

ORDINANCE NO. 10-2021

AN ORDINANCE OF THE VILLAGE OF BONNEY, TEXAS, ADOPTING AND AMENDING THE INTERNATIONAL BUILDING CODE, NATIONAL ELECTRICAL CODE, INTERNATIONAL PLUMBING CODE, INTERNATIONAL FUEL GAS CODE, INTERNATIONAL PROPERTY MAINTENANCE CODE, INTERNATIONAL ENERGY CONSERVATION CODE, INTERNATIONAL MECHANICAL CODE, INTERNATIONAL FIRE CODE, INTERNATIONAL RESIDENTIAL BUILDING CODE, AND INTERNATIONAL POOL AND SPA CODE; REGULATING AMUSEMENT RIDES; PROVIDING FOR FEES; PROVIDING ADDITIONAL ENFORCEMENT AUTHORITY;; PROVIDING A PENALTY OF UP TO \$2,000 PER DAY FOR A VIOLATION OF THIS ORDINANCE; AND CONTAINING RELATED REGULATIONS AND PROVISIONS.

BE IT ORDAINED BY THE BOARD OF ALDERPERSONS OF THE VILLAGE OF BONNEY, TEXAS:

PART ONE. BUILDING CODE.

Sec. I-1. Adoption of International Building Code.

The *International Building Code*, 2018 Edition (non-residential), hereinafter sometimes referred to as the "Code," as published by the International Code Council, Inc., is hereby adopted.

Sec. I-2. Amendments to International Building Code.

- (1) **Section 103** of that Code is hereby deleted and a new **Section 103** is substituted therefor as follows:

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

- (2) **Sections 104.1, 104.3, 104.11,** (but not any subsections of **section 104.11 except 104.11.2), and 104.11.2** of said Code are hereby deleted and new sections are substituted for those particular sections as follows:

"104 Powers and Duties of the Building Official.

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

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

104.6 Right of Entry. When it is necessary to make an inspection to enforce the provisions of this code, or when the building official has reasonable cause to believe that there exists in a building or upon its premises a condition which is contrary to or in violation of this code which makes the building or premises unsafe, dangerous, or hazardous, the building official may request entry. If entry is refused, the building official shall have recourse to the remedies provided by law to secure entry.

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

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

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

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

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

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

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

(3) **Section 105.2** of that code is hereby amended to provide as follows:

“105.2 Work exempt from permit. Exemptions 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. Permits shall not be required for the following:

Building:

1. Fences not over seven feet high.
2. Oil Derricks.
3. Retaining walls that are not over four feet (1219 mm) in height measured from the bottom of the footing to the top of the wall, unless supporting a surcharge or impounding Class I, II, or IIIA liquids.
4. Water tanks supported directly on grade if the capacity is not greater than 5,000 gallons (18925 L) and the ratio of height to diameter or width is not greater than 2:1.
5. Painting, papering, tiling, carpeting, cabinets, counter tops, and similar finish work.
6. Temporary motion picture, television, and theater stage sets and scenery.
7. Prefabricated swimming pools accessory to a Group R-3 occupancy that are less than 24 inches (610 mm) deep, are not greater than 5,000 gallons (18925 L) and are installed entirely above ground.
8. Shade cloth structures constructed for nursery or agricultural purposes, not including service systems.
9. Swings and other playground equipment accessory to detached one-and two-family dwellings.
10. Window awnings in Group R-3 and U occupancies, supported by an exterior wall that do not project more than 54 inches from the exterior wall and do not require additional support.
11. Nonfixed and movable fixtures, cases, racks, counters, and partitions not over 5 feet 9 inches (1753 mm) in height.

Electrical:

Repairs and maintenance: Minor repair work, including the replacement of lamps or the connection of approved portable electrical equipment to approved permanently installed receptacles.

Radio and television transmitting stations: The provisions of this code shall not apply to electrical equipment used for radio and television transmissions, but do apply to equipment and wiring for a power supply and to the installation of towers and antennas.

Temporary testing systems: The installation of any temporary system required for the testing or servicing of electrical equipment or apparatus.

Gas:

1. Portable heating appliance.
2. Replacement of any minor part that does not alter approval of equipment or make such equipment unsafe.

Mechanical:

1. Portable heating appliance.
2. Portable ventilation equipment.
3. Portable cooling unit.
4. Steam, hot or chilled water piping within any heating or cooling equipment regulated by this code.
5. Replacement of any part which does not alter its approval or make it unsafe.
6. Portable evaporative cooler.
7. Self-contained refrigeration system containing ten pounds (4.54 kg) or less of refrigerant and actuated by motors of one horsepower (0.75 kW) or less.

Plumbing:

1. The repairing of leaks; however, if it becomes necessary to remove and replace the same with new material, such work shall be considered as new work and a permit shall be obtained.
2. The clearing of stoppages in pipes, valves or fixtures, provided such repairs do not involve or require the replacement or rearrangement of valves, pipes, or fixtures.
3. The replacement of lavatory or kitchen faucets.
4. The replacement of ballcocks or water control valves.
5. The replacement of garbage disposals.
6. The replacement of water closets.”

- (4) **Section 105.3.1** of that Code is hereby deleted.

(5) **Section 105.5** of that Code is hereby amended to read as follows:

“105.5. Expiration: No construction schedule. Every permit issued shall become invalid, unless the work at the site authorized by such permit is commenced within 180 days after its issuance. The building official is authorized to grant, in writing, an extension or extensions of such permit, provided the maximum term of such permit shall not exceed one and one-half (1-1/2) years. If any permitted work is not completed within this limitation, then the permit shall become invalid and must be reissued in order to resume work, and the new permit will require the payment of new fees.

Work pursuant to a construction schedule. A permit may be issued for a reasonable period of time, which coincides with a written construction schedule prepared by a licensed architect or engineer, and filed with the Village. The building official is authorized to grant, in writing, an extension or extensions of such permit, provided the maximum term of such permit shall not exceed two (2) years. If any permitted work is not completed within this limitation, the permit shall become invalid and must be reissued in order to perform or resume work, together with payment of fees for such reissued permit.”

(6) **Section 105.8** of that Code is hereby enacted to read as follows:

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

Comprehensive general liability insurance covering all risks associated with the work, with a minimum bodily injury limit of \$100,000, \$300,000 per occurrence, and a property damage limit of \$400,000, or a property damage limit equal to or exceeding the amount of the contract amount, whichever is greater.”

(7) **Section 109.2** of that Code is hereby amended to read as follows:

“Section 109.2 Schedule of permit fees. For buildings, structures, or electrical, gas, mechanical, and plumbing systems or alterations thereof requiring a permit, a fee for each permit shall be paid as required, in accordance with the Village of Bonney’s Fee Schedule, as it may be amended from time to time by the Village Board of Alderpersons.”

(8) **Section 109.4** of that Code is hereby amended to read as follows:

“109.4 Work commencing before permit issuance. The permit fee for a required permit for work commenced without that permit shall be double the fee otherwise applicable.”

(9) **Section 111.1** of that Code is hereby amended to read as follows:

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

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

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

“113.1. Appeals. Appeals of orders, decisions, or determinations made by the Village’s building official in interpreting or applying this Code shall be to the Village Board of Alderpersons. The Village Board of Alderpersons may obtain the assistance of persons who are qualified by experience and training on a particular subject under consideration.”

- (11) **Section 113.3** of the Code is hereby deleted in its entirety.

- (12) **Section 114** of the Code is deleted in its entirety and the penalty provision of this Ordinance is substituted in its place.

- (13) **Section 202** of the Code is hereby amended by adding the following definitions:

FOSTER HOME. A residential dwelling licensed by the state, including, but not limited to, a foster home, as such term is defined by V.T.C.A., Texas Health and Safety Code §42.002, in which custodial care is provided for six or fewer children under the age of 18.

HEALTH CARE FACILITY. A facility, not including a Residential Group R facility, that provides inpatient medical care or medical treatment to persons who are not capable of self-preservation without physical assistance or in which the liberty of the occupants is restricted.

RESIDENTIAL CARE FACILITY. A Residential Group R facility in which medical care, including, but not limited to, assisted living facility services, as such services are described in the definition of "assisted living facility" by Texas Health and Safety Code §247.002, are provided to one or more persons who are unrelated to the proprietor of the establishment.

- (14) **Subsection 903.3.7** is hereby amended to provide as follows:

903.3.7 Fire department connections. Fire department connections for automatic sprinkler systems shall be installed in accordance with Section 912. A fire hydrant shall be located within 300 feet of the fire department connection measured along an approved fire apparatus access road. The fire department connection shall have a 5” Inch Storz Connection.

- (15) **Subsection 905.8** is hereby amended to provide as follows:

905.8 Dry standpipes. Dry standpipes are prohibited unless approved by the fire code official. The fire code official is authorized to approve dry standpipes where access to a portion of a single-story building at grade level is limited by the location on property, topography, waterways, nonnegotiable grades or other similar conditions and the dry standpipe hose connections are to be installed on the exterior only and at grade level adjacent to an access door.

(16) **Subsection 907.5.3** is hereby added to provide as follows:

907.5.3 Evacuation. Upon activation of a fire alarm notification system, all occupants of the structure for which such activation occurred shall evacuate and shall remain outside the structure until the fire and rescue services department has determined that no fire or danger exists.

(17) **Subsection 912.2.3** is hereby added to provide as follows:

912.2.3 Remote locations. Where fire department connections are located in fire vaults or where one fire department connection serves multiple buildings, the fire department connection shall be provided with a sign indicating the address to the building or buildings to which such connection serves. The sign shall have the address numbers at least six inches in height and the street name in letters at least two inches in height. All such signs shall be subject to the approval of the fire code official.

(18) **Section 916** is hereby deleted.

(19) **Moving of Structures.** A building permit shall be required for moving any building or other structure into, out of, or within the Village of Bonney, except for portable storage buildings of less than one hundred fifty square feet that are moved from one point within the Village to another point within the Village. The fees for permits under this section shall be determined by the Village's separate fee schedule.

(20) **Demolition.** A building permit shall be required for the demolition of any building or other structure in the Village. The fee for the permit shall be as stated in the Village's separate fee schedule and shall be based upon the value of the demolition work, not the value of the structure to be demolished.

(21) **Appendices.** The following Appendices contained in the *International Building Code* are deleted their entirety:

Appendix A, Employee Qualifications;
Appendix B, Board of Appeals;
Appendix D, Fire Districts;
Appendix G, Manufactured Homes;
Appendix H, Signs; and
Appendix I, Patio Covers.

Appendices C, E, F, and J contained in such Code are hereby adopted.

PART TWO. ELECTRICAL CODE.

Sec. II-1. Adoption of National Electrical Code.

The *National Electrical Code*, 2018 Edition, hereinafter sometimes referred to as the “Code,” is hereby adopted.

PART THREE. PLUMBING CODE.

Sec. III-1. Adoption of International Plumbing Code.

The *International Plumbing Code*, 2018 Edition, hereinafter sometimes referred to as the “Code,” as published by the International Code Council, Inc., is hereby adopted.

Sec. III-2. Amendments to International Plumbing Code.

- (1) **Section 101.1** is hereby deleted in its entirety and a new **Section 101.1** is substituted therefor as follows:

“**101.1 Title.** These regulations shall be known as the *Plumbing Code* of the Village of Bonney, Texas, hereinafter sometimes referred to as “this Code.”

- (2) The following provision is hereby enacted and added to that Code:

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

- (3) **Subsection 106.2** is hereby amended to provide as follows:

106.2 Exempt work. The following work shall be exempt from the requirement for a permit:

1. The repairing of leaks.
2. The clearing of stoppages in pipes, valves or fixtures, provided such repairs do not involve or require the replacement or rearrangement of valves, pipes, or fixtures.
3. The replacement of lavatory or kitchen faucets.
4. The replacement of ballcocks or water control valves.
5. The replacement of garbage disposals.

6. The replacement of water closets.

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

(4) **Subsections 106.3.3 and 106.5.3** are hereby deleted.

(5) **Subsection 106.5.7** is hereby amended to provide as follows:

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 before the effective date of this code, provided that such construction has not been abandoned.

(6) **Sections 106.6.2 and 106.6.3** are hereby deleted, and a new **Section 106.6.2** is substituted therefor as follows:

Section 106.6.2 Fee Schedule. The fees for all plumbing work shall be paid as required, in accordance with the Village of Bonney's Fee Schedule, as it may be amended from time to time by the Board of Alderpersons."

(7) **Sections 108.2 and 108.3** are deleted in their entirety.

(8) **Section 108.4** of the Code is hereby deleted, and the penalty provision of this Ordinance is substituted in its place.

(9) **Subsection 108.5** is hereby amended to provide as follows:

108.5 Stop Work Orders. Upon notice from the code official, work on any plumbing 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 a violation or unsafe

(10) **Section 109** is hereby deleted in its entirety and a new **Section 109** is substituted therefor as follows:

"109.1. Appeals. Appeals of orders, decisions, or determinations made by the Village's building official in interpreting or applying this Code shall be to the Board of Alderpersons. The Board of Alderpersons may obtain the assistance of persons who are qualified by experience and training on a particular subject under consideration."

(11) **Section 305.1**, Protection against contact, is hereby amended to provide the following:

305.1 Protection against contact. In addition to the written section, all plastic pipe in contact with concrete or cinder walls and floors or other masonry (for example, brick) shall be wrapped with an 8 mil (0.008 inch) (0.203 mm) minimum thickness or an approved sleeving material used for that type of application. The use of tar, mastic or similar material is prohibited.

- (12) **Subsection 305.4.1** is hereby amended to provide as follows:

305.4.1 Sewer depth. Building sewers that connect to private sewage disposal systems shall be installed not less than 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.

- (13) **Subsection 903.1** is hereby amended to provide as follows:

903.1 Roof extension. Open vent pipes that extend through a roof shall be terminated at least six inches (152 mm) above the roof. Where a roof is to be used for assembly or as a promenade, observation deck, sunbathing deck or similar purposes, open vent pipes shall terminate not less than seven feet (2,134 mm) above the roof.

PART FOUR. FUEL GAS CODE.

Sec. IV-1. Adoption of International Fuel Gas Code.

The *International Fuel Gas Code*, 2018 Edition, hereinafter sometimes referred to as the "Code," as published by the International Code Council, Inc., is hereby adopted

Sec. IV-2. Amendments to International Fuel Gas Code.

- (1) **Section 101.1** is hereby deleted in its entirety and a new **Section 101.1** is substituted therefor as follows:

"101.1 Title. These regulations shall be known as the *Fuel Gas Code* of the Village of Bonney, Texas, hereinafter sometimes referred to as "this Code."

- (2) **Section 103** is hereby deleted in its entirety.

- (3) **Sections 106.6, 106.6.1, 106.6.2, and 106.6.3** of the Code are hereby deleted in their entirety, and a new **Section 106.6.2** is substituted therefor as follows:

Section 106.6.2 Fee Schedule. The fees for all plumbing work shall be paid as required, in accordance with the Village of Bonney's Fee Schedule, as it may be amended from time to time by Board of Alderpersons."

- (4) **Sections 108.3 and 108.4** of the Code are deleted in their entirety and the penalty provision of this Ordinance is substituted in their place.

- (5) **Subsection 108.5** is hereby amended to provide as follows:

108.5 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 a violation or unsafe condition, shall be liable to a fine.

- (6) **Section 109** is hereby deleted in its entirety and a new **Section 109** is substituted therefor as follows:

“109.1. Appeals. Appeals of orders, decisions, or determinations made by the Village’s building official in interpreting or applying this Code shall be to the Board of Alderpersons. The Board of Alderpersons may obtain the assistance of persons who are qualified by experience and training on a particular subject under consideration.”

PART FIVE. ENERGY CONSERVATION CODE.

Sec. V-1. Adoption of International Energy Conservation Code.

The *International Energy Conservation Code*, 2018 Edition, hereinafter sometimes referred to as the “Code,” as published by the International Code Council, Inc., is hereby adopted.

Sec. V-2. Amendments to International Energy Conservation Code.

- (1) **Section C101.1** is hereby deleted in its entirety and a new **Section C101.1** is substituted therefor as follows:

“C101.1 Title. These regulations shall be known as the *Energy Conservation Code* of the Village of Bonney, Texas, hereinafter sometimes referred to as “this Code.”

PART SIX. MECHANICAL CODE.

Sec. VI-1. Adoption of International Mechanical Code.

The *International Mechanical Code*, 2018 Edition, hereinafter sometimes referred to as the “Code,” as published by the International Code Council, Inc., is hereby adopted.

Sec. VI-2. Amendments to International Mechanical Code.

- (1) **Section 103** of said Code is deleted in its entirety.

- (2) **Sections 104.1, 104.3, and 104.5** of said Code are hereby deleted in their entirety and new sections are substituted for those particular sections as follows:

"104. Duties and powers of the building official.

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

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

104.4. Right of entry. When it is necessary to make an inspection to enforce the provisions of this Code, or when the building official has reasonable cause to believe that there exists in a building or upon its premises a condition which is contrary to or in violation of this Code which makes the building or premises unsafe, dangerous, or hazardous, the building official may request entry. If entry is refused, the building official shall have recourse to the remedies provided by law to secure entry.

- (4) **Section 106.4.3 and 106.4.4** of said Code are deleted in their entirety and a new section **106.4.3** is substituted therefor as follows:

"106.4.3. Expiration. Every permit issued shall become invalid unless the work at the site authorized by such permit is commenced within 180 days after its issuance. The building official is authorized to grant, in writing, an extension or extensions of such permit, provided the maximum term of such permit shall not exceed 1-1/2 years. If any permitted work is not completed within this limitation, then the permit shall become invalid and must be reissued in order to resume work, together with payment of fees for such reissued permit."

- (5) **Sections 106.5.2 and 106.5.3** of said Code are hereby deleted in their entirety, and the following section **106.5.2** is substituted therefor:

"106.5.2 Fee Schedule.

"The fees for all mechanical work shall be paid as required, in accordance with the Village of Bonney's Fee Schedule, as it may be amended from time to time by the Board of Alderpersons."

(5) **Section 106** of said Code is amended by adding a new section **106.5.4**, which provides as follows:

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

(6) **Section 106** of said Code is amended by adding a new section **106.5.5**, which provides as follows:

"106.5.5. Construction hours. Within the Village of Bonney, Texas, outdoor (unenclosed) construction of buildings and structures and related activities within the Village is permitted during the following time periods only:

Monday through Friday 7:00 a.m. to 6:00 p.m.

Saturday, Sunday, and any Village Holiday 9:00 a.m. to 6:00 p.m.

The building official shall include written notice of these construction hours with each building permit issued.

These hours shall apply except in cases of extreme and urgent necessity, which are in the interest of public safety and convenience, and then only by permit obtained from and issued by the Village's building official. Such permit may be renewed during the time the emergency exists."

(7) **Section 106** of said Code is amended by adding a new section **106.5.6**, which provides as follows:

"106.5.6. Work commencing before permit issuance. The fee for work commenced without a required permit shall be double the fee set forth in the fee schedule adopted by the Village."

(8) That Code is amended by deleting **section 106.5** (except for the subsections otherwise amended or enacted by this ordinance) and by deleting **Appendix B, entitled "Permit fee schedule,"** as fees shall be charged in accordance with the Village's fee schedule, as it may be amended from time to time.

(9) **Section 108.4** of that Code is deleted in its entirety, and the penalty provision of this ordinance is substituted in its place.

(10) **Subsection 108.5** is hereby amended to provide as follows:

108.5 Stop Work Orders. Upon notice from the code official, work on any mechanical 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. No 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.

- (11) **Section 109** of said Code is deleted in its entirety and a new **section 109** substituted therefor as follows:

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

- (12) **Section 507.2** is hereby amended to provide as follows:

507.2. Type I hoods. Type I hoods shall be installed where cooking appliances produce grease vapors. In addition, the following specified locations shall require a Type I hood:

1. Group E and I occupancies where commercial cooking appliances are used for any purpose; and
2. Group A occupancies, with an occupant load over 49 persons, where commercial cooking appliances are used for any purpose.

Exceptions:

1. A Type I hood shall not be required for an electric cooking appliance where an approved testing agency provides documentation that the appliance effluent contains five mg/m³ or less of grease when tested at an exhaust flow rate of 500 cfm (0.236 m³/s) in accordance with UL 710B.

2. A Type I hood shall not be required where domestic or residential cooking appliances are installed and not used for commercial purposes.

- (13) **Appendix A** contained in the International Mechanical Code is hereby adopted."

PART SEVEN. FIRE CODE.

Sec. VII-1. Adoption of International Fire Code.

The International Fire Code, 2018 Edition, including appendices **B, C, D, E, F, and G** thereto (herein collectively called "**the Code**" or "**the Fire Code**"), as published by the International Code Council, Inc., is hereby adopted.

Sec. VII-2. Amendments to International Fire Code.

1. **Section 101.1** is hereby deleted in its entirety and a new **Section 101.1** is substituted therefor as follows:

“101.1 Title. These regulations shall be known as the Fire Code of the Village of Bonney, Texas, hereinafter sometimes referred to as “this Code.”

(2) **Section 103.2** is hereby deleted.

(3) **Section 105.3.1** is hereby amended to provide as follows:

105.3.1 Expiration. An operational permit shall remain in effect until reissued, renewed or revoked, or for such a period of time as specified in the permit. Construction permits shall automatically become invalid unless the work authorized by such permit is suspended or abandoned for a period of two years. Before such work recommences, a new permit shall be first obtained. Permits are not transferable and any change in occupancy, operation, tenancy, or ownership shall require that a new permit be issued.

(4) **Section 105.6** is hereby amended to provide as follows:

105.6 Required operational permits. The *fire code official* is authorized to issue operational permits for the operations set forth in Sections 105.6.1 through 105.6.50.

105.6.1 Adult or child day care facility. An operational permit is required to operate an adult or child day care facility.

105.6.2 Carbon dioxide systems used in beverage dispensing applications. An operational permit is required for carbon dioxide systems used in beverage dispensing applications having more than 100 pounds of carbon dioxide.

105.6.3 Carnivals or fairs. An operational permit is required to conduct a carnival or a fair.

105.6.4 Compressed gases. An operational permit is required for the storage, use or handling at *normal temperature and pressure* (NTP) of compressed gases in excess of the amounts listed in Table 105.6.4.

Exception: Vehicles equipped for and using *compressed gas* as a fuel for propelling the vehicle.

Table 105.6.4
Permit Amounts for Compressed Gases

TYPE OF GAS	AMOUNT (cubic feet at NTP)
Corrosive	200
Flammable (except cryogenic fluids and liquefied petroleum gases)	200
Highly toxic	Any Amount
Inert and simple asphyxiant	6,000
Oxidizing (including oxygen)	504
Pyrophoric	Any Amount

For SI: 1 cubic foot= 0.02832m³.

105.6.5 Dry cleaning. A biannual operational permit is required to engage in the business of dry cleaning or to change to a more hazardous cleaning solvent used in existing dry-cleaning equipment.

105.6.6 Explosives. An operational permit is required for the manufacture, storage, handling, sale or use of any quantity of *explosives*, *explosive materials*, fireworks, pyrotechnic special effects materials, or pyrotechnic special effects within the scope of Chapter 56.

Exception: Storage in Group R-3 occupancies of smokeless propellant, black powder and small arms primers for personal use, not for resale and in accordance with Section 5606.

105.6.7 Foster home. An operational permit is required to operate a foster home.

105.6.8 Flammable and combustible liquids. An operational permit is required:

1. To store, handle or use Class I liquids in excess of 5 gallons (19 L) in a building or in excess of 10 gallons (37.9 L) outside of a building, except that a permit is not required for the following:

1.1 The storage or use of Class I liquids in the fuel tank of a motor vehicle, aircraft, motorboat, mobile power plant, or mobile heating plant, unless such storage, in the opinion of the *fire code official*, would cause an unsafe condition.

1.2 The storage or use of paints, oils, varnishes, or similar flammable mixtures when such liquids are stored for maintenance, painting, or similar purposes for a period of not more than 30 days.

2. To store, handle, or use Class II or Class IIIA liquids in excess of 25 gallons (95 L) in a building or in excess of 60 gallons (227 L) outside a building, except for fuel oil used in connection with oil-burning equipment.

105.6.9 Hazardous materials. An operational permit is required to store, transport on site, dispense, use, or handle hazardous materials in excess of the amounts listed in Table 105.6.9.

Table 105.6.9
Permit Amounts for Hazardous Materials

TYPE OF MATERIAL	AMOUNT
Combustible liquids	See Section 105.6.8
Corrosive materials	
Gases	See Section 105.6.4
Liquids	55 gallons

Solids	1000 pounds
Explosive materials	See Section 105.6.6
Flammable materials	
Gases	See Section 105.6.4
Liquids	See Section 105.6.8
Solids	100 pounds
Highly toxic materials	
Gases	See Section 105.6.4
Liquids	Any Amount
Solids	Any Amount
Oxidizing materials	
Gases	See Section 105.6.4
Liquids	
Class 4	Any Amount
Class 3	1-gallon ^a
Class 2	10 gallons
Class 1	55 gallons
Solids	
Class 4	Any Amount
Class 3	10 pounds ^b
Class 2	100 pounds
Class 1	500 pounds
Organic peroxides	
Liquids	
Class I	Any Amount
Class II	Any Amount
Class III	1 gallon
Class IV	2 gallons
Class V	No Permit Required
Solids	
Class I	Any Amount
Class II	Any Amount
Class III	10 pounds

Class IV	20 pounds
Class V	No Permit Required
Pyrophoric materials	
Gases	Any Amount
Liquids	Any Amount
Solids	Any Amount
Toxic materials	
Gases	See Section 105.6.4
Liquids	10 gallons
Solids	100 pounds
Unstable (reactive) materials	
Liquids	
Class 4	Any Amount
Class 3	Any Amount
Class 2	5 gallons
Class 1	10 gallons
Solids	
Class 4	Any Amount
Class 3	Any Amount
Class 2	50 pounds
Class 1	100 pounds
Water-reactive Materials	
Liquids	
Class 3	Any Amount
Class 2	5 gallons
Class 1	55 gallons
Solids	
Class 3	Any Amount
Class 2	50 pounds
Class 1	500 pounds

For SI: 1 gallon = 3.785 L, 1 pound = 0.454 kg.

a. 20 gallons when Table 5003.1.1(1) Note k applies and hazard identification signs in accordance with Section 5003.5 are provided for quantities of 20 gallons or less.

b. 200 pounds when Table 5003.1.1(1) Note k applies and hazard identification signs in accordance with Section 5003.5 are provided for quantities of 200 pounds or less.

105.6.10 Health care facility. An operational permit is required to operate a health care facility, provided that state licensing or registration is required for the operation of such facility.

105.6.11 High-piled storage. A bi-annual operational permit is required to use a building or portion thereof as a *high-piled storage area* exceeding 500 square feet (46 m²).

105.6.12 Hot work operations. An operational permit is required for the application of roof coverings with the use of an open-flame device.

105.6.13 Pool supply retail establishment. A bi-annual operational permit is required to operate a pool supply retail establishment.

105.6.14 Residential care facility. An operational permit is required to operate a residential care facility, provided that state licensing or registration is required for the operation of such facility.

105.6.15 Rooftop heliports. An operational permit is required for the operation of a rooftop heliport.

105.6.16 Temporary storage tanks. An operational permit is required for the use of temporary storage tanks containing flammable/combustible liquids or compressed gasses.

105.6.17 Tire-rebuilding plants. An operational permit is required for the operation and maintenance of a tire-rebuilding plant.

(5) **Section 105.7** is hereby amended to provide as follows:

105.7 Required construction permits. The *fire code official* is authorized to issue construction permits for work as set forth in Sections 105.7.1 through 105.7.15.

105.7.1 Automatic fire-extinguishing systems. A construction permit is required for installation of or modification to an automatic fire-extinguishing system. Maintenance performed in accordance with this code is not considered to be a modification and does not require a construction permit.

105.7.2 Battery systems. A permit is required to install stationary storage battery systems having a liquid capacity of more than 50 gallons (189 L).

105.7.3 Compressed gases. Where the compressed gases in use or storage exceed the amounts listed in Table 105.6.4, a construction permit is required to install, repair damage to, abandon, remove, place temporarily out of service, close or substantially modify a *compressed gas* system.

Exceptions:

1. Routine maintenance.

2. For emergency repair work performed on an emergency basis, application for permit shall be made within two working days of commencement of work.

105.7.4 Fire alarm and detection systems and related equipment. A construction permit is required for installation of or modification to fire alarm and detection systems and related equipment. Maintenance performed in accordance with this code is not considered a modification and does not require a construction permit.

105.7.5 Fire pumps and related equipment. A construction permit is required for installation of or modification to fire pumps and related fuel tanks, jockey pumps, controllers, and generators. Maintenance performed in accordance with this code is not considered to be a modification and does not require a construction permit.

105.7.6 Flammable and combustible liquids. A construction permit is required:

1. To install, repair, or modify a pipeline for the transportation of flammable or *combustible liquids*.
2. To install, construct or alter tank vehicles, equipment, tanks, plants, terminals, wells, fuel-dispensing stations, refineries, distilleries, and similar facilities where flammable and *combustible liquids* are produced, processed, transported, stored, dispensed, or used.
3. To install, alter, remove, abandon, or otherwise dispose of a flammable or *combustible liquid* tank.

105.7.7 Gates or barriers across roadways or private drives. A construction permit is required for the installation of or modification to a gate or barricade across a fire apparatus access road.

105.7.8 Hazardous materials. A construction permit is required to install, repair damage to, abandon, remove, place temporarily out of service, close or substantially modify a storage facility or other area regulated by Chapter 50 when the hazardous materials in use or storage exceed the amounts listed in Table 105.6.9.

Exceptions:

1. Routine maintenance.
2. For repair work performed on an emergency basis, application for permit shall be made within two working days of commencement of work.

105.7.9 Industrial ovens. A construction permit is required for installation of industrial ovens covered by Chapter 30.

Exceptions:

1. Routine maintenance.
2. For repair work performed on an emergency basis, application for permit shall be made within two working days of commencement of work.

105.7.10 LP-gas. A construction permit is required for installation of or modification to an LP-gas system. Maintenance performed in accordance with this code is not considered to be a modification and does not require a construction permit.

105.7.11 Private fire hydrants. A construction permit is required for the installation or modification of private fire hydrants. Maintenance performed in accordance with this code is not considered to be a modification and does not require a construction permit.

105.7.12 Smoke control or smoke exhaust systems. A construction permit is required for the installation of a smoke control system or a smoke exhaust system within the scope of Section 909 and Section 910, respectively. Maintenance performed in accordance with this code is not considered to be a modification and does not require a construction permit.

105.7.13 Spraying or dipping. A construction permit is required for the installation or modification of a spray room, dip tank, or booth. Maintenance performed in accordance with this code is not considered to be a modification and does not require a construction permit.

105.7.14 Standpipe systems. A construction permit is required for the installation, modification, or removal from service of a standpipe system. Maintenance performed in accordance with this code is not considered to be a modification and does not require a construction permit.

105.7.15 Underground private fire mains. A construction permit is required for the installation of underground private fire mains. Maintenance performed in accordance with this code is not considered to be a modification and does not require a construction permit.

- (6) **Section 108.1** is hereby deleted in its entirety and a new **Section 108.1** is substituted therefor as follows:

“**108.1 Membership of the Board.** In order to hear and decide appeals of orders, decisions or determinations made by the code official relative to the application and interpretation of this code, there shall be and is hereby created a board of appeals. The Village Board of Alderpersons of the Village of Bonney shall act as the board of appeals.”

- (7) **Sections 109.2, 109.3.1, and 109.3.3** are hereby deleted.

- (8) **Section 109.3.5** is hereby added to provide as follows:

109.3.5 Time limit. Except as provided otherwise under chapter 12 of the code of ordinances, a time limit, not to exceed fifteen working days, from the date any order or notice has been issued is permitted for compliance. Dependent upon the hazard and condition created by the violation, the *fire code official* may limit the compliance time to fewer than fifteen days. An extension of time, for a period to be determined by the *fire code official*, may be allowed for compliance with conditions or correction of violations provided the extension is requested in writing, to the fire code official, and justifiable cause is demonstrated. If the extension is not permitted by the *fire code official*, such refusal shall be in writing and shall contain the reasons for refusal.

- (9) **Section 109.4** is hereby amended to provide as follows:

109.4 Violation Penalties. Any person who violates any provision of this ordinance shall be deemed guilty of a misdemeanor and, upon conviction thereof, shall be fined in an amount not to exceed Five Hundred Dollars (\$500.00). Each day during which said violation shall exist or occur shall constitute a separate offense.

- (10) **Section 110** is hereby amended by adding a **Section 110.1.3** to read as follows:

“110.1.3 Inadequate Egress. All buildings or structures which do not provide adequate egress, which constitute a fire hazard or are otherwise dangerous to human life, or which, in relation to existing use, constitute a hazard to safety or health are considered unsafe buildings. The code official shall refer the building to the Village code enforcement official for abatement in accordance with applicable provisions of this code or other ordinances of the Village.”

- (11) **Section 110.5** is hereby added to provide as follows:

110.5 Occupancy overloading. Notwithstanding any other provisions of this code or the technical codes therein adopted and amended, whenever the *fire code official* shall deem that a dangerous or unlawful number of persons are accumulated in any building or premises, or on any property or in any area of a building, premises or property, the *fire code official* shall immediately notify the owner or the person in control of the building, premises or property to have the condition corrected immediately. If the condition is not immediately corrected, the *fire code official* shall order the building, premises or property or area closed and all occupants to be vacated until such condition is corrected.

- (12) **Section 111.4** is hereby amended to provide as follows:

111.4 Failure to Comply. It shall be unlawful for any person to continue any work after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition.

- (13) **Section 111.5** is hereby added to provide as follows:

111.5 Condemnation tags. The *fire code official* may affix a condemnation tag prohibiting the use of any equipment, operation, or procedure which he determines to be unsafe or defective or which creates a fire hazard. When affixed, such tag may be removed only by the *fire code official* and may be removed only when the hazard to which the order pertains has been corrected in an approved manner. Until removed, that item or device, operation or procedure, which has caused the hazard, shall not be used or permitted to be used. It shall be unlawful to remove such condemnation tag without the required authorization.

- (14) The definition of **Foster Care Facilities in Section 202** is hereby deleted.

- (15) The definition of **Institutional Group I-2 in Section 202** is hereby amended to provide as follows:

Institutional Group I-2. Institutional Group I-2 occupancy shall include buildings and structures used for medical care on a 24-hour basis for more than five persons who are not capable of self-preservation. This group shall include, but is not limited to, the following:

Detoxification facilities

Hospitals

Nursing homes

Psychiatric hospitals

Occupancy Conditions. Buildings of Group 1-2 shall be classified as one of the following occupancy conditions:

Condition 1. This occupancy condition shall include facilities that provide nursing and medical care, but do not provide emergency care, surgery, obstetrics, or in-patient stabilization units for psychiatric or detoxification treatment, including, but not limited to, nursing homes.

Condition 2. This occupancy condition shall include facilities that provide nursing and medical care and could provide emergency care, surgery, obstetrics, or in-patient stabilization units for psychiatric or detoxification treatment, including, but not limited to, hospitals.

Five or fewer persons receiving medical care. A facility with five or fewer persons receiving medical care shall be classified as Group R-3 or shall comply with the *International Residential Code*, provided an *automatic sprinkler system* is installed in accordance with Section 903.3.1.3 or with Section P2904 of the *International Residential Code*.

(15) **Section 202** is hereby amended by adding the following definitions:

SECTION 202
GENERAL DEFINITIONS

FOSTER HOME. A residential dwelling licensed by the state, including, but not limited to, a foster home, as such term is defined by V.T.C.A., Texas Health and Safety Code §42.002, in which custodial care is provided for six or less children under the age of 18.

HEALTH CARE FACILITY. A facility, not including a Residential Group R facility, that provides inpatient medical care or medical treatment to persons who are not capable of self-preservation without physical assistance or in which the liberty of the occupants is restricted.

POOL SUPPLY RETAIL ESTABLISHMENT. A building devoted primarily to the sale or rental of swimming pool and spa supplies, including, but not limited to, pool cleaners, pool chemicals, pool heaters, pool pumps, and pool filters.

RESIDENTIAL CARE FACILITY. A Residential Group R facility in which medical care, including, but not limited to, assisted living facility services, as such services are described in the definition of "assisted living facility" by V.T.C.A., Texas Health and Safety Code §247.002, are provided to one or more persons who are unrelated to the proprietor of the establishment.

(16) **Section 302.1** is hereby amended by adding the following definitions:

“**BRUSH** shall mean cuttings or trimmings from trees, shrubs, gardens or lawns and similar materials.

DOMESTIC WASTE shall mean garbage and rubbish resulting from the function of life within a residence.

LAND-CLEARING OPERATION shall mean the uprooting, cutting or clearing of vegetation in connection with conversion for the construction of buildings, rights-of-way, residential, commercial, or industrial development, or the clearing of vegetation to enhance property value, access or production. It does not include the maintenance burning of on-site property wastes such as fallen limbs, branches, or leaves, or other wastes from routine property clean-up activities, nor does it include burning following clearing for ecological restoration.

PERSON shall mean any individual, corporation, organization, partnership, business trust, association or any other legal entity.

PRACTICAL ALTERNATIVE shall mean an economically, technologically, ecologically and logistically viable option. Practical alternatives may include recycling, composting, mechanical chipping or mulching, land-filling, logging, or using a state registered forced air trench burner system or air curtain incinerator.

STRUCTURE CONTAINING SENSITIVE RECEPTOR(S) shall mean a man-made structure utilized for human residence or business, the containment of livestock, or the housing of sensitive live vegetation. The term "man-made structure" does not include such things as range fences, roads, bridges, hunting blinds or facilities used solely for the storage of hay or other livestock feeds. The term "sensitive live vegetation" is defined as vegetation which has potential to be damaged by smoke and heat, examples of which include, but are not limited to, nursery production, mushroom cultivation, pharmaceutical plant production, or laboratory experiments involving plants.

TCEQ shall mean the Texas Commission on Environmental Quality or its successor agency.

UNCONTROLLED OUTDOOR BURNING shall mean any outdoor burning that is not conducted pursuant to an exemption provided in this Code.”

- (17) **Section 307.1** is hereby deleted in its entirety and a new **Section 307.1** is substituted therefor to read as follows:

“**307.1 General.** A person shall not kindle or maintain any open burning unless it is conducted in accordance with **Section 307** and its safety precautions and the TCEQ Outdoor Burning Rules.

“To control the hazards associated with it, open burning may not be authorized or undertaken without the approvals specified in Section 307. See the commentary to Section 302.1 for the definition of “Open Burning” for a discussion of the types of burning intended to be regulated by this section.”

- (18) **Section 307.2.** is hereby amended by the addition of the following at the beginning of that section, after the heading:

“a. Prior to the burning of any natural product, the person in control of the burn shall submit a natural product burning permit application to the Permit Department at the Village Hall pay a fee for such application as determined by resolution of the Board of Alderpersons, and receive a natural product burning permit from the Village.

“b. Prior to any bonfire or ceremonial fire, the person in control of the fire shall submit a ceremonial bonfire permit application to the Permit Department at the Village Hall, pay a fee for such application and receive a ceremonial bonfire permit from the Village. The ceremonial bonfire permit application shall be submitted to the Village a minimum of five (5) business days prior to the scheduled date of the fire.

“c. A natural product burning permit or ceremonial bonfire permit may be revoked at any time and a citation for violation of this Code may be issued upon any violation of the provisions of this Code.

“d. ... [Here the existing language of Section 307.2 continues.]”

- (19) **Section 307.4.1** is hereby amended by the addition of the following at the beginning of that section, after the heading:

“A bonfire shall not be conducted within fifty feet (50’) of a structure or combustible material unless the fire is contained in a barbecue pit. Conditions which could cause a fire to spread within fifty feet (50’) of a structure shall be eliminated prior to ignition. The material to be burned in a bonfire shall consist of clean firewood (i.e. cut and split cordwood or woody debris). Prohibited burning materials include materials such as plastics, rubber, used building materials, timber wood, and utility poles. The fuel for the bonfire shall not be set in place before the day that the event is scheduled.”

- (20) **Section 307.5** is hereby deleted in its entirety and a new **Section 307.5** is substituted therefor to read as follows:

“**307.5 Attendance.** Open burning, bonfires, or recreational fires shall be constantly attended until the fire is extinguished. A minimum of one portable fire extinguisher complying with **Section 906** with a minimum 4-A rating or other approved on-site fire-extinguishing equipment such as dirt, sand, water barrel, garden hose or water truck, shall be available for immediate utilization. In the case of a ceremonial bonfire, the Village’s Fire Department must be on site from the time of ignition of the fire until the fire is completely extinguished.”

- (21) **Section 307** is hereby amended to add new **Sections 307.6 and 307.7** to read as follows:

“307.6 Inspection. The Fire Marshall, Building Official, or their designee shall be permitted to enter upon any lands upon which any burning is being conducted in accordance with this Code to inspect the condition of any burn pile anytime before, during or after any burn to ensure that the pile complies with the requirements of this Code and any applicable regulations issued by the TCEQ.

“307.7 Violations. If a burn pile is found not to be in compliance at any time, the Fire Marshall, Building Official, or their designee, at his or her sole discretion, may issue an order that there shall be no burning of the pile until after a re-inspection fee as determined by resolution of the Board of Alderpersons is paid the burn pile is re-inspected and found to be in compliance.”

- (22) **Section 308.1.4** is hereby deleted in its entirety and a new **Section 308.1.4** is substituted therefor to read as follows:

“308.1.4 Open-flame cooking devices. LP-gas burners having an LP-gas container with a water capacity greater than 2.5 pounds [nominal 1 pound LP-gas capacity], charcoal burners, and other open-flame cooking devices shall not be operated on combustible balconies or within twenty feet (20’) of combustible construction.

Exceptions:

1. One- and two-family dwellings; and
2. Where buildings, balconies and decks are protected by an automatic sprinkler system.”

- (23) **Section 315.7** is hereby added to provide as follows:

315.7 Transportation of combustible waste and refuse. Vehicles or conveyances used to transport combustible waste or refuse over public thoroughfares shall have all cargo spaces tightly covered and so maintained as to ensure against ignition from external fire sources.

- (24) **Sections 401.3** is hereby amended as follows:

401.3 Emergency responder notification. Notification of emergency responders shall be in accordance with Sections 401.3.1 through 401.3.4.

- (25) **Section 401.3.4** is hereby added to provide as follows:

401.3.4 Other hazardous events. Any person, upon discovering or being apprised of any leak, spill, dumping, or other condition which involves an uncontrolled hazardous gas leak, hazardous material, or flammable or combustible liquid which the person believes or has reason to believe has been heretofore unreported to the fire and rescue services department, shall immediately notify the fire and rescue services department.

- (26) **Section 503.1** is hereby amended to provide as follows:

503.1 Where Required. Fire apparatus access roads shall be provided and maintained in accordance with Sections 503.1.1 through 503.1.3 and with Appendix D.

(27) **Section 503.2.4** is hereby amended to provide as follows:

503.2.4 Turning radius. The minimum inside turning radius shall be 25 feet with a minimum outside turning radius of 50 feet.

(28) **Section 503.2.7** is hereby amended to provide as follows:

503.2.7 Grade. The grade of the fire apparatus access road shall not exceed 10 percent.

Exception: The grade of the fire access road may exceed 10 percent with the approval of the *fire code official* based on the fire and rescue service's apparatus.

(29) **Section 503.2.8** is hereby amended to provide as follows:

503.2.8 Angles of approach and departure. Angles of approach and departure for fire apparatus access roads shall not exceed eight degrees (8°).

(30) **Section 503.6** is hereby amended to provide as follows:

503.6 Security gates. The *fire code official* must approve the placement of any barriers, gates, and blocking devices, and all other controlled vehicular access devices or systems, located at the entrances to streets, fire lanes, parking lots, access roads, and driveways. Such approval will be granted whenever, in his opinion, such barriers meet the requirements of this chapter and do not cause an unreasonable threat to the health, safety, and welfare of persons or property.

503.6.1 Whenever access to any public or private street, fire lane or other way allowing for vehicular access has barriers, gates, blocking devices, or other controlled vehicular access devices or systems which make it difficult for fire apparatus, police patrol vehicles, ambulances, and similar emergency type vehicles to pass, and where immediate access is necessary for lifesaving, firefighting, or police purposes, application for and issuance of a permit by the *fire code official* must be obtained before installing, erecting, altering, or maintaining such controlled vehicular access devices or systems.

503.6.2 The installation, construction, erection, and maintenance of controlled vehicular access devices or systems requiring a permit as set forth in this section shall, at a minimum, meet the following criteria:

1. Barriers across streets shall have a minimum unobstructed width of not less than 15 feet when opened.
2. Electric barriers shall have an approved key lock box or some other type of system allowing access by the Village fire and rescue services department installed in an accessible approved location. The key box or other system shall contain keys, codes, or devices to gain access through the barrier.
3. Electric barriers shall have an emergency power backup or a manual disconnect.
4. A padlock may be installed on all gates or barriers not equipped with automatic gate openers provided such padlock is approved by the *fire code official*.

503.6.3 The controlled vehicular access device or system must be properly installed, erected, and maintained. The Village reserves the right to remove any controlled vehicular access device or system whenever such removal is immediately necessary to preserve the health, safety, and welfare of the general public and regardless of whether such device or

system is permitted. In the event of removal, the Village shall not be held liable for any resulting damage or destruction.

(31) **Section 510** is hereby deleted.

(32) **Section 609.2** is hereby amended to provide as follows:

609.2 Where required. Type I hoods shall be installed where cooking appliances produce grease vapors. In addition, the following specified locations shall require a Type I hood:

1. Group E and I occupancies where commercial cooking appliances are used for any purpose.
2. Group A occupancies, with an occupant load over 49 persons, where commercial cooking appliances are used for any purpose.

Exception:

1. A Type I hood shall not be required for an electric cooking appliance where an approved testing agency provides documentation that the appliance effluent contains 5 mg/m³ or less of grease when tested at an exhaust flow rate of 500 cfm (0.236 m³/s) in accordance with UL 710B.
2. A Type I hood shall not be required where domestic or residential cooking appliances are installed and not used for commercial purposes.

(33) **Section 903.3.7** is hereby added to provide as follows:

903.3.7 Fire department connections. Fire department connections for *automatic sprinkler systems* shall be installed in accordance with Section 912. A fire hydrant shall be located within 300 feet of the fire department connection measured along an approved fire apparatus access road. The fire department connection shall have a 2.5" by 2.5" Siamese connection.

(34) **Section 905.8** is hereby added to provide as follows:

905.8 Dry standpipes. Dry standpipes are prohibited unless approved by the *fire code official*. The *fire code official* is authorized to approve dry standpipes where access to a portion of a single-story building at grade level is limited by the location on property, topography, waterways, nonnegotiable grades, or other similar conditions and the dry standpipe hose connections are to be installed on the exterior only and at grade level adjacent to an access door.

(35) **Section 907.5.3** is hereby added to provide as follows:

907.5.3 Evacuation. Upon activation of a fire alarm notification system, all occupants of the structure for which such activation occurred shall evacuate and shall remain outside the structure until the fire and rescue services department has determined that no fire or danger exists.

(36) **Section 912.2.3** is hereby added to provide as follows:

912.2.3 Remote locations. Where fire department connections are located in fire vaults or where one fire department connection serves multiple buildings, the fire department connection shall be provided with a sign indicating the address to the building or buildings

to which such connection serves. The sign shall have the address numbers at least six inches in height and the street name in letters at least two inches in height. All such signs shall be subject to the approval of the fire code official.

(37) **Section 912.3.1** is hereby added to provide as follows:

912.3.1 Locking fire department connection caps. A fire department connection shall have a 2.5" by 2.5" Siamese connection and shall include an approved locking cap as specified by the *fire code official*.

(38) **Section 1103.2** is hereby deleted.

(39) **Section 5601.1** is hereby amended to provide as follows:

5601.1 Scope. The provisions of this chapter shall govern the possession, manufacture, storage, handling, sale and use of *explosives, explosive materials, fireworks, and small arms ammunition*.

Exceptions:

1. The Armed Forces of the United States, Coast Guard, or National Guard while performing official duties.
2. *Explosives* in forms prescribed by the official United States Pharmacopoeia.
3. The possession, storage and use of small arms ammunition when packaged in accordance with DOTn packaging requirements.
4. The possession, storage, and use of not more than 1 pound (0.454 kg) of commercially manufactured sporting black powder, 20 pounds (9 kg) of smokeless powder and 10,000 small arms primers for hand loading of small arms ammunition for personal consumption.
5. The use of *explosive materials* by federal, state and local regulatory, law enforcement and fire agencies acting in their official capacities.
6. Special industrial *explosive* devices which, in the aggregate, contain less than 50 pounds (23 kg) of *explosive materials*.
7. The use of fireworks by a railroad employee or other transportation agency employee for signal purposes or illumination.
8. The sale or use of blank cartridges for a show, the theater, or for signal or ceremonial purposes in athletics or sports.
9. The possession, storage and use of blank industrial-power load cartridges when packaged in accordance with DOTn packaging regulations.
10. Transportation in accordance with DOTn 49 CFR Parts 100-185.
11. Items preempted by federal regulations.

(40) **Section 5601.1.3** is hereby amended to provide as follows:

5601.1.3 Fireworks. The possession, manufacture, storage, sale, transportation, handling, and use of fireworks within the Village limits.

5601.1.3.1 Aiding minors. It shall be unlawful for any parent or guardian of a minor child below the age of ten to permit or allow such minor child to possess, manufacture, store, sell, transport, handle, or use fireworks in violation of this code.

5601.1.3.3 Nuisance declaration. The possession, manufacture, storage, sale, transportation, handling, or use of any fireworks within the Village limits in violation of this code, is hereby declared to be a public nuisance. Except as provided in this Subsection 5601.1.3, the fire official is directed and required to seize and cause to be safely destroyed any open packages of fireworks found in violation of this code, and any authorized member of the fire department or any police officer of the Village or any other duly constituted peace officer is empowered to stop the transportation of and detain any fireworks being transported illegally or to close any building where any fireworks are being stored illegally until the fire official can be notified in order that such fireworks may be seized and destroyed in accordance with the terms of this section.

Exceptions:

1. The storage and use of fireworks for fireworks displays as permitted in Section 5608.
2. The transportation of Fireworks 1.4G by motor vehicles that meet federal, state, and Village requirements for transporting Fireworks 1.4G is allowed, provided that such vehicles shall be equipped with at least one ten-pound fire extinguisher capable of extinguishing Type B fires, as defined by the National Fire Protection Association. A motor vehicle used for the transportation of fireworks shall display signs on both sides of such vehicle reading, "Fireworks." The sign shall consist of a white background and red letters at least six inches in height with a minimum width of three-fourths of an inch.

Affirmative Defense: It shall be an affirmative defense to prosecution for possession of fireworks that a person was operating or was a passenger in a motor vehicle that was being operated in a public place, and the fireworks were not in the passenger area of the motor vehicle. For the purposes of this section, the "passenger area" of a motor vehicle means the area of the motor vehicle designed for the seating of the operator and the passengers of the vehicle. The term does not include: (1) a locked glove compartment or similar locked storage area; (2) the trunk of a vehicle; or (3) the area behind the last upright seat of a vehicle that does not have a trunk.

(41) **Section 5601.1.6** is hereby added to provide as follows:

5601.1.6 Injunctive relief. Notwithstanding any provision of this code, the Village attorney is authorized to:

- (1) file suit on behalf of the Village, for such injunctive relief as may be necessary to prevent unlawful possession, manufacture, storage, sale, transportation, handling, or use of fireworks within the Village limits;
- (2) aid the fire official in the discharging of his duties; and

- (3) prevent any person from interfering with the seizure and destruction of such fireworks in accordance with the laws of the State of Texas.
- (42) **Section 5601.2.4** is hereby amended to provide as follows:
- 5601.2.4 Financial responsibility. Before a permit is issued, as required by Section 5601.2, the applicant shall submit proof of general liability insurance in an amount of not less than one million dollars (\$1,000,000) for the purpose of the payment of all damages to persons or property that arise from, or are caused by, the conduct of any act authorized by the permit.
- (43) **Section 5601.2.4.2** is hereby deleted.
- (44) **Section 5601.4** is hereby amended to provide as follows:
- 5601.4 Qualifications. Before a permit is issued, as required by Section 5601.2, for magazines, blasting, fireworks display or pyrotechnic special effect operations, the applicant shall submit proof that such applicant has met state licensing and permit requirements. The names of the experienced operators shall be designated on the permit issued.
- (45) **Section 5608.2** is hereby amended to provide as follows:
- 5608.2 Permit application. Prior to issuing permits for a fireworks display, plans for the display, plans for the fireworks inspections of the display site and demonstrations of the display operations shall be approved. An applicant for a firework display permit shall first make written application for a permit at least ten days in advance of the date of the proposed display. A plan establishing procedure to follow and actions to be taken in the event that a shell fails to ignite in, or discharge from, a mortar or fails to function over the fallout area or other malfunctions shall be provided to the fire code official. A permit shall be issued for a period of time not to exceed 24 hours. No permit shall authorize more than two displays in each 24-hour period. The transfer of a permit issued pursuant to this section is prohibited.
- (46) **Sections 5608.3.1 and 5608.3.2** are hereby added to provide as follows:
- 5608.3.1 Time and duration of display. The commencement of a fireworks display before the hour of 8:00 p.m. or later than the hour of 12:00 a.m. is prohibited. A fireworks display shall be completed within one and one-half (1½) hours after the time the display is commenced.
- 5608.3.2 Firefighters to be present during display. Not less than two Village firefighters shall be in attendance during each fireworks display. The expense of such firefighters shall be paid in advance at the time of the application for the permit. The firefighters shall be subject to the fire official's orders at all times when so employed and shall be in uniform and remain on duty during the times so deemed by the fire official.
- (47) **Section 5608.5** is hereby amended to provide as follows:
- 5608.5 Storage of fireworks at display site. Materials to be used for a permitted fireworks display shall be brought in to the Village on the day of the fireworks display. Such materials shall be taken immediately to the display site for further handling and storage.

The storage of fireworks at the display site shall comply with the requirements of this section and NFPA 1123 or NFPA 1126.

(48) **Table C. 102.1 of Appendix C** is hereby amended to provide as follows:

Table C.102.1.
Number and Distribution of Fire Hydrants

Fire-Flow Requirements (gpm)	Minimum Number of Hydrants	Average Spacing Between Hydrants ^{a, b, c} (feet)	
		COMMERCIAL	RESIDENTIAL
1,750 or less	1	300	500
2,000-2,250	2	300	500
2,500	3	300	500
3,000	3	300	500
3,500-4,000	4	300	500
4,500-5,000	5	300	500
5,500	6	300	500
6,000	6	300	500
6,500-7,000	7	300	500
7,500 or more	8 or more ^e	300	500

For SI: 1 foot = 304.8 mm, 1 gallon per minute = 3.785 L/m.

- a. Reduce by 100 feet for dead-end streets or roads.
- b. Where streets are provided with median dividers which can be crossed by fire fighters pulling hose lines, or where arterial streets are provided with four or more traffic lanes and have a traffic count of more than 30,000 vehicles per day, hydrants spacing shall average 500 feet on each side of the street and be arranged on an alternating basis up to a fire-flow requirement of 7,000 gallons per minute and 400 feet for higher fire-flow requirements.
- c. Where new water mains are extended along streets where hydrants are not needed for protection of structures or similar fire problems, fire hydrants shall be provided at spacing not to exceed 1,000 feet to provide for transportation hazards.
- d. Reduce by 50 feet for dead-end streets or roads.
- e. One hydrant for each 1,000 gallons per minute or fraction thereof.

(49) **Section D103.1 and Figure D103.1 of Appendix D** are hereby deleted.

(50) **Section D103.3 of Appendix D** is hereby amended to provide as follows:

D103.3 Turning Radius. The minimum inside turning radius shall be 25 feet with a minimum outside turning radius of 50 feet.

(51) **Subsection D103.5(1) of Appendix D** is hereby amended to provide as follows:

D103.5 (1) The minimum gate width shall be 15 feet (4572 mm).

(52) **Subsection D104.3 of Appendix D** is hereby amended to provide as follows:

D104.3 Remoteness. Where two fire apparatus access roads are required, they shall be placed a distance apart equal to not less than one half of the length of the maximum overall diagonal dimension of the lot or area to be served, measured in a straight line between accesses.

Exception: The *fire code official* is authorized to approve a reduced distance between fire apparatus accesses where topography would prevent meeting the distance requirement and where the reduction will not pose a threat to public safety.

(53) **Subsection D105 of Appendix D** is hereby deleted.

(54) **Subsection D106.3 of Appendix D** is hereby deleted.

(55) **Subsection D107.1 of Appendix D** is hereby amended to provide as follows:

(56) **Subsection D107.2 of Appendix D** is hereby deleted.

PART VIII. RESIDENTIAL BUILDING CODE.

Sec. VIII-1. Adoption of Residential Building Code.

The *International Residential Code*, 2018 Edition, hereinafter sometimes referred to as the "Code," as published by the International Code Council, Inc., is hereby adopted.

Sec. VIII-2. Amendments to International Residential Building Code.

(1) **Subsection R105.2** is hereby amended to provide as follows:

R105.2 Work exempt from permit. 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. Permits shall not be required for the following:

Building:

1. One-story detached accessory structures, provided that the floor area does not exceed 200 square feet (18.58 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 (18 927 L) and the ratio of height to diameter or width does not exceed 2 to 1.
5. Painting, papering, tiling, carpeting, cabinets, counter tops and similar finish work.
6. Prefabricated swimming pools that are less than 24 inches (610 mm) deep.
7. Swings and other playground equipment.
8. Window awnings supported by an exterior wall that do not project more than 54 inches (1372 mm) from the exterior wall and do not require additional support.
9. 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 do not serve the exit door required by Section R311.4.

Electrical:

1. Listed cord-and-plug connected temporary decorative lighting.
2. Reinstallation of attachment plug receptacles but not the outlets therefor.
3. Replacement of branch circuit overcurrent devices of the required capacity in the same location.
4. Electrical wiring, devices, appliances, apparatus or equipment operating at less than 25 volts and not capable of supplying more than 50 watts of energy.
5. Minor repair work, including the replacement of lamps or the connection of approved portable electrical equipment to approved permanently installed receptacles.

Gas:

1. Portable heating, cooking or clothes drying appliances.
2. Replacement of any minor part that does not alter approval of equipment or make such equipment unsafe.
3. Portable-fuel-cell appliances that are not connected to a fixed piping system and are not interconnected to a power grid.

Mechanical:

1. Portable heating appliances.
2. Portable ventilation appliances.
3. Portable cooling units.
4. Steam, hot- or chilled-water piping within any heating or cooling equipment regulated by this code.
5. Replacement of any minor part that does not alter approval of equipment or make such equipment unsafe.
6. Portable evaporative coolers.
7. Self-contained refrigeration systems containing 10 pounds (4.54 kg) or less of refrigerant or that are actuated by motors of 1 horsepower (746 W) or less.

8. Portable-fuel-cell appliances that are not connected to a fixed piping system and are not interconnected to a power grid.

Plumbing:

1. The repairing of leaks.
2. The clearing of stoppages in pipes, valves or fixtures, provided such repairs do not involve or require the replacement or rearrangement of valves, pipes or fixtures.
3. The replacement of lavatory or kitchen faucets.
4. The replacement of ballcocks or water control valves.
5. The replacement of garbage disposals.
6. The replacement of water closets.

- (2) **Section R105.5** of that Code is hereby amended to read as follows:

“R105.5 Expiration: No construction schedule. Every permit issued shall become invalid unless the work at the site authorized by such permit is commenced within 180 days after its issuance. The building official is authorized to grant, in writing, an extension or extensions of such permit, provided the maximum term of such permit shall not exceed one and one-half (1-1/2) years. If any permitted work is not completed within this limitation, then the permit shall become invalid and must be reissued in order to resume work, together with payment of fees for such reissued permit.”

- (3) **Section 105.10** of that Code is hereby added to provide as follows:

105.10 Construction Hours. Within the Village of Bonney, Texas, outdoor (unenclosed) construction of buildings and structures and related activities within the Village is permitted during the following time periods only:

Monday through Friday

7:00 a.m. to 6:00 p.m.

Saturday, Sundays, and any Village Holiday

9:00 a.m. to 6:00 p.m.

The Building Official shall include written notice of these constructions hours with each building permit issued.

These hours shall apply except in cases of extreme and urgent necessity, which are in the interest of public safety and convenience, and then only by permit obtained from the Village’s Building Official. Such permit may be renewed during the time the emergency exists, in the discretion of the Building Official.

This section 105.10 shall apply to all construction described in this section, regardless whether it is residential or otherwise, and regardless whether it is subject to any other provision of this Code, and regardless whether any permit is required.

- (4) **Section R105.11** of that Code is hereby enacted to read as follows:

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

Comprehensive general liability insurance covering all risks associated with the work, with a minimum bodily injury limit of \$100,000, \$300,000 per occurrence, and a property damage limit of \$400,000, or a property damage limit equal to or exceeding the amount of the contract amount, whichever is greater.”

- (5) **Section R108.2** of the Code is amended to read as follows:

“R108.2 Schedule of permit fees. Fees shall be charged in accordance with the Village’s Fee Schedule, as it may be amended from time to time.”

- (6) **Section R108.6** is hereby enacted to read as follows:

“R108.6 Work commencing before permit issuance. The permit fee for work commenced without a required permit shall be double the fee that would otherwise apply.”

- (7) **Section R108** is hereby deleted, except to the extent otherwise amended or enacted in this ordinance.

- (8) **Section R110.1** of that Code amended to read as follows:

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

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

- (9) **Section R112** is hereby deleted.

- (10) **Section R113.4** of the Code is deleted, and the penalty provision of this Ordinance is substituted in its place.

- (11) **Subsection R114.1** is hereby amended to provide as follows:

114.1 Stop Work Orders. Upon notice from the code official, work on any building or structure 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 a violation or unsafe condition, shall be liable to a fine.

(12) **Subsection 114.2** is hereby deleted.

(13) **Table R301.2(1)** is hereby amended to provide as follows:

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

Ground Snow Load	Wind Speed (mph)	Seismic Design Category	Subject to Damage From			Winter Design Temp	Ice Barrier Underlayment Required	Flood Hazards	Air Freezing Index	Mean Annual Temp
			Weathering	Frost Line Depth	Termite					
0	140 Ultimate	A	Negligible	12 inches	Very Heavy	32° F	No	04-12-1994 04-02-2014 ^a	50	70° F

a. Date of adoption of the first ordinance for management of flood hazard areas; date of the currently effective flood hazard maps for Fort Bend County.

(13) **Section R313** is hereby deleted.

(14) **Subsections R905.7 and R905.8** are hereby deleted.

(14) **Subsection P2603.3** is hereby amended to provide as follows:

P2603.3 Protection against corrosion. Piping, except for cast iron, ductile iron and galvanized steel, shall not be placed in direct contact with steel framing members, concrete or masonry. Piping shall not be placed in direct contact with corrosive soil. Where sheathing is used to prevent direct contact, the sheathing material thickness shall be not less than 0.008 inch (8 mil) (0.203 mm) and shall be made of plastic. Where sheathing protects piping that penetrates concrete or masonry walls or floors, the sheathing shall be installed in a manner that allows movement of the piping within the sheathing.

(15) **Subsection P2603.5.1** is hereby amended to provide as follows:

P2603.5.1 Sewer depth. Building sewers that connect to private sewage disposal systems shall be not less than twelve inches (305mm) below finished grade at the point of septic tank connection. Building sewers shall be not less than twelve inches (305mm) below grade.

(16) **Subsection P2906.4.1** is hereby amended to provide as follows:

P2906.4.1 Separation of water service and building sewer. Water service pipe and the building sewer shall be separated by a minimum of 9 feet of undisturbed earth or compacted earth. The required separation distance shall not apply where a water service pipe crosses over a sewer pipe, provided the water service is sleeved to a point not less than 9 feet horizontally from the sewer pipe centerline on both sides of such crossing. The sleeve shall be of pipe materials listed in Table 605.3, 702.2, and 702.3.

(18) **Subsection P3003.9.2** is hereby amended to provide as follows:

P3003.9.2 Solvent cementing. Joint surfaces shall be clean and free from moisture. A purple primer that conforms to ASTM F 656 shall be applied. Solvent cement not purple in color and conforming to ASTM D 2564, CSA B137.3 or CSA B181.2 shall be applied to all joint surfaces. The joint shall be made while the cement is wet, and shall be in accordance with ASTM D 2855. Solvent-cement joints shall be installed above or below ground.

(19) The following Appendix contained in the Code is deleted its entirety: “**Appendix E, Manufactured Housing Used As Dwellings**”

(20) **Appendices A through D, and F through K** contained in the Code are hereby adopted.

PART IX. INTERNATIONAL PROPERTY MAINTENANCE CODE.

Sec. IX-1. Adoption of International Property Maintenance Code.

The *International Property Maintenance Code*, 2018 Edition, hereinafter sometimes referred to as the “Code,” as published by the International Code Council, Inc., is hereby adopted.

PART X. SWIMMING POOL AND SPA CODE.

Sec. XI-1. Adoption of International Swimming Pool and Spa Code. The *International Swimming Pool and Spa Code*, 2018 Edition, hereinafter sometimes referred to as the “Code,” as published by the International Code Council, Inc., is hereby adopted. A copy of that Code has been filed with the Village Clerk.

Sec. X-2. Amendments to International Swimming Pool and Spa Code.

(1) **Subsection 101.1** is hereby amended to provide as follows:

101.1 Title. These regulations shall be known as the Swimming Pool and Spa Code of the Village of Bonney, Texas, hereinafter referred to as "this code."

(2) **Subsections 105.6, 105.6.1, 105.6.2, and 105.6.3 are hereby deleted.**

(3) **Subsection 107.4** is hereby deleted, and the penalty provisions of this ordinance are substituted in its place.

(4) **Subsection 107.5** is hereby amended to provide as follows:

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 a violation or unsafe condition, shall be liable to a fine.

(5) **Section 108** is hereby deleted.

PART XI. AMUSEMENT RIDES.

Sec. XI-1. Definitions.

1. In this ordinance, the term "Amusement Ride" shall mean a mechanical device that carries passengers along, around, or over a fixed or restricted course or within a defined area for the purpose of giving the passengers amusement, pleasure, or excitement. The term does not include:

- a. a coin-operated ride that:
 - i. is manually, mechanically, or electrically operated;
 - ii. is customarily placed in a public location; and
 - iii. does not normally require the supervision or services of an operator;
- b. nonmechanical playground equipment, including a swing, seesaw, stationary spring-mounted animal feature, rider-propelled merry-go-round, climber, playground slide, trampoline, and physical fitness device; or
- c. a challenge course or any part of a challenge course if the person who operates the challenge course has an insurance policy currently in effect written by an insurance company authorized to do business in this state or by a surplus lines insurer, as defined by Chapter 981, Texas Insurance Code, insuring the operator against liability for injury to persons arising out of the use of the challenge course, in an amount not less than:
 - i. for facilities with a fixed location:

- a. \$100,000 bodily injury and \$50,000 property damage per occurrence, with a \$300,000 annual aggregate; and
- ii. for facilities other than those with a fixed location:
 - a. \$1,000,000 bodily injury and \$500,000 property damage per occurrence;
 - or
 - b. \$1,500,000 per occurrence combined single limit.

2. In this ordinance, the term “challenge course” shall mean a challenge, ropes, team building, or obstacle course, which may include logs, tires, platforms, beams, bridges, poles, ropes, ladders, nets, climbing walls, rock climbing walls, climbing towers, traverses, rock climbing devices, cables, swings, or zip lines, that is constructed and used for educational, team and confidence building, or physical fitness purposes.

A challenge course or any part of a challenge course is not considered an amusement ride subject to regulation under this Part if the person who operates the challenge course has a combined single limit or split limit insurance policy currently in effect written by an insurance company authorized to do business in this state or by a surplus lines insurer, as defined by Chapter 981, Texas Insurance Code, or has an independently procured policy subject to Chapter 101, Texas Insurance Code, insuring the operator against liability for injury to persons arising out of the use of the challenge course in an amount of at least:

- a. for a challenge course with a fixed location:
 - i. \$100,000 bodily injury and \$50,000 property damage per occurrence with a \$300,000 annual aggregate; or
 - ii. a \$150,000 per occurrence combined single limit with a \$300,000 annual aggregate; and
- b. for a challenge course other than one with a fixed location:
 - i. \$1,000,000 bodily injury and \$500,000 property damage per occurrence;
 - or
 - ii. \$1,500,000 per occurrence combined single limit.

Sec. XI-2. Operation of Amusement Ride.

No person shall operate an amusement ride, unless such person is properly trained and competent to operate the amusement ride, and unless such person is also certified in writing by the owner or his designated agent to be properly trained and competent to operate the amusement ride. No person shall operate an amusement ride unless such person has knowledge of the use function of all normal operating controls, signal systems and safety devices applicable to the ride and of the proper use, function, capacity and speed of the particular ride that he/she is operating. A ride operator shall have complete control of the ride at all times that it is being operated for the public’s use. When the ride

is shut down, provision shall be made to prevent operation by the public. No person other than a certified ride operator shall be permitted to handle the controls of a ride during normal operation except where it is designed to be controlled by a passenger. No person who owns or leases (as lessor or lessee) any interest in an amusement ride shall permit any person to operate the ride in violation of this ordinance.

Sec. XI.3. Identification of Amusement Rides.

Every amusement ride shall be identified by a trade or descriptive name and an identification number. There shall be permanently attached to every amusement ride or device, in a readily visible location, a metal plate containing the name and identification number of the amusement ride or device, and the name and address of the manufacture. Upon the same or another plate so attached there shall be legible impressed the maximum safe number of passengers, maximum safe load in pounds and the maximum safe speed.

PART XII. ADDITIONAL ENFORCEMENT AUTHORITY, VIOLATIONS, AND REMEDIES.

Sec. XI-1. Scope.

This **Part XII** of this ordinance shall apply to all of the codes adopted, enacted, or amended by any part of this ordinance and to all regulations enacted in or pursuant to this ordinance. The authority granted by this Part is in addition to, not in lieu of, any enforcement authority granted by any other part of this ordinance, or any other ordinance or law.

Sec. XII-2. Powers and Duties of the Building Official.

1. Persons Covered by this Section. The additional enforcement authority granted by this Part shall apply to the building official, the fire marshal, the code official, their designees and deputies, and all other persons authorized by any ordinance or other law to enforce any of the codes or regulations mentioned in this ordinance. The term “building official” in this Part shall mean any of the officials described in this section.

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

3. Right of Entry. When it is necessary to make an inspection to enforce the provisions of this code, or when the building official has reasonable cause to believe that there exists in a building or upon its premises a condition which is contrary to or in

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

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

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

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

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

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

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

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

Sec. XII-3. Offenses, Penalties, and Remedies.

1. Any references in this Ordinance to “the penalty provisions of this Ordinance” or similar phrases shall refer to this section and the penalties and remedies herein.

2. Any person who violates any provision of this Ordinance or of any Code hereby adopted shall be deemed guilty of a misdemeanor and, upon conviction shall be fined in an amount not to exceed \$500.00, but if the violation was committed intentionally, knowingly, recklessly, or with criminal negligence, then the maximum fine shall be \$2,000.00.
3. Each day or portion of a day a violation continues, occurs, or recurs shall constitute a separate offense, punishable by a separate fine.
4. The Village shall have the right to enforce this ordinance and the Codes hereby adopted by injunction and by other actions in a civil court and/or by any and all remedies from any and all sources.
5. All rights and remedies of the Village provided in this ordinance shall be cumulative of all other rights and remedies provided herein, by other ordinances, or by any applicable law. Furthermore, the exercise of one right or remedy by the Village shall not be construed as an election of remedies and shall not impair any other right or remedy of the Village. The Village may exercise any right or remedy herein either alone or together with any other right or remedy under this ordinance, any other ordinance, or any applicable law. Without limiting the generality of the foregoing, pursuing or receiving any civil remedy for any violation of this ordinance shall not preclude the pursuit or receipt of any criminal penalty for any violation hereof.

PART XIII. GENERAL.

Sec. XIII-1. Scope of Terms “this Code” and “this Ordinance.”

The terms “this code,” “this ordinance,” or similar terms in this ordinance shall mean not only each code adopted, enacted, or amended by any part of this ordinance, but also to this ordinance and all regulations enacted in or pursuant to this ordinance.

Sec. XIII-1. Conflicts in Terms.

In the event of a conflict of terms (1) within this ordinance or (2) between this ordinance and any other ordinance or other law, the stricter provision shall govern and control.

Sec. XIII-2. Future Amendments.

Future amendments of the codes hereby adopted (other than clarifications or technical notices of any type) are not adopted by this Ordinance and must be subsequently approved and adopted by the Board of Alderpersons.

Sec. XIII-3. Effect of Ordinance.

This ordinance shall not be construed to relieve or lessen the responsibility of any person owning, operating, or controlling any land, building, structure, or other property for any damages to persons or property caused by violations hereof or other defects, nor shall the Board of Alderpersons, the

Village, its agents, or its representatives assume any such liability by reason of these regulations, the inspections authorized by this Code, or any permits or certificates issued under this code.

Sec. XIII-4. Nonwaiver.

The failure or omission of the Village, upon one or more occasions, to enforce any right, obligation, or remedy under this Ordinance or any other law concerning the subject matter hereof shall never be construed as a waiver of the Village's right to strictly enforce such right, obligation, or remedy, and the Village may commence or resume such strict enforcement without advance notice.

Sec. XIII-5. Nonwaiver of Immunity.

Nothing in this Ordinance or in any other law concerning the subject matter hereof shall ever be construed as a full or partial waiver of governmental immunity, official immunity, or any other immunity of the Village or its officers, agents, employees, or representatives.

Sec. XIII-6. Nonliability.

Neither the Village, nor its officers, employees, agents, or representatives shall be liable to any person, other than the Village, for any act, omission, or condition in any way concerning this ordinance or the subject matter hereof.


Sec. XIII-7. Severability.

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

Sec. XIII-8. Effective Date. This ordinance shall take effect as of the date of its passage and approval.

PASSED AND APPROVED ON NOVEMBER 16, 2021.

VILLAGE OF BONNEY, TEXAS

BY: 
**RAYMOND CANTU,
MAYOR**

ATTEST:

Kaylee Winans

**KAYLEE WINANS,
VILLAGE CLERK**

BONNEY/ORDINANCE/BUILDING CODES (11-16-2021)

