Mayor Vargus reported this type of lease agreement is very common for properties prior to school building construction to allow the community to use the property. There was some discussion about using the property for ball fields.

MOTION: Upon a motion made by Councilman Farage and seconded by Mayor Pro-Tem West, council voted five (5) “ayes”, no (0) “nays” to approve the lease agreement with Little Elm Independent School District for recreational use of property. *The motion carried.*

Consideration of Variance Request for Front Yard Fence at 77 Stowe Court (Asbell)

(Agenda Item G.3)

Mayor Vargus reviewed the property owner’s request for a fence around the front of the property. The owner has requested a five-foot-tall gate across the driveway and a five-foot-tall pedestrian gate, along with three-foot-tall fencing. The fencing and gates will be wrought iron. There was some discussion about front yard fences on Stowe Lane.

MOTION: Upon a motion made by Councilman Bissonnette and seconded by Councilman Farage, council voted five (5) “ayes”, no (0) “nays” to approve the variance request to allow a five-foot tall vehicle gate and five-foot tall pedestrian gate in the front yard at 77 Stowe Court. *The motion carried.*

Consideration of Zoning Change Application by Sam Hill Venture (Vargus)

(Agenda Item G.4)

Mayor Vargus reported on an error on page six. The table indicates a restriction on the maximum lot coverage and impervious surface, this will be changed to a restriction to the maximum front

yard coverage and impervious surface. There was some discussion about garage sizes of 20' X 20'. There was some discussion about the many public hearings, information in multiple mayor's letters, and the amount of work that has gone into this project.

MOTION: Upon a motion made by Mayor Pro-Tem West and seconded by Councilwoman Lepley, council voted five (5) "ayes", no (0) "nays" to approve the ordinance changing the zoning as presented. *The motion carried.*

Consideration of Sale of Abandoned Right of Way and Replat of 419 Lakecrest (Vargus)

(Agenda Item G.5)

Mayor Vargus reported the new owner of 419 Lakecrest and would like to purchase the abandoned thirty feet right of way behind his property and replat to include the thirty feet in his property. Mayor Vargus asked council to authorize him to sell the right-of-way for \$1.00 and approve the replat.

MOTION: Upon a motion made by Mayor Pro-Tem West and seconded by Councilman Bissonnette, council voted five (5) "ayes", no (0) "nays" to authorize the mayor to sale the abandoned right of way behind 419 Lakecrest. *The motion carried.*

MOTION: Upon a motion made by Mayor Pro-Tem West and seconded by Councilwoman Lepley, council voted five (5) "ayes", no (0) "nays" to authorize the mayor to approve the replat incorporating the abandoned right of way into 419 Lakecrest Drive. *The motion carried.*

Discussion of Concrete Roads (Vargus)

(Agenda Item G.6)

Mayor Vargus reported on traffic congestion problems with road blockages. A meeting was held with the contractor to address the issue, signs have been erected. One side of Melody Lane should be poured March 12, 2021. Mayor Vargus reported the fast-curing concrete used by the contractor has not been curing as rapidly as expected. Mayor Vargus stated Green Meadow will be poured next and will then serve as the detour while Highridge is under construction. There was some discussion about sodding along the construction areas. There was some discussion about the construction schedule.

Town Finance Update (Vargus)

(Agenda Item G.7)

Mayor Vargus reviewed the current budget to actual financial reports. Approximately 90% of property taxes have been collected. Mayor Vargus reported that five months into the fiscal year

\$27,033 has been collected against the \$40,000 budgeted. Year to date expenditures are tracking exactly as expected. Mayor Vargus reported \$30,000 was budgeted for new building permits for the year and to date \$24,900 has been collected. Revenues will easily exceed budgeted numbers. Mayor Vargus reviewed the general fund expenses. Mayor Vargus reported that the town's payroll line covers multiple employees and is exactly on track for midway through the year. Mayor Vargus reviewed the current cash balances. General Fund reserve is currently \$666,886 with a \$478,000 gap in road funds not including the change orders.

Mayor Vargus reported on the status of the MDD funds and expenses incurred due to the winter storm. Those expenses will likely be recovered in the FEMA funds available through the disaster declaration. The power was out for three days and the operator had to manually operate the well and pumps with a generator in Rocky Point. Mayor Vargus reviewed the funds available in debt servicing and the funds available to make the bond payments. Three bond payments remain on the first concrete road project. There was some discussion on making extra payments to retire debt early.

Discussion of Town Utility Systems (Vargus)

(Agenda Item G.8)

Mayor Vargus reported on the repairs to the fiberglass ground storage tanks. All repairs have been completed and all ground storage tanks are back online. Mayor Vargus reported on a problem at Rocky Point caused by OnCor losing power for nearly a day. The system was operated with a backup generator. Conduits will be laid under the asphalt for a sewer line and recycled water to go under Highridge ahead of the concrete construction. There was some discussion about streetlights that were removed during the road construction. Those lights will likely not be reinstalled until a time when LandPlan is installing lights in the new development. There was some discussion about the process for paving Highridge and if both lanes will be paved at the same time.

**Discussion of Animal Control Ordinance
(Lepley)**

(Agenda Item G.9)

Councilwoman Lepley reported approximately a year ago she brought up the possibility of allowing backyard chickens. Councilwoman Lepley asked council to provide input on if they would support allowing chickens and if so, what regulations they would like to see in place. There was some discussion about possible restrictions. There was some discussion about regulations that protect neighbors who do not have chickens from sound and odor.

EXECUTIVE SESSION:

(Agenda Item H)

At 8:46 p.m. Mayor Vargus recessed into executive session in accordance with

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- (1) § 551.071(2), Texas Government Code to wit: consultation with Town Attorney on a matter in which the duty of the attorney to the governmental body under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas clearly conflicts with this chapter to receive legal advice re: Development agreements, development and zoning standards;
- (2) § 551.072 Texas Government Code to wit: deliberations about real property regarding Sam Hill Ventures, Sanctuary at Sunset Cove, Project Left Field; Project Slade Rock, and Project Boy Scout, and
- (3) § 551.087 Texas Government Code to wit: Economic Development Negotiations regarding Sam Hill Ventures, and Sanctuary at Sunset Cove, Project Left Field; Project Slade Rock, and Project Boy Scout.

RECONVENE:

(Agenda Item I)

Mayor Vargus reconvened the regular session at 9:05 p.m. No action was taken.

ADJOURNMENT

(Agenda Item J)

MOTION: Upon a motion made by Councilman Bissonnette and seconded by Councilman Bissonnette council voted five (5) “ayes” and no (0) “nays” to adjourn the Regular Meeting of the Lakewood Village Town Council at 9:06 p.m. on Thursday March 11, 2021. The motion carried.

These minutes approved by the Lakewood Village Town Council on the 13th day of May 2021.

APPROVED:

Darrell West
MAYOR PRO-TEM

ATTEST:

Linda Asbell, TRMC, CMC
TOWN SECRETARY

THE TOWN OF LAKEWOOD VILLAGE, TEXAS

RESOLUTION NO. 21-02

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF LAKEWOOD VILLAGE, TEXAS, DESIGNATING THE LITTLE ELM JOURNAL AS THE OFFICIAL TOWN NEWSPAPER.

WHEREAS, Local Government Code § 52.004 requires that a municipality shall contract with and name an official newspaper; and,

WHEREAS, The Denton Record Chronicle meets the statutory requirements of eligibility for designation as an official newspaper.

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF LAKEWOOD VILLAGE, TEXAS, THAT THE DENTON RECORD CHRONICLE IS DESIGNATED THE OFFICIAL NEWSPAPER OF THE TOWN OF LAKEWOOD VILLAGE.

PASSED, APPROVED, AND RESOLVED this 13th day of May 2021.

APPROVED:

Dr. Mark E. Vargus,
Mayor

ATTEST:

Linda Asbell, TRMC, CMC
Town Secretary

PROFESSIONAL SERVICES AGREEMENT

This Professional Services Agreement (this "Agreement"), effective as of the ___ day of _____, 2021, (the "Effective Date"), is made and entered into by and between the **Town of Lakewood Village, Texas**, a general law municipality organized and operating pursuant to the laws of the State of Texas (the "Town"), and **Corson Cramer Development**, regarding certain tracts of land located in the Town of Lakewood Village Extra Territorial Jurisdiction (the "Company").

WHEREAS, the Company owns, has or seeks development rights to approximately 63.88 acres of land situated in the Town's extraterritorial jurisdiction that the Company desires to develop, which land is described on Exhibit "A" attached hereto (the "Property"); and

WHEREAS, the Town and Company have agreed upon the Scope of Work attached hereto as Exhibit "B" (the "Scope of Work"); and

WHEREAS, the Company agrees to pay for Professional Services (herein so called) provided by the consultants listed on Exhibit "C" and by additional consultants approved in writing by the Company (collectively, the "Consultants") so long as such Professional Services are performed in accordance with the Scope of Work and otherwise pursuant to the terms of this Agreement; and

WHEREAS, it is stipulated and agreed by the Parties that the terms of Local Government Code Subchapter Z, Sections 212.901 and 212.904 have been satisfied; and

WHEREAS, the Town Council of the Town, by and through this Agreement, shall maintain sufficient controls to ensure that the public purpose and best interests of the Town are carried out.

NOW THEREFORE, in consideration of the mutual benefits and promises contained herein and for other good and valuable consideration (including the payment of the Company to the Town of \$10.00 cash), the receipt and sufficiency of which are hereby acknowledged, the Town and the Company (collectively "Parties") and each individually a "Party") agree as follows:

1. Recitals. That the representations, covenants, and recitations set forth in the foregoing are material to this Agreement and are incorporated into and made a part of this Agreement.

2. Exhibits. All Exhibits referenced in this Agreement, and listed below, are incorporated herein for all purposes; specifically:

Exhibit "A" – Property Description and Map
Exhibit "B" – Scope of Work
Exhibit "C" – Consultants

3. Professional Services. The Company shall reimburse to the Town all invoices for Professional Services performed in accordance with the Scope of Work and otherwise pursuant to the terms of this Agreement, as follows:

(a) The Consultants will invoice the Town approximately every thirty (30) days with a billing statement to include an itemized description, excluding privileged or confidential information, of the Professional Services rendered in accordance with this Agreement.

(b) Within five (5) business days after full execution of this Agreement, the Company shall deliver \$20,000.00 to the Town to be used solely to pay for Professional Services. The payment shall be placed in a segregated account of the Town. The Town shall provide to the Company a monthly statement identifying all disbursements from the account. The Company will replenish the segregated account with an additional \$20,000 within 10 days of being notified by the Town that the account has reached \$5,000. The Parties understand and agree that if the Company fails to pay and/or make replenishment payment(s), all work by Town's Professional Consultants shall cease until such time as Company deposits funds sufficient to comply with obligations under this section.

(c) Within ten (10) days after receipt of each invoice from a Consultant, the Town shall pay from the account the amount due.

4. Effect of Agreement. This Agreement shall not: (a) confer upon the Company any vested rights or development rights with respect to the Property; (b) bind or obligate the Town to approve any documents or agreements related to the development of the Property; or (c) be considered an impact fee.

5. Releases and INDEMNITIES.

(a) Nothing in this Agreement, the Agreement itself, and the dealing between the Parties shall be considered an impact fee. The Company and its related entities fully and forever release and discharge the Town, its past and present employees, officers, council members, appointed officials, attorneys and other Town representatives, including the Consultants, from any and all claims, demands, controversies, and causes of action of every conceivable character, past and current, without limitation, including for breach of contract, claims under Local Government Code sections 271.151-271.160, claims for takings, exactions, negligence, and claims related to the Property under any local, state, or federal statute or code (including under Chapter 395, Texas Local Government Code and the Private Real Property Rights Preservation Act, and Chapter 2007, Texas Government Code, including that the Town's execution or performance of this Agreement or any authorized amendment or supplements hereto may constitute, either now or in the past, a "Taking" of Company's "Private Real Property," as such terms are defined in the Private Real Property Rights Preservation Act)(collectively "Claims"). Any past or current Claims against the Town, the Consultants and their respective employees and agents related to the Property which are not specifically released above are hereby assigned in full to the Town.

(b) The Town forever releases and discharges the Company, its past and present employees, officers, directors, partners, and attorneys from and against any and all past and current Claims. The Company forever releases and discharges the Town, its past and present employees, officers, agents, partners, and attorneys from and against any and all past and current claims.

(c) The Town represents and warrants to the Company that it has no knowledge of any claims, demands, controversies or causes of action against the Company, its past and present employees, officers, owners, partners, and other representatives arising through the Effective Date. The Company represents and warrants to the Town that it has no knowledge of any claims, demands, controversies, or causes of action against the Town, its past and present employees, officers, attorneys and other representatives, arising through the Effective Date. The Company represents and warrants that no prior owners, developers, or entities have assigned, transferred or conveyed any claim or cause of action to the Company involving the Town.

(d) THE COMPANY AND ITS RELATED ENTITIES ASSUME THE ENTIRE RESPONSIBILITY AND LIABILITY FOR, AND AGREE TO RELEASE, DEFEND, INDEMNIFY AND HOLD HARMLESS THE TOWN, ITS EMPLOYEES, OFFICERS, COUNCIL MEMBERS, APPOINTED OFFICIALS, ATTORNEYS, CONSULTANTS, AND

OTHER TOWN REPRESENTATIVES, FROM ANY AND ALL "CLAIMS" (AS DEFINED IN SECTION 5(a) OF THIS AGREEMENT) ARISING FROM OR IN CONNECTION WITH THIS AGREEMENT, AS AMENDED, INCLUDING BUT NOT LIMITED TO, ARISING FROM OR IN CONNECTION WITH THE PROFESSIONAL SERVICES BY THE COMPANY AND ITS RELATED ENTITIES. THIS INDEMNITY WITH RESPECT TO "CLAIMS" IS STRICTLY LIMITED AS DEFINED IN SECTION 5(a) OF THIS AGREEMENT; HOWEVER, WITHIN THE LIMITED SCOPE OF SUCH DEFINITION, THE TERM "CLAIMS" IS TO BE CONSTRUED AS BROADLY AS POSSIBLE TO INCLUDE ANY AND ALL LIABILITIES, CLAIMS, COSTS, EXPENSES, JUDGMENTS, CAUSES OF ACTION, DEMANDS, LOSSES WHATSOEVER, INCLUDING BUT NOT LIMITED TO CAUSES OF ACTION OR DAMAGES SOUNDING IN TORT, PERSONAL INJURIES, CONTRACT DAMAGES, ECONOMIC DAMAGES, PUNITIVE DAMAGES, STRICT LIABILITY, COMMON LAW NEGLIGENCE AND GROSS NEGLIGENCE, INTENTIONAL TORTS, FEDERAL AND STATE STATUTORY AND COMMON LAW, CLAIMS UNDER THE TEXAS TORT CLAIMS ACT, EMPLOYMENT DISPUTES, FEDERAL AND STATE CIVIL RIGHTS, CLAIMS FOUNDED IN CONTRACT OR QUASI-CONTRACT, BREACH OF WARRANTY, CLAIMS UNDER THE TEXAS DECEPTIVE TRADE PRACTICES-CONSUMER PROTECTION ACT, AND ANY AND ALL CLAIMS CAUSES OF ACTION OR DEMANDS WHEREBY ANY LOSS IS SOUGHT AND/ OR INCURRED AND/ OR PAYABLE BY TOWN, ITS AGENTS, EMPLOYEES, REPRESENTATIVES AND/ OR INSURERS OR RISK POOLS. THIS PROVISION IS TO BE CONSTRUED UNDER THE LAWS OF THE STATE OF TEXAS, AND IT IS EXPRESSLY RECOGNIZED BY ALL PARTIES THAT IT COMPLIES WITH THE CONSPICUOUSNESS REQUIREMENT AND THE EXPRESS NEGLIGENCE TEST, AND IS VALID AND ENFORCEABLE AGAINST THE COMPANY. THE COMPANY HAS CAREFULLY READ, FULLY UNDERSTANDS, AND AGREES TO BE BOUND BY THE TERMS AND CONDITIONS OF THIS PROVISION, AND THE INDIVIDUAL SIGNING THIS AGREEMENT ON BEHALF OF THE COMPANY HAS FULL AUTHORITY TO BIND THE COMPANY TO THIS AGREEMENT AND THIS INDEMNITY PROVISION. IT IS FURTHER RECOGNIZED AND AGREED, THAT SHOULD ANY PARTICULAR PORTION OR PROVISION OF THIS INDEMNITY PROVISION BE HELD INVALID, VOID AND/ OR UNENFORCEABLE, IT SHALL NOT AFFECT THE VALIDITY AND ENFORCEABILITY OF THE REMAINDER OF THIS PROVISION.

6. Termination. Either Party may terminate this Agreement for any reason or for no reason by providing at least five (5) days' written notice of termination. Termination of this Agreement shall be the sole and exclusive remedy of the Town or the Company, as the case may be, for any claim by either Party of any breach of this Agreement by the other Party. The Town shall be entitled to pay Consultants for all Professional Services incurred through the date of termination; however, any excess funds remaining after such payments have been made shall be promptly refunded to the Company. Notwithstanding any other provision of this Agreement to the contrary, the obligation to repay such excess funds to the Company in the event of a termination shall survive any termination of this Agreement, and the Company does not release or discharge its right to such excess funds.

7. Entire Agreement. This Agreement contains the entire agreement between the Parties with respect to the provision of Professional Services.

8. Amendment. This Agreement may only be amended by written instrument signed by the Company and the Town.

9. Successors and Assigns. Neither the Town nor the Company may assign or transfer their interest in the Agreement without prior written consent of the other Party.

10. **Notice.** Any notice and/or statement required and permitted to be delivered shall be deemed delivered by depositing same in the United States Mail, Certified, with Return Receipt Requested, postage prepaid, addressed to the appropriate Party at the following addresses, or at such other addresses provided by the Parties in writing.

COMPANY:

Larry Corson
Corson & Cramer
4925 Greenville Avenue, Suite 604
Dallas, Texas 75206
214-505-8256

TOWN:

Linda Asbell, TRMC, CMC
Town Administrator, Town of Lakewood Village
100 Highridge Drive
Lakewood Village, Texas 75068
972-294-5555
linda@lakewoodvillagetx.us

with copies to:

Wm. Andrew Messer
Messer, Fort & McDonald
6351 Preston Road
Suite 350
Frisco, Texas 75034
972-424-7200 (telephone)
972-424-7244 (fax)
andy@txmunicipallaw.com

11. **Non-Recordation.** This Agreement shall not be recorded. If the Town or its Consultants files this Agreement of record, this Agreement shall automatically terminate as of the date of recordation, and no notice of termination shall be required by the Company. If the Company files this Agreement of record, the Agreement shall automatically terminate five (5) days following receipt by the Town of a filed-stamped copy of the recorded Agreement. Each Party shall deliver a file-stamped copy of the recorded Agreement within one (1) business day of recordation.

12. **Interpretation.** Regardless of the actual drafter of this Agreement, this Agreement shall, in the event of any dispute over its meaning or application, be interpreted fairly and reasonably and neither more strongly for nor against either Party.

13. **Applicable Law.** This Agreement is made and shall be construed in accordance with the laws of the State of Texas and venue shall lie in only Denton County, Texas.

14. **Severability.** In the event any portion or provision of this Agreement is illegal, invalid, or unenforceable under present or future law, then and in that event, it is the intention of the Parties hereto that the remainder of

this Agreement shall not be affected thereby, and it is also the intention of the Parties to this Agreement that in lieu of each clause or provision that is found to be illegal, invalid or unenforceable, a provision be added to this Agreement which is legal, valid and enforceable and is as similar in terms as possible to the provision found to be illegal, invalid or unenforceable.

15. Counterparts. This Agreement may be executed in multiple counterparts, each of which shall be considered an original, but all of which shall constitute one instrument.

16. Authority for Execution. The Town hereby certifies, represents, and warrants that the execution of this Agreement is duly authorized and adopted in conformity with all applicable Town ordinances. The Company hereby certifies, represents, and warrants that the individual executing this Agreement on behalf of the Company is duly authorized and has full authority to execute this Agreement and bind the Company to the same.

TOWN OF LAKEWOOD VILLAGE, TEXAS

By: _____
Name: Darrell West
Its: Mayor Pro-Tem

ATTEST:

Linda Asbell, TRMC, CMC
Town Administrator/Town Secretary

COMPANY

Corson Cramer Development (Cand C Land, LLC)
By: Lawrence A. Corson
Name: Lawrence A. Corson
Its: Managing Member

STATE OF TEXAS §
 §
COUNTY OF DENTON §

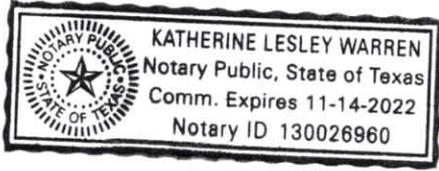
This instrument was acknowledged before me on the _____ day of _____, 2021, by **Darrell West**, Mayor Pro-Tem of the Town of Lakewood Village.

(Signature of Notary)

Notary Public, State of Texas

STATE OF TEXAS §
 §
COUNTY OF Dallas §

This instrument was acknowledged before me on the 4 day of May, 2021, by Lawrence Cotson the Managing Member, on behalf of Corson Cramer Development. (C and C Land, LLC)



Katherine Warren

(Signature of Notary)

Katherine Lesley Warren
Notary Public, State of Texas

EXHIBIT "A"
PROPERTY DESCRIPTION AND MAP

LEGAL DESCRIPTION

TRACT 1

BEING a tract of land situated in the C.C. Dickson Survey, Abstract No. 339, Denton County, Texas, and being portions of Lots 1 and 2 and all of Lots 3 thru 9 of Cardinal Ridge Estates, according to the Final Plat thereof recorded in Cabinet P, Page 255 of the Plat Records of Denton County, Texas, and also being a portion of a called 4.83 acre tract of land described as Tract 1 in a Special Warranty Deed to The Sanctuary Texas LLC, as recorded in Document No. 2019-106442 of the Official Records of Denton County, Texas, and being more particularly described as follows:

BEGINNING at the northwest corner of said Cardinal Ridge Estates, common to the southwest corner of a called 69.789 acre tract of land described in a deed to Taylor Morrison of Texas, Inc., as recorded in Document No. 2018-60177 of the Official Records of Denton County, Texas, being on the east line of Lake Lewisville;

THENCE North 89°36'11" East, departing the easterly line of said Lake Lewisville, along the northerly line of said Cardinal Ridge Estates, the southerly line of said 69.789 acre tract and the southerly line of South Oak, according to the plat thereof recorded in Document No. 2019-354 of the Plat Records of Denton County, Texas, a distance of 2430.22 feet to the northerly northeast corner of said Lot 9, common to an ell corner of said South Oak;

THENCE South 0°19'19" East, continuing along the northerly line of said Cardinal Ridge Estates and the southerly line of said South Oak, a distance of 37.08 feet to the southerly northeast corner of said Lot 9, common to an exterior corner of said South Oak;

THENCE South 89°42'07" East, continuing along the northerly line of said Cardinal Ridge Estates and the southerly line of said South Oak, and along the southerly line of a called 5.1807 acre tract of land described in a deed to Duyen Nguyen and Canh-Van Nguyen, as recorded in Document No. 1993-30424 of the Deed Records of Denton County, Texas, a distance of 415.04 feet to a point for corner;

THENCE South 8°13'40" West, departing the northerly line of said Cardinal Ridge Estates and the southerly line of said 5.1807 acre tract, and crossing said Cardinal Ridge Estates and said 4.83 acre tract, a distance of 241.64 feet to a point for corner;

THENCE South 16°57'19" West, continuing across said 4.83 acre tract, a distance of 73.95 feet to a point for corner on the southerly line of said 4.83 acre tract, and the northerly line of a called 4.660 acre tract of land described in a deed to Kristen E. Byler and Craig Byler, as recorded in Document No. 2015-128423 of the Official Records of Denton County, Texas;

THENCE North 89°38'49" West, along the southerly line of said 4.83 acre tract and the northerly line of said 4.660 acre tract, a distance of 294.78 feet to the southwest corner of said 4.83 acre tract, common to the northwest corner of said 4.660 acre tract, and being on the easterly line of said Cardinal Ridge Estates;

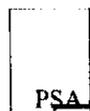
THENCE South 0°19'19" East, along the easterly line of said Cardinal Ridge Estates and the westerly line of said 4.660 acre tract, a distance of 33.21 feet to a point for corner;

THENCE South 25°40'06" West, continuing along the easterly line of said Cardinal Ridge Estates, the westerly line of said 4.660 acre tract, and the westerly line of a called 4.8956 acre tract of land described in a deed to Craig J. Byler and wife, Rebecca J. Byler, as recorded in Volume 4997, Page 3818 of the Deed Records of Denton County, Texas, a distance of 264.35 feet to the southwest corner of said 4.8956 acre tract, common to an ell corner of said Cardinal Ridge Estates;

THENCE South 64°14'49" East, continuing along the easterly line of said Cardinal Ridge Estates and along the southwest line of said 4.8956 acre tract, a distance of 307.35 feet to a point for corner;

Continued on Sheet 2

TRACT 1: 63.397 ACRES
TRACT 2: 0.429 ACRE
C.C. DICKSON SURVEY, ABSTRACT NO. 339
TOWN OF LAKEWOOD VILLAGE ETJ,
DENTON COUNTY, TEXAS



Continued from Sheet 1

THENCE South 25°52'37" West, departing the easterly line of said Cardinal Ridge Estates and the southwest line of said 4.8956 acre tract, and crossing said Cardinal Ridge Estates, a distance of 245.78 feet to a point for corner on the easterly line of said Cardinal Ridge Estates and the northerly line of a called 9.67 acre tract of land described in a deed to Eldorado West Property LLC, as recorded in Document No. 2017-40049 of the Official Records of Denton County, Texas;

THENCE North 64°15'46" West, along the easterly line of said Cardinal Ridge Estates and the northerly line of said 9.67 acre tract, a distance of 306.62 feet to the northwest corner of said 9.67 acre tract, common to an ell corner of said Cardinal Ridge Estates;

THENCE South 25°45'30" West, continuing along the easterly line of Cardinal Ridge Estates, the westerly line of said 9.67 acre tract, and the westerly line of a called 4.84 acre tract of land described in a deed to Eldorado West Property LLC, as recorded in Document No. 2017-107057 of the Official Records of Denton County, Texas, a distance of 737.21 feet to the southwest corner of said 4.84 acre tract, common the southeast corner of said Cardinal Ridge Estates, being on the northerly line of a called 4.778 acre tract of land described in a deed to Mitch Dudley Enterprises, Inc., as recorded in Document No. 2019-12560 of the Official Records of Denton County, Texas;

THENCE South 87°22'45" West, along the southerly line of said Cardinal Ridge Estates, the northerly line of said 4.778 acre tract and the northerly line of a called 4.863 acre tract of land described in a deed to Mitch Dudley Enterprises, Inc., as recorded in Document No. 2018-28970 of the Official Records of Denton County, Texas, a distance of 261.15 feet to the northwest corner of said 4.863 acre tract, common to the northeast corner of a called 4.888 acre tract of land described in a deed to Todd Rohwer and Monica Rohwer, as recorded in Document No. 2018-78332 of the Official Records of Denton County, Texas, the southeast corner of a called 1.397 acre tract of land described in a deed to Michael Kohlschmidt and Kara Kohlschmidt, as recorded in Document No. 2018-42768 of the Official Records of Denton County, Texas;

THENCE North 31°13'39" West, continuing along the southerly line of Cardinal Ridge Estates, along the northeasterly line of said 1.397 acre tract, and the northeasterly line of a called 10.000 acre tract of land described as Tract 1 in a deed to Todd Rohwer and Monica Rohwer, as recorded in Document No. 2016-50799 of the Official Records of Denton County, Texas, a distance of 441.88 feet to the common southerly corner of aforesaid Lot 1 and aforesaid Lot 2;

THENCE North 76°12'37" West, continuing along the southerly line of said Cardinal Ridge Estates and the northerly line of said 10.000 acre tract, a distance of 1496.47 feet to the southwest corner of said Cardinal Ridge Estates, common to the northwest corner of said 10.000 acre tract, being on the easterly line of aforesaid Lake Lewisville;

THENCE North 0°32'55" West, along the westerly line of said Cardinal Ridge Estates and the easterly line of said Lake Lewisville, a distance of 171.21 feet to a point for corner;

THENCE North 0°47'31" West, continuing along the westerly line of said Cardinal Ridge Estates and the easterly line of said Lake Lewisville, a distance of 593.68 feet to the **POINT OF BEGINNING** and containing 63.397 acres (2,761,579 square feet) of land, more or less.

NOTES

The bearings for this exhibit are based on a bearing of North 89°36'11" East, for the north line of Cardinal Ridge Estates according to the Final Plat recorded in Cabinet P, Page 255 of the Deed Records of Dallas County, Texas.

This exhibit is based upon recorded deeds and plat, and not based upon on-the-ground survey.

TRACT 1: 63.397 ACRES
TRACT 2: 0.429 ACRE
C.C. DICKSON SURVEY, ABSTRACT NO. 339
TOWN OF LAKEWOOD VILLAGE ETJ,
DENTON COUNTY, TEXAS



TRACT 2

BEING a tract of land situated in the C.C. Dickson Survey, Abstract No. 339, Denton County, Texas, and being a portion of Lot 1 of Cardinal Ridge Estates, according to the Final Plat thereof recorded in Cabinet P, Page 255 of the Plat Records of Denton County, Texas, and being more particularly described as follows:

BEGINNING at the southeast corner of said Lot 1, common to the northeast corner of a called 9.67 acre tract of land described in a deed to Eldorado West Property LLC, as recorded in Document No. 2017-40049 of the Official Records of Denton County, Texas, being on the westerly right-of-way line of Eldorado Parkway, formerly known as Garza Lane, a variable width right-of-way;

THENCE North 64°15'46" West, departing the westerly right-of-way line of said Eldorado Parkway, along the easterly line of said Lot 1 and the northeasterly line of said 9.67 acre tract, a distance of 318.38 feet to a point for corner;

THENCE departing the easterly line of said Lot 1 and the northeasterly line of said 9.67 acre tract, and crossing said Lot 1, the following:

South 83°44'46" East, a distance of 189.92 feet to a point for corner; South

87°27'10" East, a distance of 140.09 feet to a point for corner;

North 89°46'06" East, a distance of 12.42 feet to a point for corner on the easterly line of said Lot 1 and the westerly right-of-way line of said Eldorado Parkway;

THENCE South 26°01'14" West, along the easterly line of said Lot 1 and the westerly right-of-way line of said Eldorado Parkway, a distance of 123.95 feet to the **POINT OF BEGINNING** and containing 0.429 of an acre (18,696 square feet) of land, more or less.

NOTES

The bearings for this exhibit are based on a bearing of North 89°36'11" East, for the north line of Cardinal Ridge Estates according to the Final Plat recorded in Cabinet P, Page 255 of the Deed Records of Dallas County, Texas.

This exhibit is based upon recorded deeds and plat, and not based upon on-the-ground survey.

TRACT 1: 63.397 ACRES
TRACT 2: 0.429 ACRE
C.C. DICKSON SURVEY, ABSTRACT NO. 339
TOWN OF LAKEWOOD VILLAGE ETJ,
DENTON COUNTY, TEXAS



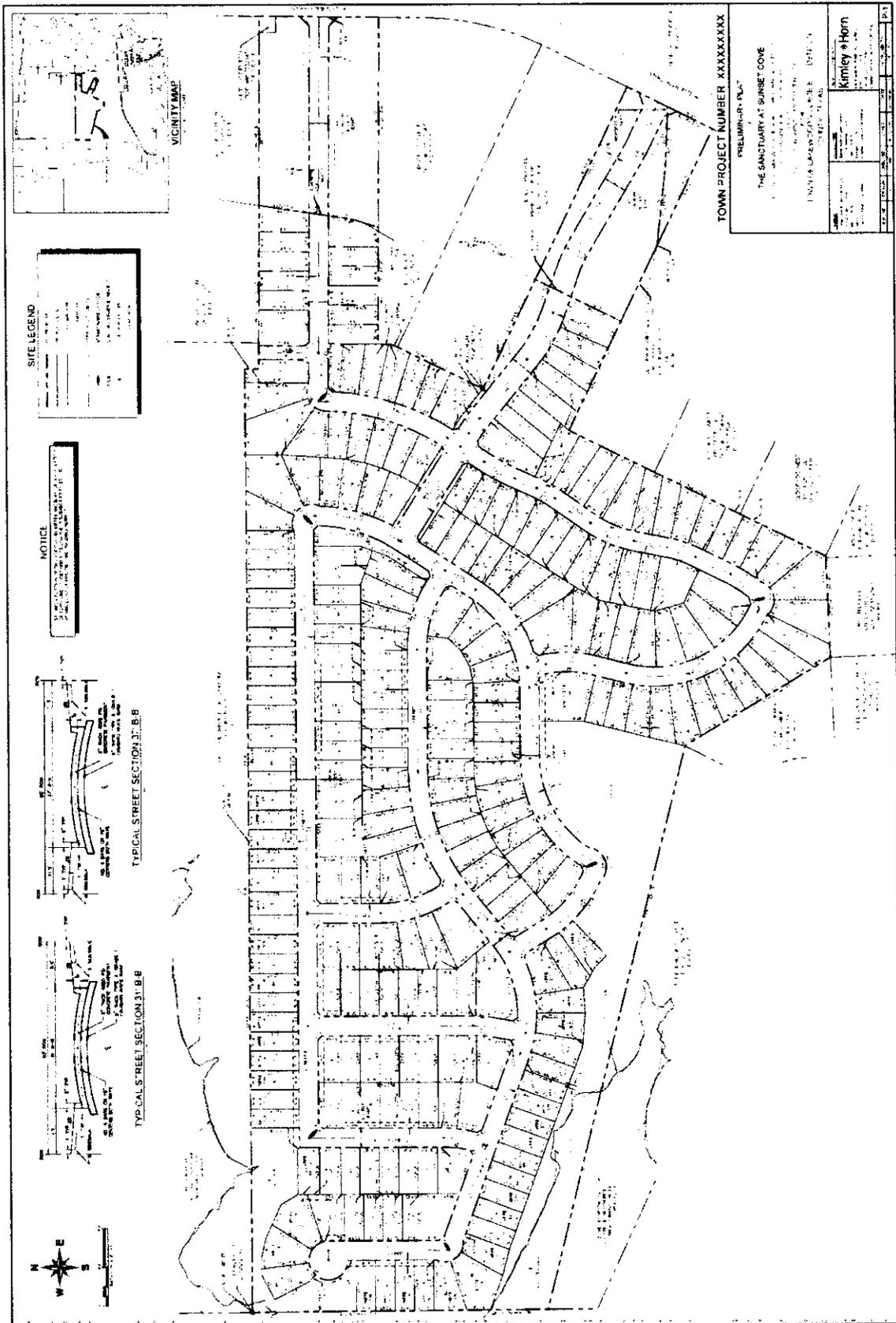


EXHIBIT "B"

SCOPE OF WORK

The engineering, legal services and financial analysis, and PID consulting services, if any, related to development of the Property for single family residential use, including a development agreement, platting, zoning ordinance and related issues.

EXHIBIT "C"

TOWN CONSULTANTS

Town's Attorney Billing Rates:

\$325 per hour for attorneys

\$85 per hour for paralegals

Bond issuance and opinion costs will be separate

Town Engineer Billing Rates:

\$185-\$260 per hour for Senior Professional I

\$250-\$275 per hour for Senior Professional II

\$165-\$215 per hour for Professional

\$75-\$105 per hour for Technical Support

\$120-\$200 per hour for Senior Technical Support

\$115-\$185 per hour for Analyst

\$85-\$125 per hour for Support Staff

Town Bond Attorney, if applicable

Billing Rate \$475 per hour for principal or other partners; \$375 per hour for associates for upfront district creation and review of development documents; Bond issuance costs will be separate

Town Financial Advisor, if applicable

Managing Director/ Senior Vice President \$360 per hour; Vice President \$325 per hour; Assistant Vice President \$195 per hour; Clerical/ Administrative Assistant \$90 per hour

Town PID Consultant

Managing Partner \$250 per hour, Vice President \$185 per hour, Sr. Associate \$160 per hour, Associate \$135 per hour, Administrative \$100 per hour.



April 29, 2021

Town of Lakewood Village
Linda Asbell
Town Administrator, Town Secretary
100 Highridge Dr.
Lakewood Village, Texas 75068

Dear Ms. Asbell,

P3Works, LLC, is pleased to have the opportunity to assist the Town of Lakewood Village by providing analysis for the contemplated Sanctuary Public Improvement District ("PID").

I have assembled the following proposal that will give you an overview of the due diligence and feasibility analysis process as well as our costs to complete these services.

SCOPE OF SERVICE

P3Works will, as directed by the Town Council and/or his/her designee, evaluate the Developer's request on an hourly basis. This will include but is not limited to the review and analysis of existing documents, maps, and financial models as provided by various Developers, as well as the creation of documents and financial models.

It is our understanding that the Developer will be responsible for establishing an escrow account with the Town from which our invoices will be paid.

P3Works will itemize billable time at an hourly rate as cited below.

2021 COMPENSATION RATES

All services will be performed on an hourly basis according to the following rate schedule:

<i>Title</i>	<i>Hourly Rate</i>
<i>Managing Partner</i>	<i>\$250</i>
<i>Vice President</i>	<i>\$185</i>
<i>Senior Associate</i>	<i>\$160</i>
<i>Associate</i>	<i>\$135</i>
<i>Administrative</i>	<i>\$100</i>

All P3Works invoices will be sent via P3Works's normal accounting procedures and are due and payable upon receipt.

*P3WORKS' hourly rates may be adjusted from time to time to reflect increased costs of labor and/or adding/reclassifying titles.

TRAVEL and EXPENSES

For this engagement, actual travel time will be billed by the hour according to the schedule above.

TERMINATION

The Town may terminate P3Works' services with or without cause at any time by written notification to:

Mary V. Petty
Managing Partner
P3Works, LLC.
9284 Huntington Square Suite 100
North Richland Hills, TX 76182

Only hours worked prior to notice of termination are due and payable upon receipt of final invoice.

We sincerely appreciate the opportunity to serve you and the Town of Lakewood Village and look forward to assisting you in these exciting projects.

If these terms are acceptable, please sign below and return at your convenience.

Sincerely,

Mary V. Petty
Managing Partner / /

Acknowledgement:

Mark E. Vargus / / 20
Mayor



MEMORANDUM

TO: Town Council
FROM: Linda Asbell, TRMC, CMC, Town Secretary
DATE: May
RE: Agenda Item G.5. – Appointments to the MDD Board

Terms are ending for Linda Louden, MDD President, Robin West, MDD Director of Project Development, and Linda Asbell, MDD Secretary. All have indicated they would like to continue to serve on the MDD.



BUILDING DEPARTMENT

VARIANCE REQUEST

100 Highridge Drive
 Lakewood Village, TX 75068
 (972) 294-5555 Office (972) 292-0812 Fax
linda@lakewoodvillagetx.us

REVISED: 10/09/2014

APPLICANT / OWNER	
Applicant Name Carrie LaChance	Address 800 Stowe Ln
Day Time Telephone 469-430-7902	lakewood village TX 75068
Email archenemys@archenemys.com	
Owner Name Same as Applicant? <input checked="" type="checkbox"/> Yes	Address
Day Time Telephone	
Email	
PROPERTY	
Address or General Location 780 Carrie Ln Lakewood Village TX 75068	
Legal Description (If Platted)	
Lot Size 1.8	<input type="checkbox"/> Square Feet OR <input checked="" type="checkbox"/> Acres Zoning Classification
Existing Use of Land and/or Building(s)	
REQUESTED VARIANCE	
Variance to Section(s) of the Ordinance	
Garage location <i>Zoning Ordinance 19-02 2.4.7</i>	
Current Ordinance Requirement(s) Garage facing cul-de-sac <i>non-front-facing garage</i>	
Requested Variance(s) Garage location due to irregular shaped lot <i>front facing garage</i>	



BUILDING DEPARTMENT

VARIANCE REQUEST

100 Highridge Drive
Lakewood Village, TX 75068
(972) 294-5555 Office (972) 292-0812 Fax
linda@lakewoodvillagetx.us

REVISED: 10/09/2014

SUBMITTAL REQUIREMENTS

If the applicant is not the owner, a letter signed and dated by the owner certifying their ownership of the property and the authorizing the applicant to represent the person, organization, or business that owns the property.

If not platted, a metes and bounds legal description of the property.

A written statement documenting the reason for the variance(s), including evidence that the request complies with the following criteria as required for approval of a variance.

- 1) A unique physical condition exists within or adjacent to the subject tract or structure(s) located thereon which distinguishes it from other similarly situated, and which creates an exceptional hardship, difficulty, or inequity that would result from literal enforcement of the ordinance;
- 2) The condition or characteristic noted above is not caused by an action of the property owner, occupant, or applicant;
- 3) The variance is the minimum amount necessary to allow a reasonable use of the property;
- 4) The sole reason for the variance is not a desire of the owner, occupant, or applicant for increased financial gain or reduced financial hardship;
- 5) The variance will not adversely affect public health or safety, and will not substantially or permanently interfere with the appropriate use of adjacent conforming property in the same district; and,
- 6) The variance will not alter the essential character of the zoning district within which the subject property is located, and is in harmony with the intent and purposes of the zoning ordinance.

Site plan, submitted on drawing sheet size 11" X 17", showing:

- 1) Scale and north arrow;
- 2) Location of site with respect to streets and adjacent properties;
- 3) Property lines and dimensions;
- 4) Location and dimensions of buildings;
- 5) Building setback distances from property lines;
- 6) Location, dimensions, and surface type of off-street parking spaces and loading areas; and
- 7) Any other proposed features of the site which are applicable to the requested variance.

NOTICE

To the best of my knowledge, this application and associated documents are complete and correct, and it is understood that I or another representative should be present at all public meetings concerning this application.

Applicant Signature <i>Carrie Fachance</i>	Date <i>5/5/2011</i>
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BUILDING DEPARTMENT

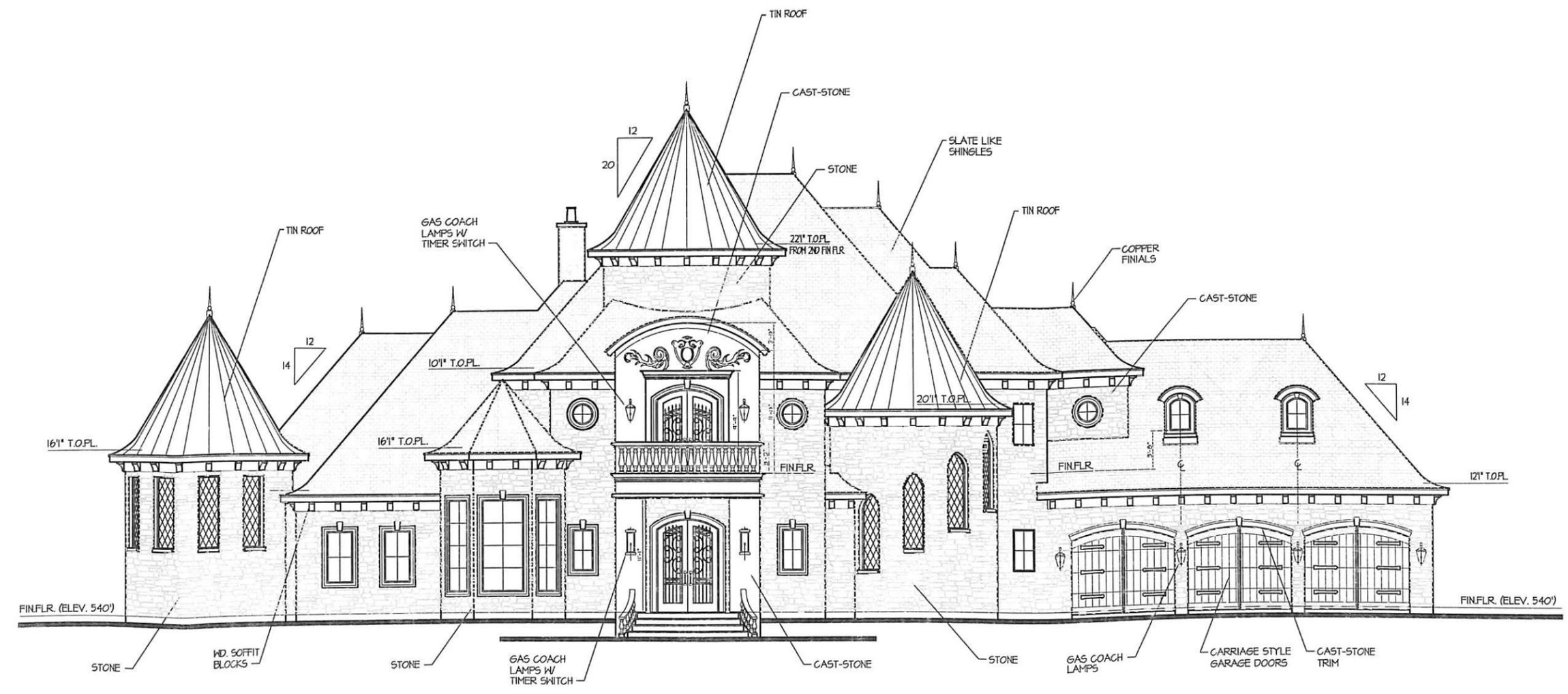
VARIANCE REQUEST

100 Highridge Drive
Lakewood Village, TX 75068
(972) 294-5555 Office (972) 292-0812 Fax
linda@lakewoodvillagetx.us

REVISED: 10/09/2014

TOWN USE ONLY	
Received By <i>Linda Asbell</i>	Receipt Number <i>N/A</i>
Date Submitted <i>5/7/2021</i>	Case Number <i>N/A</i>
Date Notices Mailed <i>N/A</i>	Date Notice Published
Town Council Meeting Date <i>5/13/2021</i>	
Decision	
Conditions	

THESE PLANS ARE INTENDED TO PROVIDE THE BASIC OVERVIEW INFORMATION NECESSARY TO OBTAIN PERMITS. CONTRACTORS ARE ADVISED TO CHECK ALL DIMENSIONS AND CONDITIONS OF THE SITE AND SURROUNDING AREAS BEFORE BEGINNING CONSTRUCTION. WORK ON THESE PLANS IS NOT TO BE CONSIDERED A GUARANTEE OF THE ACCURACY OF THE INFORMATION PROVIDED HEREIN. THE ARCHITECT ASSUMES NO LIABILITY FOR ANY DAMAGE OR INJURY TO PERSONS OR PROPERTY ARISING FROM THE USE OF THESE PLANS. REVISED AS OF 4-21-21. THESE DRAWINGS DO NOT SCALE.



FRONT ELEVATION CONCEPT

SCALE: 3/16" = 1'-0"

Carrie & Nate LaChance Residence
780 Carrie Lane
Lot-23, Block - A Lakewood Village, Texas
DIVINO HOMES

20037

A4.00



Denco Area 9-1-1 District

1075 Princeton Street ▪ Lewisville, TX 75067

Phone: 972-221-0911 ▪ Fax: 972-420-0709 ▪ Denco.ORG

TO: Denco Area 9-1-1 District Participating Municipal Jurisdictions

FROM: Gregory S. Ballentine, Executive Director

DATE: March 31, 2021

RE: Nomination for the Denco Area 9-1-1 District Board of Managers

Chapter 772, Texas Health and Safety Code, provides for the Denco Area 9-1-1 District Board of Managers to have “two members appointed jointly by all the participating municipalities located in whole or part of the district.” The enclosed resolution describes the appointment process of a municipal representative.

Each year on September 30th, the term of one of the two members appointed by participating municipalities expires. This year it is the term of Sue Tejml. Members are eligible for consecutive terms and Ms. Tejml has expressed her desire to serve another term.

Denco requests the following actions by the governing bodies of each of the 32 municipalities in the district:

- 1. Immediate Action (Nominate):** If your city/town would like to nominate a candidate to represent the municipalities on the Denco Board of Managers, please send a letter of nomination, by way of council action, and résumé of the candidate to the Denco Area 9-1-1 District office. Nominees are historically current or formal elected officials in the district; however, there are no official prerequisites. **For a nomination to be considered, written notification of council action must reach the Denco Area 9-1-1 District by 5:00 p.m. May 31, 2021.** No nominations shall be considered after that time.
- 2. Future Action (Vote):** On June 1, 2021, Denco staff will send the slate of nominees to each city/town for consideration, requesting the city/town council vote by resolution for one of the nominees. **Written notice of the council’s selection must reach the Denco Area 9-1-1 District by 5:00 p.m. on July 30, 2021.** No votes will be accepted after that time. However, if a nominating municipality does not thereafter formally vote, its nomination will automatically count as a vote for its nominee.
- 3. Process Closure (Results):** The candidate with the most votes will be the municipalities’ representative to the Denco Area 9-1-1 District Board of Managers for the two-year term beginning October 1, 2021.

Please send a copy of your council’s official action and candidate résumé to the Denco Area 9-1-1 District, **1075 Princeton Street, Lewisville, TX 75067** or to Melinda Camp at melinda.camp@denco.org. Denco staff will acknowledge receipt and sufficiency of the submitted documents. **If that acknowledgement is not received within one (1) business day, or you have any other questions, please contact Ms. Camp at 972-221-0911.** As a courtesy, Denco will provide notification of your council’s action to the nominee.

A sample nomination resolution has been enclosed for your convenience. Thank you for your support of the Denco Area 9-1-1 District.

Enclosures

Council Resolution No. _____

A RESOLUTION NOMINATING ONE CANDIDATE TO A SLATE OF NOMINEES FOR THE BOARD OF MANAGERS OF THE Denco AREA 9-1-1 DISTRICT.

WHEREAS, Section 772, Health and Safety Code, provides that two voting members of the Board of Managers of an Emergency Communications District shall be appointed jointly by all cities and towns lying wholly or partly within the District;

NOW THEREFORE BE IT RESOLVED BY THE COUNCIL OF THE CITY / TOWN OF _____, TEXAS:

Section 1

The City / Town of _____ hereby

NOMINATES _____ as a candidate for appointment to the Board of Managers of the Denco Area 9-1-1 District.

Section 2

That this resolution shall become effective immediately upon its passage and approval.

PASSED AND APPROVED this the _____ day of _____, 2021.

Mayor _____

City / Town of _____

ATTEST:

City / Town Secretary

Sue Rosson Tejml

stejml@aol.com Cell: 940-368-1085
835 Orchid Hill Lane, Argyle-Copper Canyon, TX 76226-4526
Photo: March 2019 – photograph by Bill Castleman



PERSONAL: Native Texan; Copper Canyon resident last 31 years
Three adult children, seven grandchildren (ages 8-33)
Married 60+ years to Emil Tejml (engineer & attorney)
(In case you wondered, his Czech name rhymes - A mull TAY mull.)
With corporate moves - we have lived in 4 states, 6 Texas cities, and worked abroad
Stay-at-home mother, until I became an attorney at age 40.

EDUCATION: University of Texas at Austin (B.A. History)
Texas A&M University at Kingsville (M.A. History)
Rice University (full scholarship for Ph.D. History, lack dissertation for Ph.D. degree)
New York University Law School: 2 years, Top 10 United States Law School
University of Houston Law School (LL.B. Degree.)

MAYOR: Town of Copper Canyon for 14 years; re-elected unopposed 7th term 2017-2019

2004 Master Plan: Maintained Rural Feeling of Town north of FM 407 Town Center!
MINIMUM ONE ACRE home lots for 15 years! 2019: 42% Town is Ag Exempt with fields, trees!

“What’s Happening in Copper Canyon” For 14 years I have personally written this Monthly Mayor’s Column in the *Cross Timbers Gazette*, a local newspaper with 47,000 circulation. (Second in circulation in Denton County only to the *Dallas Morning News*.) My attempt to keep residents informed of events in our Town and subjects of general interest in our area – roads, water, gas well drilling, etc. Government **transparency** is my primary goal!

Argyle Volunteer Fire District Board (Served 14 years, 2005 to 2019)

Denton County Emergency Services District #1 Our small town’s dilemma was inability to adequately fund emergency services. ESD’s Founding Committee’s task was to educate residents on the benefits of an ESD. The ESD would collectively provide emergency fire and ambulance medical services to the towns of Argyle, Bartonville, Copper Canyon, Corral City, Northlake, and FWSD #6 and #7 in Lantana. But a specific property tax would be needed to fund it. ESD#1 was created in 2006 by a **62% positive vote in a district-wide special election over 65 square miles. Citizens voted themselves a tax increase for the specific benefit of Emergency Fire & Medicine.**

Neighborhood Watch and Crime Prevention

Copper Canyon does not have a police department. Resident Block Captains were recruited for all 40 streets in town. Our Town Council contracted with the Denton County Sheriff for Deputies dedicated to Copper Canyon. Every shift a Deputy drives each street in Copper Canyon at least once and provides Rush Hour Traffic Patrol. **Result is a virtually crime free community for past decade!**

Dallas Morning News: Copper Canyon named one of 10 Best Communities in DFW Metroplex! Spring 2016. Town rated #6 for safety – a prime concern for all individuals and families!

Maintained Same Low Tax Rate for 6 Years (2014-2019): .297505 includes road bond. Under spend budget each fiscal year. Roll budget surplus into Road Fund or Crime Prevention Fund.

2009 Road Taskforce: Composed of one person from almost all 40 roads in Town. **Town Wide Election** approves \$2.5 million bond to rebuild 90% of 25-35 year old asphalt interior residential roads. **Standard & Poors rating AA- (now AA+.) Denton County funds \$14 million to rebuild perimeter commuter roads through Town in concrete:** Copper Canyon Rd, Orchid Hill Ln, Chinn Chapel Rd.

Drafting Committee: 2010 “Best Practices for Municipalities and Gas Pipelines”

A collaborative effort of Denton County Mayors, Commissioners Court, and the Texas Pipeline Association. Goal was to **expedite safe pipeline construction**, but with a **minimal impact** on landowners, local businesses, and future development plans of each city. All affected parties signed!

Copper Canyon sponsors Annual Denton County Mayors Crime Luncheon: 7 years (2012-2019)

Goal was to coordinate information on area crime between the Denton County Mayors, their Police Chiefs, Denton County Sheriff’s Office, Commissioners Court, Legislative representatives, and our Congressman Michael Burgess. **CoServ** Co-Sponsors this annual event with food & financial funds!

DENCO 911: Vice Chair, Board of Managers. 8 years (2013-2021.) Elected to 4 terms by 32 Denton County city members. 2019 re-elected by unanimous vote of 24 of 28 City Councils voting. Personally update 8 city councils each year on our **outstanding Denco 911 District! Recognized nationally!**
NENA - National Emergency Number Association: Attended 5 Texas & 5 National Conferences.

LEGAL: Solo Attorney 15 years: General Civil Practice - family law, oil & gas, wills, probate, contracts
Matagorda County Bar Association - President,
Texas State Bar - CLE Committee, District 5 Admissions, Texas Bar Foundation Life Member

FAMILY LAW: State Bar Board Certified in Family Law 10 years – Divorce and Child Custody
Texas Supreme Court: Committees on Child Support Guidelines and on Child Visitation Guidelines

MUNICIPAL: Bay City, Texas: City Attorney - 6 years. Estimated 18-20,000 population.
Municipal Prosecutor & Legal Advisor to Police Department
Home Rule Charter: City wide elected Public Office, Co-Chairman

VOLUNTEER: Denton County CASA - Court Appointed Special Advocate for Abused Children
Denton County Children’s Advocacy Center - Gave \$10,000 for new Office
HUG Romania – Volunteer in a Romanian orphanage for 3 weeks.

INTERESTS: Home Design: Designed 5 of our family homes, including last one in Copper Canyon
Misc.: Computer, cooking, dollhouse miniatures, hunting, organic gardening, new science
Read: Biography, history, current political and global events, 1800’s British romance novels

TRAVEL: Selected “Eisenhower People to People Ambassador” – Texas Representative to China’s Department of Justice. One-month tour of China for 50 United States women attorneys & judges.

Visited for a week to a month each: Alaska, Australia, Bermuda, Beirut, Canada, China, Czech Republic, England, France, Germany, Greece, Hawaii, Ireland, Italy, Japan, Mexico, Norway, Romania, Russia, Saudi Arabia, Scotland, Singapore, South Korea, Switzerland, Tahiti, Turkey, Venezuela, Wales.

Hope to visit: Africa, Argentina, Brazil, Egypt, India, Israel, New Zealand, Peru, Tasmania, Yangtze River.
Love travel in our beautiful United States! Especially Texas Hill Country-Padre Island! Wish to see Big Bend!

**AMENDED AND RESTATED INTERLOCAL AGREEMENT FOR FIRE, RESCUE,
AND EMERGENCY MEDICAL SERVICES BETWEEN THE TOWN OF LAKEWOOD
VILLAGE, TEXAS, AND THE TOWN OF LITTLE ELM, TEXAS**

THE STATE OF TEXAS §
 §
COUNTY OF DENTON §

This Amended and Restated Interlocal Agreement (“**Agreement**”) is made and entered by and between the TOWN OF LAKEWOOD VILLAGE, a political subdivision of the State of Texas, and located in Denton County, hereinafter referred to as “LAKEWOOD VILLAGE,” and THE TOWN OF LITTLE ELM, a municipal subdivision in the State of Texas and located in Denton County, hereinafter referred to as “LITTLE ELM.”

WHEREAS, LAKEWOOD VILLAGE is a duly organized political subdivision in the State of Texas engaged in the administration of city government related services for the benefit of the citizens of LAKEWOOD VILLAGE; and

WHEREAS, LITTLE ELM is a municipality engaged in the provision of fire, rescue and emergency medical services for the benefit of the citizens of LITTLE ELM; and

WHEREAS, LAKEWOOD VILLAGE desires to obtain fire, rescue, and emergency medical services rendered by LITTLE ELM, as fully hereinafter described for the benefit of the residents of LAKEWOOD VILLAGE; and

WHEREAS, the furnishing of the services is a governmental function that services the public health and welfare and is of mutual concern to the contracting parties; and

WHEREAS, LAKEWOOD VILLAGE and LITTLE ELM mutually desire to be subject to the provisions of the Interlocal Cooperation Act, Chapter 791, Texas Government Code; and

WHEREAS, in 2011, LAKEWOOD VILLAGE and LITTLE ELM entered into an interlocal agreement for fire, rescue, and emergency medical services (“**2011 Agreement**”), which 2011 Agreement was subject to automatic renewals and which 2011 Agreement remains in force and effect; and

WHEREAS, LAKEWOOD VILLAGE and LITTLE ELM desire to enter into this Agreement, which Agreement will replace and entirely supersede the 2011 Agreement upon the effective date of the Agreement.

NOW, THEREFORE, LAKEWOOD VILLAGE and LITTLE ELM for mutual consideration hereinafter stated, agree as follows;

**SECTION I
EFFECTIVE DATE**

The effective date of this Agreement shall be the 1st day of October 2021.

**SECTION II
TERM OF AGREEMENT**

The term of this Agreement shall be for the period of October 1, 2021 through September 30, 2024.

**SECTION III
GENERAL DEFINITIONS**

As used herein, the words and phrases hereinafter set forth shall have the meanings as follows:

“INCIDENT RESPONSE” shall mean any circumstance where the communications center receives a request which merits the dispatching of a fire or medical unit, and said unit initiates a response to the “SERVICE AREA.” An INCIDENT RESPONSE may include both emergency and non-emergency calls for service and/or call types.

“INCIDENT REPORT” shall mean an official record, utilizing the National Fire Incident Reporting Systems. An INCIDENT REPORT shall be completed by LITTLE ELM on all INCIDENT RESPONSES.

“SERVICE AREA” means any property or roadway within the corporate limits of LAKEWOOD VILLAGE.

CALL TYPE DEFINITIONS

“FIRE INCIDENTS” shall mean a call for service that requires fire suppression actions. Common FIRE INCIDENTS include building fires; cooking fires; chimney fires; automobile or recreational vehicle fires; brush or grass fires; and trash or dumpster fires.

“HAZARDOUS CONDITIONS” shall mean a call for service that requires hazard mitigation. Common HAZARDOUS CONDITIONS include natural gas or propane leaks; gasoline or flammable liquid spills; electrical wiring/equipment problems; downed powerlines; and minor vehicle accidents with fluid spills

“EMERGENCY MEDICAL CALLS” shall mean a call for service that requires emergency medical services. Common EMERGENCY MEDICAL CALLS include chest pains/heart attacks; strokes; cardiac arrests; unconscious persons; difficulty breathing; chokings; drownings; gunshots/stabbings; diabetic emergencies; and other illnesses or injuries

“MAJOR MOTOR-VEHICLE ACCIDENTS” shall mean a call for service involving a motor-vehicle collision. Examples include single motor-vehicle collision; motor-vehicle/motor-vehicle collision; motor-vehicle/pedestrian accident; and extrication of trapped persons from a vehicle

“RESCUES” shall mean a call for service requiring rescue services. Common RESCUES include children locked in vehicles; search for missing or lost persons; and extrication of a trapped persons from machinery or equipment.

“SERVICE CALLS” shall mean a call to provide service on a non-emergency incident/event. Common SERVICE CALLS include assisting a disabled person into a bed/chair; investigate a complaint on smoke or odor; an animal rescue (such as a dog locked inside a car); and assist law enforcement

“SEVERE WEATHER INCIDENTS” shall mean a call related to severe weather. Common

SEVERE WEATHER INCIDENTS include wind or flood assessments; and investigation of lightning strikes.

SECTION IV SERVICES TO BE PROVIDED

The Little Elm Fire Department shall respond as requested or dispatched and render the appropriate services for the following call types within the SERVICE AREA: FIRE INCIDENTS; HAZARDOUS CONDITIONS; EMERGENCY MEDICAL CALLS; MAJOR MOTOR-VEHICLE ACCIDENTS; RESCUES; SERVICE CALLS; and SEVERE WEATHER INCIDENTS.

It is recognized that the officers and employees of LITTLE ELM determine priorities in the dispatching and use of such equipment and personnel and the judgement of any officer or employee as to any such matter shall be the final determination.

LAKEWOOD VILLAGE understands and agrees that LITTLE ELM is not and shall not be required to purchase any additional equipment of any type or nature for purposes to provide services under this Agreement. Little Elm Fire Department may provide service under this Agreement through mutual aid and/or interlocal cooperation agreements between LITTLE ELM and other fire and emergency services providers.

SECTION V LAKEWOOD VILLAGE RESPONSIBILITIES

LAKEWOOD VILLAGE shall designate the Mayor to act on behalf of the LAKEWOOD VILLAGE and to serve as a “Liaison Officer” to LITTLE ELM, the Mayor or his/her designated substitute shall insure the performance of all duties and obligations of LAKEWOOD VILLAGE herein stated and, shall devote sufficient time and attention to the execution of said duties on behalf of LAKEWOOD VILLAGE in full compliance with the terms and conditions of this Agreement and shall provide immediate and direct supervision of LAKEWOOD VILLAGE employees, agents, contractors, sub-contractors, and/or laborers, if any for the purposes, terms and conditions of this Agreement for the mutual benefit of LAKEWOOD VILLAGE and LITTLE ELM.

SECTION VI LITTLE ELM RESPONSIBILITIES

LITTLE ELM shall insure the performance of all duties and obligations of LITTLE ELM as herein stated and shall devote sufficient time and attention to the execution of said duties on behalf of LITTLE ELM in full compliance with the terms and conditions of this Agreement and shall provide immediate and direct supervision of LITTLE ELM employees, agents, contractors, sub-contractors and/or laborers, if any in the furtherance of the purpose, terms and conditions of this Agreement for the mutual benefit of LAKEWOOD VILLAGE and LITTLE ELM.

SECTION VII PAYMENT FOR RETENTION OF SERVICE

LAKEWOOD VILLAGE agrees to pay to LITTLE ELM an estimated annual fee of \$46,000 based on the funding formula as follows:

1. A fixed sum of \$25,000 as a readiness fee.
2. A fixed sum of \$700.00 per INCIDENT RESPONSE for an estimated total of \$21,000, based upon an expected 30 INCIDENT RESPONSES per fiscal year.
3. LAKEWOOD VILLAGE agrees to an increase to a fixed sum of \$1,000.00 per INCIDENT RESPONSE for each subsequent response in excess of 50 within any fiscal year.

It is fully understood by LAKEWOOD VILLAGE that this warrant does not apply to the Interlocal Agreement executed between Denton County and LITTLE ELM.

SECTION VIII AMBULANCE BILLING RATES

LAKEWOOD VILLAGE agrees that they will not expect to receive any enumeration reimbursed from ambulance billing payments received by LITTLE ELM as billed for ambulance services provided within the SERVICE AREA.

It is further mutually agreed and understood that LITTLE ELM may bill residents or individuals receiving ambulance services provided by LITTLE ELM in LAKEWOOD VILLAGE. It is mutually agreed and understood that LAKEWOOD VILLAGE may not bill for ambulance services provided by LITTLE ELM under this Agreement within the SERVICE AREA.

LAKEWOOD VILLAGE understands and LITTLE ELM warrants that the billing schedule of charges for ambulance services provided by LITTLE ELM within the SERVICE AREA is the same for all other entities contracting with LITTLE ELM and the same as LITTLE ELM bills its residents; it is also fully understood by LAKEWOOD VILLAGE that this warrant does not apply to the Interlocal Agreement as executed between Denton County and LITTLE ELM.

LITTLE ELM agrees to provide LAKEWOOD VILLAGE with a listing from its INCIDENT REPORTS at the end of each quarter. The listing will identify the date, times, location, the alarm type for each call for service within the SERVICE AREA. LITTLE ELM shall provide INCIDENT REPORTS for INCIDENT RESPONSES within the SERVICE AREA when requested by LAKEWOOD VILLAGE or a resident of LAKEWOOD VILLAGE. LITTLE ELM will comply with the Health Insurance Portability and Accountability Act (HIPAA) when it comes to matters related to patient reports and personal history information.

SECTION IX TERMINATION

Either party giving sixty (60) days advance notice to the other party may terminate the Agreement at any time. In the event of such termination by either party, LITTLE ELM shall be compensated "pro rata" for all services performed to termination date, together with reimbursable expenses then due and as authorized by this Agreement. In the event of such

termination, should LITTLE ELM be overcompensated on a “pro rata” basis for all services performed to termination date and/or be overcompensated by reimbursable expenses authorized by this Agreement, LAKEWOOD VILLAGE shall reimburse “pro rata” for all such overcompensation. Acceptance of said reimbursement shall not constitute a waiver of any claim that may otherwise arise out of this Agreement.

**SECTION X
PAYMENT DUE DATES AND BREACH OF PAYMENT**

Payments by LAKEWOOD VILLAGE during the term of this Agreement, are due and payable prior to the 15th of the beginning month of each calendar quarter under this Agreement beginning October 15th, 2021. LITTLE ELM shall provide immediate written notice to the chief executive officer of LAKEWOOD VILLAGE, if LAKEWOOD VILLAGE fails to provide timely payment under this Agreement. Failure by LAKEWOOD VILLAGE to remedy such delinquent payment to LITTLE ELM within 15 calendar days of written notice shall constitute a material breach of this Agreement and then and thereby immediately result in this Agreement being considered null and void in all respects.

**SECTION XI
AUDITED REPORT OF SERVICE**

LITTLE ELM agrees to provide LAKEWOOD VILLAGE with an audited balance sheet and income statement prepared in accordance with generally accepted accounting principles, once annually within one hundred eighty (180) days of the close of LITTLE ELM’s fiscal year, which ends on September 30th of each year.

**SECTION XII
AMENDMENTS**

This Agreement represents the entire and integrated agreement between LAKEWOOD VILLAGE and LITTLE ELM and supersedes all prior negotiations, representations and/or agreements, either written or oral. This Agreement may be amended only by written instrument signed by both LAKEWOOD VILLAGE and LITTLE ELM.

**SECTION XIII
APPLICABLE LAWS/VENUE**

The Texas Torts Claim Act or other appropriate statutes, ordinances, or laws of the State of Texas shall govern third party claims against either party. Venue of any legal action brought under this Agreement shall lie in Denton County, Texas.

**SECTION XIV
SEVERABILITY**

If any one or more of the minor provisions contained in this Agreement shall for any reason be held to be invalid, illegal, or unenforceable in any respect, such provision shall not affect any other provision thereof and the balance of this Agreement shall remain in force.

**SECTION XV
NOTICES**

Notices of any breach or modification under this Agreement must be in writing and (1) mailed by certified mail to or (2) hand delivered to the chief executive officer of the other party or their office.

**SECTION XVI
AUTHORIZATION OF SIGNATURES**

The undersigned officers and/or agents of the parties hereto are properly authorized officials and have the necessary authority to execute the Agreement on behalf of the parties hereto, and each party hereby certifies to the other that any necessary resolutions extending said authority have been duly passed and are now in full force and effect.

**SECTION XVII
INDEMNIFICATION**

“Pursuant to Chapter 791 of the Texas Government Code – The Interlocal Cooperation Act, by execution of this Agreement by LAKEWOOD VILLAGE, LAKEWOOD VILLAGE thereby agrees that to the maximum extent permitted by law, LAKEWOOD VILLAGE shall defend and indemnify LITTLE ELM, its officers, employees, and agents against, and hold LITTLE ELM, its officers, employees and agents harmless from any and all claims, actions, causes of action, liability, lawsuits, judgments, damages, injuries, costs or expenses, including attorney’s fees or injury to the death of any person or damage to or destruction of any property resulting from or based upon, in whole or in part, any action or omission of LITTLE ELM, its officers, employees or agents under this Agreement (but excluding gross negligence or any willful or wanton act), and any omission of LAKEWOOD VILLAGE, its officers, employees or agents under this Agreement. The obligations stated in this paragraph shall be payable out of the current revenues of LAKEWOOD VILLAGE.”

EXECUTED in duplicate originals this _____ day of _____.

LITTLE ELM

LAKEWOOD VILLAGE

Mayor

Mayor

ATTEST:

ATTEST:

Town Secretary

Town Secretary

**TOWN OF LAKEWOOD VILLAGE
CONSOLIDATED FEE ORDINANCE ~~210-~~**

xx10

AN ORDINANCE OF THE TOWN OF LAKEWOOD VILLAGE, TEXAS, ESTABLISHING A CONSOLIDATED FEE ORDINANCE; PROVIDING FOR A PENALTY FOR THE VIOLATION OF THIS ORDINANCE; PROVIDING FOR REPEALING, SAVINGS AND SEVERABILITY CLAUSES; PROVIDING FOR AN EFFECTIVE DATE OF THIS ORDINANCE; AND PROVIDING FOR THE PUBLICATION OF THE CAPTION HEREOF.

WHEREAS, the Town Council of the Town of Lakewood Village ("Town Council") has investigated and determined that it would be advantageous and beneficial to the citizens of Lakewood Village to establish a consolidated fee ordinance for the citizens to determine fees with greater convenience and for the town Council to more easily amend fees as necessary; and

WHEREAS, the effective operation of the Town of Lakewood Village ("Town") requires the collection of fees for services the Town provides.

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

Section 1: Findings

The findings set forth above are incorporated into the body of this Ordinance as if fully set forth herein

Section 2: Savings / Repealing Clause

All ordinances that are in conflict with the provisions of this ordinance, and the same are hereby repealed and all other ordinances of the town not in conflict with the provisions of this ordinance shall remain in full force and effect.

Fee Ordinance ~~20-1049-17~~ is hereby repealed in its entirety.

Section 3: Adoption

The Consolidated Fee Ordinance attached hereto as Exhibit A is hereby adopted as the consolidated fee ordinance for the Town.

Section 4: Penalty Clause

A. Violation

A person who knowingly violates any provision of this chapter is guilty of separate offense for each day during which the violation is continued after notification.

B. Fine

Each offense is punishable by a fine of not more than two-thousand (\$2,000) nor less than two-hundred (\$200). The minimum fine established in this paragraph shall be doubled for the second conviction of the same offense within any 24-month period and tripled for the third and subsequent convictions of the same offense within any 24-month period. At no time shall the minimum fine exceed the maximum fine established in this paragraph.

C. Legal Rights

The penal provision imposed under this Ordinance shall not preclude the Town of Lakewood Village from filing suit to enjoin the violation. The Town of Lakewood Village retains all legal rights and remedies available to it pursuant to local, state, and federal law.

Section 5: Severability

A. Unconstitutional or Invalid Section

Should any section, subsection, sentence, clause or phrase of this Ordinance be declared unconstitutional or invalid by a court of competent jurisdiction, it is expressly provided that any and all remaining portions of this Ordinance shall remain in full force and effect.

B. Independent Sections

The Town hereby declares that it would have passed this Ordinance, and each section, subsection, clause or phrase thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses and/or phrases be declared unconstitutional or invalid.

Section 6: Effective Date

~~The amendments to this Ordinance shall become effective from and after its date of passage and publication as provided by law.~~

~~**PASSED AND APPROVED** by the Town Council of the Town of Lakewood Village, Texas this the 13th day of August, 2020~~

~~Dr. Mark E. Vargus~~
~~Mayor~~

ATTESTED: _____

~~Linda Asbell, TRMC, CMC~~
~~Town Secretary~~

The amendments to this Ordinance shall become effective from and after its date of passage and publication as provided by law.

PASSED AND APPROVED by the Town Council of the Town of Lakewood Village, Texas this the 13th day of May, 2021.

Dr. Mark E. Vargus
Mayor

ATTEST:

Linda Asbell
Town Secretary, TRMC





Exhibit A

CONSOLIDATED FEE ORDINANCE

Adopted: ~~May 13~~ July 11, 2021

~~Amended: November 14, 2019~~

~~Amended: December 12, 2019~~

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SECTION 1: BUILDING / CONSTRUCTION

1.1. RESIDENTIAL BUILDING PERMIT

1.1.1. Scope

Defined in the Residential Code and as amended by the Town of Lakewood Village residential new home construction permits consist of ~~seven~~five (~~75~~) components:

- 1) Application for Building Permit;
- ~~2) Structure;~~
- ~~2)3) Mechanical;~~
- ~~4) Electrical;~~
- ~~3)5) Gas (if applicable);~~
- ~~4)6) Plumbing; and~~
- ~~5)7) Concrete / Flatwork.~~

Add-ons such as an accessory building, irrigation, fencing, propane and/or a retaining wall may be included in the home building application if the home has not received a Certificate of Occupancy and the general contractor has requested the additional scope of work. All add-ons must be inspected and are subject to required plan reviews.

A Certificate of Occupancy will not be issued until the entire scope of the job has been completed and all required inspections have been passed by the building inspector.

~~Pool and/or Spa, fencing and irrigation permits are not included in the new home construction building permit. Detached garages are not included in the permit for the dwelling. Conversion of non-conditioned space to conditioned space within 24 months of the initial CO of the dwelling will be charged a permit fee of the greater of \$2/sq. ft. or \$75 per required inspection.~~

1.1.2. Fee Rate

New construction fee rate is assessed on the total conditioned space, cooled and/or heated area of the dwelling. ~~New construction fees do not include detached garages, which are permitted as accessory buildings. A remodel fee depends upon the number of inspections required. Fees for accessory buildings are also dependent upon the number of inspections required.~~

New <u>Home</u> Construction	\$ 2 / sq. ft.
Remodel / Home Addition <= 1,000 sq. ft.	\$ 75 / Inspection
Remodel / Home Addition > 1,000 sq. ft.	\$ 2 / sq. ft.
Accessory Building > 250 sq. ft.	\$ 75 / Inspection

Conversion of non-conditioned space to conditioned space within 24 months of the initial CO of the dwelling will be charged a permit fee of the greater of \$2/sq. ft. or \$75 per required inspection.

1.1.3. Utility Account

All outstanding utility account balances from previous home builds must be paid in full prior to the issuance of a building permit.



Utility billing will begin upon approval of the foundation inspection.



1.2. POOL AND/OR SPA PERMIT

1.2.1. Fee Schedule

Pool and Spa	\$ 700 ⁵²⁵
Pool Only	\$ 700 ⁵²⁵
Spa Only (In-Ground)	\$ 700 ⁵²⁵
Spa (Pre-Fabricated)	\$ 75 / Inspection
Pool Enclosures	\$ 150

1.3. PROJECT PERMIT

1.3.1. Scope

Refer to Building or Residential Code as amended by the Town of Lakewood Village for types of projects that require a permit. All projects are subject to applicable re-inspection fees as outlined in section 1.5.

1.3.2. Fee Schedule

Electrical	\$ 75
Plumbing	\$ 75
Water Heater Replacement	\$ 25
Mechanical	\$ 75
<u>Outdoor A/C Unit Replacement</u>	<u>\$ 25</u>
<u>Indoor Air Handling Unit Replacement</u>	<u>\$ 25</u>
Sprinkler / Irrigation	\$ 75 ¹⁵⁰
Property Fence / Screening Wall	\$ 25
Flatwork < 250 ⁵⁰ sq. ft.	\$ 0
Flatwork – Small Storage Unit	\$ 0
Flatwork – Driveway	\$ 100
Flatwork – All Other	\$ 100

Small storage units are less than 250 sq. ft. in size, are detached from the driveway, and will not house any automobiles or similar motor vehicles. Flatwork which connects to the driveway or that which is intended or used for ingress/egress by automobiles or similar shall be permitted as a driveway.

1.4. PLAN REVIEW

1.4.1. Fee Schedule

New Home	Included
<u>Pool and/or Spa</u>	<u>Included</u>
Remodel / Home Addition	\$ 75
<u>Home Addition</u>	<u>\$100</u>
Outdoor Living Space	\$ 75
Accessory Building > 250 sq. ft.	\$ 75
<u>Generator – Backup Power</u>	<u>\$ 75</u>
Irrigation – Water Front	\$75
<u>Retaining Wall > 4 ft. in Height</u>	<u>\$75</u>

1.5. RE-INSPECTIONS

1.5.1. Fee Schedule

The payment for a re-inspection fees shall be paid in full prior to the CO/CSI inspections for a new home and prior to the final inspection for a projectscheduling the subsequent inspection.

	4 th and beyond = \$ 75 / inspection
New Home Construction	CO: 2 nd and Beyond = \$75 / Inspection CSI: 2 nd and Beyond = \$50 / Inspection
Pool / Pool & Spa / In Ground Spa	2 nd and Beyond = \$ 75 / Inspection
Project w/ 5 or More Inspections	2 nd and Beyond = \$ 75 / Inspection
Project w/ 4 or Less Inspections	\$ 75 / Inspection
CO	\$75 / Inspection
CSI	\$ 2550 / Inspection
All other	\$ 75 / inspection

1.6. CONTRACTOR REGISTRATION

1.6.1. Scope

The General Contractor (new home construction) and all licensed contractors must register with the Town of Lakewood Village before applying for permits.

1.6.2. Fee Schedule

General Contractors, Building	\$ 0
Electrical	\$ 0
Plumbing	\$ 0
Mechanical	\$ 0
Irrigation	\$ 0
Third Party Back-Flow Inspector	\$ 0

1.7. CERTIFICATE OF OCCUPANCY & CUSTOMER SERVICE INSPECTION

1.7.1. Scope

The fee for the CO applies to all inspections within the Town of Lakewood Village. The CSI inspection applies to all the Town’s utility service areas within the Town and ETJ.

1.7.2. Fee Schedule

CO and CSI	\$ 100
CO Only	\$ 75



CSI Only

\$ 2550

SECTION 2: UTILITIES

2.1. DEPOSITS

2.1.1. Town of Lakewood Village (Corporate Boundaries) - Deposit is fully refundable at account closing after final bill has been paid. Deposit refund checks are valid for 90 days after issuance and then become void.

Deposit	\$ 300
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2.1.2. Rocky Point (ETJ) - Deposit is fully refundable at account closing after final bill has been paid. Deposit refund checks are valid for 90 days after issuance and then become void.

Deposit	\$ 100
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2.2. WATER RATES

2.2.1. Residential - Town of Lakewood Village (Corporate Boundaries)

0 → 2,000 Gallons / Month	\$ 25.00
2,001 → 20,000 Gallons / Month	\$ 4.75/1,000 gal
20,001 → 50,000 Gallons / Month	\$ 6.25/1,000 gal
> 50,000 Gallons / Month	\$ 15.00/1,000 gal

2.2.2. Commercial – Town of Lakewood Village (Corporate Boundaries)

0 → 2,000 Gallons / Month	\$ 39.00
> 2,000 Gallons / Month	\$ 6.00/1,000 gal

2.2.3. Rocky Point (ETJ)

0 → 3,000 Gallons / Month	\$ 37.00
> 3,000 Gallons / Month	\$ 8.00/1,000 gal

2.2.4. Rocky Point (ETJ – Formally Last Resorts)

<u>0 → 3,000 Gallons / Month</u>	<u>\$ 57.00</u>
<u>> 3,000 Gallons / Month</u>	<u>\$ 4.00/1,000 gal</u>

2.2.4-2.2.5. Water Leaks at Residences

1. Leaks in a service line from property owner’s side of the meter, excluding outdoor irrigation of any kind, will be charged the average bill plus \$1.50 (inside the town limits) or \$4.00 (outside the town) per thousand gallons above the average monthly usage. This adjustment shall only apply to one leak/billing cycle in a twelve-month period.

2. An adjustment will be made upon an approved plumbing inspection of the repair(s) by the Building Inspector.
3. The basis for computing the average bill and average usage for 1 and 2 (above) shall be the preceding three months
4. The Town will be responsible for making repairs for leaks that occur within the confines of the meter box. The property owner will be responsible for payment for water consumption due to any leak on the owner's side of the meter regardless if the leak is inside the meter box.

2-2.5-2.2.6. North Texas Groundwater District Fee

The cost of the North Texas Groundwater District Fee will be computed monthly and will be charged to each water customer based on water consumption.

2.3. SEWER RATES

Town of Lakewood Village (Corporate Boundaries) Flat Rate / Month	\$ 45.00
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2.4. WATER DISCONNECT / RECONNECT

Weekdays between 8 a.m. and 5 p.m.	\$ 50.00
Weekends / Holidays / After Hours	\$ 50.00

Unauthorized resumption of service by the customer may result in meter removal and an additional fee of \$100.00 to be paid prior to the resumption of service.

2.5. GARBAGE COLLECTION

2.5.1. Town of Lakewood Village (Corporate Boundaries)

Flat Rate / Month	\$ 22.50
Additional Collection Container / Month	\$ 10.00
Franchise Fee	\$ 2.00

2.6. BULK TRASH

2.6.1. Town of Lakewood Village (Corporate Boundaries)

Included in Monthly Fee	\$ 0
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2.7. TAPS

2.7.1. Water – Town of Lakewood Village (Corporate Boundaries)

Water Tap	\$ 2,000
Meter and Set Fee	
Standard meter	\$390



¾ Inch Remote Read	\$495
1 Inch Remote Read	\$595

2.7.2. Water – Rocky Point (ETJ)

Water Tap	\$ 2,000
Meter and Set Fee	
Standard meter	\$390
¾ Inch Remote Read	\$495
1 Inch Remote Read	\$595

2.7.3. Sewer – Town of Lakewood Village (Corporate Boundaries)

Sewer Tap	\$ 1,550
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SECTION 3: ZONING

3.1. ZONING CHANGE APPLICATION

3.1.1. Fee Schedule

Administrative Review	\$ 250
Professional Services	Actual Costs Incurred

The Administrative review fee does not include any engineering, legal, or other professional services that may be needed. The administrative fee is charged for each submittal.

3.2. PLANNED DEVELOPMENT (PD)

3.2.1. Fee Schedule

Administrative Review	\$ 250
Professional Services	Actual Costs Incurred

The Administrative review fee does not include any engineering, legal, or other professional services that may be needed. The administrative fee is charged for each submittal.

3.3. SPECIFIC USE PERMIT (SUP)

3.3.1. Fee Schedule

Administrative Review	\$ 100
Professional Services	Actual Costs Incurred

The Administrative review fee does not include any engineering, legal, or other professional services that may be needed. The administrative fee is charged for each submittal.

3.4. VARIANCE

3.4.1. Fee Schedule

Per Request	\$ 0
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3.5. ANNEXATION REQUEST

3.5.1. Application Form

Submittal information shall meet the requirements of Texas Local Government Code, Chapter 43.

3.5.2. Fee Schedule

Staff Review	\$ 0
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SECTION 4: PLAT

4.1. PRELIMINARY PLAT

4.1.1. Fee Schedule

< 100 Lots	\$ 2,500 upon submittal, plus additional actual costs incurred
≥ 100 Lots	\$ 5,000 upon submittal, plus additional actual costs incurred

4.2. FINAL PLAT OR DEVELOPMENT PLAT

4.2.1. Fee Schedule

< 100 Lots	\$ 1,000 upon submittal, plus additional actual costs incurred
≥ 100 Lots	\$ 2,000 upon submittal plus additional actual costs incurred

4.3. REPLAT

4.3.1. Fee Schedule

Administrative Review	\$ 250
Professional Services	\$1,000 upon submittal, plus additional actual costs incurred

4.4. AMENDING PLAT

4.4.1. Fee Schedule

Administrative Review	\$250
Professional Services	\$1,000 upon submittal, plus additional actual costs incurred

SECTION 5: CONSTRUCTION PLANS

5.1. PLAN APPROVAL

Prior to approval of the Final Plat, all construction plans must be approved by the Town engineers. Construction plan components include drainage plans, roadway, utility plans, and any additional required submittals.

5.1.1. Fee Schedule

< 100 Lots	\$ 7,000 upon submittal, plus additional actual costs incurred
≥ 100 Lots	\$ 11,000 upon submittal, plus additional actual costs incurred

SECTION 6: GENERAL**6.1. RETURNED CHECK**

Administration	\$ 30 / Check
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6.2. ANIMAL CONTROL

Pet Registration	\$ 05 / Pet
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6.3. TOWN HALL RENTAL

\$50 per day - \$100 Deposit Required

6.4. PEDDLER / ITINERANT VENDOR

Application	\$ 150
License	\$ 100 / Employee

6.5. SIGNS – RESERVED FOR FUTURE USE

\$

6.6. OPEN RECORDS REQUEST

Fees for open records request shall be in accordance with Subchapter F of the Public Information Act, sections 552.261 through 552.275, as amended.

All information requests shall be submitted in writing to the Town of Lakewood Village, attention Town Secretary. No verbal requests shall be accepted.

Transcript Preparation Fee*	\$ 25
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*Transcript preparation fee does not include the fee for an actual transcript of the proceedings.

SECTION 8: DEFINITIONS

8.1. GENERAL

Terms that are used in this Ordinance and are not specifically defined shall be given their ordinary meaning, unless the context requires or suggests otherwise. In the case of ambiguity or uncertainty concerning the meaning of a particular term, whether or not defined, the Town staff shall have the authority to assign an interpretation that is consistent with the intent and purpose of this Ordinance, or an interpretation that is consistent with previous usage or interpretation.

8.2. WORDS AND TERMS DEFINED

CSI: Customer Service Inspection.

CO: Certification of Occupancy

Conditioned Space: the area devoted to the living area in a residence or dwelling and is exclusive of porches, enclosed or open breezeways or other non-living space.

ETJ: Extraterritorial Jurisdiction

End of Exhibit A

Adoption and Summary of Amendments

Ordinance Number	Date	Summary
<u>20- xx</u>	<u>May 13, 2021</u>	<ul style="list-style-type: none"> • <u>1.1.1 Described policy of add on jobs to an ongoing new home build</u> • <u>1.1.3 Added section</u> • <u>1.3.2 Lowered cost of a/c equipment replacement</u> • <u>1.4.1 Separated home addition from remodel</u> • <u>1.4.1 Added irrigation and generators</u> • <u>1.4.1 Removed retaining wall</u> • <u>1.5.1 Updated re-inspection fee schedule</u> • <u>2.2.4 Added Last Resorts water rates</u>
20-10	August 13, 2020	<ul style="list-style-type: none"> • 2.2.1 Revised Water Rates • 2.3.1 Revised Sewer Rates • 2.7 Revised Water and Sewer Tap Fees
19-17	December 12, 2019	<ul style="list-style-type: none"> • 2.1 Added requirement to pay final water bill to receive water deposit refund • 2.5 Increased Solid Waste Rates to reflect rates in 2020 Republic Services Contract • 4 Required initial deposit and payment of actual costs incurred • 5 Required initial deposit and payment of actual costs incurred
19-16	November 14, 2019	<ul style="list-style-type: none"> • 2.7.1 Meter and Set Fee established for different sized connections
19-07	July 11, 2019	<ul style="list-style-type: none"> • 7. Added Municipal Court Section
18-04	September 13, 2018	<ul style="list-style-type: none"> • 1 Clarified difference between projects, remodels and plan reviews • 1.6.2 Registration fees were \$25 • 2.2.1 Revised water rates • 2.2.4 Updated leak adjustment
15-09	July 9, 2015	<ul style="list-style-type: none"> • Added utility fees.
14-05	June 12, 2014	<ul style="list-style-type: none"> • First step in consolidating fees into a single ordinance; reserved sections will require amendments to other ordinances to remove fees.
11-10	May 12, 2011	REPEALED

TOWN OF LAKEWOOD VILLAGE
RESIDENTIAL CODE ~~16-1121-xx~~

**AN ORDINANCE TO ADOPT THE ~~2012~~2018
INTERNATIONAL RESIDENTIAL CODE, WITHIN THE
TOWN OF LAKEWOOD VILLAGE; PROVIDING A
SAVINGS/REPEALING CLAUSE, PROVIDING A PENALTY
CLAUSE, PROVIDING A SEVERABILITY CLAUSE,
PROVIDING AN EFFECTIVE DATE.**

WHEREAS, the Town Council of the Town of Lakewood Village, Texas (“Town Council”) has investigated and determined that it would be advantageous and beneficial to the citizens of the Town of Lakewood Village, Texas to adopt the ~~2012~~2018 Edition of the International Residential Code, save and except the deletions and amendments set forth below.

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

Section 1: Findings

The findings set forth above are incorporated into the body of this Ordinance as if fully set forth herein.

Section 2: Adoption of the ~~2012~~2018 International Residential Code

The International Residential Code, ~~2012~~2018 Edition, copyrighted by the International Code Council, Inc., including Appendix ~~G, J, and K~~, save and except the deletions and amendments set forth in Exhibit "A", attached hereto and incorporated herein for all purposes, is hereby adopted as the Residential code for Lakewood Village, regulating the construction, alteration, movement, enlargement, replacement, repair, equipment, use and occupancy, location, removal, and demolition of detached one- and two-family dwellings and multiple single-family dwellings (townhouses) not more than three stories in height with a separate means of egress and related accessory structures in Lakewood Village (the "~~2012~~2018 International Residential Code"). The ~~2012~~2018 International Residential Code is made a part of this Ordinance as if fully set forth herein.

Section 3: Repeal

Residential Code ~~16-1115-04~~ ordinance is hereby repealed in its entirety.

Section 4: Penalty Clause

A. Violation

A person who knowingly violates any provision of this chapter is guilty of separate offenses for each day during which the violation is continued after notification. Neither allegation nor evidence of a culpable mental state is required for the proof of an offense defined by this ordinance.

B. Fine

Each offense is punishable by a fine of not more than two-thousand (\$2,000) nor less than two-hundred (\$200). The minimum fine established in this paragraph shall be doubled for the second conviction of the same offense within any 24-month period and tripled for the third and subsequent convictions of the same offense within any 24-month period. At no time shall the minimum fine exceed the maximum fine established in this paragraph.

Section 5: Legal Rights

The penal provision imposed under this Ordinance shall not preclude the Town of Lakewood Village from filing suit to enjoin the violation. The Town of Lakewood Village retains all legal rights and remedies available to it pursuant to local, state, and federal law.

Section 6: Severability

A. Unconstitutional or Invalid Section

Should any section, subsection, sentence, clause or phrase of this Ordinance be declared unconstitutional or invalid by a court of competent jurisdiction, it is expressly provided that any and all remaining portions of this Ordinance shall remain in full force and effect.

B. Independent Sections

The Town hereby declares that it would have passed this Ordinance, and each section, subsection, clause or phrase thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses and/or phrases be declared unconstitutional or invalid.

Section 7: Estoppel / Waiver

The failure of the Town to enforce any term or condition of this Ordinance shall not constitute a waiver or estoppel or any subsequent violation of this Ordinance.

Section 8: Effective Date

~~The amendments to this Ordinance shall become effective from and after its date of passage and publication as provided by law.~~

~~**PASSED AND APPROVED** by the Town Council of the Town of Lakewood Village, Texas this the 13th day of October, 2016.~~

~~Dr. Mark E. Vargus
Mayor~~

~~ATTEST:~~

~~Linda Asbell
Town Secretary, TRMC~~

The amendments to this Ordinance shall become effective from and after its date of passage and publication as provided by law.

PASSED AND APPROVED by the Town Council of the Town of Lakewood Village, Texas this the 10th day of June, 2021.

Dr. Mark E. Vargus
Mayor

ATTEST:

Linda Asbell
Town Secretary, TRMC



Exhibit A

Town of Lakewood Village Amendments

~~2012~~2018 International Residential Code



RESIDENTIAL CODE

Adopted: ~~June 10-October 13th, 2021~~ 2016



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CHAPTER 1. ADMINISTRATION

The following additions, deletions and amendments to the ~~2012~~2018 International Residential Code adopted herein and hereby approved and adopted.

R101 General

General of the ~~2012~~2018 International Residential Code is amended as follows:

R101.1 Title

These ~~provisions~~regulations shall be known as the ~~International Residential Code~~ *for Single One- and Two-family Dwellings* of The Town of Lakewood Village hereinafter referred to as "this code."

R102 Applicability

Applicability of the ~~2012~~2018 International Residential Code is amended as follows:

R102.4 Referenced Codes and Standards

The codes, when specifically adopted by the Town of Lakewood Village, and standards referenced in this code shall be considered part of the requirements of this code to the prescribed extent of each such reference and as further regulated in Sections R102.4.1 and R102.4.2. Whenever amendments have been adopted to the referenced codes and standards, each reference to said code and standard shall be considered to reference the amendments as well. Where differences occur between provisions of this code and referenced codes and standards, the provisions of this code shall apply. Any reference made to NFPA 70 or the ICC Electrical Code shall mean the Electrical Code as adopted. Where requirements in this code conflict with any requirements of other adopted codes by the Town of Lakewood Village the most stringent requirements shall apply.

Exception

Where enforcement of a code provision would violate the conditions of the *listing* of the *equipment* or *appliance*, the conditions of the *listing* and manufacturer's instructions shall apply.

R103 Department of Building Safety

R103.2 Appointment

The building official shall be appointed by the ~~chief appoint authority of the jurisdiction~~ Town Council of the Town of Lakewood Village, TX.

Building Application Handbook

The Town Council may from time to time amend, supplement or change the text of the Building Application Handbook.

R105 Permits

Permits of the ~~2012~~2018 International Residential Code is amended as follows:

R105.1 Required

Any owner or owner's authorized agent who intends to construct, enlarge, alter, repair, move, demolish or change the occupancy of a building or structure, or to erect, install, enlarge, alter, repair, remove, convert or replace any electrical, gas, mechanical or plumbing system, the installation of which is regulated by this code, or to cause any such work to be done, shall first make application to the *building official* and obtain the required *permit*.

R105.2 Work Exempt from Permit

Permits shall not be required for the following. Exemption from *permit* requirements of this code shall not be deemed to grant authorization for any work to be done in any manner in violation of the provisions of this code or any other laws or ordinances of this *jurisdiction*.

Building

- 1) One-story detached accessory structures used as tool and storage sheds, playhouses and similar uses, provided the floor area does not exceed ~~200~~ 250 square feet (~~18.8m²~~) (23.23 m²).
- ~~2) Fences not over 7 feet (2134 mm) high.~~
- 3) Retaining walls that are not over 4 feet (1219 mm) in height measured from the bottom of the footing to the top of the wall, unless supporting a surcharge.
- 4) Water tanks supported directly upon grade if the capacity does not exceed 5,000 gallons (19 927 L) and the ratio of height to diameter or width does not exceed 2 to 1.
- ~~5) Sidewalks and driveways.~~
- 6) Painting, papering, tiling, carpeting, cabinets, counter tops and similar finish work.
- 7) Prefabricated swimming pools installed entirely above ground that are less than 24 inches (610 mm) deep and do not exceed 5,000 gallons.
- 8) Swings and other playground equipment.
- 9) Window awnings supported by an exterior wall which do not project more than 54 inches (1372 mm) from the exterior wall and do not require additional support.
- 10) Decks not exceeding 200 square feet (18.58 m²) in area, that are not more than 30 inches (762 mm) above *grade* at any point, are not attached to a *dwelling* and do not serve the exit door required by Section R311.4.
- 11) Temporary motion picture, television and theater stage sets and scenery.
- 12) Shade cloth structures not exceeding 250 square feet.
- 13) Non-fixed and moveable fixtures, cases, racks, counters and partitions not over 5 feet 9 inches (1753 mm) in height.
- 14) Repairs to existing flatwork or new flatwork of area less than 50 square feet (23.23 m²).

R105.3 Application for Permit

To obtain a permit, the applicant shall first file an application therefor in writing on a form furnished by the department of building safety for that purpose. Such application shall:

- 1) Identify and describe the work to be covered by the permit for which application is made.
- 2) Describe the land on which the proposed work is to be done by legal description, street address or similar description that will readily identify and definitely locate the proposed building or work.
- 3) Indicate the use and occupancy for which the proposed work is intended.
- 4) Be accompanied by construction documents and other information as require in Section R106.1.
- 5) ~~State the valuation of the proposed work.~~
- 6) Be signed by the applicant or the applicant's authorized agent.
- 7) Give such other data and information as required by the building official.

Expiration of Application

An application for a permit for any proposed work shall be deemed to have been abandoned 90 days after the date of filing unless such application has been pursued in good faith or a permit has been issued; except that the building official is authorized to grant one or more extensions of time for additional periods not exceeding 180 days each. The extension shall be requested in writing and justifiable cause demonstrated.

R105.5 Expiration

Every permit issued shall become invalid unless the work authorized by such permit is commenced within 180 days after its issuance or after commencement of work if more than 180 days pass between inspections. ~~not commenced and received a minimum of one approved inspection within 180 days after its issuance, or if the work authorized by such permit is suspended or abandoned for a period of 180 days after the time the work is commenced.~~ The building official is authorized to grant, in writing, one or more extensions of time, for periods not more than 180 days each. The extension shall be requested in writing and justifiable cause demonstrated. Before such work recommences, a new permit shall be first obtained and the fee, therefore, shall be one-half the amount required for a new permit for such work, provided no changes have been made or will be made in the original construction documents for such work, and provided further that such suspension or abandonment has not exceeded one year.

R105.8 Responsibility

It shall be the duty of every person who performs work for the installation or repair of building, structure, electrical, gas, mechanical or plumbing systems, for which this code is applicable, to comply with this code.

Licensing and Registration Requirements

- 1) No person shall engage in the business of construction of new buildings or structures, or make any repairs, alterations, or changes to an existing building or structure, unless that person is registered as a contractor by the Town. Provided however that:
 - a. No license shall be required for work on any building or structure for which a building permit is not required by this code; and
 - b. Persons who occupy and reside within any property as their home shall not be required to obtain a license or register with the Town when performing work on their home. Section R105 remains applicable.
- 2) All contractors shall register with the Town in accordance with Contractor Registration requirements, as provided in the Building Application Handbook, before applying for permits or performing any work.

R106 Construction Documents

Construction Documents of the ~~2012~~2018 International Residential Code is amended as follows:

R106.1 Submittal Documents

Construction documents, special inspection and structural observation programs and other data shall be submitted in one or more sets with each application for a permit. The construction documents shall be prepared by a registered design professional where required by the statutes of the jurisdiction in which the project is to be constructed. Where special conditions exist, the building official is authorized to require additional construction documents to be prepared by a registered design professional. Foundation plans shall be submitted with each application and shall be sight specific. These plans shall be designed by an engineer licensed by the State of Texas and shall bear that engineers seal. Structural framing plans shall be submitted with each new construction or addition application. Structural framing plans shall be designed by a registered design professional licensed by the State of Texas and shall bear that design professionals seal.

Exception

The building official is authorized to waive the submission of construction documents and other data not required to be prepared by a registered design professional if it is found that the nature of the work applied for is such that reviewing of construction documents is not necessary to obtain compliance with this code.

Construction Plan Packet Submission and General Requirements

Plans shall be submitted in accordance with Building Inspection requirements, as provided in the Building Application Handbook. Incomplete plans shall not be accepted and such plans shall be returned to the applicant.

R108 Fees

Fees of the ~~2012~~2018 International Residential Code are amended as follows:

R108.3 Building Permit Valuations

Building *permit* valuation shall include total value of the work for which a *permit* is being issued, such as electrical, gas, mechanical, plumbing equipment and other permanent systems, including materials and labor.

R108.6 Work Commencing Before Permit Issuance

Any person who commences work requiring a *permit* on a building, structure, electrical, gas, mechanical or plumbing system before obtaining the necessary permits shall be subject to a penalty of 100 percent of the usual permit fee established by the applicable governing authority that shall be in addition to the required *permit* fees.

R109 Inspections

Inspections of the ~~2012~~2018 International Residential Code are amended as follows:

R109.1 Types of Inspections

For onsite construction, from time to time the building official, upon notification from the permit holder or his agent, shall make or cause to be made any necessary inspections and shall either approve that portion of the construction as completed or shall notify the permit holder or his or her agent wherein the same fails to comply with this code.

Inspections shall be in accordance with Building Inspection requirements, as provided in the Building Application Handbook.

Inspection Protocol

Members of the Board of Appeals shall not be involved in or interfere with any aspect of an active inspection.

R109.1.1 Foundation Inspection

Inspection of the foundation shall be made after poles or piers are set or trenches or *basement* areas are excavated and any required forms erected and any required reinforcing steel is in place and supported prior to the placing of concrete. The foundation inspection shall include excavations for thickened slabs intended for the support of bearing walls, partitions, structural supports, or *equipment* and special requirements for wood foundations. A registered design professional, or their designated representative, must perform a pre-pour inspection and provide the Building Official with a signed and sealed document stating that the foundation has been inspected and approved. The inspection must take place prior to requesting a foundation inspection from the Building Official.

R109.4 Approval Required

Work shall not be done beyond the point indicated in each successive inspection without first obtaining the approval of the building official. The building official upon notification, shall make the requested inspections and shall either indicate the portion of the construction that is satisfactory as

completed, or shall notify the permit holder or an agent of the permit holder wherein the same fails to comply with this code. Any portions that do not comply shall be corrected and such portion shall not be covered or concealed until authorized by the building official.

Re-Inspections

The costs of inspections are included with the issuance of a permit(s). Upon the failure of an inspection, the contractor shall be subject to the cost of a re-inspection as defined in the Town's Fee Ordinance. The payment for the re-inspection shall be paid in full prior to scheduling the subsequent inspection.

R110 Certificate of Occupancy

Certificates of Occupancy of the ~~2012~~2018 International Residential Code are amended as follows:

R110.1 Use and Occupancy

~~A~~No building or structure shall be used or occupied, and ~~an~~no change ~~of in the existing~~ occupancy or change of use/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 jurisdiction. Certificates presuming to give authority to violate or cancel the provisions of this code or other ordinances of the jurisdiction shall not be valid. Violation of this requirement will result in all utilities being disconnected until such time as a Certificate of Occupancy has been issued after all the proper inspections has been performed.

Exceptions to Certificate of Occupancy

- 1) Certificates of occupancies are not required for work exempt from permits under R105.2.
- 2) Accessory buildings or structures.

R111 Service Utilities Requirements

Service utilities requirements of the ~~2012~~2018 International Residential Code are amended as follows:

R111.1 Connection of Service Utilities

No person shall make connections from a utility, source of energy, fuel or power to any building or system that is regulated by this code for which a permit is required, until approved by the building official.

Water and/or Sewer Taps

A licensed plumber that is registered with the Town shall perform all work connecting to the Town utilities.

R112 Board of Appeals

Board of Appeals of the ~~2012~~2018 International Residential Code is amended as follows:

R112.1 General

In order to hear and decide appeals of orders, decisions or determinations made by the building official relative to the application and interpretation of this code, there shall be and is hereby created a board of appeals. The building official shall be an ex officio member of said board but shall have no vote on any matter before the board. The board of appeals shall be appointed by the governing body and shall hold office at its pleasure. The board shall adopt rules of procedure for conducting its business, and shall render all decisions and findings in writing to the appellant with a duplicate copy to the building official.

The Town Council shall act as the Board of Appeals. The powers of the Board shall be as follows:

- 1) To hear appeals from decisions of the building official;
- 2) To hear requests for the use of a material or method of construction not prescribed or authorized by this code, and to authorize the use when, in the Board's judgment, the material or method of construction is at least equivalent to that prescribed; and
- 3) To grant or deny variance requests.

Variance Requests

- 1) Variances will be considered only when, because of special circumstances applicable to the property, including size, shape, topography, location or surroundings, the strict application of the building and zoning ordinances would cause an undue hardship. Financial considerations are not relevant and shall not be considered in the request;
- 2) A variance which would have a detrimental effect on public health and/or safety shall not be considered;
- 3) Variances for self-imposed hardships shall not be considered;
- 4) Approved variances shall expire if the project is not completed;
- 5) A site plan and/or construction plans shall be submitted with each variance request; and
- 6) The applicant shall cite the paragraph in the code for which the variance is requested.

CHAPTER 2. DEFINITIONS

The following additions to the ~~2012~~2018 International Residential Code adopted herein and hereby approved and adopted.

R202 Definitions

Definitions of the ~~2012~~2018 International Residential Code

Building Official: the officer or other designated authority charged with the administration and enforcement of this Code.

Construction Site Refuse Control: the containment of and weekly or monthly removal of both construction and laborer refuse to prevent said materials from encroaching onto adjacent homeowner

properties, town easements, drainage ditches and culverts, and should be in compliance with OSHA and local codes.

Contractor: any person, firm, corporation, or other entity that is hired by a homeowner or landowner to perform any new construction, remodel, or repair on said homeowner or landowner's real property.

Dwelling Area: the area devoted to the living area in a residence or dwelling and is exclusive of porches, enclosed or open breezeways or other non-living space.

Erosion control: the containment of all dirt, soils, sand, fill or grass, in such a manner, to prevent said materials from encroaching onto adjacent properties, town easements, drainage culverts, or utility placements.

Glazing Area: ~~The interior surface area of all glazed fenestration, including the area of sash, curbing or other framing elements, that enclose conditioned space. Includes the area of glazed fenestration assemblies in walls bounding conditioned basements.~~ Total area of the glazed fenestration measured using the rough opening and including sash, curbing or other framing elements that enclose conditioned space. Glazing area includes the area of glazed fenestration assemblies in walls bounding conditioned basements. For doors where the daylight opening area is less than 50 percent of the door area, the glazing area is the daylight opening area. For all other doors, the glazing area is the rough opening area for the door including the door and the frame.

Masonry: brick, concrete hollow clay tile, concrete block, natural stone, or any combination of these materials that are laid up by unit and set in mortar.

Town: the Town of Lakewood Village

CHAPTER 3. BUILDING PLANNING

The following additions and amendments to the ~~2012~~2018 International Residential Code adopted herein and hereby approved and adopted.

R301 Design Criteria ~~Building Planning~~

Design Criteria ~~Building Planning~~ of the ~~2012~~2018 International Residential Code is amended as follows:

Work Hours

Construction work times shall be 7:00 a.m. to 7:00 p.m., Monday through Saturday.

Exceptions to Work Hours

The final stages of interior finish work may be conducted on Sunday between the hours of 7:00 a.m. to 7:00 p.m. in a manner that does not create a noise nuisance.

Electrical Service

The Town shall grant approval to initiate electrical service for permanent or temporary use.

Reinforced Concrete Driveways & Flat Work

Reinforced concrete driveway requirements are as follows:

- 1) Sub Grade shall be free of debris, roots and grass and compacted in areas where trees or shrubs were removed. Spray with water to dampen prior to pouring.
- 2) Reinforcement shall be three eights (3/8) inch rebar on 1618 inch centers in both directions and tied at every intersection. The chair height must place the rebar in middle of nominal thickness and spaced a maximum of 36 inches apart.
- 3) Strength shall be a minimum of 3,000 psi after 28 days.
- 4) Thickness shall be a minimum of 4 inches and uniform throughout.
- 5) Mixer delivery trucks are prohibited from driving on top of reinforcement rebar.

6) ~~Connection to Asphalt Street:~~

~~7)5) Saw cut the street and remove edge to allow for concrete forms. An asphalt patch must be installed upon removal of forms.~~

8)6) Connection to Concrete Street

Saw cuts are prohibited. Dowels may be placed on 18" centers at an elevation that is the middle of the nominal thickness of the driveway.

The compacted rock base that extends 1 foot beyond the street paving shall not be altered or removed.

Concrete Paver Driveways

Concrete paver driveway requirements are as follows:

- 1) Sub grade shall be a minimum of 6 inches of base and 1 inch of bedding. Install sub base compacting in 3 inch lifts and dampen with water as required to aid the compaction process.
- 2) Edge restraints must be installed.
- 3) Pavers to be installed per manufacturer's specifications.

4) ~~Connection to Asphalt Street:~~

~~5)3) Saw cuts are permissible.~~

6)4) Connection to Concrete Street

Saw cuts are prohibited.

The compacted rock base that extends 1 foot beyond the street paving shall not be disturbed.

Table R301.2(1) Climate and Geographic Design Criteria

Ground Snow Load	Wind Design		Seismic Design Category ^f	Subject to Damage from		
	Speed (mph)	Topographic effects ^k		Weathering ^a	Frost Line Depth ^b	Termite ^c
5 lb/ft ²	90 (3 sec gust / 76 fastest mile)	No	A	Moderate	6"	Very Heavy

Winter Design Temp ^e	Ice Barrier Underlayment Required ^h	Flood Hazards ^g		Air Freezing Index ⁱ	Mean Annual Temp ^j
22 °F	No	Local Code		150	64.9 °F

CHAPTER 4. FOUNDATIONS

The following additions to the ~~2012~~2018 International Residential Code adopted herein and hereby approved and adopted.

R401 General

General of the ~~2012~~2018 International Residential Code is amended as follows:

R401.3 Drainage

Surface drainage shall be diverted to a storm sewer conveyance or other *approved* point of collection that does not create a hazard. *Lots* shall be graded to drain surface water away from foundation walls and adjacent lots. Lot to lot drainage shall not be permitted. The grade at the foundation wall shall fall ~~not fewer than a minimum of~~ 6 inches (152 mm) within the first 10 feet (3048 mm).

R403 Footings

Footings of the ~~2012~~2018 International Residential Code is amended as follows:

R403.1.8 Foundations on Expansive Soils

Foundation and floor slabs for buildings located on expansive soils shall be designed in accordance with R1808.6 of the International Building Code, the American Society of Civil Engineers Texas Recommended Practice for the Design of Residential Foundations Version 1 as it currently exists or may be amended, or other accepted industry standards that are acceptable to the Building Official. All foundations shall be designed by a registered Professional Engineer in the State of Texas and all drawings and documentation shall be signed and sealed. Documentation shall include:

- 1) Design letter referencing soils report number, date of report, soils, and engineer name; specific location including lot, block, and subdivision; specific design criteria including soil bearing capacity, plasticity index, and potential vertical rise. The Engineer shall approve a concrete mix design with performance criteria based on soils and seasonal conditions.
- 2) Signed and sealed drawings indicating strand and reinforcement placement, pier size, depth, location, and reinforcing, beam size and location, and special details. Design calculations shall

be included. One 11" X 17" (B size) copy of plans and calculations shall be included in the permanent permit file for each project.

- 3) Design engineer shall perform a pre-pour inspection and provide the Building Official with signed and sealed document stating that the foundation has been inspected and approved. This inspection shall occur prior to requesting a foundation inspection from the Building Official. The engineer shall be present during placement of concrete to verify concrete mix and seasonal conditions during placement, and verify tensioning and elongation of cables.
- 4) Rough grading of lot after form removal to maintain drainage away from foundation during the construction process.
- 5) Prior to receiving a Certificate of Occupancy, a final survey indicating final grade elevations and verifying positive drainage away from the foundation, and evidence from the homeowner that they have received a copy of foundation maintenance instructions must be submitted to the Building Official.
- 6) The Engineer must provide to the Building Official a letter of Final Acceptance stating that the foundation has been placed in compliance with the design prior to the issuance of a Certificate of Occupancy.
- 7) Anchorage shall be installed before foundation is approved for pouring, per R403.1.6.

CHAPTER 11. ENERGY EFFICIENCY

The following adoptions to the ~~2012~~2018 International Residential Code adopted herein and hereby approved and adopted.

N1102 Building Thermal Envelope

Building Thermal Envelope of the ~~2012~~2018 International Residential Code is amended as follows:

Table N1102.1.~~21~~ (R402.1.~~21~~) Insulation and Fenestration Requirements by Component^a

WOOD FRAME WALL R-VALUE for CLIMATE ZONE 3 = 13

Table N1102.1.~~43~~ (R402.1.~~43~~) Equivalent U-Factors

WOOD FRAME WALL U-FACTOR for CLIMATE ZONE 3 = 0.082

CHAPTER 13. GENERAL MECHANICAL SYSTEM REQUIREMENTS

The following additions to the ~~2012~~2018 International Residential Code adopted herein and hereby approved and adopted.

M1305 Appliance Access

Appliance Access of the ~~2012~~2018 International Residential Code is amended as follows:

M1305.1.3 Appliances in Attics

Attics containing appliances shall be provided with an opening and a clear and unobstructed passageway large enough to allow removal of the largest appliance, but not less than 30 inches (762

mm) high and 22 inches (559 mm) wide and not more than 20 feet (6096 mm) long measured along the centerline of the passageway from the opening to the *appliance*. The passageway shall have continuous solid flooring in accordance with Chapter 5 not less than 24 inches (610 mm) wide. A level service space at least 30 inches (762 mm) deep and 30 inches (762 mm) wide shall be present along all sides of the *appliance* where access is required. The clear access opening dimensions shall be a minimum of 20 inches by 30 inches (508 mm by 762 mm), or larger and large enough to allow removal of the largest appliance. A walkway to an appliance shall be rated as a floor approved by the Building Official. As a minimum, access to the attic space shall be provided by one of the following:

- 1) A permanent stair.
- 2) A pull down stair with a minimum 300 lb. (136 kg) capacity.
- 3) An access door from an upper floor level.

Exceptions:

- 1) The passageway and level service space are not required where the appliance can be serviced and removed through the required opening.
- 2) Where the passageway is unobstructed and not less than 6 feet (1829 mm) high and 22 inches (559 mm) wide for its entire length, the passageway shall be not more than 50 feet (15 250 mm) long.

CHAPTER 24. FUEL GAS

The following additions to the ~~2012~~2018 International Residential Code adopted herein and hereby approved and adopted.

G2415 (404) Piping System Installation

Piping System and Installation of the ~~2012~~2018 International Residential Code is amended as follows:

G2415.12 (404.12) Minimum Burial Depth

Underground *piping systems* shall be installed a minimum depth of ~~12~~ 18 inches (~~305 mm~~) (457 mm) below grade, except as provided for in Section G2415.12.1.

G2415.12.1 (404.12.1) Individual Outside Appliances

Individual lines to outside lights, grills or other *appliances* shall be installed a minimum of ~~8~~ 12 inches (~~203 mm~~) (305 mm) below finished grade, provided that such installation is *approved* and is installed in locations not susceptible to physical damage.

CHAPTER 25. PLUMBING ADMINISTRATION

The following additions to the ~~2012~~2018 International Residential Code adopted herein and hereby approved and adopted.

P2503 Inspection and Tests

Inspection and tests of the ~~2012~~2018 International Residential Code is amended as follows:

P2503.8 Inspection and Testing of Backflow Prevention Devices

Inspection and testing of backflow prevention devices shall comply with Sections P2503.8.1 and P2503.8.2.

P2503.8.2 Testing

Reduced pressure principle, double check, double check detector and pressure vacuum breaker backflow preventer assemblies shall be tested at the time of installation, immediately after repairs or relocation and ~~every year thereafter~~ at ~~least annually~~ regular intervals as required by the Town.

CHAPTER 26. GENERAL PLUMBING REQUIREMENTS

The following additions to the ~~2012~~2018 International Residential Code adopted herein and hereby approved and adopted.

P2603 Structural and Piping Protection

Structural and Piping Protection of the ~~2012~~2018 International Residential Code is amended as follows:

P2603.5 Freezing

Freezing of the ~~2012~~2018 International Residential Code is amended as follows:

~~P2603.5.1~~ Sewer Depth

Building sewers that connect to private sewage disposal systems shall be a not less than 12 inches (305 mm) below finished *grade* at the point of septic tank connection. *Building sewers* shall be not less than 12 inches (305 mm) below *grade*.

CHAPTER 28. WATER HEATERS

The following additions to the ~~2012~~2018 International Residential Code adopted herein and hereby approved and adopted.

~~P2804.3~~ Relief Valves

Relief Valves of the ~~2012~~2018 International Residential Code is amended as follows:

~~P2804.3.6~~ Installation of Relief Valves

Installation of Relief Valves of the ~~2012~~2018 International Residential Code is amended as follows:

~~P2804.3.6.1~~ Requirements for Discharge Pipe

10. Not terminate ~~more~~ less than 6 inches (152 mm) or more than 24 inches (610 mm) above the grade floor or nor more than 6 inches (152 mm) above the waste receptor.

CHAPTER 29. WATER SUPPLY AND DISTRIBUTION

The following additions to the ~~2012~~2018 International Residential Code adopted herein and hereby approved and adopted.

P2902 Protection of Potable Water Supply

Protection of Potable Water Supply of the ~~2012~~2018 International Residential Code is amended as follows:

P2902.5 Protection of Potable Water Connections

Protection of Potable Water Connections of the ~~2012~~2018 International Residential Code is amended as follows:

P2902.5.3 Lawn Irrigation Systems

The potable water supply to lawn irrigation systems shall be protected against backflow by an atmospheric-type vacuum breaker, a pressure-type vacuum breaker assembly, a double-check assembly or a reduced pressure principle backflow prevention assembly. Valves shall not be installed downstream from an atmospheric vacuum breaker. Where chemicals are introduced into the system, the potable water supply shall be protected against backflow by a reduced pressure principle backflow prevention assembly.

P2903 Water-Supply System

Water-Supply System of the ~~2012~~2018 International Residential Code is amended as follows:

P2903.7 Size of Water-Service Mains, Branch Mains and Risers

The internal diameter size of the water service line, including fittings, pipe shall not be less than $1\frac{3}{4}$ inch (25.4 mm) diameter. The size of water service mains, branch mains and risers shall be determined according to water supply demand [gpm (L/m)], available water pressure [psi (kPa)] and friction loss caused by the water meter and *developed length* of pipe [feet (m)], including *equivalent length* of fittings. The size of each water distribution system shall be determined according to design methods conforming to acceptable engineering practice, such as those methods in Appendix P and shall be *approved* by the code official.

CHAPTER 30. SANITARY DRAINAGE

The following additions to the 2018 International Residential Code adopted herein and hereby approved and adopted.

P3005 Drainage Systems

Drainage Systems of the 2018 International Residential Code is amended as follows:

P3005.2.2 Building Sewers

Building sewers smaller than 8 inches (203 mm) shall have cleanouts located at intervals of not more than 100 feet (30 480 mm). No building sewer, including cleanouts, shall not be less than 4 inch (102 mm) pipe diameter. Building sewers 8 inches (203 mm) and larger shall have a manhole located not more than 200 feet (60 960 mm) from the junction of the building drain and building sewer and at intervals of not fore that 400 feet (122 m). The interval length shall be measured from the cleanout or manhole opening, along the developed length of the piping to the next drainage fitting providing access for cleaning, a manhole or the end of the building sewer.

CHAPTER 31. VENTS

The following additions to the ~~2006~~2018 International Residential Code adopted herein and hereby approved and adopted.

P3114 Air Admittance Valves

Air Admittance Valves of the ~~2006~~2018 International Residential Code is amended as follows:

P3114.3 Where Permitted

Individual vents, branch vents, circuit vents, and stack vents ~~may~~ shall be permitted to terminate with a connection to an air admittance valve. Individual and branch-type air admittance valves shall vent only fixtures that are on the same floor level and connect to a horizontal branch drain. Air admittance valves shall only be installed with the prior written approval of the Building inspector.

CHAPTER 34. GENERAL REQUIREMENTS

The following additions to the ~~2012~~2018 International Residential Code adopted herein and hereby approved and adopted.

E3406 Electrical Conductors and Connections

Electrical Conductors and Connections of the ~~2012~~2018 International Residential Code is amended as follows:

E3406.2 Conductor Material

Conductors used to conduct current shall be of copper ~~or aluminum~~ except as otherwise provided in Chapters 34 through 43. Where the conductor material is not specified, the material and the sizes given in these chapters shall apply to copper conductors. Where other materials are used, the conductor sizes shall be changed accordingly.

E3406.3 Minimum Size of Conductors

The minimum size of conductors for feeders and branch circuits shall be ~~12~~ 14 AWG copper ~~and 12 AWG aluminum~~. The minimum size of service conductors shall be as specified in Chapter 36. The minimum size of class 2 remote control, signaling and power-limited circuits conductors shall be as specified in Chapter 43.

CHAPTER 36. SERVICES

The following additions to the ~~2012~~2018 International Residential Code adopted herein and hereby approved and adopted.

E3601 General Services

General Services Ratings of the ~~2012~~2018 International Residential Code is amended as follows:

E3601.2 Number of Services

Property zoned one- and two-family dwellings shall be supplied by only one service. Additional service for an accessory use(s) shall only be installed with the prior approval of the Town.

CHAPTER 37. BRANCH CIRCUIT FEEDER REQUIREMENTS

The following additions to the ~~2012~~2018 International Residential Code adopted herein and hereby approved and adopted.

E3702 Branch Circuit Ratings

Branch Circuit Ratings of the ~~2012~~2018 International Residential Code is amended as follows:

E3702.5 Branch Circuits Serving Multiple Loads or Outlets

General-purpose branch circuits shall supply lighting outlets, appliances, equipment or receptacle outlets, and combinations of such. Multi-outlet branch circuits serving lighting or receptacles shall be limited to a maximum branch-circuit rating of 20 amperes. The maximum number of outlets connected to general purpose branch circuits shall be ten (10) for 15-amp circuits, and thirteen (13) for 20-amp circuits.

End of Exhibit A

ADOPTION AND SUMMARY OF AMENDMENTS

Ordinance Number	Date	Summary
<u>21-xx</u>	<u>June 10, 2021</u>	<ul style="list-style-type: none"> • <u>Referenced 2018 IRC</u> • <u>R301 – Added exception for finish work on Sunday</u> • <u>R301 – Driveway rebar spacing was 16”</u> • <u>Added section P3005</u>
16-11	October 13, 2016	<ul style="list-style-type: none"> • Removed ETJ
15-04	May 14, 2015	<ul style="list-style-type: none"> • Added amendments to R191.1.1, R191.1.4, R301.2, R313.2, Chapter 11, Chapter 25, Chapter 26 and Chapter 28. • Removed amendments to Chapter 15. • Revised amendments to Chapter 24 and Chapter 29. • Chapter 34 was 33. • Chapter 36 was 35. • Chapter 37 was 36.
14-07	June 26, 2014	<ul style="list-style-type: none"> • Added Building Official Appointment • Added Inspection Protocol • Added authority to amend Building Application Handbook • Removed garage requirement. • Removed roof pitch requirement. • Removed driveway width requirement. • Updated driveway construction requirements. • Removed contractor registration; moved to handbook. • Removed construction guidelines; moved to handbook. • Removed building packet submission; moved to handbook.
11-16	September 8, 2011	REPEALED
10-01	January 14, 2010	REPEALED

**TOWN OF LAKEWOOD VILLAGE
SWIMMING POOL CODE 21-xx**

**AN ORDINANCE TO ADOPT THE 2018 INTERNATIONAL
SWIMMING POOL AND SPA CODE, WITHIN THE TOWN OF
LAKEWOOD VILLAGE; PROVIDING A
SAVINGS/REPEALING CLAUSE, PROVIDING A PENALTY
CLAUSE, PROVIDING A SEVERABILITY CLAUSE,
PROVIDING AN EFFECTIVE DATE.**

WHEREAS, the Town Council of the Town of Lakewood Village, Texas (“Town Council”) has investigated and determined that it would be advantageous and beneficial to the citizens of the Town of Lakewood Village, Texas to adopt the 2018 Edition of the International Swimming Pool and Spa Code, save and except the deletions and amendments set forth below.

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

Section 1: Findings

The findings set forth above are incorporated into the body of this Ordinance as if fully set forth herein.

Section 2: Adoption of the 2018 International Swimming Pool and Spa Code

The International Swimming Pool and Spa Code, 2018 Edition, copyrighted by the International Code Council, Inc., save and except the deletions and amendments set forth in Exhibit "A", attached hereto and incorporated herein for all purposes, is hereby adopted as the Residential code for Lakewood Village, regulating the construction, alteration, movement, enlargement, replacement, repair, equipment, use and occupancy, location, removal, and demolition of detached one- and two-family dwellings and multiple single-family dwellings (townhouses) not more than three stories in height with a separate means of egress and related accessory structures in Lakewood Village (the "2018 International Swimming Pool and Spa Code"). The 2018 International Swimming Pool and Spa Code is made a part of this Ordinance as if fully set forth herein.

Section 3: Repeal

Appendix G of Residential Code 16-11 ordinance is hereby repealed in its entirety.

Section 4: Penalty Clause

A. Violation

A person who knowingly violates any provision of this chapter is guilty of separate offenses for each day during which the violation is continued after notification. Neither allegation nor evidence of a culpable mental state is required for the proof of an offense defined by this ordinance.

B. Fine

Each offense is punishable by a fine of not more than two-thousand (\$2,000) nor less than two-hundred (\$200). The minimum fine established in this paragraph shall be doubled for the second conviction of the same offense within any 24-month period and tripled for the third and subsequent convictions of the same offense within any 24-month period. At no time shall the minimum fine exceed the maximum fine established in this paragraph.

Section 5: Legal Rights

The penal provision imposed under this Ordinance shall not preclude the Town of Lakewood Village from filing suit to enjoin the violation. The Town of Lakewood Village retains all legal rights and remedies available to it pursuant to local, state, and federal law.

Section 6: Severability

A. Unconstitutional or Invalid Section

Should any section, subsection, sentence, clause or phrase of this Ordinance be declared unconstitutional or invalid by a court of competent jurisdiction, it is expressly provided that any and all remaining portions of this Ordinance shall remain in full force and effect.

B. Independent Sections

The Town hereby declares that it would have passed this Ordinance, and each section, subsection, clause or phrase thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses and/or phrases be declared unconstitutional or invalid.

Section 7: Estoppel / Waiver

The failure of the Town to enforce any term or condition of this Ordinance shall not constitute a waiver or estoppel or any subsequent violation of this Ordinance.

Section 8: Effective Date

The amendments to this Ordinance shall become effective from and after its date of passage and publication as provided by law.

PASSED AND APPROVED by the Town Council of the Town of Lakewood Village, Texas this the 10th day of June, 2021.

Dr. Mark E. Vargus
Mayor

ATTEST:

Linda Asbell
Town Secretary, TRMC



Exhibit A

Town of Lakewood Village Amendments

2018 International Swimming Pool and Spa Code



SWIMMING POOL & SPA CODE

Adopted: June 10th, 2021



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CHAPTER 1. SCOPE AND ADMINISTRATION

The following additions, deletions and amendments to the 2018 International Swimming Pool and Spa Code adopted herein and hereby approved and adopted.

101 General

General of the 2018 International Swimming Pool and Spa Code is amended as follows:

[A] 101.1 Title

These regulations shall be known as the Swimming Pool and Spa Code of The Town of Lakewood Village hereinafter referred to as "this code."

102 Applicability

Applicability of the 2018 International Swimming Pool and Spa Code is amended as follows:

[A] 102.7 Referenced Codes and Standards

The codes, when specifically adopted by the Town of Lakewood Village, and standards referenced in this code shall be those listed in Chapter 11 and such codes and standard shall be considered to be part of the requirements of this code to the prescribed extent of each such reference. ~~Where differences occur between provisions of this code and the referenced standards, the provisions of this code shall be the minimum requirements.~~ Whenever amendments have been adopted to the referenced codes and standards, each reference to said code and standard shall be considered to reference the amendments as well. Where differences occur between provisions of this code and referenced codes and standards, the provisions of this code shall apply. Any reference made to NFPA 70 or the ICC Electrical Code shall mean the Electrical Code as adopted. Where requirements in this code conflict with any requirements of other adopted codes by the Town of Lakewood Village the most stringent requirements shall apply.

Exception

Where enforcement of a code provision would violate the conditions of the *listing* of the *equipment* or *appliance*, the conditions of the *listing* and manufacturer's instructions shall apply.

103 Department of Building Safety

[A] 103.2 Appointment

The building official shall be appointed by the Town Council of the Town of Lakewood Village, TX.

Pool / Spa Procedures

The Town Council may from time to time amend, supplement or change the text of the Pool / Spa Procedures.

105 Permits

Permits of the 2018 International Swimming Pool and Spa Code is amended as follows:

[A] 1.5.6.2 Fee Schedule

The fees for work shall be as indicated in the following schedule:

The fees associated with the required permits, inspections and re-inspections are established in the Town's Consolidated Fee Ordinance.

[A] 1.5.6.3 Fee Refunds

The refund policy is established in the Town's Consolidated Fee Ordinance.

The code official shall authorize the refunding of fees as follows:

- ~~1. The full amount of any fee paid hereunder that was erroneously paid or collected.~~
- ~~2. Not more than [SPECIFY PERCENTAGE] percent of the permit fee paid when no work has been done under a permit issued in accordance with this code.~~
- ~~3. Not more than [SPECIFY PERCENTATE] percent of the plan review fee paid when an application for a permit for which a plan review fee has been paid is withdrawn or canceled before any plan review effort has been expended.~~

~~The code official shall not authorize the refunding of any fee paid except upon written application filed by the original permittee not later than 180 days after the date of fee payment.~~

107 Violations

Violations of the 2018 International Swimming Pool and Spa Code is amended as follows:

[A] 107.4 Violation Penalties

~~Any person 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 or repair a pool or spa in violation of the approved construction documents or directive of the code official, or of a permit or certificate issued under the provisions of this code, shall be guilty of a [SPECIFY OFFICES], punishable by a fine of not more than [AMOUNT] dollars or by imprisonment not exceeding [NUMBER OF DAYS], or both such fine and imprisonment. Each day that a violation continues after due notice has been served shall be deemed a separate offense.~~

[A] 107.5 Stop Work Orders

Upon notice from the code official, work on any system that is being performed contrary to the provisions of this code or in a dangerous or unsafe manner shall immediately cease. Such notice shall be in writing and shall be given to the owner of the property, or to the owner's authorized agent, or to the person performing the work. The notice shall state the conditions under which work is authorized to resume. Where an emergency exists, the code official shall not be required to give a written notice prior to stopping the work. ~~Any person who shall continue any work in or about the structure after having been served with a stop work order, except such work as that person is directed to perform to remove the violation or unsafe condition, shall be liable to a fine of not less than [AMOUNT] dollars or more than [AMOUNT] dollars.~~

108 Means of Appeal

Means of Appeal of the 2018 International Swimming Pool and Spa Code is amended as follows:

[A] 108.2 Membership of Board

~~The Town Council shall serve as the board of appeals. The board of appeals shall consist of five members appointed by the chief appoint authority as follows: one for 5 years, one for 4 years, one for 3 years, one for 2 years and one for 1 year. Thereafter, each new member shall serve for 5 years or until a successor has been appointed.~~

[A] 108.2.1 Qualifications, [A] 108.2.2 Alternate Members, [A] 108.2.3 Chairman, [A] 108.2.4 Disqualification of Member, [A] 108.2.5 Secretary & [A] 108.2.6 Compensation of Members

Delete sections in their entirety.

[A] 108.3 Notice of Meeting

~~Appeals shall be heard at regular Town Council meetings in accordance with Local Government Codes. The board shall meet upon notice from the chairman, within 10 days of the filing of an appeal or stated periodic meetings.~~

CHAPTER 2. DEFINITIONS

The following additions to the 2018 International Swimming Pool and Spa Code adopted herein and hereby approved and adopted.

R202 Definitions

Definitions of the 2018 International Swimming Pool and Spa Code

Building Official: the officer or other designated authority charged with the administration and enforcement of this Code.

Construction Site Refuse Control: the containment of and weekly or monthly removal of both construction and laborer refuse to prevent said materials from encroaching onto adjacent homeowner properties, town easements, drainage ditches and culverts, and should be in compliance with OSHA and local codes.

Contractor: any person, firm, corporation, or other entity that is hired by a homeowner or landowner to perform any new construction, remodel, or repair on said homeowner or landowner's real property.

Erosion control: the containment of all dirt, soils, sand, fill or grass, in such a manner, to prevent said materials from encroaching onto adjacent properties, town easements, drainage culverts, or utility placements.

Masonry: brick, concrete hollow clay tile, concrete block, natural stone, or any combination of these materials that are laid up by unit and set in mortar.

Town: the Town of Lakewood Village

CHAPTER 3. GENERAL COMPLIANCE

The following additions and amendments to the 2018 International Swimming Pool and Spa Code adopted herein and hereby approved and adopted.

302 Electrical, Plumbing, Mechanical and Fuel Gas Requirements

Electrical, plumbing, mechanical and fuel gas requirements of the 2018 International Swimming Pool and Spa Code is amended as follows:

302.6 Wastewater Discharge

Wastewater from pools or spas constructed after the adoption of this ordinance shall be discharged into the storm sewer, or to a vegetated area contained on the same property as the pool once the water has been dechlorinated and the ph of the water is between 6 and 9.

Where wastewater from existing pools or spas, such as backwash water from filters and water from deck drains discharge to a building drainage system, the connection shall be through an air gap in accordance with the International Plumbing Code or the International Residential Code as applicable in accordance with Section 102.7.1.

305 Barrier Requirements

Barrier requirements of the 2018 International Swimming Pool and Spa Code is amended as follows:

305.2 Outdoor Swimming Pools and Spas

Outdoor pools and spas and indoor swimming pools, including an in-ground, above-ground or on-ground pool, hot tub or spa shall be surrounded by a barrier that complies with Sections 305.2 through 305.7.

305.4 Structure Wall as a Barrier

Where a wall of a dwelling or structure serves as part of a barrier and where doors or windows provide direct access to the pool or spa through that wall, one of the following shall be required:

- 1) Operable windows having a sill height of less than 48 inches (1219 mm) above the indoor finished floor and doors shall have an alarm that produces an audible warning when the window, door or their screens are opened. The alarm shall be listed and labeled as a water hazard entrance alarm in accordance with UL 2017. The alarm deactivation switches shall be located 54 inches (1372 mm) or more above the finished floor. ~~In dwellings or structures not required to be Accessible unites, Type A units or Type B unites, the operable parts of the alarm deactivation switches shall be located 54 inches (1372 mm) or more above the finished floor. In dwellings or structures required to be Accessible unites, Type A unites or Type B unites, the operable parts of the alarm deactivation switches shall be located not greater than 54 inches (1372 mm) and not less than 48 inches (1291 mm) above the finished floor.~~

Remainder is unchanged.

310 Suction Entrapment Avoidance

Suction entrapment avoidance of the 2018 International Swimming Pool and Spa Code is amended as follows:

310.1 General

Suction entrapment avoidance for pools and spas shall be provided in accordance with APSP 7. The use of single blockable or unblockable main drains shall not be permitted.

Exceptions unchanged

320 Waste Water Disposal

320.1 Backwash Water or Draining Water

Backwash water and draining water shall be discharged to the ~~sanitary or storm sewer, or to a vegetated area contained on the same property as the pool once the water has been dechlorinated and the ph of the water is between 6 and 9. into an approved disposal system on the premise, or shall be disposed of by other means approved by the state or local authority.~~ Direct connections shall not be made between the end of the backwash line and the disposal system. Drains shall discharge through an air gap.

320.3 Waste Post Treatment – Commercial or Public Pools

Where necessary, filter backwash water and drainage water shall be treated chemically or through the use of settling tanks to eliminate or neutralize chemicals, diatomaceous earth, and contaminants in the water that exceed the limits set by the state or local effluent discharge requirements.

CHAPTER 8. PERMANENT INGROUND RESIDENTIAL SWIMMING POOLS

The following additions and amendments to the 2018 International Swimming Pool and Spa Code adopted herein and hereby approved and adopted.

811 Safety Features

Safety features of the 2018 International Swimming Pool and Spa Code is amended as follows:

811.1 Rope and Float

In pools where the point of first slope break occurs, a rope and float assembly ~~may shall~~ be installed across the width of the pool. If a rope and float assembly is installed, the rope assembly shall be located not less than 1 foot (305mm) and not greater than 2 feet (610mm) towards the shallow side of the slop break. If a rope and float assembly is installed, rope anchoring devices shall be permanently attached to the pool wall, coping or deck. Rope ends shall attach to the rope anchor devices so that the rope ends can be disconnected from the rope anchor device.



End of Exhibit A

ADOPTION AND SUMMARY OF AMENDMENTS

Ordinance Number	Date	Summary
21-xx	June 10, 2021	• Initial adoption

TOWN OF LAKEWOOD VILLAGE
ELECTRICAL CODE ~~21-xx16-17~~

AN ORDINANCE TO ADOPT THE ~~2011~~2017 NATIONAL ELECTRICAL CODE, WITHIN THE TOWN OF LAKEWOOD VILLAGE; PROVIDING A SAVINGS/REPEALING CLAUSE, PROVIDING A PENALTY CLAUSE, PROVIDING A SEVERABILITY CLAUSE, PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Town Council of the Town of Lakewood Village, Texas (“Town Council”) has investigated and determined that it would be advantageous and beneficial to the citizens of the Town of Lakewood Village, Texas to adopt the ~~2011~~2017 Edition of the National Electrical Code, save and except the deletions and amendments set forth below.

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

Section 1: Findings

The findings set forth above are incorporated into the body of this Ordinance as if fully set forth herein.

Section 2: Adoption of the ~~2011~~2017 National Electrical Code

The National Electrical Code, ~~2011~~2017 Edition, copyrighted by the National Fire Protection Association, including Annex H, save and except the deletions and amendments set forth in Exhibit "A", attached hereto and incorporated herein for all purposes, is hereby adopted as the Electrical Code for Lakewood Village, regulating the construction, alteration, removal, use and/or maintenance of any electrical wiring, apparatus, device or system within Lakewood Village (the "~~2011~~2017 National Electrical Code"). The ~~2011~~2017 National Electrical Code is made a part of this Ordinance as if fully set forth herein.

Section 3: Repeal

Electrical Code ~~16-17~~15-13 ordinance is hereby repealed in its entirety.

Section 4: Penalty Clause

A. Violation

A person who knowingly violates any provision of this chapter is guilty of separate offenses for each day during which the violation is continued after notification. Neither allegation nor evidence of a culpable mental state is required for the proof of an offense defined by this ordinance.

B. Fine

Each offense is punishable by a fine of not more than two-thousand (\$2,000) nor less than two-hundred (\$200). The minimum fine established in this paragraph shall be doubled for the second conviction of the same offense within any 24-month period and tripled for the third and subsequent convictions of the same offense within any 24-month period. At no time shall the minimum fine exceed the maximum fine established in this paragraph.

Section 5: Legal Rights

The penal provision imposed under this Ordinance shall not preclude the Town of Lakewood Village from filing suit to enjoin the violation. The Town of Lakewood Village retains all legal rights and remedies available to it pursuant to local, state, and federal law.

Section 6: Severability

A. Unconstitutional or Invalid Section

Should any section, subsection, sentence, clause or phrase of this Ordinance be declared unconstitutional or invalid by a court of competent jurisdiction, it is expressly provided that any and all remaining portions of this Ordinance shall remain in full force and effect.

B. Independent Sections

The Town hereby declares that it would have passed this Ordinance, and each section, subsection, clause or phrase thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses and/or phrases be declared unconstitutional or invalid.

Section 7: Estoppel / Waiver

The failure of the Town to enforce any term or condition of this Ordinance shall not constitute a waiver or estoppel or any subsequent violation of this Ordinance.

Section 8: Effective Date

~~The amendments to this Ordinance shall become effective from and after its date of passage and publication as provided by law.~~

~~**PASSED AND APPROVED** by the Town Council of the Town of Lakewood Village, Texas this the 13th day of October, 2016.~~

~~Dr. Mark E. Vargus
Mayor~~

~~ATTEST:~~

~~Linda Asbell
Town Secretary, TRMC~~

The amendments to this Ordinance shall become effective from and after its date of passage and publication as provided by law.

PASSED AND APPROVED by the Town Council of the Town of Lakewood Village, Texas this the 10th day of June, 2021.

Dr. Mark E. Vargus
Mayor

ATTEST:

Linda Asbell
Town Secretary, TRMC



Exhibit A

Town of Lakewood Village Amendments

~~2011~~2017 National Electrical Code



ELECTRICAL CODE

Adopted: ~~June~~ ~~October~~ 10³~~th~~, 20~~21~~~~16~~

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CHAPTER 2. WIRING AND PROTECTION

The following additions, deletions and amendments to the ~~2011~~2017 National Electrical Code adopted herein and herby and adopted.

ARTICLE 230 SERVICES

The following additions, deletions and amendments to the ~~2011~~2017 National Electrical Code adopted herein and herby and adopted.

230.71 Maximum Number of Disconnects

(A) General. The service disconnecting means for each service permitted by 230.2, or for each set service-entrances conductors permitted by 230.40. Exception No. 1, 3, 4, or 5, shall consist of not more than six switches or sets of circuit breakers, or a combination of not more than six switches and sets of circuit breakers, or a combination of not more than six switches and sets of circuit breakers, mounted in a single enclosure, in a group of separate enclosures, or in or on a switchboard. There shall be not more than six sets of disconnects per service grouped in any one location.

For the purpose of this section, disconnecting means installed as part of listed equipment and used solely for the following shall not be considered a service disconnecting means:

- (1) Power monitoring equipment
- (2) Surge-protective devices(s)
- (3) Control circuit of the ground-fault protection system
- (4) Power-operable service disconnecting means

Exception: Multi-occupant buildings. Individual service disconnecting means is limited to six for each occupant. The number of individual disconnects at one location may exceed six.

ARTICLE 250 GROUNDING AND BONDING

The following additions, deletions and amendments to the 2017 National Electrical Code adopted herein and herby and adopted.

250.62 Grounding Electrode Conductor Material

The grounding electrode conductor shall be of copper, aluminum, copper-clad aluminum as permitted in 250.68(C). The material selected shall be resistant to any corrosive condition existing at the installation or shall be protected against corrosion. Conductors of the wire type shall be solid or stranded, insulated, covered, or bare.

CHAPTER 3. WIRING METHODS AND MATERIALS

The following additions, deletions and amendments to the ~~2011~~2017 National Electrical Code adopted herein and herby and adopted.

ARTICLE 310 CONDUCTORS FOR GENERAL WIRING

The following additions, deletions and amendments to the ~~2011~~2017 National Electrical Code adopted herein and hereby adopted.

310.106 Conductors

(A) Minimum Size of Conductors. The minimum size of conductors shall be as shown in Table 310.106(A), except for low voltage control circuits as permitted elsewhere in this Code.

(B) Conductor Material. Conductors in this article shall be of aluminum, copper-clad aluminum, or copper unless otherwise specified. Use of aluminum 1/0 and larger is allowed for multifamily and commercial use only. All grounding and bonding conductors shall be of copper and sized per 250.66, 250.102(C)(1) and 250.122. Refer to amendments in Article 250 for cable assemblies.

Solid aluminum conductors 8, 10, and 12 AWG shall be made of an AA-8000 series electrical grade aluminum alloy conductor material. For multifamily and commercial use only, stranded aluminum conductors 8 AWG 1/0 through 1000 kcmil marked as Type RHH, RHW, XHHW, THW, THHW, THWN, THHN, service-entrance Type SE Style U, and SE Style R shall be made of an AA-8000 series electrical grade aluminum alloy conductor material.

Table 310.106(A) Minimum Size of Conductors

Conductor Voltage Rating (Volts)	Minimum Conductor Size (AWG)	
	Copper	Aluminum or Copper-Clad Aluminum (Only Feeders Allowed)
0 - 2,000	14 12	12 1/0
2,001 - 5,000	8	8 1/0
5,001 - 8,000	6	6 1/0
8,001 - 15,000	2	2 1/0
15,001 – 28,000	1	1 1/0
28,001 – 35,000	1/0	1 0

ARTICLE 334 NONMETALLIC-SHEATHED CABLE: TYPES NM, NMC AND NMS

The following additions, deletions and amendments to the ~~2011~~2017 National Electrical Code adopted herein and hereby adopted.

334.12 Uses Not Permitted

(A) Types NM, NMC and MNS. Types NM, NMC and NMS cables shall not be permitted as follows:

- (1) In any dwelling or structure not specifically permitted in 334.10(1), (2) and (5).
- (2) Exposed in dropped or suspended ceilings in other than one- and two-family and multifamily dwellings.
- (3) As service-entrance cable.
- (4) In commercial garages having hazardous (classified) locations as defined in 511.3.
- (5) In theaters and similar locations, except where permitted in 518.4(B).
- (6) In motion picture studios
- (7) In storage battery rooms
- (8) In hoist ways or on elevators or escalators
- (9) Embedded in poured cement, concrete or aggregate.
- (10) In hazardous (classified) locations, except where specifically permitted by other articles in this Code.
- (11) In structures where it would be required to pass through either factory or field punched, cut or drilled slots or holes in metal members.

(B) Types NM and NMS. (No edits)

ANNEX H. ADMINISTRATION AND ENFORCEMENT

The ~~2011~~2017 National Electrical Code is amended by deleting the entire article and replacing it with the following:

[H] 101 GENERAL

[H] 101.1 Title

These regulations shall be known as the *National Electrical Code* of The Town of Lakewood Village hereinafter referred to as "this code."

[H] 101.2 Scope

The provision of this code shall apply to the erection, installation, alteration, repairs, relocation, replacement, addition to, use or maintenance of electrical systems within this jurisdiction. This code shall also regulate the installation of electrical conductors, equipment, and raceways; signaling and communications conductors equipment, and raceways; and optical fiber cables and raceways as identified in Article 90 of this code. Provisions in the appendices shall not apply unless specifically adopted.

Exception

Detached one- and two-family dwellings and multiple single-family dwellings (townhouses) not more than three stories high with separate means of egress and their accessory structures shall comply with the International Residential Code.

[H] 101.3 Intent

The purpose of this code is to provide minimum standards to safeguard life or limb, health, property and public welfare by regulating and controlling the design, construction, installation, quality of materials, location, operation and maintenance or use of electrical systems and equipment.

[H] 102 APPLICABILITY**[H] 102.1 General**

Where there is a conflict between a general requirement and a specific requirement, the specific requirement shall govern. Where, in any specific case, different sections of this code specify different materials, methods of construction or other requirements, the most restrictive shall govern.

[H] 102.2 Existing Installations

Electrical systems lawfully in existence at the time of the adoption of this code shall be permitted to have their use and maintenance continue if the use, maintenance or repair is in accordance with the original design and no hazard to life, health or property is created by such electrical system.

[H] 102.3 Maintenance

All electrical systems, materials and appurtenances, both existing and new, and all parts thereof, shall be maintained in proper operating condition in accordance with the original design in a safe condition. All devices or safeguards required by this code shall be maintained in compliance with the code edition under which they were installed. The owner or the owner's designated agent shall be responsible for maintenance of electrical systems. To determine compliance with this provision, the code official shall have the authority to require any electrical system to be reinspected.

[H] 102.4 Additions, Alterations or Repairs

Additions, alterations, renovations or repairs to any electrical system shall conform to that required for a new electrical system without requiring the existing electrical system to comply with all the

requirements of this code unless otherwise determined by the code official that it is necessary to change part of or all of the existing electrical system to safeguard life or limb, health, property and public welfare. Additions, alterations or repairs shall not cause an existing system to become unsafe, insanitary or overloaded. Minor additions, alterations, renovations and repairs to existing electrical systems shall meet the provisions for new construction, unless such work is done in the same manner and arrangement as was in the existing system, is not hazardous and is approved.

[H] 102.5 Change in Occupancy

It shall be unlawful to make any change in the occupancy of any structure that will be subject the structure to any special provision of this code applicable to the new occupancy without approval of the code official. The code official shall certify that such structure meets the intent of the provisions of the law governing building construction for the proposed new occupancy and that such change of occupancy does not result in any hazard to the public health, safety or welfare.

[H] 102.6 Moved Buildings

Except as determined by section 102.2, electrical systems that are a part of buildings or structures moved into or within the jurisdiction shall comply with the provisions of this code for new installations.

[H] 102.7 Referenced Codes and Standards

The codes and standards referenced in this code, when specifically adopted, shall be considered as part of the requirements of this code to the prescribed extent of each such reference. Where the differences occur between provisions of this code and the referenced standards, the provisions of this code shall be the minimum requirements. Whenever amendments have been adopted to the referenced codes and standards, each reference to said code and standard shall be considered to reference the amendments as well.

[H] 102.7.1 Conflicts

Where conflicts occur between provisions of this code and the referenced standards, the provision of this code shall apply.

[H] 107.2 Provision in Referenced Codes and Standards

Where the extent of the reference to a referenced code or standard includes subject matter that is within the scope of this code, the provision of this code, as applicable, shall take precedence over the provisions in the 'referenced code or standard.

[H] 102.8 Requirements not Covered by Code

Any requirements necessary for the strength, stability or proper operation of an existing or proposed electrical system, or for public safety, health and general welfare, not specifically covered by this code shall be determined by the code official.

[H] 102.9 Other Laws

The provisions of this code shall not be deemed to nullify any provisions of local, state or federal law.

[H] 102.10 Application of References

Reference to chapter section numbers, or provision not specifically identified by number, shall be construed to refer to such chapter, section or provision of this code.

[H] 103 DEPARTMENT OF ELECTRICAL INSPECTION**[H] 103.1 General**

The department of electrical inspection is hereby created and the executive official in charge thereof shall be known as the code official.

[H] 103.2 Appointment

The code official shall be appointed by the chief appoint authority of the jurisdiction.

[H] 103.3 Deputies

In accordance with the prescribed procedures of this jurisdiction and with the concurrence of the appoint authority, the code official shall have the authority to appoint a deputy code official, other related technical officers, inspectors and other employees. Such employees shall have powers as delegated by the code official.

[H] 103.4 Liability

The code official, member of the board of appeals or employee charged with the enforcement of this code, while acting for the jurisdiction in good faith and without malice in the discharge of the duties required by this code or other pertinent law or ordinance, shall not thereby be rendered liable personally, and is hereby relieved from all personal liability for any damage accruing to persons or property as a result of any act or by reason of an act or omission in the discharge of official duties. Any suit instituted against any officer or employee because of an act performed by that officer or employee in the lawful discharge of duties and under the provisions of this code shall be defended by the legal representative of the jurisdiction until the final terminate of the proceedings. The code official or any subordinate shall not be liable for costs in any action, suit or proceeding that is instituted in pursuance of the provisions of this code.

[H] 104 DUTIES AND POWERS OF THE CODE OFFICIAL**[H] 104.1 General**

The code official is hereby authorized and directed to enforce the provision of this code. The code official shall have the authority to render interpretations of this code and to adopt policies and procedures in order to clarify the application of its provisions. Such interpretations, policies and

procedures shall be in compliance with the intent and purpose of this code. Such policies and procedures shall not have the effect of waiving requirements specifically provided for in this code.

[H] 104.2 Applications and Permits

The code official shall receive applications, review construction documents and issue permits for the installation and alteration of electrical systems, inspect the premises for which such permits have been issued, and enforce compliance with the provisions of this code.

[H] 104.3 Inspections

The code official shall make all the required inspections, or shall accept reports of inspection by approved agencies or individuals. All reports of such inspections shall be in writing and be certified by a responsible officer of such approved agency or by the responsible individual. The code official is authorized to engage such expert opinion as deemed necessary to report on unusual technical issues that arise, subject to the approval of the appoint authority.

[H] 104.4 Right of Entry

Whenever it is necessary to make an inspection to enforce the provisions of this code, or whenever the code official has reasonable cause to believe that there exists in any building or upon an premises any conditions or violations of this code that make the building or premises unsafe, dangerous or hazardous, the code official shall have the authority to enter the building or premises at all reasonable times to inspect or to perform the duties imposed upon the code official by this code. If such building or premises is occupied, the code official shall be present credentials to the occupant and request entry. If such building or premises is unoccupied, the code official shall first make a reasonable effort to locate the owner or other person having charge or control of the building or premises and request entry. If entry is refused, the code official shall have recourse to every remedy provided by law to secure entry. When the code official shall have first obtained a proper inspection warrant or other remedy provided by law to secure entry, no owner or occupant or person having charge, care or control of any building or premises shall fail or neglect, after proper request is made as herein provided, to promptly permit entry therein by the code official for the purpose of inspection and examination pursuant to this code.

[H] 104.5 Identification

The code official shall carry proper identification when inspecting structures or premises in the performance of duties under this code.

[H] 104.6 Notices and Orders

The code official shall issue all necessary notices or orders to ensure compliance with this code.

[H] 104.7 Department Records

The code official shall keep official records of applications received, permits and certificates issued, fees collected, reports of inspections, and notices and orders issued. Such records shall be retained in the official records for the period required for the retention of public records.

[H] 105 APPROVAL**[H] 105.1 Modifications**

Whenever there are practical difficulties involved in carrying out the provisions of this code, the code official shall have the authority to grant modifications for individual cases, upon application of the owner or owner's representative, provided the code official shall first find that special individual reason makes the strict letter of this code impractical and the modification conforms to the intent and purpose of this code and that such modification does not lessen health, life and fire safety requirements. The details of action granting modifications shall be recorded and entered in the files of the electrical inspection department.

[H] 105.2 Alternative Materials, Methods and Equipment

The provisions of this code of this code are not intended to prevent the installation of any material or to prohibit any method of construction not specifically prescribed by this code, provided that any such alternative has been approved. An alternative material or method of construction shall be approved where the code official finds that the proposed alternative material, method or equipment complies with the intent of the provision of this code and is at least the equivalent of that prescribed in this code.

[H] 105.2.1 Research Reports

Supporting data, where necessary to assist in the approval of materials or assemblies not specifically provided for in this code, shall consist of valid research reports from approved sources.

[H] 105.3 Required Testing

Whenever there is insufficient evidence of compliance with the provisions of this code, or evidence that a material or method does not conform to the requirements of this code, or in order to substantiate claims for alternate materials or methods, the code official shall have the authority to require tests as evidence of compliance to be made at no expense to the jurisdiction.

[H] 105.3.1 Test Methods

Test methods shall be as specified in this code or by other recognized test standards. In the absence of recognized and accepted test methods, the code official shall approve the testing procedures.

[H] 105.3.2 Testing Agency

All tests shall be performed by an approved agency.

[H] 105.4 Approved materials and Equipment

Materials, equipment and devices approved by the code official shall be constructed and installed in accordance with such approval.

[H] 105.4.1 Material and Equipment Reuse

Materials, equipment and devices shall not be reused unless such elements have been reconditions, tested, placed in good and proper working condition and approved.

[H] 106 PERMITS**[H] 106.1 When Required**

Any owner, authorized agent or contractor who desires to construct, enlarge, alter, repair, move, demolish or change the occupancy of a building or structure, or to erect, install, enlarge, alter, repair, remove, convert or replace any electrical system, the installation of which is regulated by this code, or to cause any such work to be done, shall first make application to the code official and obtain the required permit for the work.

[H] 106.2 Exempt Work

The following work shall be exempt from the requirements for a permit:

1. The work identified in Article 90.2(B) as not being covered by this Code.

[H] 106.3 Application for Permit

Each application for a permit, with the required fee, shall be filed with the code official on a form furnished for that purpose and shall contain a general description of the proposed work and its location. The application shall be signed by the owner or an authorized agent. The permit application shall indicate the proposed occupancy of all parts of the building and of that portion of the site or lot, if any, not covered by the building or structure and shall contain such other information required by the code official.

[H] 106.3.1 Construction Documents

Construction documents, engineering calculations, diagrams and other such data shall be submitted, as required by the code official, with each application for a permit. The code official shall require construction documents, computations and specifications to be prepared and designed by a registered design professional when required by state law. Construction documents shall be drawn to scale and shall be of sufficient clarity to indicate the location, nature and extent of the work proposed and show in detail that the work conforms to the provisions of this code. Construction documents for buildings more than two stories in height shall indicate where penetrations will be made for pipes, conduits, wiring, equipment, fittings and components and shall indicate the materials and methods for maintaining required structural safety, fire-resistance rating and fire blocking.

Exception

The code official shall have the authority to waive the submission of construction documents, calculations or other data if the nature of the work applied for is such reviewing of the construction documents is not necessary to determine compliance with this code.

[H] 106.3.2 Preliminary Inspection

Before a permit is issued, the code official is authorized to inspect and evaluate the systems, equipment, buildings, devices, premises and spaces or areas to be used.

[H] 106.3.3 Time Limitation of Application

An application for a permit for any proposed work shall be deemed to have been abandoned 90 days after the date of filing, unless such application has been pursued in good faith or a permit has been issued: except that the code official shall have the authority to grant one or more extensions of time for additional periods not exceeding 90 days each. The extension shall be requested in writing and justifiable cause demonstrated.

[H] 106.4 By Whom Application is Made

Application for a permit shall be made by the person or agent to install all or part of any electrical system. The applicant shall meet all qualifications established by statute, or by rules promulgated by this code, or by ordinance or by resolution. The full name and address of the applicant shall be stated in the application.

[H] 106.5 Permit Issuance

The application, construction documents and other data filed by an applicant for permit shall be reviewed by the code official. If the code official finds that the proposed work conforms to the requirements of this code and all laws and ordinances applicable thereto, and that the fees specified in Section [H] 106.6 have been paid, a permit shall be issued to the applicant.

[H] 106.5.1 Approved Construction Documents

When the code official issues the permit where construction documents are required, the construction documents shall be endorsed in writing and stamped "APPROVED." Such approved construction documents shall not be changed, modified or altered without authorization from the code official. All work shall be done in accordance with the approved construction documents. The code official shall have the authority to issue a permit for the construction of a part of a electrical system before the entire construction documents for the whole system have been submitted or approved, provided adequate information and detailed statements have been filed complying with all pertinent requirements of this code. The holders of such permit shall proceed at their own risk without assurance that the permit for the entire electrical system will be granted.

[H] 106.5.2 Validity

The issuance of a permit or approval of construction documents shall not be construed to be a permit for, or an approval of, any violation of any of the provisions of this code or any other ordinance of the jurisdiction. Not permit presuming to give authority to violate or cancel the provisions of this code shall be valid. The issuance of a permit based upon construction documents and other data shall not prevent the code official from thereafter required the correction of errors in said construction documents and other data or from preventing building

operations being carried on thereunder when in violation of this code of other ordinances of this jurisdiction.

[H] 106.5.3 Expiration

Every permit issued shall become invalid unless the work authorized by such permit is commenced within 180 days after the issuance, or if the work authorized by such permit is suspended, abandoned or lacks any required inspection for a period of 180 days after the time the work is commenced. The code official is authorized to grant, in writing, one or more extensions of time, for periods not more than 180 days each. The extension shall be requested in writing and justifiable cause demonstrated.

[H] 106.5.4 When Extensions

Any permittee holding an unexpired permit shall have the right to apply for an extension of the time within which the permittee will commence work under that permit when work is unable to be commenced within the time required by this section for good and satisfactory reasons. The code official shall extend the time for action by the permittee for a period not exceeding 180 days if there is reasonable cause. Not permit shall be extended more than once. The fee for an extension shall be one-half the amount required for a new permit for such work.

[H] 106.5.5 Suspension or Revocation of Permit

The code official shall have the authority to suspend or revoke a permit issued under the provisions of this code wherever the permit is issued in error or on the basis on incorrect, inaccurate or incomplete information, or in violation of any ordinance or regulation or any of the provisions of this code.

[H] 106.5.6 Retention of Construction Documents

One set of approved construction documents shall be retained by the code official for a period of not less than 180 days from date of completion of the permitted work, or as required by state or local laws. Once set of approved construction documents shall be returned to the applicant, and said set shall be kept on the site of the building or work at all times during which the work authorized thereby is in progress.

[H] 106.5.7 Previous Approvals

This code shall not require changes in the construction documents, construction or designated occupancy of a structure for which a lawful permit has been heretofore issued or otherwise lawfully authorized, and the construction of which has been pursued in good faith within 180 days after the effective date of this code and has not been abandoned.

[H] 106.5.8 Posting of Permit

The permit or a copy shall be kept on the site of the work until the completion of the project.

[H] 106.6 Fees

A permit shall not be issued until the fees prescribed in Section 106.6.2 have been paid, and an amendment to a permit shall not be released until the additional fee, if any, due to an increase of the electrical systems, has been paid.

[H] 106.6.1 Work Commencing before Permit Issuance

Any person who commences any work on an electrical system before obtaining the necessary permits shall be subject to 100 percent of the usual permit fee in addition to the required permit fees.

[H] 106.6.2 Fee Schedule

The fees for all electrical work shall be as indicated in the Consolidated Fee Ordinance for the Town of Lakewood Village.

[H] 106.6.3 Fee Refunds

The code official shall authorize the refunding of fees as follows:

1. The full amount of any fee paid hereunder that was erroneously paid or collected.
2. Not more than 80 percent of the permit fee paid when no work has been done under a permit issued in accordance with this code.
3. Not more than 50 percent of the plan review fee paid when an application for a permit for which a plan review fee has been paid is withdrawn or canceled before any plan review effort has been expended.

The code official shall not authorize the refunding of any fee paid except upon written application filed by the original permittee not later than 180 days after the date of fee payment.

[H] 107 INSPECTIONS AND TESTING**[H] 107.1 General**

The code official is authorized to conduct such inspections as are deemed necessary to determine compliance with the provisions of this code. Construction or work for which a permit is required shall be subject to inspection by the code official, and such construction or work shall remain accessible and exposed for inspection purposes until approved. Approval as a result of an inspection shall not be construed to be an approval of a violation of the provisions of this code or of other ordinances of the jurisdiction. Inspections presuming to give authority to violate or cancel the provisions of this code or of other ordinances of the jurisdiction shall not be valid. It shall be the duty of the permit applicant to cause the work to remain accessible and exposed for inspection purposes. Neither the code official nor the jurisdiction shall be liable for expense entailed in the removal or replacement of any material required to allow inspection.

[H] 107.2 Required Inspections and Testing

The code official, upon notification from the permit holder or the permit holder's agent, shall make the following inspections and such other inspections as necessary, and shall either release that portion of the construction or shall notify the permit holder or an agent of any violations that must be corrected. The holder of the permit shall be responsible for the scheduling of such inspections.

1. Underground inspection shall be made after trenches or ditches are excavated and bedded, piping and conduit installed, and before any backfill is put in place.
2. Rough-in inspection shall be made after the roof, framing, fire blocking, fire stopping, draft stopping and bracing is in place and all electrical systems are rough-in, and prior to the installation of wall or ceiling membranes.
3. Final inspection shall be made after the building is complete, all electrical fixtures are in place and properly connected, and the structure is ready for occupancy.

[H] 107.2.1 Other Inspections

In addition to the inspections specified above, the code official is authorized to make or require other inspections of any construction work to ascertain compliance with the provisions of this code and other laws that are enforced.

[H] 107.2.2 Inspection Requests

It shall be the duty of the holder of the permit or their duly authorized agent to notify the code official when work is ready for inspection. It shall be the duty of the permit holder to provide access to and means for inspections of such work that are required by this code.

[H] 107.2.3 Approval Required

Work shall not be done beyond the point indicated in each successive inspection without first obtaining the approval of the code official. The code official, upon notification, shall make the requested inspections and shall either indicate the portion of the construction that is satisfactory as completed, or notify the permit holder or his or agent wherein the same fails to comply with this code. Any portions that do not comply shall be corrected and such portion shall not covered or concealed until authorized by the code official.

[H] 107.2.4 Approved Agencies

The code official is authorized to accept reports of approved inspection agencies, provided that such agencies satisfy the requirements as to qualifications and reliability.

[H] 107.2.5 Evaluation and Follow-up Inspection Services

Prior to the approval of a closed, prefabricated, electrical system and the issuance of an electrical permit, the code official may require submittal of an evaluation report on each prefabricated electrical system indicating the complete details of the electrical system, including a description of the system and its components, the basis upon which the electrical system is being evaluated, test

results and similar information, and other data as necessary for the code official to determine conformance to this code.

[H] 107.2.5.1 Evaluation Service

The code official shall designate the evaluation service of an approved agency as the evaluation agency, and review such agency's evaluation report for adequacy and conformance to this code.

[H] 107.2.5.2 Follow-up Inspection

Except where ready access is provided to all electrical systems, service equipment and accessories for complete inspection at the site without disassembly or dismantling, the code official shall conduct the frequency of in-plant inspections necessary to ensure conformance to the approved evaluation report or shall designate an independent, approved inspection agency to conduct such inspections. The inspection agency shall furnish the code official with the follow up inspection manual and a report of inspections upon request, and the electrical system shall have an identifying label permanently affixed to the system indicating that factory inspection have been performed.

[H] 107.2.5.3 Test and Inspection Records

All required test and inspection records shall be available to the code official at all times during the fabrication of the electrical system and the erection of the building, or such records as the code official designates shall be filed.

[H] 107.3 Special Inspections

Special inspections of alternative engineered design electrical systems shall be conducted in accordance with Sections 107.3.1 and 107.3.2.

[H] 107.3.1 Periodic Inspection

The registered design professional or designated inspector shall periodically inspect and observe the alternative engineered design to determine that the installation is in accordance with the approved construction documents. All discrepancies shall be brought to the immediate attention of the electrical contractor for correction. Records shall be kept of all inspections.

[H] 107.3.2 Written Report

The registered design professional shall submit a final report in writing to the code official upon completion of the installation, certifying that the alternative engineered design conforms to the approved construction documents. A notice of approval for electrical system shall not be issued until a written certification has been submitted.

[H] 107.4 Testing

Electrical work and systems shall be tested as required by this code and in accordance with Sections 107.4.1 through 107.4.3. Tests shall be made by the permit holder and observed by the code official.

[H] 107.4.1 new, Altered, Extended or Repaired Systems

New electrical systems and parts of existing systems that have been altered, extended or repaired shall be inspected and tested as required by the code official.

[H] 107.4.2 Equipment, Material and Labor for Tests

All equipment, material and labor required for testing a electrical system or part thereof shall be furnished by the permit holder.

[H] 107.4.3 Reinspection and Testing

Where any work or installation does not pass any initial test or inspection, the necessary corrections shall be made to comply with this code. The work or installation shall then be resubmitted to the code official for inspection and testing.

[H] 107.5 Approval

After the prescribed tests and inspections indicate that the work complies in all respects with this code, a notice of approval shall be issued by the code official.

[H] 107.5.1 Revocation

The code official is authorized to, in writing, suspend or revoke a notice of approval issued under the provisions of this code wherever the notice is issued in error, or on the basis of incorrect information supplied, or where it is determined that the building or structure, premise or portion thereof is in violation of any ordinance or regulation or any of the provision of this code.

[H] 107.6 Temporary Connection

The code official is authorized to, in writing, suspend or revoke a notice of approval issued under the provision of this code wherever the notice issued in error, or on the basis of incorrect information supplied, or where it is determined that the build or structure, premise or portion thereof is in violation of any ordinance or regulation or any of the provision of this code.

[H] 107.7 Connection of Service Utilities

A person shall not make connections from a utility, source of energy, or power system to any building or system that is regulated by this code for with a permit is required until authorized by the code official.

[H] 108 VIOLATIONS**[H] 108.1 Unlawful Acts**

It shall be unlawful for any person, firm or corporation to erect, construct, alter, repair, remove, demolish or utilize any electrical system, or cause same to be done, in conflict with or in violation of any of the provisions of this code.

[H] 108.2 Notice of Violation

The code official shall serve a notice of violation or order to the person responsible for the erection, installation, alteration, extension, repair, removal or demolition of electrical work in violation of the provisions of this code, or in violation of a detail statement or the approved construction documents thereunder, or in violation of a permit or certificate issued under the provisions of this code. Such order shall direct the discontinuance of the illegal action or condition and the abatement of the violation.

[H] 108.3 Prosecution of Violation

If the notice of violation is not complied with promptly, the code official shall request the legal counsel of the jurisdiction to institute the appropriate proceeding at law or in equity to restrain, correct or abate such violation, or to require the removal or termination of the unlawful occupancy of the structure in violation of the provisions of this code or of the order or direction made pursuant thereto.

[H] 108.4 Violation Penalties

Any person 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 or repair electrical work in violation of the *approved* construction documents or directive of the code official, or of a permit or certificate issued under the provisions of this code, shall be guilty of separate offenses for each day during which the violation is continued after notification.

[H] 108.5 Stop Work Orders

Upon notice from the code official, work on any electrical system that is being done contrary to the provision of this code or in a dangerous or unsafe manner shall immediately cease. Such notice shall be in writing and shall be given to the owner of the property, or that owner's agent, or to the person doing the work. The notice shall state the conditions under which work is authorized to resume. Where an emergency exists, the code official shall not be required to give a written notice prior to stopping the work. Any person who shall continue any work in or about the structure after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be liable to a fine as required herein by this code.

[H] 108.6 Abatement of Violation

The imposition of the penalties herein prescribed shall not preclude the legal officer of the jurisdiction from instituting appropriate action to prevent unlawful construction or to restrain, correct or abate a violation, or to prevent illegal occupancy of a building, structure or premise, or to stop an illegal act, conduct, business or utilization of the electrical system on or about an premises.

[H] 108.7 Unsafe Electrical Systems

Any electrical system regulated by this code that is unsafe or that constitutes a fire or health hazard, or is otherwise dangerous to human life is hereby declared unsafe. Any use of electrical systems regulated by this code constituting a hazard to safety, health or public welfare by reason of

inadequate maintenance, dilapidation, obsolescence, fire hazard, disaster, damage or abandonment is hereby declared an unsafe used. Any such unsafe electrical system is hereby declared to be a public nuisance and shall be abated by repair, rehabilitation, demolition or removal.

[H] 108.7.1 Authority to Condemn Equipment

Whenever the code official determines that any electrical system, or portion thereof, regulated by this code has become hazardous to life, health or property the code official shall order in writing that such electrical system either be removed or restored to a safe conditions. A time limit for compliance with such order shall be specified in the written notice. No person shall use or maintain a defective electrical system after receiving such notice. When such electrical system is to be disconnected, written notice as prescribed in Section 108.2 shall be given. In cases of immediate danger to life or property, such disconnection shall be made immediately without notice.

[H] 108.7.2 Authority to Disconnect Service Utilities

The code official shall have the authority to authorize disconnection to utility service to the building, structure or system regulated by the technical codes in case of an emergency, where necessary, to eliminate an immediate danger to life or property. Where possible, the owner or occupant of the building, structure or service system shall be notified of the decision to disconnect utility service prior to taking such action. If not notified prior to disconnecting, the owner or occupant of the building, structure or service systems shall be notified in writing, as soon as practical thereafter.

[H] 108.7.3 Connection after Order to Disconnect

No person shall make connections from any energy or power supply system or supply energy or power supply to any equipment regulated by this code that has been disconnected or ordered to be disconnected by the code official or the use of which has been ordered to be discontinued by the code official until the code official authorizes the reconnection and use of such equipment. When any electrical system is maintained in violation of this code, and in violation of any notice issued pursuant to the provisions of this section, the code official shall institute any appropriate action to prevent, restrain, correct or abate the violation.

[H] 109 MEANS OF APPEAL

[H] 109.1 Application for Appeal

Any person shall have the right to appeal a decision of the code official to the board of appeals established by ordinance. The board shall be governed by the Town of Lakewood Village's enabling ordinance.

End of Exhibit A

ADOPTION AND SUMMARY OF AMENDMENTS

Ordinance Number	Date	Summary
<u>21-xx</u>	<u>June 10, 2021</u>	<ul style="list-style-type: none"> • <u>Referenced 2017 NEC</u> • <u>Added section 250</u> • <u>Added feeder column to table 310.106(A)</u> • <u>Removed Article 334</u>
16-17	October 13, 2016	<ul style="list-style-type: none"> • Removed ETJ
15-13	August 13, 2015	<ul style="list-style-type: none"> • Removed amendments to Article 680 • Removed amendments to Annex G • Added Annex H
11-08	April 14, 2011	REPEALED

TOWN OF LAKEWOOD VILLAGE
FUEL GAS CODE ~~16-1421-xx~~

**AN ORDINANCE TO ADOPT THE ~~2012~~2018
INTERNATIONAL FUEL GAS CODE, WITHIN THE TOWN
OF LAKEWOOD VILLAGE ; PROVIDING A
SAVINGS/REPEALING CLAUSE, PROVIDING A PENALTY
CLAUSE, PROVIDING A SEVERABILITY CLAUSE,
PROVIDING AN EFFECTIVE DATE.**

WHEREAS, the Town Council of the Town of Lakewood Village, Texas (“Town Council”) has investigated and determined that it would be advantageous and beneficial to the citizens of the Town of Lakewood Village, Texas to adopt the ~~2012~~2018 Edition of the International Fuel Gas Code, save and except the deletions and amendments set forth below.

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

Section 1: Findings

The findings set forth above are incorporated into the body of this Ordinance as if fully set forth herein.

Section 2: Adoption of the ~~2012~~2018 International Fuel Gas Code

The International Fuel Gas Code, ~~2012~~2018 Edition, copyrighted by the International Code Council, Inc., save and except the deletions and amendments set forth in Exhibit "A", attached hereto and incorporated herein for all purposes, is hereby adopted as the Fuel Gas code for Lakewood Village, regulating the erection, installation, alteration, repairs, relocation, replacement, addition to, use or maintenance of fuel gas systems within Lakewood Village (the "~~2012~~2018 International Fuel Gas Code"). The ~~2012~~2018 International Fuel Gas Code is made a part of this Ordinance as if fully set forth herein.

Section 3: Repeal

Fuel Gas Code ~~16-1415-07~~ ordinance is hereby repealed in its entirety.

Section 4: Penalty Clause

A. Violation

A person who knowingly violates any provision of this chapter is guilty of separate offenses for each day during which the violation is continued after notification. Neither allegation nor evidence of a culpable mental state is required for the proof of an offense defined by this ordinance.

B. Fine

Each offense is punishable by a fine of not more than two-thousand (\$2,000) nor less than two-hundred (\$200). The minimum fine established in this paragraph shall be doubled for the second conviction of the same offense within any 24-month period and tripled for the third and subsequent convictions of the same offense within any 24-month period. At no time shall the minimum fine exceed the maximum fine established in this paragraph.

Section 5: Legal Rights

The penal provision imposed under this Ordinance shall not preclude the Town of Lakewood Village from filing suit to enjoin the violation. The Town of Lakewood Village retains all legal rights and remedies available to it pursuant to local, state, and federal law.

Section 6: Severability

A. Unconstitutional or Invalid Section

Should any section, subsection, sentence, clause or phrase of this Ordinance be declared unconstitutional or invalid by a court of competent jurisdiction, it is expressly provided that any and all remaining portions of this Ordinance shall remain in full force and effect.

B. Independent Sections

The Town hereby declares that it would have passed this Ordinance, and each section, subsection, clause or phrase thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses and/or phrases be declared unconstitutional or invalid.

Section 7: Estoppel / Waiver

The failure of the Town to enforce any term or condition of this Ordinance shall not constitute a waiver or estoppel or any subsequent violation of this Ordinance.

Section 8: Effective Date

The amendments to this Ordinance shall become effective from and after its date of passage and publication as provided by law.

PASSED AND APPROVED by the Town Council of the Town of Lakewood Village, Texas this the 10th day of June, 2021.

Dr. Mark E. Vargus
Mayor

ATTEST:

Linda Asbell
Town Secretary, TRMC



Exhibit A

Town of Lakewood Village Amendments

~~2012~~2018 International Fuel Gas Code



FUEL GAS CODE

Adopted: ~~June~~ ~~October~~ 10³~~th~~, 20~~21~~~~16~~



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CHAPTER 1. SCOPE AND APPLICATION

The following additions, deletions and amendments to the ~~2012~~2018 International Fuel Gas Code adopted herein and hereby approved and adopted.

[A] 101 General

General of the ~~2012~~2018 International Fuel Gas Code is amended as follows:

[A] 101.1 Title

These regulations shall be known as the *International Fuel Gas Code* of The Town of Lakewood Village hereinafter referred to as "this code."

[A] 102 Applicability

Applicability of the ~~2012~~2018 International Fuel Gas Code is amended as follows:

[A] 102.8 Referenced Codes and Standards

The codes and standards referenced in this code shall be those that are listed in Chapter 8 and such codes, when specifically adopted, and standards shall be considered as part of the requirements of this code to the prescribed extent of each such reference. ~~and as further regulated in Sections 102.8.1 and 102.8.2.~~ Where the differences occur between provisions of this code and the referenced standards, the provisions of this code shall be the minimum requirements. Whenever amendments have been adopted to the referenced codes and standards, each reference to said code and standard shall be considered to reference the amendments as well. Any reference to NFPA 70 or the ICC Electrical Code shall mean the Electrical Code as adopted.

Exception

Where enforcement of a code provision would violate the conditions of the *listing* of the *equipment* or *appliance*, the conditions of the *listing* and manufacturer's instructions shall apply.

[A] 106 Permits

Permits of the ~~2012~~2018 International Fuel Gas Code is amended as follows:

[A] 106.3 Application for Permit

Application for Permit of the ~~2012~~2018 International Fuel Gas Code is amended as follows:

[A] 106.3.2 Time Limitation of Application

An application for a permit for any proposed work shall be deemed to have been abandoned ~~180~~ 90 days after the date of filing, unless such application has been pursued in good faith or a permit has been issued; except that the code official shall have the authority to grant one or more extensions of time for additional periods not exceeding ~~180~~ 90 days each. The extension shall be requested in writing and justifiable cause demonstrated.

[A] 106.5 Permit Issuance

Permit Issuance of the ~~2012~~2018 International Fuel Gas Code is amended as follows:

[A] 106.5.3 Expiration

~~Every permit issued by the code official under the provisions of this code shall expire by limitation and shall become null and void if invalid unless the work authorized by such permit is not commenced within 180 days from the date of such permit after the issuance, or if the work authorized by such permit is suspended, or abandoned or at any time after the work is commenced lacks any required inspection for a period of 180 days after the time the work is commenced. Before such work can be recommenced, a new permit shall be first obtained and the fee therefor shall be one-half the amount required for a new permit for such work, provided no changes have been made or will be made in the original construction documents for such work, and provided further that such suspension or abandonment has not exceeded 1 year. The Code Official is authorized to grant, in writing, one or more extensions of time, for periods not more than 180 days each. The extension shall be requested in writing and justifiable cause demonstrated.~~

[A] 106.6 Fees

Fees Issuance of the ~~2012~~2018 International Fuel Gas Code is amended as follows:

[A] 106.6.2 Fee Schedule

The fees for all fuel gas work shall be as indicated in the Consolidated Fee Ordinance for the Town of Lakewood Village.

[A] 106.6.3 Fee Refunds

The code official shall authorize the refunding of fees as follows:

1. The full amount of any fee paid hereunder that was erroneously paid or collected.
2. Not more than 80 percent of the permit fee paid when no work has been done under a permit issued in accordance with this code.
3. Not more than 50 percent of the plan review fee paid when an application for a permit for which a plan review fee has been paid is withdrawn or canceled before any plan review effort has been expended.

The code official shall not authorize the refunding of any fee paid except upon written application filed by the original permittee not later than 180 days after the date of fee payment.

[A] 108 Violations

Violations of the ~~2012~~2018 International Fuel Gas Code is amended as follows:

[A] 108.4 Violation Penalties

Any person 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 or repair plumbing work in violation of the

~~approved construction documents or directive of the code official, or of a permit or certificate issued under the provisions of this code, shall be guilty of separate offenses for each day during which the violation is continued after notification. of a [SPECIFY OFFENSE], punishable by a fine of not more than [AMOUNT] dollars or by imprisonment not exceeding [NUMBER OF DAYS], or both such fine and imprisonment. Each day that a violation continues after due notice has been served shall be deemed a separate offense.~~

[A] 108.5 Stop Work Orders

Upon notice from the code official, work on any fuel gas system that is being done contrary to the provisions of this code or in a dangerous or unsafe manner shall immediately cease. Such notice shall be in writing and shall be given to the owner of the property, or to the owner's agent, or to the person doing the work. The notice shall state the conditions under which work is authorized to resume. Where an emergency exists, the code official shall not be required to give a written notice prior to stopping the work. Any person who shall continue any work in or about the structure after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be liable to a fine as required herein by this code. ~~of not less than [AMOUNT] dollars or more than [AMOUNT] dollars.~~

CHAPTER 3. GENERAL REGULATIONS

The following additions, deletions and amendments to the ~~2012~~2018 International Fuel Gas Code adopted herein and hereby approved and adopted.

306 Access and Service Space

Appliances in Attics of the ~~2012~~2018 International Fuel Gas Code is amended as follows:

306.3 Appliances in the Attic

Attics containing appliances shall be provided with an opening and unobstructed passageway large enough to allow removal of the largest *appliance*. The passageway shall not be less than 30 inches (762 mm) high and 22 inches (559 mm) wide and not more than 20 feet (6096 mm) in length measured along the centerline of the passageway from the opening to the *appliance*. The passageway shall have continuous unobstructed solid flooring not less than 24 inches (610 mm) wide. A level service space not less than 30 inches (762 mm) deep and 30 inches (762 mm) wide shall be present at the front or service side of the *appliance*. The clear *access* opening dimensions shall be a minimum of 20 inches by 30 inches (508 mm by 762 mm), or larger and large enough to allow removal of the largest *appliance*. As a minimum, access to the attic spaces shall be provided by one of the following:

1. Permanent stairs or ladder fastened to the building
2. A pull down stair with a 300 lb. rating
3. An access door from an upper floor.

Exceptions:

1. The passageway and level service space are not required where the *appliance* is capable of being serviced and removed through the required opening.
2. Where the passageway is unobstructed and not less than 6 feet (1829 mm) high and 22 inches (559 mm) wide for its entire length, the passageway shall be not greater than 50 feet (15 250 mm) in length.

CHAPTER 4. GAS PIPING INSTALLATIONS

The following additions, deletions and amendments to the ~~2012~~2018 International Fuel Gas Code adopted herein and hereby approved and adopted.

404 Piping System and Installation

Installation of the ~~2012~~2018 International Fuel Gas Code is amended as follows:

404.12 Minimal Burial Depth

All underground *pipng* systems shall be installed a minimum depth of ~~12~~ 18 inches (~~305~~ 457 mm) below grade, except as provided for in Section 404.12.1.

404.12.1 Individual Outdoor Appliances

Individual lines to outside lights, grills or other *appliances* shall be installed a minimum of ~~8~~ 12 inches (~~203~~ 305 mm) below finished grade, provided that such installation is *approved* and is installed in locations not susceptible to physical damage.

404.17.2 Connections

Connections made outdoors and underground between metallic and plastic piping shall be made only with transition fittings conforming to ASTM D 2513 Category I or ASTM F 1973. Compression-type mechanical joints are not permitted below ground.



End of Exhibit A

ADOPTION AND SUMMARY OF AMENDMENTS

Ordinance Number	Date	Summary
<u>21-xx</u>	<u>June 10, 2021</u>	<ul style="list-style-type: none">• <u>Referenced 2018 IRC</u>• <u>Added section 404.17.2</u>
16-14	October 13, 2016	<ul style="list-style-type: none">• Removed ETJ
15-07	May 14, 2015	<ul style="list-style-type: none">• Removed amendments to section R305• Added amendments to Chapter 4• Removed amendments to Chapter 6
11-13	April 14, 2011	REPEALED

TOWN OF LAKEWOOD VILLAGE
MECHANICAL CODE ~~16-1321-xx~~

**AN ORDINANCE TO ADOPT THE ~~2012~~2018
INTERNATIONAL MECHANICAL CODE, WITHIN THE
TOWN OF LAKEWOOD VILLAGE; PROVIDING A
SAVINGS/REPEALING CLAUSE, PROVIDING A PENALTY
CLAUSE, PROVIDING A SEVERABILITY CLAUSE,
PROVIDING AN EFFECTIVE DATE.**

WHEREAS, the Town Council of the Town of Lakewood Village, Texas (“Town Council”) has investigated and determined that it would be advantageous and beneficial to the citizens of the Town of Lakewood Village, Texas to adopt the ~~2012~~2018 Edition of the International Mechanical Code, save and except the deletions and amendments set forth below.

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

Section 1: Findings

The findings set forth above are incorporated into the body of this Ordinance as if fully set forth herein.

Section 2: Adoption of the ~~2012~~2018 International Mechanical Code

The International Mechanical Code, ~~2012~~2018 Edition, copyrighted by the International Code Council, Inc., save and except the deletions and amendments set forth in Exhibit "A", attached hereto and incorporated herein for all purposes, is hereby adopted as the Mechanical code for Lakewood Village, regulating the erection, installation, alteration, repairs, relocation, replacement, addition to, use or maintenance of mechanical systems within Lakewood Village (the "~~2012~~2018 International Mechanical Code"). The ~~2012~~2018 International Mechanical Code is made a part of this Ordinance as if fully set forth herein.

Section 3: Repeal

Mechanical Code ~~16-1315-05~~ ordinance is hereby repealed in its entirety.

Section 4: Penalty Clause

A. Violation

A person who knowingly violates any provision of this chapter is guilty of separate offenses for each day during which the violation is continued after notification. Neither allegation nor evidence of a culpable mental state is required for the proof of an offense defined by this ordinance.

B. Fine

Each offense is punishable by a fine of not more than two-thousand (\$2,000) nor less than two-hundred (\$200). The minimum fine established in this paragraph shall be doubled for the second conviction of the same offense within any 24-month period and tripled for the third and subsequent convictions of the same offense within any 24-month period. At no time shall the minimum fine exceed the maximum fine established in this paragraph.

Section 5: Legal Rights

The penal provision imposed under this Ordinance shall not preclude the Town of Lakewood Village from filing suit to enjoin the violation. The Town of Lakewood Village retains all legal rights and remedies available to it pursuant to local, state, and federal law.

Section 6: Severability

A. Unconstitutional or Invalid Section

Should any section, subsection, sentence, clause or phrase of this Ordinance be declared unconstitutional or invalid by a court of competent jurisdiction, it is expressly provided that any and all remaining portions of this Ordinance shall remain in full force and effect.

B. Independent Sections

The Town hereby declares that it would have passed this Ordinance, and each section, subsection, clause or phrase thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses and/or phrases be declared unconstitutional or invalid.

Section 7: Estoppel / Waiver

The failure of the Town to enforce any term or condition of this Ordinance shall not constitute a waiver or estoppel or any subsequent violation of this Ordinance.

Section 8: Effective Date

~~The amendments to this Ordinance shall become effective from and after its date of passage and publication as provided by law.~~

~~**PASSED AND APPROVED** by the Town Council of the Town of Lakewood Village, Texas this the 13th day of October, 2016.~~

~~Dr. Mark E. Vargus
Mayor~~

~~ATTEST:~~

~~Linda Asbell
Town Secretary, TRMC~~

~~The amendments to this Ordinance shall become effective from and after its date of passage and publication as provided by law.~~

~~**PASSED AND APPROVED** by the Town Council of the Town of Lakewood Village, Texas this the 10th day of June, 2021.~~

~~Dr. Mark E. Vargus
Mayor~~

~~ATTEST:~~

~~Linda Asbell
Town Secretary, TRMC~~



Exhibit A

Town of Lakewood Village Amendments

~~2012~~2018 International Mechanical Code



MECHANICAL CODE

Adopted: ~~June~~ ~~October~~ 10th, 20~~21~~16



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CHAPTER 1. SCOPE AND APPLICATION

The following additions, deletions and amendments to the ~~2012~~2018 International Mechanical Code adopted herein and hereby approved and adopted.

[A] 101 General

General of the ~~2012~~2018 International Mechanical Code is amended as follows:

[A] 101.1 Title

These regulations shall be known as the *International Mechanical Code* of The Town of Lakewood Village hereinafter referred to as "this code."

[A] 102 Applicability

Applicability of the ~~2012~~2018 International Mechanical Code is amended as follows:

[A] 102.8 Referenced Codes and Standards

The codes and standards referenced in this code shall be those that are listed in Chapter 8 and such codes, when specifically adopted, and standards shall be considered as part of the requirements of this code to the prescribed extent of each such reference. ~~and as further regulated in Sections 102.8.1 and 102.8.2.~~ Where the differences occur between provisions of this code and the referenced standards, the provisions of this code shall be the minimum requirements. Whenever amendments have been adopted to the referenced codes and standards, each reference to said code and standard shall be considered to reference the amendments as well. Any reference to NFPA 70 or the ICC Electrical Code shall mean the Electrical Code as adopted.

Exception

Where enforcement of a code provision would violate the conditions of the *listing* of the *equipment* or *appliance*, the conditions of the *listing* and manufacturer's instructions shall apply.

[A] 106 Permits

Permits of the ~~2012~~2018 International Mechanical Code is amended as follows:

[A] 106.3 Application for Permit

Application for Permit of the ~~2012~~2018 International Mechanical Code is amended as follows:

[A] 106.3.2 Time Limitation of Application

An application for a permit for any proposed work shall be deemed to have been abandoned ~~180~~ 90 days after the date of filing, unless such application has been pursued in good faith or a permit has been issued; except that the code official shall have the authority to grant one or more extensions of time for additional periods not exceeding ~~180~~ 90 days each. The extension shall be requested in writing and justifiable cause demonstrated.

[A] 106.5 Permit Issuance

Permit Issuance of the ~~2012~~2018 International Mechanical Code is amended as follows:

[A] 106.5.3 Expiration

Every permit issued ~~by the code official under the provisions of this code shall expire by limitation and shall become null and void if~~ invalid unless the work authorized by such permit is ~~not~~ commenced within 180 days ~~from the date of such permit after the issuance,~~ or if the work authorized by such permit is suspended, ~~or abandoned or at any time after the work is commenced~~ lacks any required inspection for a period of 180 days after the time the work is commenced. ~~Before such work can be recommenced, a new permit shall be first obtained and the fee therefor shall be one-half the amount required for a new permit for such work, provided no changes have been made or will be made in the original construction documents for such work, and provided further that such suspension or abandonment has not exceeded 1 year. The Code Official is authorized to grant, in writing, one or more extensions of time, for periods not more than 180 days each. The extension shall be requested in writing and justifiable cause demonstrated.~~

[A] 106.6 Fees

Fees Issuance of the ~~2012~~2018 International Mechanical Code is amended as follows:

[A] 106.6.2 Fee Schedule

The fees for all mechanical work shall be as indicated in the Consolidated Fee Ordinance for the Town of Lakewood Village.

[A] 106.6.3 Fee Refunds

The code official shall authorize the refunding of fees as follows:

1. The full amount of any fee paid hereunder that was erroneously paid or collected.
2. Not more than 80 percent of the permit fee paid when no work has been done under a permit issued in accordance with this code.
3. Not more than 50 percent of the plan review fee paid when an application for a permit for which a plan review fee has been paid is withdrawn or canceled before any plan review effort has been expended.

The code official shall not authorize the refunding of any fee paid except upon written application filed by the original permittee not later than 180 days after the date of fee payment.

[A] 108 Violations

Violations of the ~~2012~~2018 International Mechanical Code is amended as follows:

[A] 108.4 Violation Penalties

Any person 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 or repair plumbing work in violation of the

~~approved construction documents or directive of the code official, or of a permit or certificate issued under the provisions of this code, shall be guilty of separate offenses for each day during which the violation is continued after notification. of a [SPECIFY OFFENSE], punishable by a fine of not more than [AMOUNT] dollars or by imprisonment not exceeding [NUMBER OF DAYS], or both such fine and imprisonment. Each day that a violation continues after due notice has been served shall be deemed a separate offense.~~

[A] 108.5 Stop Work Orders

Upon notice from the code official, work on any mechanical system that is being done contrary to the provisions of this code or in a dangerous or unsafe manner shall immediately cease. Such notice shall be in writing and shall be given to the owner of the property, or to the owner's agent, or to the person doing the work. The notice shall state the conditions under which work is authorized to resume. Where an emergency exists, the code official shall not be required to give a written notice prior to stopping the work. Any person who shall continue any work in or about the structure after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be liable to a fine as required herein by this code. ~~of not less than [AMOUNT] dollars or more than [AMOUNT] dollars.~~

CHAPTER 3. GENERAL REGULATIONS

The following additions, deletions and amendments to the ~~2012~~2018 International Mechanical Code adopted herein and hereby approved and adopted.

306 Access and Service Space

Appliances in Attics of the ~~2012~~2018 International Mechanical Code is amended as follows:

306.3 Appliances in the Attic

Attics containing appliances shall be provided with an opening and unobstructed passageway large enough to allow removal of the largest *appliance*. The passageway shall not be less than 30 inches (762 mm) high and 22 inches (559 mm) wide and not more than 20 feet (6096 mm) in length measured along the centerline of the passageway from the opening to the *appliance*. The passageway shall have continuous unobstructed solid flooring not less than 24 inches (610 mm) wide. A level service space not less than 30 inches (762 mm) deep and 30 inches (762 mm) wide shall be present at the front or service side of the *appliance*. The clear *access* opening dimensions shall be a minimum of 20 inches by 30 inches (508 mm by 762 mm), or larger and large enough to allow removal of the largest *appliance*. As a minimum, access to the attic spaces shall be provided by one of the following:

1. Permanent stairs or ladder fastened to the building
2. A pull down stair with a 300 lb. rating
3. An access door from an upper floor.

Exceptions:

1. The passageway and level service space are not required where the *appliance* is capable of being serviced and removed through the required opening.
2. Where the passageway is unobstructed and not less than 6 feet (1829 mm) high and 22 inches (559 mm) wide for its entire length, the passageway shall be not greater than 50 feet (15 250 mm) in length.



End of Exhibit A

ADOPTION AND SUMMARY OF AMENDMENTS

Ordinance Number	Date	Summary
<u>21-xx</u>	<u>June 10, 2021</u>	• <u>Referenced 2018 IRC</u>
16-13	October 13, 2016	• Removed ETJ
15-05	May 14, 2015	• Removed amendments to [A] 304 • Removed amendments to Chapter 5 • Removed amendments to Chapter 6
11-04	May 12, 2011	REPEALED

TOWN OF LAKEWOOD VILLAGE
PLUMBING CODE ~~21-xx16-12~~

AN ORDINANCE TO ADOPT THE 201~~82~~ INTERNATIONAL PLUMBING CODE, WITHIN THE TOWN OF LAKEWOOD VILLAGE; PROVIDING A SAVINGS/REPEALING CLAUSE, PROVIDING A PENALTY CLAUSE, PROVIDING A SEVERABILITY CLAUSE, PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Town Council of the Town of Lakewood Village, Texas (“Town Council”) has investigated and determined that it would be advantageous and beneficial to the citizens of the Town of Lakewood Village, Texas to adopt the ~~2012~~2018 Edition of the International Plumbing Code, save and except the deletions and amendments set forth below.

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

Section 1: Findings

The findings set forth above are incorporated into the body of this Ordinance as if fully set forth herein.

Section 2: Adoption of the 201~~82~~ International Plumbing Code

The International Plumbing Code, 201~~82~~ Edition, copyrighted by the International Code Council, Inc., save and except the deletions and amendments set forth in Exhibit "A", attached hereto and incorporated herein for all purposes, is hereby adopted as the Plumbing code for Lakewood Village, regulating the erection, installation, alteration, repairs, relocation, replacement, addition to, use or maintenance of plumbing systems within Lakewood Village (the "201~~82~~ International Plumbing Code"). The 201~~82~~ International Plumbing Code is made a part of this Ordinance as if fully set forth herein.

Section 3: Repeal

Plumbing Code ~~16-125-06~~ ordinance is hereby repealed in its entirety.

Section 4: Penalty Clause

A. Violation

A person who knowingly violates any provision of this chapter is guilty of separate offenses for each day during which the violation is continued after notification. Neither allegation nor evidence of a culpable mental state is required for the proof of an offense defined by this ordinance.

B. Fine

Each offense is punishable by a fine of not more than two-thousand (\$2,000) nor less than two-hundred (\$200). The minimum fine established in this paragraph shall be doubled for the second conviction of the same offense within any 24-month period and tripled for the third and subsequent convictions of the same offense within any 24-month period. At no time shall the minimum fine exceed the maximum fine established in this paragraph.

Section 5: Legal Rights

The penal provision imposed under this Ordinance shall not preclude the Town of Lakewood Village from filing suit to enjoin the violation. The Town of Lakewood Village retains all legal rights and remedies available to it pursuant to local, state, and federal law.

Section 6: Severability

A. Unconstitutional or Invalid Section

Should any section, subsection, sentence, clause or phrase of this Ordinance be declared unconstitutional or invalid by a court of competent jurisdiction, it is expressly provided that any and all remaining portions of this Ordinance shall remain in full force and effect.

B. Independent Sections

The Town hereby declares that it would have passed this Ordinance, and each section, subsection, clause or phrase thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses and/or phrases be declared unconstitutional or invalid.

Section 7: Estoppel / Waiver

The failure of the Town to enforce any term or condition of this Ordinance shall not constitute a waiver or estoppel or any subsequent violation of this Ordinance.

Section 8: Effective Date

~~The amendments to this Ordinance shall become effective from and after its date of passage and publication as provided by law.~~

~~**PASSED AND APPROVED** by the Town Council of the Town of Lakewood Village, Texas this the 13th day of October, 2016.~~

~~Dr. Mark E. Vargus
Mayor~~

~~ATTEST:~~

~~Linda Asbell
Town Secretary, TRMC~~

~~The amendments to this Ordinance shall become effective from and after its date of passage and publication as provided by law.~~

~~**PASSED AND APPROVED** by the Town Council of the Town of Lakewood Village, Texas this the 10th day of June, 2021.~~

~~Dr. Mark E. Vargus
Mayor~~

~~ATTEST:~~

~~Linda Asbell
Town Secretary, TRMC~~



Exhibit A

Town of Lakewood Village Amendments

201~~82~~ International Plumbing Code



PLUMBING CODE

Adopted: ~~June~~ ~~October~~ 10th, 20~~21~~16

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CHAPTER 1. SCOPE AND APPLICATION

The following additions, deletions and amendments to the ~~2012~~2018 International Plumbing Code adopted herein and hereby approved and adopted.

[A] 101 General

General of the ~~2012~~2018 International Plumbing Code is amended as follows:

[A] 101.1 Title

These regulations shall be known as the *International Plumbing Code* of The Town of Lakewood Village hereinafter referred to as "this code."

[A] 102 Applicability

Applicability of the ~~2012~~2018 International Plumbing Code is amended as follows:

[A] 102.8 Referenced Codes and Standards

The codes and standards referenced in this code shall be those that are listed in Chapter 14 and such codes, when specifically adopted, and standards shall be considered as part of the requirements of this code to the prescribed extent of each such reference. ~~and as further regulated in Sections 102.8.1 and 102.8.2.~~ Where the differences occur between provisions of this code and the referenced standards, the provisions of this code shall be the minimum requirements. Whenever amendments have been adopted to the referenced codes and standards, each reference to said code and standard shall be considered to reference the amendments as well. Any reference to NFPA 70 or the ICC Electrical Code shall mean the Electrical Code as adopted.

Exception

Where enforcement of a code provision would violate the conditions of the *listing* of the *equipment* or *appliance*, the conditions of the *listing* and manufacturer's instructions shall apply.

[A] 106 Permits

Permits of the ~~2012~~2018 International Plumbing Code is amended as follows:

[A] 106.3 Application for Permit

Application for Permit of the ~~2012~~2018 International Plumbing Code is amended as follows:

[A] 106.3.3 Time Limitation of Application

An application for a permit for any proposed work shall be deemed to have been abandoned ~~180~~ 90 days after the date of filing, unless such application has been pursued in good faith or a permit has been issued; except that the code official shall have the authority to grant one or more extensions of time for additional periods not exceeding ~~180~~ 90 days each. The extension shall be requested in writing and justifiable cause demonstrated.

[A] 106.5 Permit Issuance

Permit Issuance of the ~~2012~~2018 International Plumbing Code is amended as follows:

[A] 106.5.3 Expiration

~~Every permit issued by the code official under the provisions of this code shall expire by limitation and shall become null and void if invalid unless the work authorized by such permit is not commenced within 180 days from the date of such permit after the issuance, or if the work authorized by such permit is suspended, or abandoned or at any time after the work is commenced lacks any required inspection for a period of 180 days after the time the work is commenced. Before such work can be recommenced, a new permit shall be first obtained and the fee therefor shall be one-half the amount required for a new permit for such work, provided no changes have been made or will be made in the original construction documents for such work, and provided further that such suspension or abandonment has not exceeded 1 year. The Code Official is authorized to grant, in writing, one or more extensions of time, for periods not more than 180 days each. The extension shall be requested in writing and justifiable cause demonstrated.~~

[A] 106.6 Fees

Fees Issuance of the ~~2012~~2018 International Plumbing Code is amended as follows:

[A] 106.6.2 Fee Schedule

The fees for all plumbing work shall be as indicated in the Consolidated Fee Ordinance for the Town of Lakewood Village.

[A] 106.6.3 Fee Refunds

The code official shall authorize the refunding of fees as follows:

1. The full amount of any fee paid hereunder that was erroneously paid or collected.
2. Not more than 80 percent of the permit fee paid when no work has been done under a permit issued in accordance with this code.
3. Not more than 50 percent of the plan review fee paid when an application for a permit for which a plan review fee has been paid is withdrawn or canceled before any plan review effort has been expended.

The code official shall not authorize the refunding of any fee paid except upon written application filed by the original permittee not later than 180 days after the date of fee payment.

[A] 108 Violations

Violations of the ~~2012~~2018 International Plumbing Code is amended as follows:

[A] 108.4 Violation Penalties

Any person 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 or repair plumbing work in violation of the

~~approved construction documents or directive of the code official, or of a permit or certificate issued under the provisions of this code, shall be guilty of separate offenses for each day during which the violation is continued after notification. of a [SPECIFY OFFENSE], punishable by a fine of not more than [AMOUNT] dollars or by imprisonment not exceeding [NUMBER OF DAYS], or both such fine and imprisonment. Each day that a violation continues after due notice has been served shall be deemed a separate offense.~~

[A] 108.5 Stop Work Orders

Upon notice from the code official, work on any plumbing system that is being done contrary to the provisions of this code or in a dangerous or unsafe manner shall immediately cease. Such notice shall be in writing and shall be given to the owner of the property, or to the owner's agent, or to the person doing the work. The notice shall state the conditions under which work is authorized to resume. Where an emergency exists, the code official shall not be required to give a written notice prior to stopping the work. Any person who shall continue any work in or about the structure after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be liable to a fine as required herein by this code. ~~of not less than [AMOUNT] dollars or more than [AMOUNT] dollars.~~

CHAPTER 3. GENERAL REGULATIONS

The following additions, deletions and amendments to the ~~2012~~2018 International Plumbing Code adopted herein and hereby approved and adopted.

305 Protection of Pipes and Plumbing System Components

Protection of Pipes and Plumbing System Components of the ~~2012~~2018 International Plumbing Code is amended as follows:

305.4 Freezing

Freezing of the ~~2012~~2018 International Plumbing Code is amended as follows:

305.4.1 Sewer Depth

Building sewers that connect to private sewage disposal systems shall be installed not less than 12 inches (305 mm) below finished grade at the point of septic tank connection. Building sewers shall be installed not less than 12 inches (305 mm) below grade.

312 Tests and Inspections

Tests and Inspections of the ~~2012~~2018 International Plumbing Code is amended as follows:

312.10 Inspection and Testing of Backflow Prevention Assemblies

Inspection and Testing of Backflow Prevention Assemblies of the ~~2012~~2018 International Plumbing Code is amended as follows:

312.10.1 Inspections

~~Annual~~ Inspections shall be made of all backflow prevention assemblies and air gaps, as required by the Town, to determine whether they are operable.

312.10.2 Testing

Reduced pressure principle, double check-valve, pressure vacuum breaker, reduced pressure detector fire protection, double check detector fire protection, and spill-resistant vacuum breaker backflow preventer assemblies and hose connection backflow preventers shall be tested at the time of installation, immediately after repairs or relocation as required by the Town. ~~and at least annually~~. The testing procedure shall be performed in accordance with one of the following standards: ASSE 5013, ASSE 5015, ASSE 5020, ASSE 5047, ASSE 5048, ASSE 5052, ASSE 5056, CSA B64.10 or CSA B64.10.1.

CHAPTER 5. WATER HEATERS

The following additions, deletions and amendments to the ~~2012~~2018 International Plumbing Code adopted herein and hereby approved and adopted.

502 Installation

Installation of the ~~2012~~2018 International Plumbing Code is amended as follows:

502.3 Water Heaters Installed in Attics

Attics containing a water heater shall be provided with an opening and unobstructed passageway large enough to allow removal of the water heater. The passageway shall be not less than 30 inches (762 mm) in height and 22 inches (559 mm) in width and not more than 20 feet (6096 mm) in length when measured along the centerline of the passageway from the opening to the water heater. The passageway shall have continuous unobstructed solid flooring not less than 24 inches (610 mm) in width. A level service space not less than 30 inches (762 mm) in length and 30 inches (762 mm) in width shall be present at the front or service side of the water heater. The clear access opening dimensions shall be not less than 20 inches by 30 inches (508 mm by 762 mm) where such dimensions are large enough to allow removal of the water heater. As a minimum, access to the attic space shall be provided by one of the following:

1. Permanent stairs or ladder fastened to the building
2. A pull down stair with a 300 lb. rating
3. An access door from an upper floor.

504 Safety Devices

Safety Devices of the ~~2012~~2018 International Plumbing Code is amended as follows:

504.6 Requirements for Discharge Piping

Item number 10 of the International Plumbing Code is amended as follows:

10. Terminate not more than 6 inches (152 mm) ~~above and not less than two times the discharge pipe diameter~~ or more than 24 inches (610 mm) above grade nor more than 6 inches (152 mm) above the floor or waste receptor.

CHAPTER 6. WATER SUPPLY AND DISTRIBUTION

The following additions, deletions and amendments to the ~~2012~~2018 International Plumbing Code adopted herein and herby approved and adopted.

603 Water Service

Water Service of the ~~2012~~2018 International Plumbing Code is amended as follows:

603.1 Size of Water Service Pipe

The water service line pipe shall be sized to supply water to the structure in the quantities and at the pressures required in this code. The internal diameter of the water service line, including fittings, pipe shall not be less than 1 ³/₄ inch (25.4 mm). ~~in diameter.~~

608 Protection of Potable Water Supply

Protection of Potable Water Supply of the 2018 International Plumbing Code is amended as follows:

608.17.5 Connections to Lawn Irrigation Systems

The potable water supply to lawn irrigation systems shall be protected against backflow by an atmospheric-type vacuum breaker, a pressure vacuum breaker assembly, a double-check assembly or a reduced pressure principle backflow prevention assembly. Valves shall not be installed downstream from an atmospheric vacuum breaker. Where chemicals are introduced into the system, the potable water supply shall be protected against backflow by a reduced pressure principle backflow prevention assembly.

CHAPTER 7. SANITARY DRAINAGE

The following additions, deletions and amendments to the 2018 International Plumbing Code adopted herein and herby approved and adopted.

710 Drainage System Sizing

Drainage System Sizing of the 2018 International Plumbing Code is amended as follows:

710.1 Maximum Fixture Unit Load

The maximum number of drainage fixture units connected to a given size of building sewer, building drain or horizontal branch of the building drain shall be determined using Table 710.1(1). The maximum number of drainage fixture units connected to a given size of horizontal branch or vertical soil or waste stack shall be determined using Table 710.1(2). No building sewer, including cleanouts, shall not be less than 4 inch (102 mm) pipe diameter.

CHAPTER 9. VENTS

The following additions, deletions and amendments to the ~~2012~~2018 International Plumbing Code adopted herein and herby approved and adopted.

903 Vent Terminals

Vent Terminals of the ~~2012~~2018 International Plumbing Code is amended as follows:

903.1 Roof Extension

~~Open vent pipes that extend through a roof shall be terminated not less than 6 inches (152 mm) above the roof, except that where a roof is to be used for any purpose other than weather protection, the vent extensions shall terminate not less than 7 feet (2134 mm) above the roof.~~

Open vent pipes that extend through a roof shall be terminated not less than 6 inches (152 mm) above the roof. Where a parapet wall or similar roof obstruction exists, the vent shall terminate not less than the height of the wall or obstruction. Where a roof is to be used for assembly or as a promenade, observation deck, sunbathing deck or similar purposes, open vent pipes shall terminate not less than 7 feet (2134 mm) above the roof.

918 Air Admittance Valves

Air Admittance Valves of the 2006 International Residential Code is amended as follows:

918.3 Where Permitted

Individual, *branch* and circuit vents ~~may shall~~ be permitted to terminate with a connection to an individual or branch-type air admittance valve in accordance with Section 918.3.1. *Stack vents* and vent *stacks* shall be permitted to terminate to stack-type air admittance valves in accordance with Section 918.3.2. Air admittance valves shall only be installed with the prior written approval of the Building inspector.



End of Exhibit A

ADOPTION AND SUMMARY OF AMENDMENTS

Ordinance Number	Date	Summary
<u>21-xx</u>	<u>June 10, 2021</u>	<ul style="list-style-type: none">• <u>Referenced 2018 IRC</u>• <u>Added section 608</u>• <u>Added section 710</u>• <u>Added parapet requirement to section 903.1</u>
16-12	October 13, 2016	<ul style="list-style-type: none">• Removed ETJ
15-06	May 14, 2015	<ul style="list-style-type: none">• Added amendments to R108.4 and R108.5• Added amendments to Chapter 3• Added amendments to Chapter 6• Added amendments to Chapter 5• Added amendments to 903.1• Amendments to 918.3 was 917.3
11-09	May 12, 2011	REPEALED