

ORDINANCE NO. 3-2020

Consolidated Building and Standards Codes Ordinance

AN ORDINANCE OF THE CITY OF HILLCREST VILLAGE, TEXAS REPLACING PRIOR ORDINANCE 3-2019 IN ITS ENTIRETY; ADOPTING THE 2015 EDITION OF THE INTERNATIONAL RESIDENTIAL BUILDING CODE, THE 2017 EDITION OF THE NATIONAL ELECTRIC CODE, THE 2015 EDITION OF THE INTERNATIONAL PROPERTY MAINTENANCE CODE, THE 2015 EDITION OF THE INTERNATIONAL ENERGY CONSERVATION CODE, THE 2015 EDITION OF THE INTERNATIONAL FIRE CODE, OR LATEST EDITIONS OF EACH, AND ADDITIONS OR EXCEPTIONS SPECIFIC FOR HILLCREST VILLAGE AS ADOPTED BY CITY COUNCIL; SETTING FORTH RULES AND REGULATIONS TO IMPROVE PUBLIC SAFETY BY REGULATING BUILDING, ELECTRICAL, PLUMBING, ENERGY, MAINTENANCE, FIRE, AND SWIMMING POOLS CODES; ESTABLISHING REGULATIONS RELATING TO THE TYPES OF SEWER AND WATER DISCHARGES; ESTABLISHING DUTIES AND POWERS FOR A CITY BUILDING INSPECTOR; PROVIDING FOR ISSUANCE OF PERMITS AND COLLECTION OF FEES FOR SERVICES AS OUTLINED IN RESOLUTION 2020-01 OR LATEST EDITION OF RESOLUTION THEREFORE; FOR THE PENALTY CLAUSE AND PROVIDING FOR AN EFFECTIVE DATE.

BE IT ORDAINED by the Board of Aldermen of the City of Hillcrest Village, Texas that the following shall be known as the Consolidated Building and Associated Standards Codes Ordinance.

Section I. Standard Building Codes For Construction

1. No residences or houses designed for human occupancy shall be erected within the corporate limits unless constructed in accordance with the minimum standards established by this ordinance.
2. Certain portions of the Federal Housing Administration minimum property standards for one and two units, published by the Federal Housing Administration are hereby adopted and incorporated herein by reference as the Building Code of the City of Hillcrest Village, and are promulgated and ordained as fully and to the same extent as if set out herein verbatim, and all residences erected within the City Limits shall be constructed in accordance with such standards and specification; those portions of the said FHA minimum property standards for one and two units which are hereby adopted by reference as follows:
 - A. INTERNATIONAL RESIDENTIAL BUILDING CODE – 2015 EDITION OR LATEST EDITION

- B. NATIONAL ELECTRICAL CODE – 2017 EDITION OR LATEST EDITION
- C. INTERNATIONAL PROPERTY MAINTENANCE CODE – 2015 EDITION OR LATEST EDITION
- D. INTERNATIONAL ENERGY CONSERVATION CODE – 2015 EDITION OR LATEST EDITION
- E. INTERNATIONAL FIRE CODE – 2015 EDITION OR LATEST EDITION

BE IT ORDAINED that within said Codes when reference is made to the duties of certain officials named therein that designated official of the City of Hillcrest Village, Texas, who has duties corresponding to those of the named official in said Code shall be deemed to be the responsible official in so far as enforcing the provisions of said Code are concerned.

Section II. Roofing Requirements

1. WHEREAS, it is the desire and intention of the Board of Aldermen of the City of Hillcrest Village, Texas, to adopt certain portions of the building code relating to construction, replacement or repair of roofs in order to conform with The Texas Windstorm Insurance Association (TWIA) and fire protection requirements, now, therefore,
2. BE IT ORDAINED by the Board of Aldermen of the City of Hillcrest Village, Texas:
 - A. That a minimum of ½ inch (15/32”) decking shall be attached on 16” on-centers for new roofing or repair of existing structures. This includes wood carports, storage buildings and garages.
 - B. That a minimum of 5/8 inch (19/32”) decking shall be attached on 24” on-centers for new construction or add-ons. This includes new wood carports, storage buildings and garages.
 - C. When re-roofing a wood shingle or shake roof, a minimum of ½ inch plywood or OSB (Oriented Strand Board) decking shall be attached to the existing lathe.
 - D. Roof decking shall be APA (American Plywood Association) or TECO (TECO Products and Testing Company) rated sheathing or properly graded wood boards laid to form a solid wood deck.
 - Board decking shall have a minimum nominal thickness of 1 inch. Board decking shall be nailed with two 8D galvanized nails at each support. Board end joints shall occur over the center of rafters. Sheathing panel end joints shall occur over the center of rafters. End joints of adjacent courses shall be staggered. Roof sheathing panels shall be oriented with their long

dimensions across the rafters. There shall be a 1/8 inch space maintained between the panels. Panel roof decking shall be nailed with galvanized 8D nails 6 inches O.C. along the edges of the panel and 12 inches O.C. along all interior supports. Fasteners shall not be overdriven.

- E. That 30 pound felt shall be used for new or re-roofing jobs.
- F. That shingles shall be applied to meet manufacturer's requirements/specifications.
- G. Shingles rated by Underwriters Laboratories as being "wind resistant" shall be used when re-roofing. Shingles must be state approved.
- H. There shall be six corrosion resistant roofing nails used per shingle. Roofing nails shall be 11 or 12 gauge with large heads, 3/8" to 7/16" in diameter.
- I. Nails shall have sufficient length to penetrate into roof deck lumber a minimum of 3/4" or completely through the plywood roof deck.
- J. There shall not be any new shingles applied over existing roofing.
- K. The following materials shall be prohibited from being used when roofing or re-roofing is done.
 - The use of wood shingles.
 - The use of metal roofing like corrugated iron, V crimp or metallic sheeting.
 - The use of staples to attach shingles or decking.
 - The use of particle board, masonite, or chip board shall not be used for decking.

Section III. Electrical Requirements

1. WHEREAS, it is the desire and intention of the Board of Aldermen of the City of Hillcrest Village, Texas, to adopt certain portions of the building code relating to electrical utilities and television cable so as to minimize damage to persons, homes and to protect the utilities and television cable; now, therefore,
2. BE IT ORDAINED by the Board of Aldermen of the City of Hillcrest Village, Texas, that:
 - A. All underground utilities and television cable must be encased in a rigid or PVC carrier. That all underground utilities and television cable must run in the easement until they come in line with the house meter, then make a 90 degree turn going directly to the house meter.
 - B. All interior electrical wiring must be a minimum of 12-gauge copper only.
 - C. Aluminum wiring is prohibited, except as used by electrical power companies with franchise agreements with the City of Hillcrest Village to operate within

the City.

- D. No person shall engage in the business of contractor for, installing, altering, or repairing any electrical work within the City of Hillcrest Village, Texas which is regulated by this ordinance unless said person shall hold a valid, unexpired Master or Journeyman's State of Texas License.
- E. Electrical contractors to fill out application for electrical wiring permit form, as provided by the City of Hillcrest Village. All electrical work under permit to be inspected by certified, independent inspector. Inspection report to be provided to City of Hillcrest upon completion.
- F. See Resolution for Fee Schedule for pricing.

Section IV. Plumbing, Sewer Lines Requirements

- 1. WHEREAS, it is the desire and intention of the Board of Aldermen of the City of Hillcrest Village, Texas, to adopt certain portions of the plumbing code relating to sewer lines; now, therefore,
- 2. BE IT ORDAINED by the City Council of the City of Hillcrest Village, Texas, that:
 - A. All sewer lines on and lines considered to be connected to must be secure and prevent any water, gas, sewage, or any other material that might be within the lines from escaping therefrom or any substance of whatever nature that is outside the lines from infiltration or entering the lines.
 - B. It is the property owner's financial responsibility to prove the integrity of his or her house sewer line from the house to the sewer tap by a State of Texas licensed plumber before it becomes necessary for the City of Hillcrest Village to perform work on the City sewer main line.
 - C. The property owner may be deemed liable for any expenses incurred by the City, including administrative fees, if it is determined that the issue lies in the sewer line from the house to the sewer tap.
 - D. A minimum of schedule 40 PVC pipe shall be used for all new or repairs to private underground sewer lines.
 - E. No party, owner or person shall permit, cause or engage in introducing or dumping any substance of whatever nature into the City sewage system other than household sewage from a home or building permanently attached to the real estate. Any violation of this ordinance shall be punishable by a fine in an amount not exceeding \$200.00 for each event or occurrence.
 - F. All private sewer systems whether new, modified, enlarged or replaced must be permitted and inspected by the Brazoria County Health Officer. Plans must be reviewed by a City approved building inspector and City utilities operator.

- G. The City shall have the right to inspect any sewer lines by smoke injection, or any other method acceptable to the City Council. Upon a determination by the City Council, Building Inspector or the City Utility Operator that water, gas, sewage, or any other material that might be within the lines is escaping therefrom or infiltrating therein, the City shall notify the owner of the property which the sewer line is on or buried under of such condition. The owner must correct said private drain, sink or privy to fill up, clean, drain, alter, relay or improve said drain, sink, privy or sewer line within thirty days of this notice.
- H. No person shall engage in the business of contractor for installing, altering, or repairing any plumbing within the City of Hillcrest Village, Texas, which is regulated by this ordinance, unless said person shall hold a valid, unexpired Master or Journeyman's State of Texas license.
- I. Ensuring compliance with the regulations of the TCEQ for Prevention of Cross Connections will require plumbing inspection by a State of Texas Licensed Inspector from either the City Water or Sewer Utility Operations Company or an independent, certified Building Inspector. Fee is an hourly rate for Utility Operations Company contract, or set by resolution for fees.

Section V. Plumbing, Water Line Requirements

- 1. WHEREAS, it is the desire of the City of Hillcrest Village, Texas, to adopt certain portions of the plumbing code relating to the use of water lines as it relates to meter boxes housing the water meters on private property within the corporate limits of said City.
- 2. BE IT ORDAINED by the City Council of the City of Hillcrest Village, Texas, that:
 - A. All meter boxes housing the water meters must be kept free from overgrown grass, brambles, brush, insects and dirt. This is each resident's responsibility.
 - B. All plumbing construction allowed in the City of Hillcrest Village, Texas will be in accordance with the International Residential Building Code – current edition.
 - C. No person shall engage in the business of contractor for, installing, altering, or repairing any plumbing within the City of Hillcrest Village, Texas which is regulated by this ordinance unless said person shall hold a valid, unexpired Master or Journeyman's State of Texas license.
 - D. Ensuring compliance with the regulations of the TCEQ for Prevention of Cross Connections will require plumbing inspection by a State of Texas Licensed Inspector from either the City Water or Sewer Utility Operations Company or the Building Inspections Office. Fee is hourly rate for Utility Operations Company contract, or as set by resolution for fees.
 - E. A minimum of schedule 40 PVC pipe shall be used for all new repairs to

private underground water lines.

- F. Plumbing contractor to fill out plumbing application permit form as provided by the City of Hillcrest Village.
- G. It is the property owner's financial responsibility to prove the integrity of the home water service line from the home to the water meter by a licensed plumber before the City will perform any work in regard to leaks.
- H. The property owner may be deemed liable for any expenses incurred by the City, including administrative fees, if it is determined that the issue lies in the water line from the house to the water meter.

Section VI. Electrical Solar Panels

- 1. Must meet all requirements and standards of current National Electrical Code.
- 2. Wiring diagram must be provided with application showing how panels feed devices. Diagram must be stamped by licensed electrical engineer and electrical provider.
- 3. Method of attachment to roof must meet Texas Windstorm Insurance Association codes for Gulf Coast to withstand a minimum of 120 mph winds and with calculations and documents to prove.
- 4. Location of panels on roof must not be visible from any street in front or by side of house.
- 5. Installation company must be experienced in installation of solar panels.
- 6. Proper insurance and signed contract must be presented with application.
- 7. See Fee Schedule Resolution for permit pricing.

Section VII. Natural Gas Generator Installation

- 1. Must meet all requirements and standards of current National Electrical Code and Local Power Company Providers.
- 2. An electrical permit and plumbing permit is required and all rules and regulations of each permit must be followed.
- 3. Generator must be installed by a company or person experienced in generator installation.
- 4. Must provide a copy of the contract signed by both parties and proper insurance.
- 5. Must provide drawings showing wiring diagram and location of generator. Drawings must be stamped by licensed electrical engineer and electrical provider.

6. Elevation of generator pad must be at least the same elevation of house slab.
7. Location of generator:
 - a. May NOT be located in utility easement
 - b. Must be a minimum of five feet from property lines
 - c. Must NOT be visible from street in front of home
 - d. Must be at least ten (10) feet away from any window.
8. See Fee Schedule Resolution for permit pricing.

Section VIII. Building Inspector

The City Council of the City of Hillcrest Village, Texas may appoint or contract for a building inspector.

1. The person appointed or hired as an inspector shall have at least five (5) years' experience as a building inspector, builder, engineer, architect, or as a superintendent foreman or mechanic in charge of construction.
2. Right of Entry – The building inspector shall enforce the provisions of this code and he may enter any building or premise within the City to perform any duty imposed upon him by this code.
3. Stop Work Orders – The building inspector shall have the authority to issue a stop work order on any building or structure that is being constructed contrary to the provisions of this code or in a dangerous or unsafe manner, and such work shall be immediately stopped. This notice shall be in writing and shall be given to the owner, his agent, or to the person doing the work. The stop order shall describe the portions of this code being violated and the conditions under which work may be resumed.
4. Revocation of Permits – The building inspector or permit issuer may revoke a permit issued under the provisions of this code, in case there have been any false statements or misrepresentations as to a material fact in the application on which the permit was based.
5. Records - The building inspector and/or City shall keep a record of all construction and such records shall be open to public inspection.
6. Liability – The building inspector or deputy charged with the enforcement of this code, acting in behalf of the City in the discharge of their duties, shall not be held liable personally and is hereby relieved from all personal liability for any damage that may accrue to persons or property as a result of any act required in or resulting from the discharge of his duties.
7. Salary – The City Council of the City of Hillcrest Village may be responsible for setting compensation of the building inspector. All costs will be covered in the permit.

Section IX. Building Permits

Building Permits shall be issued by the City, prior to the beginning of any on-site construction, and the fees shall be set by the City of Hillcrest Village Council by way of fee resolutions. Resolutions will be updated as required.

1. Fees:
See resolution for fee schedule.
2. Where work for which a permit is required by this Code is started or proceeded with prior to obtaining said permit, the fees herein specified shall be doubled and with the possibility of being fined \$200.00/day per each violation, but the payment of such double fee and/or fine shall not relieve any persons from fully complying with the requirements of this Code in the execution of the work, nor from any other penalties prescribed herein.
3. The permit valuation shall be based upon the fee schedule as set by resolution, plus any processing and administration fees. Only the cost of the lot shall be excluded.
4. Moving of Building or Structures
For moving of any building or structure into or out of the City of Hillcrest Village, Texas, City Council must be contacted prior to moving any older non-conforming building or structure onto an existing subdivision lot. This fee includes the moving of small storage type structures from one location in the City to another location within the City and refers to persons and/or corporations that move houses and other structures from one city to another for a living. The fee shall be \$75.00.
5. Plan-checking Fees
A construction plan is required to be submitted and a plan-checking fee shall be paid to the City of Hillcrest Village at the time of submitting plans and specifications for checking. Said plan-checking fee shall be determined based on permit fee as set forth in the fee resolution. This plan-checking fee is in addition to the building permit fee. Plans will be reviewed by inspector hired or appointed by the City of Hillcrest Village.
6. Tap Fees
Building fees shall also include an additional charge for water and sewer tap fees. This charge shall be per fee resolution per tap depending upon the actual reimbursable cost incurred by the City of Hillcrest Village for connection to either the City sanitary sewer system or for connection to the City water system. These fees are for the normal case where water and sewer lines already exist in the adjacent easement; otherwise, Council will have to determine costs to extend lines to the property. These tap fees shall be payable at the time the building permit fee is payable. All taps will be done by the City's Utility Operator.
7. Demolition of Building or Structures
For the demolition of any building or structure, a permit fee shall be paid to the City of Hillcrest Village per fee resolution.
8. Building permits shall be required and shall be issued by the City prior to the beginning of, but not limited to, any of the following construction or repairs:

- A. New construction, including houses, garages, storage, recreational, or any other permanent or semi-permanent structures
 - B. Additions or modifications of existing structures or portable buildings
 - C. Repairs to water and sewer lines on private property
 - D. Re-roofing
 - E. Fencing of any and all approved types
 - F. Swimming Pools of all types
 - G. Electrical changes
 - H. Stand-by Generators
 - I. Solar Panels
 - J. HVAC and Ductwork Replacement
 - K. Concrete work consisting of patios and driveways
 - L. If there is a question, contact the City.
9. Note that all construction or repairs authorized by a building permit must be completed within six months from the date of issue of the permit. After that time, the permit becomes null and void, and another building permit shall be required for completion of the work or demolition and removal of any unfinished construction shall be required at owner's expense.
10. Where any remodeling, modifications, and construction will change the architectural looks of an existing home or structure, detailed plans and plot plans must be submitted (in duplication) to City Council for review and approval before any permit can be issued. Plans must be stamped by an architect or engineer when applicable.
11. Any new construction must be Texas Windstorm Certified before a permit will be issued.
12. Any remodeling or modification to existing homes must be of similar construction materials as if it was part of original construction.
13. All fees associated with building permits must be paid in full before a final inspection for occupancy is issued.

Section X. **Building Limitation**

1. Not more than one single family residence or dwelling shall be erected or constructed on any one residential lot as platted for the subdivision in which said residence is erected. If a "guest quarters" area is constructed, maximum square footage is limited to 800 sq ft. No kitchen or cooking area shall be allowed. This area can never be utilized as a rental property.
2. The exterior construction of all homes must have a minimum of 75% brick veneer construction on the first floor. Any other product must be approved by the City of Hillcrest Village Council and/or City Building Inspector.
3. New construction plans to be reviewed by the City of Hillcrest Village Council and a City approved Building Inspector.
4. Any changes to the exterior of existing homes or structures must be approved by City Council before a permit can be issued.
5. All driveways and patios must be of concrete construction and permitted.

Section XI. Portable Storage Units and Non-habitable Accessory Buildings

1. Permits for Portable Storage Units: Except to the extent expressly authorized by an effective permit issued by the building official, it shall be unlawful for any person to provide, deliver, move, install, erect, use, occupy or rent (as owner or as renter) any portable storage unit within the city, or to cause or allow any such activity at a place the person owns or controls. Permit regulations (and exemptions) shall be generally the same as for site-building or similar size. However, it shall be an affirmative defense in any proceeding to enforce this section and no permit shall be required if:
 - A. The square footage does not exceed 175 square feet, and no part of the unit is located in a front yard or side yard; or
 - B. Disaster relief, etc. – Permits for portable storage units to be used for Disaster relief, moving, remodeling or similar purposes shall be limited as follows:
 1. The volume of units may not exceed 1030 cubic feet each.
 2. During any period of 365 days, portable storage unit(s) may be on the premises no more than 90 days in aggregate.
 - C. Application of section; conditions. This section shall be uniformly applied and enforced regardless of whether the unit is manufactured on-site or off-site. All federal, state and local requirements for constructions, inspection, transportation, erection and installation must be complied with in connection with any portable storage unit. The building official may impose conditions and time limits on any permit to reduce and avoid adverse impact on nearby properties (including visual impact and any potential impact on property values) and to reduce adverse effects upon utilities, the traveling public or other users of public spaces.

- D. Other regulations. A portable storage unit must comply with all applicable ordinances or other building regulations.

2. Non-habitable Accessory Building

- A. Allowable square footage: Non-habitable accessory buildings, except private garages or private carports, shall not exceed the maximum square footage for each residential lot size as depicted in the following table:

Lot Size	Max. Total Sq. Ft for Accessory Bldg.
Less than 5,000 sq. ft.	120 sq. ft.
5,000 to 9,999 sq. ft.	200 sq. ft.
10,000 to 12,000 sq. ft.	400 sq. ft. or 2% of total area of the lot
Larger than 12,000 sq. ft.	Reviewed and approved by City Council and a City approved Building Inspector.

The maximum square footage limits shown above shall be cumulative of all non-habitable accessory buildings for each lot, excluding private garages, private carports, and private porte-cocheres shall not be included for the purpose of determining the allowable square footage of non-habitable accessory buildings on a single residential lot.

The square footage within an attic or lot shall be excluded from the calculation of maximum square footage of a non-habitable accessory building or structure.

Non-habitable accessory buildings, other than private garages and private carports shall be limited to a maximum height of eight feet. The height of the accessory building may be increased to a maximum of 12 feet, provided that, for each additional one foot of heights over eight feet, the accessory building is setback an additional two feet from the rear and side setback requirements of the city. The height of accessory buildings shall be measured from the ground to the highest point of the building.

Non-habitable accessory buildings or structures shall be limited to one story.

All non-habitable accessory buildings, except private garages must be located behind the rear wall of the primary residential structure that is furthest from the street. In the case of a corner lot, the structure must be placed behind the setback line of the side of the house.

Carports not a part of original construction of home, must be of same or similar construction and made to look as if they were part of the original construction of the home. Any deviation must be approved by City Council, before a permit can be issued.

Section XII. Setback Line

The front of all homes must face the 35-foot building setback lines, as shown on the final plot plan approved by a vote of the Board of Aldermen of the City of Hillcrest Village, Texas.

The definition of setback line stating the following:

1. The thirty-five foot setback line as established in a subdivision plat, only establishes the minimum distance that above ground construction shall begin. The distance is measured from the property line. If, in fact, the construction of existing homes is such that a different setback line was established, it shall be the responsibility of the building inspector and the City Council to ensure that the intent of the ordinance is not violated, i.e., a single house may not be offset to the street side of the lot so as to be an obstruction to the neighboring houses.
2. The setback line refers to the minimum distance from the property line that any above ground construction or structures that obstruct the view to/from adjacent homes shall exist. This includes, but is not limited to, fences, decorative walls, carports, campers, boats, recreational vehicles, or any other large vehicle or structure. Once a house is constructed, the effective setback line for that lot is established as the front edge of the structure. Any revisions or modifications to the house may not be built past the established set back line. However, for lots with angled or curved (cul-de-sacs) property lines, the City Council shall approve the setback line for construction of buildings, fences, decorative walls, or any other structures to ensure that the adjacent property owner's rights are not violated.
3. The minimum setback from a common fence shall be 5 feet, to provide a proper fire barrier between adjacent structures.

Section XIII. Fences

1. Fencing Setback Provisions

No fence or wall shall be erected on any lot near the street other than the minimum setback from the street shown above in section X, unless otherwise granted a variance by the City of Hillcrest Village Council. Further, unless otherwise approved by the City Council, no fence shall be constructed across or within a utility easement or street easement. The dimensioned plans for all fences must be submitted to the City of Hillcrest Village for permit. The City of Hillcrest Village, by which shall have the power to specify acceptable materials and/or fence designed for specific areas such as along major thoroughfares. No fence may be constructed in the front portion of the yard as defined by the setback section above. Exceptions: this restriction does not apply to low decorative fencing or railings attached to the front porch. Gates designed for vehicular access and all garage doors shall be setback from the property line as defined by setback line in Section X above.

2. Corner Fencing

Except as provided below, no fence shall be closer than 15 feet to the public street or

any right of way or easement except in cases where the side building line of the yards on continuous corner lots adjoin, then the fence may be constructed out to the property line of said side yard such that the street side yard may be included as part of the lot's back yard area.

3. Distance from Property Line; Common Fences

A boundary fence shall be constructed immediately along the property line or as close as practicable to the property line. Common fences may be constructed along the property line, if the written consent of the owners of both properties is submitted.

NOTE: It is the responsibility of the person who constructs a fence or causes it to be constructed, to locate the fence within the property lines.

4. Easements

No fence of any type may be constructed, improved or structurally altered on any City easement, nor shall any shrubbery be planted on said easement. If either is put on an easement, it will be at the property owner's risk. That is, when the City requires access to the easement to perform maintenance/installation work for City services, the City retains the right to remove fences and/or shrub placed on public easements. Repairs or replacement is not the City's responsibility. Repairs or replacement are at the property owner's expense.

5. Construction Clean Up and Replacement

It shall be the responsibility of each person who constructs or reconstructs a fence or causes it to be done, to clean up and remove from the premises all debris, dirt, scrap and broken pieces of concrete caused by the construction of the fence.

Replacement fences: in cases where an existing fence erected contrary to the provisions of this Code is to be replaced, each new fence shall conform to this Code.

6. Fences Facing Streets

All fences abutting a street area shall be constructed so that all supporting members, including posts and horizontal runners, shall not face the street. This provision shall apply to such portion of a fence that faces the street on which the lot faces as well as a side street.

7. Emergency Portals; Visibility Areas

The primary purpose of this subsection is to provide access to all sides of each building located on a single-family residential site, so that firefighters and emergency personnel can enter the building, place ladders, fight fires, etc. If such access is blocked by fences, walls or other obstructions, there must be at least two (2) emergency portals, each with a minimum width of 30 inches, and they must be located to allow access to the sides and rear of the building as follows:

- A. Usually there must be one portal on each side of the building facing the front street line. On corner sites, one portal may face the side street line.
- B. If there is a fully or partially enclosed utility easement that intersects a street area adjacent to the site, there must be an emergency portal to allow emergency access to the easement areas from the street.

- C. Allowed types of portals: an emergency portal may be either; (1) a gate or door with a key box complying with the International Fire Code or, (2) a breachable fence segment or gate. A segment or gate is "breachable" if it is primarily made of wood or wood substitute (not thicker than one inch, in either case) or wrought iron.

8. Materials

Wood, ornamental iron, masonry, decorative PVC fencing are approved materials. Chain link fencing may be used on sides and rear if not in public view. Electrical fencing and barbed wire are prohibited except on parcels of two (2) acres or more when used to contain livestock. Each gate, fence, or wall erected shall be of uniform construction and appearance and shall be erected and maintained so as not to pose a hazard.

9. Fences on Vacant Lots

No fences shall be constructed or reconstructed on a vacant lot, in a platted section.

10. Maintenance

Any person owning or controlling a fence shall maintain it in good repair so as not to endanger any person or property.

11. Special Purpose Fencing

Special purpose fencing such as fencing around tennis courts is allowed only upon issuance of a permit from the city. The maximum height of such fencing shall be 12 feet. In cases around swimming pools, see Section XII.

12. Maximum Height Limits

Eight-foot limit: No fence higher than eight feet may be constructed, improved or structurally altered on any residential property.

Height measurement: fence heights shall be measured along each fence line on the side with the lowest grade level. If the fence is within three feet of a property line, the adjacent grade level of the adjacent property is used to measure the height of the fence, if the adjacent grade level is lower than the grade level of the property where the fence is located. In residential zoning districts, no fences shall be constructed to a height in excess of eight feet. Fences eight feet in height or less may be constructed anywhere inside the property line of a lot zoned residential except within the front yard as the term is defined in the setback section of this ordinance.

Gate height: A gate may be no taller than a fence at the same location, or a maximum height of eight feet. The gates exterior appearance must be of same material as adjoining fence.

Section XIV. Swimming Pools, Fences and/or Enclosures

1. WHEREAS, it is the desire of the City of Hillcrest Village, Texas to adopt the 2009 Edition of International Residential Building Code or its latest edition or as amended below relating to design, construction or installation, repair or alteration, maintenance and use of swimming pools on public or private property within the corporate limits of said City, and as amended below, and relating to the public safety, health and general

welfare.

2. BE IT ORDAINED by the City Council of the City of Hillcrest Village, Texas, that:
 - A. This ordinance and the term "pool" shall include all pools used for swimming, wading, or bathing, all spas, hot tubs, whirlpools, Jacuzzi's, portable pools, or any other permanent fixture used for the above purpose and shall include any constructed or prefabricated pool used for swimming or bathing eighteen inches or more in depth; any prefabricated pool which may be erected at the point of intended use and which may be subsequently disassembled and re-erected at a new location; and any constructed or prefabricated pool eighteen inches or less in depth.
 - B. All pools covered under this ordinance will be maintained and kept clean at all times. Failure to do so could result in maintenance/cleaning being ordered by the City Council at the owner's expense.
 - C. An inspection fee as set by fee resolution schedule shall be paid to the City of Hillcrest Village at the time the building permit is issued. Cost shall be charged by the City Utility Operator.
 - D. No pools covered under this ordinance shall be tied into the sanitary sewer system of the City of Hillcrest Village, Texas.
 - E. Any pool water fill line must be equipped with a back-flow prevention assembly. The assembly must be inspected and approved by City Utility Operator. The back-flow assembly must be maintained and inspected annually.
 - F. A solid, non-see-through wood or combination wood and brick enclosure beginning at ground level and extending up a minimum of five feet (5'), with a locking gate to prevent accidental entry by unsuspecting persons, shall be constructed around all pools covered by this ordinance and shall be maintained in good condition at all times. The intent and construction of these fences is to ensure the safety of children and unsuspecting adults and to deter and protect against accidental drowning. See Section X for proper setback lines.
 - G. All fences constructed or shrubbery planted on City easements will be at the property owner's risk. That is, when the City requires access to the easement to perform maintenance/installation work for City services, the City retains the right to remove fences and shrubs placed on public easements, as necessary, and repair or replacement is at the property owner's expense.

Section XV. Flood Insurance / Flood Plain Areas

1. WHEREAS, it is the desire of the City of Hillcrest Village, Texas to review all building permit applications for new construction, substantial improvements or major repairs within the flood plain area having special flood hazards to assure that the

proposed construction:

- A. Is protected against flood damage,
 - B. Is designed and anchored to prevent flotation, collapse, or lateral movement of the structure,
 - C. Uses construction materials and utility equipment that are resistant to flood damage, and
 - D. Uses construction methods and practices that will minimize flood damage.
2. BE IT ORDAINED by the City of Hillcrest Village, Texas, the City will require new construction or substantial improvements of residential and non-residential structure within the area of special flood hazards to have the lowest floor (including basement) elevated to or above the level of the 100-year flood.

Section XVI. Maintenance, Removal and Demolition of Buildings or Structures Within The Village

1. WHEREAS, it is the desire of the City of Hillcrest Village, Texas to adopt certain portions of the building code relating to maintenance, removal, and demolition of buildings or structures that are in need of repair or dangerous.
2. BE IT ORDAINED by the City Council of the City of Hillcrest Village, Texas, that:
 - A. This ordinance and the term “building” shall include all buildings used for single family residences, unattached garages, storage buildings, and any other structure, whether it be attached or unattached to the residence (e.g., patio covers, sun rooms, etc.).
 - B. All buildings and the appurtenances there to be maintained properly and in accordance with the provisions of the current International Property Maintenance Code or subsequent edition or revision thereto at all times. Failure to do so could result in an order that would require the repairing or vacation and relocation of occupants and securing, removing or demolishing being ordered by the City Council.
 - C. Before the City may order a building to be repaired, vacated, secured, removed or demolished, the City Building Inspector must certify that the building or any structure on the property is inadequately being maintained, is not in compliance with the minimum standards set out in the International Property Maintenance Code – current edition or subsequent edition or revision thereto, or is substandard or unfit for human habitation and that the building is a hazard to the public health, safety and welfare.
 - D. Upon certification by the City Building Inspector, 30 days’ notice be given to the owner of the building that a public hearing will be held to determine whether the building complies with the standards set out in the ordinance.

The notice to the property owner shall be by certified mail and contain an identification, which is not required to be a legal description, of the building and the property on which it is located, a description of the violation of the ordinance that is present at the building, and a statement that the City of Hillcrest Village will issue fines, vacate, secure, remove or demolish the building or relocate the occupants of the building if the ordered action is not begun within 30 days.

- E. As an alternative to the procedures described above, the City shall make a diligent effort to discover each mortgagee and lien holder of a dangerous building for conducting the public hearing described above. The City of Hillcrest Village shall give them notice of, and an opportunity to comment at the hearing. An order issued by the City under this section shall give the owner 30 days to begin repairing or vacating, securing, removing, demolishing and relocating the occupants of the building. Any mortgages or lien holders shall have an additional 15 days to start repairing or removing, securing, vacating and relocating current occupants or demolishing the building in the event the property owners cannot do so. Under this section, the City of Hillcrest Village is not obligated to furnish any notice to a mortgagee or lien holder other than a copy of the order, in the event the owner fails to take ordered action.

- F. If the building is not repaired, vacated, secured, removed or demolished, or the occupants are not relocated within the allotted time, the City of Hillcrest Village may repair, vacate, secure, remove or demolish the building or relocate the occupants at its own expense. If the City of Hillcrest Village incurs these expenses, then the City may assess the expenses and have a lien against the property on which the building was located, unless it is a homestead as protected by the Texas Constitution. The lien may be extinguished if the property owner or other person having an interest in the legal title to the property reimburses the City for the expenses. Such liens shall arise and attach to the property at the time the notice of the lien is recorded and indexed in the Office of the County Clerk, Brazoria County, Texas. The notice must contain the name and address of the owner, if that information can be determined with a reasonable effort, a legal description of the property on which the building was located, the amount of the expenses incurred by the City and the balance due. Such lien is a privileged lien subordinate only to tax liens and all previously recorded bonafide mortgage liens attached to the real property to which the City's lien attaches.

Section XVII. Ordinance Enforcement and Provision for Variances

1. BE IT ORDAINED by the City Council or the Building and Standards Commission of the City of Hillcrest Village, Texas, that whenever violations of this ordinance exist, the City shall provide notice to the owner of such lot or premises to remedy the condition and to come into compliance within thirty days. Such notice shall be in writing and shall be served on the owner in person or mailed to him/her at their last known address by certified mail. In the event personal delivery cannot be made and the owner's address is not known, such notice shall be given by publication in a

newspaper published in the City, at least twice within ten (10) consecutive days.

Some circumstances may require an extension of time to come into full compliance. Should this be the case, the property owner must request a hearing before the City Council or Building and Standards Commission to request an extension of time to comply.

A misdemeanor citation will be issued at a fine of up to \$200.00 per day, if at the end of the thirty-day compliance period one of the following has not occurred:

- A. The correction has been made,
- B. A concentrated effort is in progress to correct the condition, or
- C. A hearing request before the City Council has been received.

Each continuing day of violation is a separate offense and punishable by a citation being issued each and every day of continued violation until the violation is corrected and compliance with the ordinances has occurred.

2. BE IT FURTHER ORDAINED by the City Council or Building and Standards Commission of the City of Hillcrest Village, Texas that in the event the owner of any lot or premises fails to remedy any condition in violation of this ordinance as described in the above paragraph, the City or the Building and Standards Commission shall do whatever is necessary to remedy the condition, or cause the same to be done, and shall charge the expense incurred and any fines to the owner of such lot or premises. And such expense and fines shall be assessed against the real estate upon which the work was done. The doing of such work and the charging and assessing of the expenses thereof against the owner shall not relieve the owner or occupant of any prosecution for violation of the above paragraph. The City shall be entitled to collect for administrative and legal expenses in carrying out the terms of this ordinance in addition to the actual fees paid by the City for correction of the ordinance violation(s). The Mayor or City Clerk shall file a statement of expenses incurred, giving amounts of such expenses and the date on which work was done, with the county clerk. To secure repayment of City expenditures, the City shall have a privileged lien on such lot or real estate upon which the work was done and/or ordinance enforcement expenses were incurred. In accordance with the provisions of Article 4436, Revised Civil Statutes of Texas, which lien shall be second only to tax liens and liens for street improvements. The amount of such expenses shall bear ten percent (10%) interest from the date such statement is filed. For any such expenditures and interest, a suit may be instituted, and recovery and foreclosure of such lien may be had in the name of the City and the statement of expenses so made, or a certified copy thereof, shall be prima facie proof of the amount expended for such work.
3. BE IT FURTHER ORDAINED by the City Council of the City of Hillcrest Village, Texas that residents have an appeal process to the enforcement of this ordinance, that is, they may submit written petition of appeal to the City of Hillcrest Village City Council or Building and Standards Commission for a hearing at a regularly scheduled council meeting. This includes petition of appeal for interpretation of ordinances by the City Building Inspector or other City official. The City of Hillcrest Village City Council, when so petitioned to and after a hearing, may vary the application of any provision of this ordinance to any particular case when, in its opinion, the enforcement

thereof would do manifest injustice and would be contrary to the spirit and purpose of this ordinance or the technical codes of public interest, and also finds all of the following:

- A. That special conditions and circumstances exist which are peculiar to the building, structure, or resident's lot involved and which are not applicable to others;
- B. That the special conditions and circumstances do not result from the action or inaction of the applicant;
- C. That granting the variance requested will not confer on the applicant any special privilege that is denied by this ordinance to other buildings, structures, or residential lots;
- D. That the variance granted is the minimum variance that will make possible the reasonable use of the building, structure or residential lot;
- E. That the grant of the variance will be in harmony with the general intent and purpose of this code and will not be detrimental to the public health, safety and general welfare.

Note that any petition of appeal approved by the City of Hillcrest Village City Council shall require 75% approval of Council Members at the meeting, shall be documented and signed by Council Members, and shall be recorded by the City Clerk and maintained with the set of City of Hillcrest Village Ordinances. A signed copy shall be provided to the resident making the petition of appeal for maintaining their files.

- 4. BE IT FURTHER ORDAINED by the City Council or Building and Standards Commission of the City of Hillcrest Village, Texas that in the event any section, paragraph, subdivision, clause, phrase, provision, sentence or part of this ordinance or the application of the same to any person or circumstance shall for any reason be adjudged invalid or held unconstitutional by any court of competent jurisdiction, it shall not affect, impair, nor invalidate this ordinance as a whole or any part or provision hereof other than the part so declared to be invalid or unconstitutional; and the Aldermen of the City of Hillcrest Village, Texas declare that it would have passed each and every part the same notwithstanding the omission of any such part so declared to be invalid or unconstitutional, or whether there be one or more parts.

Section XVIII. Permit Fees

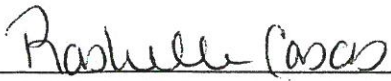
For fees related to permits, see Resolution 2020-01, or latest edition, approving Fee Schedules and Permit Applications, Exhibit A-E, and made part of this ordinance.

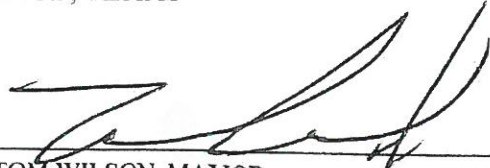
THIS ORDINANCE SHALL BECOME EFFECTIVE AND BE IN FORCE FROM AND AFTER PASSAGE BY THE BOARD OF ALDERMEN OF HILLCREST VILLAGE, TEXAS.

FIRST READING:

PASSED, APPROVED, AND ADOPTED this THE 9th day of November, 2020 .

CITY OF HILLCREST VILLAGE, TEXAS

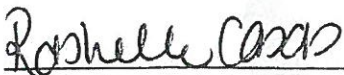

RASHELLE CASAS, CITY CLERK

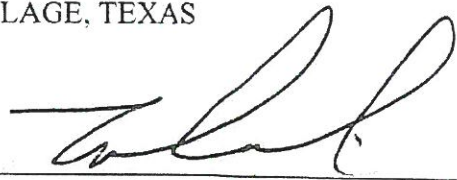

TOM WILSON, MAYOR

SECOND READING:

PASSED, APPROVED, AND ADOPTED this THE 14th day of December, 2020 .

CITY OF HILLCREST VILLAGE, TEXAS


RASHELLE CASAS, CITY CLERK


TOM WILSON, MAYOR