



**NOTICE OF A REGULAR MEETING
THE BRENHAM CITY COUNCIL
THURSDAY, AUGUST 1, 2024 AT 1:00 PM
SECOND FLOOR CITY HALL
COUNCIL CHAMBERS
200 W. VULCAN STREET
BRENHAM, TEXAS**

- 1. Call Meeting to Order**
- 2. Invocation and Pledges to the US and Texas Flags - Councilmember Leah Cook**
- 3. Retirement Recognition - Thomas Kurie, Brenham Police Department**
- 4. Service Recognition**
 - ◆ Kevin Schmidt - Information Technology - 15 Years**
- 5. Special Recognition**
 - ◆ Luke Cochran - 2024 Prosecutor of the Year Award from Texas Municipal Courts Association**
- 6. Citizen Comments**

CONSENT AGENDA

7. Statutory Consent Agenda

The Statutory Consent Agenda includes non-controversial and routine items that Council may act on with one single vote. A councilmember may pull any item from the Consent Agenda in order that the Council discuss and act upon it individually as part of the Regular Agenda.

- 7.a. Approve the Minutes from the July 11, 2024, Regular City Council Meeting, and the July 22, 2024, Special City Council Meeting.**
- 7.b. Approve an Audit Engagement Letter for Seidel Schroeder to Perform an Audit for the Fiscal Year Ending September 30, 2024 and Authorize the Mayor to Execute Any Necessary Documentation**

WORK SESSION

- 8. Discussion and Presentation on Possible Annexation of Two (2) Roads and Rights-of-Way that are Contiguous to the Boundaries of the City of Brenham City Limits**

PUBLIC HEARING AND ASSOCIATED ACTION ITEM

- 9. Public Hearing, Discussion and Possibly Act Upon an Ordinance on Its First Reading Amending Appendix A – “Zoning” of the Code of Ordinances of the City of Brenham Granting a Specific Use Permit to Walt Edmunds/WEPROP, LLC for the Property Located at 310 W. Third Street, to Allow an Accessory Dwelling Unit (ADU) Use in an R-1 Single-Family Residential Zoning District on Approximately 0.1948 Acres of Land Addressed as 310 W Third Street, Being Further Described as Key’s First Addition, Block 2, Lot 3C, in Brenham, Washington County, Texas (Case Number P-24-019)**

REGULAR SESSION

- 10. Submission of, Discussion, and Possible Action Regarding the No-New Revenue Tax Rate, Voter-Approval Tax Rate, and Proposed Tax Rate for the 2024 Tax Year, and Take Record Vote on Proposed Tax Rate and Meeting Date for Final Adoption of Tax Rate**
- 11. Discuss and Possibly Act Upon An Ordinance on Its First Reading Amending the Rate Tariff Schedule for the City of Brenham Sanitary Sewer System**
- 12. Discuss and Possibly Action Upon An Ordinance on Its First Reading Amending Chapter 6, Buildings and Structures, of the Code of Ordinance of the City of Brenham, Texas to Provide for the Adoption of the 2021 Editions of the International Building Code, International Fuel Gas Code, International Property Maintenance Code, International Plumbing Code, International Energy Conservation Code, International Mechanical Code, International Residential Code, International Swimming Pool and Spa Code, International Fire Code, and International Existing Building Code and Adopting the 2020 Edition of the National Electrical Code; Amending Article II, Building Code, of Chapter 6, Buildings and Structures, of the Code of Ordinances of the City of Brenham, Texas to Add Shipping Container Construction Requirements; Amending Chapter 8, Fire Protection and Prevention, of the Code of Ordinances of the City of Brenham, Texas to Provide for the Adoption of the 2021 Edition of the International Fire Code**
- 13. Discuss and Possibly Act Upon:**
 - An Agreement with United Healthcare for Group Medical, and**

Voluntary Dental and Vision Coverage Benefits for the Plan Year October 1, 2024 through September 30, 2025;

- **An Agreement with Surency for the Administration of Flexible Spending Account/Dependent Care Reimbursement, Health Savings Account, and COBRA for the Plan Year October 1, 2024 through September 30, 2025; and**
- **An Agreement with Alliance Work Partners for an Employee Assistance Program for the Plan Year October 1, 2024 through September 30, 2025**

and Authorize the Mayor to Execute Any Necessary Documentation

14. Administrative/Elected Officials Report

Administrative/Elected Officials Reports: Reports from City Officials or City staff regarding items of community interest, including expression of thanks, congratulations or condolences; information regarding holiday schedules; honorary or salutary recognitions of public officials, public employees or other citizens; reminders about upcoming events organized or sponsored by the City; information regarding social, ceremonial, or community events organized or sponsored by a non-City entity that is scheduled to be attended by City officials or employees; and announcements involving imminent threats to the public health and safety of people in the City that have arisen after the posting of the agenda.

EXECUTIVE SESSION

- 15. Section 551.071, Texas Government Code - Consultation with Attorney - Consultation with City Attorney Regarding Commonwealth Development, Inc. v. City of Brenham, Texas; Fair Housing Case No. 06-22-3294-8**
- 16. Section 551.071, Texas Government Code - Consultation with City Attorney - Consultation with City Attorney Concerning the Brenham Municipal Airport, Its Operations and Services, and Associated Matters**
- 17. Section 551.071, Texas Government Code - Consultation with City Attorney - Consultation with City Attorney Concerning Administrative Processes Related to Various Personnel Issues and Associated Matters**
- 18. Section 551.071, Texas Government Code - Consultation with Attorney - Consultation with City Attorney Regarding the Impact of *Lindke v. Freed*, 601 U.S. 187 (2024) on First Amendment Law, Elected Officials' Responsibility Related to Social Media Use, and Associated Legal Matters (Social Media)**
- 19. Section 551.071, Texas Government Code - Consultation with City Attorney - Consultation with City Attorney Regarding ETC Marketing, Ltd. v. Ken Paxton, Attorney General of the State of Texas, and the City of Brenham, Texas; Cause No. D-1-GN-24-004577; 53rd Judicial District Court, Travis County, Texas**

ADJOURN

Executive Sessions: The City Council for the City of Brenham reserves the right to convene into executive session at any time during the course of this meeting to discuss any of the matters listed, as authorized by Texas Government Code, Chapter 551, including but not limited to §551.071 - Consultation with Attorney, §551.072 - Real Property, §551.073 - Prospective Gifts, §551.074 - Personnel Matters, §551.076 - Security Devices, §551.086 - Utility Competitive Matters, and §551.087 - Economic Development Negotiation

CERTIFICATION

I certify that a copy of the agenda of items to be considered by the City of Brenham City Council was posted to the City Hall bulletin board at 200 W. Vulcan St., Brenham, TX on Monday, July 29, 2024, at 12:00 p.m.

Jeana Bellinger, TRMC, CMC
City Secretary

Disability Access Statement: This meeting is wheelchair accessible. The accessible entrance is located at the Vulcan Street entrance to the City Administration Building. Accessible parking spaces are located adjoining the entrance. Auxiliary aids and services are available upon request (interpreters for the deaf must be requested twenty-four (24) hours before the meeting) by calling (979) 337-7567 for assistance.

I certify that the attached notice and agenda of items to be considered by the City Council was removed by me from the City Hall bulletin board on the _____ day of _____, 2024 at _____ a.m./p.m.

Signature

Title

Brenham City Council Minutes

A Regular Meeting of the Brenham City Council was held on Thursday, July 11, 2024 beginning at 1:00 PM in the Brenham City Hall, City Council Chambers, at 200 W. Vulcan Street, Brenham, Texas.

Members Present:

Mayor Atwood Kenjura
Mayor Pro Tem Clint Kolby
Councilmember Leah Cook
Councilmember Paul LaRoche
Councilmember Adonna Saunders
Councilmember Albert Wright

Members Absent:

Councilmember Shannan Canales

City of Brenham Staff Present:

City Manager Carolyn Miller, City Attorney Cary Bovey, City Secretary/Director of Administrative Services Jeana Bellinger, General Manager of Public Utilities William Bisette, Assistant General Manager of Public Utilities Alton Sommerfield, Director of Water/Wastewater Bobby Keene, Director of Public Works Dane Rau, Chief Financial Officer Julie Flagg, Director of HR and Risk Management Susan Nienstedt, Fire Chief Mark Donovan, Police Chief Lloyd Powell, Assistant Police Chief Curtiss Schoen, Development Services Director Stephanie Doland, Economic & Community Development Director Teresa Rosales, Robin Hutchens, Jessica Perez, Shauna Laauwe, Allan Jacobs, David Doelitsch, Sarah Hill, Kim Hodde, Mark Pierce, Cody Sorenson, Steven Loving, Kelvin Raven, Tiffany Anderson, Richard O'Malley, Tammy Jaster, Kelsey Toy, Kyle Koehne, Tandy Tucker, Caroline Nowicki, Victorino Ortiz, Robert Antkowiak, and Darrin Roche.

Citizens/Others Present:

Billy Sutherland, and Debbie Sutherland.

Media Present:

Joshua Blascke with KWHI, and Sarah Forsythe with Brenham Banner Press.

1. Call Meeting to Order

2. **Invocation and Pledges to the US and Texas Flags - Councilmember Albert Wright**
3. **Special Recognition**
 - ◆ **Lloyd Powell - Police Chief**
4. **Special Recognition**
 - ◆ **Brenham Police Department Promotion - Curtiss Schoen, Assistant Police Chief**
5. **Service Recognition**
 - ◆ **Allen Jacobs - Development Services - 30 Years**
6. **Proclamation**
 - ◆ **National Parks and Recreation Month**
7. **Citizen Comments**

No citizen comments were heard.

CONSENT AGENDA

8. **Statutory Consent Agenda**
 - 8.a. **Approve the Minutes from the June 6, 2024 and the June 20, 2024 Regular City Council Meetings**
 - 8.b. **Approve Ordinance No. O-24-016 on Its Second Reading Amending Appendix A - Zoning of the Code of Ordinances of the City of Brenham Granting a Specific Use Permit to Allow an Automobile (Car) Service Station (Convenience Store with Gas Pumps) in a B-1, Local Business Residential Mixed Use Zoning District on Property Addressed as 804 E Blue Bell Road, and being 1.106-Acres Described as Arrabella Harrington Survey, Tract 64, in Brenham, Washington County, Texas (Case Number P-24-005)**
 - 8.c. **Approve Ordinance No. O-24-017 on Its Second Reading Adopting a Revised City of Brenham Drought Contingency Plan and Revised Water Conservation Plan for 2024**
 - 8.d. **Approve Final Payment in the Amount of \$22,281.50 to Clark Construction of Texas Inc, Related to 2023-24 City Street Onyx**

Resurfacing Project and Authorize the Mayor to Execute Any Necessary Documentation

A motion was made by Councilmember Wright and seconded by Councilmember Saunders to approve Consent Agenda Items 8.a. through 8.d. as presented.

Mayor Kenjura called for a vote. The motion passed with Council voting as follows:

Yes: Mayor Kenjura, Mayor Pro Tem Kolby, Councilmember Cook, Councilmember LaRoche, Councilmember Saunders, Councilmember Wright

No: None

Absent: Councilmember Canales

WORK SESSION

9. Presentation and Discussion on the FY2023-24 Second Quarter Financial Reports

Chief Financial Officer Julie Flagg presented this item. Flagg advised that all funds experienced favorable actual to budget net revenues for the second quarter FY23-24 except the Water Fund which should reverse it's loss with summer (high consumption) revenues and higher water rates that went into effect in April.

Fund	YTD Revenues & Other Sources	YTD Expenditures & Other Uses	Actual Net Revenues (Loss)	Annual Budgeted Net Revenues (Loss)	2nd QTR YTD Actual to Annual
General	\$14,847,017	\$10,793,329	\$4,0543,688	(\$488,259)	\$4,541,947
Electric Distrib	\$4,155,203	\$3,887,721	\$267,482	(\$119,690)	\$387,172
Gas Distrib	\$1,015,363	\$844,942	\$170,421	(\$56,950)	\$227,371
Water	\$2,129,071	\$3,079,981	(\$160,776)	\$401,755	(\$562,531)
Wastewater	\$2,129,071	\$2,008,008	\$121,063	(\$4,863)	\$125,923
Sanitation	\$1,320,989	\$1,180,984	\$140,005	(\$162,635)	\$302,640
Drainage	\$353,383	\$268,828	\$84,555	\$0	\$84,555

10. Presentation and Discussion on the City of Brenham's Code of Ordinances, Appendix A: Zoning, Section 10 and Chapter 23, Subdivisions, Related to:

- a. Accessory Dwelling Units (ADU's)**
- b. Accessory Structures**
- c. Alleyways in Townhome Developments**

Director of Development Services Stephanie Doland presented this item. Doland advised that occasionally the Zoning Ordinance and Subdivision Regulations require revisions to reflect new codes, make corrections, to revise/add new definitions, to allow for new uses or perhaps remove uses that are no longer seen as compatible within a particular zoning district or development pattern. Doland advised that staff has made note of several revisions to be considered by City Council.

Doland advised that staff proposes to amend Appendix A, Zoning, of the Code of Ordinances as follows:

- Section 10.02(4)(A): Accessory uses and structures: Should the primary use be a single-family dwelling, the property owner's primary residence shall be the single-family dwelling or ADU.
- Section 10.02(1): All detached accessory structures, in any residential district, shall be located behind the closest point of the primary structure to the front property line and shall have a side and rear yard of not less than five (5) feet.

Doland advised that staff is also proposing to amend Chapter 23, Subdivisions, of the Code of Ordinances as follows:

- Section 23-17, Alleys: Current wording reads that "Alleys are prohibited in new subdivisions." Staff would like to amend this section to read as follows: "Alleys are encouraged in townhome developments to facilitate the design of garages and parking to the rear of lots."

After discussion on each topic, the following was decided:

- Section 10.02(4)(A): City Council agreed that requiring the property owner to live in the primary resident or the ADU should only apply in the R-1 zoning district, not R-2 or B-1. Doland stated that the new wording would be amended to read as follows: "Should the primary use be a single-family dwelling in an R-1 District, the property owner's primary residence shall be the single-family dwelling or ADU."
- Section 10.02(1): City Council agreed that additional structures built on residential lots should not extend out beyond the neighbor's house (primary structure). Doland stated that the new wording would be amended to indicate that any accessory structures would have to be located behind the closest point of the neighbor's front property line. Council was also in support of accessory structures having a side and rear yard of not less than five (5) feet.
- Section 23-17: Council agreed with staff's recommendation to amend the definition of "alleys" to read as follows: "Alleys are encouraged in townhome

developments to facilitate the design of garages and parking to the rear of lots."

Staff advised that the revisions discussed during this Work Session would come back to City Council, as Ordinances, at the first meeting in August.

11. Presentation and Discussion on the City of Brenham's Code of Ordinances Chapter 6, Building and Structures, and Chapter 8, Fire Protection and Prevention, Related to the Adoption of the 2021 Edition of the International Building Codes and the 2020 National Electric Code

Director of Development Services Stephanie Doland presented this item. Doland advised that updates to current editions of the International Building Code and Complimentary Building Codes are recommended in an effort to maintain a safely built community. Doland stated that the routine updating of the Code of Ordinances to reflect the current International Codes also helps lower premiums for building insurance rates for our community since the Building Code updates demonstrate a building safety plan through the nationally recognized Insurance Services Offices (ISO).

Doland explained that the appropriate Chapters within the City's Code of Ordinance would be amended, as needed, to reflect updates in the following International Codes:

- 2018 International Building Code
- 2017 National Electric Code (NEC)
- 2018 International Mechanical Code
- 2018 International Property Maintenance Code
- 2018 International Plumbing Code
- 2018 International Energy Conservation Code
- 2018 International Residential Code
- 2018 International Existing Building Code
- 2018 International Swimming Pool and Spa Code
- 2018 International Fire Code

Council agreed that these changes were necessary and no other recommended changes were needed.

12. Presentation and Discussion on Proposition 2 Authorizing Local Option Property Tax Exemption for Certain Child Care Facilities

City Secretary/Director of Administrative Services Jeana Bellinger presented this item. Bellinger advised that in November, Washington County voters (58.4%) approved Proposition 2 which amended the Texas Constitution to allow local governments the option to exempt up to 100%, but not less than 50%, of the appraised value of real property used to operate a "*qualifying childcare facility*" from ad valorem property taxation. The new law went into effect on January 1, 2024. The new law defines a "*qualified child-care facility*" as a facility:

1. *That participates in the Texas Workforce Commission's Texas Rising Star Program; and*
2. *At which at least 20% of the total number of children enrolled at the facility receive subsidized child-care services through the child-care services program administered by the Texas Workforce Commission (i.e. Voucher Program)*

Bellinger advised that according to the Washington County Appraisal District, there are currently five (5) childcare providers in the city limits that meet the criteria and the total estimated tax value for these providers is \$14,799. Bellinger stated that if the City Council would like to approve an exemption amount, it would have to be brought back via a Resolution at the next meeting.

Several Councilmembers questioned whether the child care facility would have to use the tax exemption to lower their childcare rates. Bellinger explained that the law, as it is currently written, does not provide any mandate on how the childcare facility has to use the tax savings. After further discussion, the City Council recommended no action to be taken at this time due to there being no clarification in the law as to what the funds can be used for.

REGULAR SESSION

13. Discuss and Possibly Act Upon a Lease Agreement Between the City of Brenham and Washington County Related to Property Located at 301 N. Baylor Street in Brenham, Washington County, Texas and Authorize the Mayor to Execute Any Necessary Documentation

City Secretary/ Director of Administrative Services Jeana Bellinger presented this item. Bellinger stated that in 2014, the City leased the 9-1-1 Communication building located at 301 N. Baylor Street to the County for \$1,000.00 per month. Bellinger advised that the lease was for five years and included all equipment, furniture and fixtures required for the operations of the communications function.

Bellinger advised that in 2019 the original lease expired, and the City and County agreed to extend the lease to September 30, 2022 at a monthly rental rate of \$1,000.00 with the City paying for any necessary improvements.

The lease being presented for City Council consideration has the following terms:

- Term of the lease being two years: January 1, 2024 through December 31, 2025
- The lease will automatically terminate on December 31, 2025
- Rental rate of \$1,500 per month for the period of January 1, 2024 through December 31, 2024
- Rental rate of \$2,500 per month for the period of January 1, 2025 through

December 31, 2025

A motion was made by Councilmember Wright and seconded by Mayor Pro Tem Kolby to approve a Lease Agreement between the City of Brenham and Washington County related to property located at 301 N. Baylor Street in Brenham, Washington County, Texas and authorize the Mayor to execute any necessary documentation.

Mayor Kenjura called for a vote. The motion passed with Council voting as follows:

Yes: Mayor Kenjura, Mayor Pro Tem Kolby, Councilmember Cook, Councilmember LaRoche, Councilmember Saunders, Councilmember Wright

No: None

Absent: Councilmember Canales

14. Discuss and Possibly Act Upon An Increase in the City of Brenham's Fire Department Expenditures in FY24 Adopted Budget for the Addition of Three (3) Firefighters and Authorize the Mayor to Execute Any Necessary Documentation

City Manager Carolyn Miller presented this item. Miller stated that the City's new Fire Chief, Mark Donovan, and his team are excited to recruit new firefighters for Brenham Fire Department (BFD). Miller advised that in the FY23-24 Adopted Budget, the Council approved the mid-year hiring of three (3) new firefighters with one (1) vacancy which is needing to be filled. Miller advised that in the FY24-25 Proposed Budget, the City has included the hiring of three (3) firefighters beginning October 2024.

Miller stated that in recruiting for the four (4) firefighter positions that are authorized in the current budget, Chief Donovan would like the opportunity to fill the three (3) proposed new firefighter positions budgeted in FY25. Miller advised that the competition for qualified applicants is strong, and we don't want to limit our ability to hire them until the new fiscal year.

Miller advised that BFD is in the early stages of the recruitment process and has reached out to 10 qualified applicants. In-person interviews are scheduled for July 19, and hopefully, the City will meet the need for up to seven (7) successful candidates.

A motion was made by Councilmember Cook and seconded by Councilmember Saunders to approve an increase in the City of Brenham's Fire Department expenditures in FY24 adopted budget, in an amount not to exceed \$80,000.00, for the addition of three (3) firefighters and authorize the Mayor to execute any necessary documentation.

Mayor Kenjura called for a vote. The motion passed with Council voting as follows:

Yes: Mayor Kenjura, Mayor Pro Tem Kolby, Councilmember Cook, Councilmember LaRoche, Councilmember Saunders, Councilmember Wright

No: None

Absent: Councilmember Canales

15. Administrative/Elected Officials Report

City Manager Carolyn Miller reported on the following:

- July 13 - Hot Night, Cool Tunes
- July 22nd and 23rd - Budget Workshop starting at 8:30 a.m.

Council adjourned into Executive Session at 2:40 p.m.

EXECUTIVE SESSION

16. Section 551.071, Texas Government Code - Consultation with City Attorney - Consultation with City Attorney Concerning the Brenham Municipal Airport, Its Operations and Services, and Associated Matters

17. Section 551.071, Texas Government Code - Consultation with Attorney - Consultation with City Attorney Regarding Commonwealth Development, Inc. v. City of Brenham, Texas; Fair Housing Case No. 06-22-3294-8

18. Section 551.071, Texas Government Code - Consultation with City Attorney - Consultation with City Attorney Concerning the City of Brenham's Gas Distribution System and Associated Matters

19. Section 551.071, Texas Government Code - Consultation with City Attorney - Consultation with City Attorney Concerning the City of Brenham's Wastewater Treatment Plant Operations and Associated Matters

Executive Session adjourned at 4:23 p.m.

ADJOURN

Atwood C. Kenjura
Mayor

Jeana Bellinger, TRMC, CMC
City Secretary

DRAFT

Brenham City Council Minutes

A Special Meeting of the Brenham City Council was held on Monday, July 22, 2024 beginning at 8:30 AM in the Brenham City Hall, City Council Chambers, at 200 W. Vulcan Street, Brenham, Texas.

Members Present:

Mayor Atwood Kenjura
Mayor Pro Tem Clint Kolby
Councilmember Shannan Canales
Councilmember Leah Cook
Councilmember Paul LaRoche
Councilmember Adonna Saunders

Members Absent:

Councilmember Albert Wright

City of Brenham Staff Present:

City Manager Carolyn Miller, City Attorney Cary Bovey, City Secretary/Director of Administrative Services Jeana Bellinger, Director of Finance Stacy Hardy, Director of Public Works Dane Rau, Chief Financial Officer Julie Flagg, Director of HR and Risk Management Susan Nienstedt, Utilities Manager of Public Utilities William Bissette, Assistant Manager of Public Utilities Alton Sommerfield, Fire Chief Mark Donovan, Police Chief Lloyd Powell, Development Services Director Stephanie Doland, Economic & Community Development Director Teresa Rosales, Director of Tourism and Marketing Jennifer Eckermann, Leigh Linden, Shawn Bolenbarr, Jessica Perez, Casey Redman, Stephen Draehn, Brian Smith, Tammy Jaster, Marisol Urbina, Bobby Keene, Jason Lange, Ande Bostain, Joshua Daniels, Jerry Saldivar, Daniel McCracken, Shawn Bolenbarr, and Stephen Scheffer.

Citizens/Others Present:

None

Media Present:

Mark Whitehead with KWHI.

1. Call Meeting to Order

Council adjourned into Executive session at 8:31 a.m.

EXECUTIVE SESSION

- 2. Section 551.071, Texas Government Code - Consultation with City Attorney - Consultation with City Attorney Concerning Petition Received from Property Owner Roger D. Chambers Requesting that 24.391 Acres be Released from the City of Brenham's Extraterritorial Jurisdiction (ETJ)**
- 3. Section 551.071, Texas Government Code - Consultation with City Attorney - Consultation with City Attorney Concerning Texas Attorney General Open Records Ruling OR2024-024526**

Executive Session adjourned at 9:05 a.m.

REGULAR SESSION

- 4. Discuss and Possibly Act Upon a Media Marketing Agreement Between the City of Brenham and Geiger and Associates Public Relations Related to Visit Brenham Media Marketing and Authorize the Mayor to Execute Any Necessary Documentation**

Director of Marketing and Tourism Jennifer Eckermann presented this item. Eckermann advised that in the proposal included in the packet from Geiger & Associates Public Relations, there are long-term objectives along with a variety of media that would be utilized on the City's behalf, and target markets and key messages. Eckermann advised that Geiger has a successful history here, having worked with the CVB for several years in the past. Eckermann states that the success of their clients is undeniable and includes such long-term Texas partners as Fredericksburg and San Antonio.

A motion was made by Councilmember Saunders and seconded by Councilmember Cook to approve a Media Marketing Agreement between the City of Brenham and Geiger and Associates Public Relations related to Visit Brenham Media Marketing with HOT fund revenues in an amount not to exceed \$40,000.00 and authorize the Mayor to execute any necessary documentation.

Mayor Kenjura called for a vote. The motion passed with Council voting as follows:

Yes: Mayor Kenjura, Mayor Pro Tem Kolby, Councilmember Canales, Councilmember Cook, Councilmember LaRoche, Councilmember

Saunders

No: None

Absent: Councilmember Wright

WORK SESSION

5. FY2024-25 Proposed Budget Discussions

Chief Financial Officer Julie Flagg presented the FY24-2025 proposed budget.

General Fund

- FY24-2024 Economic Outlook
- Budget Overview
- General Fund Summary
- Budget Priorities
 - Public Safety
 - Succession Planning
- Revenue & Expenditure Highlights
- Personnel
- General Fund Departmental Review
- General Fund Sub-funds Review
- Special Revenue Funds
- Capital Project Funds
- Internal Service Funds
- BCDC Review

Utility Funds

- Budget Overview
 - Utility Outlook
 - New Development
 - Weather
 - Financial Overview All Utility Funds
 - Financial Summary of Operating Funds
- Operating Department Reviews
- Status - Water Plant Expansion & Groundwater Wells

ADJOURN

Atwood C. Kenjura

Mayor

Jeana Bellinger, TRMC, CMC
City Secretary

DRAFT



City Council Regular Meeting
AGENDA ITEM 7.b

Agenda Item: **Approve an Audit Engagement Letter for Seidel Schroeder to Perform an Audit for the Fiscal Year Ending September 30, 2024 and Authorize the Mayor to Execute Any Necessary Documentation**

Meeting Date: August 1, 2024

Department: Finance

Staff Contact: Stacy Hardy, Finance Director

SUMMARY STATEMENT:

Attached is the proposed audit engagement letter from Seidel Schroeder for the annual financial statement audit for the fiscal year ending September 30, 2024. The audit fee is not to exceed \$63,000. This is approximately 5% over the prior year's fee.

This engagement letter is based on the assumption that a Single Audit will be required. A Single Audit is required when state and federal grant expenditures exceed \$750,000 in a fiscal year. With the continued growth and complexity of the City's financial activities, the current fee structure is reasonable.

ATTACHMENTS:

1. Audit Engagement Letter

RECOMMENDATION:

Approve an Audit Engagement Letter for Seidel Schroeder to perform an audit for the fiscal year Ending September 30, 2024 and authorize the Mayor to execute any necessary documentation.



CERTIFIED PUBLIC ACCOUNTANTS/BUSINESS ADVISORS

July 8, 2024

To The City Council of the
City of Brenham, Texas
P.O. Box 1059
Brenham, Texas 77834

You have requested that we audit the financial statements of the governmental activities, the business-type activities, the aggregate discretely presented component units, each major fund, and the aggregate remaining fund information of the City of Brenham, Texas, as of September 30, 2024, and for the year then ended, and the related notes to the financial statements, which collectively comprise the City of Brenham, Texas' basic financial statements as listed in the table of contents.

In addition, we will audit the entity's compliance over major federal award programs for the period ended September 30, 2024. We are pleased to confirm our acceptance and our understanding of this audit engagement by means of this letter. Our audits will be conducted with the objectives of our expressing an opinion on each opinion unit and an opinion on compliance regarding the entity's major federal award programs. The objectives of our audit of the financial statements are to obtain reasonable assurance about whether the financial statements as a whole are free from material misstatement, whether due to fraud or error, and to issue an auditor's report that includes our opinion. Reasonable assurance is a high level of assurance but is not absolute assurance and therefore is not a guarantee that an audit conducted in accordance with auditing standards generally accepted in the United States of America (GAAS) and in accordance with *Government Auditing Standards* will always detect a material misstatement when it exists. Misstatements, including omissions, can arise from fraud or error and are considered material if there is a substantial likelihood that, individually or in the aggregate, they would influence the judgment made by a reasonable user based on the financial statements.

The objectives of our compliance audit are to obtain sufficient appropriate audit evidence to form an opinion and report at the level specified in the governmental audit requirement about whether the entity complied in all material respects with the applicable compliance requirements and identify audit and reporting requirements specified in the governmental audit requirement that are supplementary to GAAS and *Government Auditing Standards*, if any, and perform procedures to address those requirements.

Accounting principles generally accepted in the United States of America, (U.S. GAAP,) as promulgated by the Governmental Accounting Standards Board (GASB) require that management's discussion and analysis and budgetary comparison information be presented to supplement the basic financial statements. Such information, although not a part of the basic financial statements, is required by the GASB, who considers it to be an essential part of financial reporting for placing the basic financial statements in an appropriate operational, economic, or historical context. As part of our engagement, we will apply certain limited procedures to the required supplementary information (RSI) in accordance with auditing standards generally

accepted in the United States of America, (U.S. GAAS). These limited procedures will consist primarily of inquiries of management regarding their methods of measurement and presentation and comparing the information for consistency with management's responses to our inquiries. We will not express an opinion or provide any form of assurance on the RSI. The following RSI is required by U.S. GAAP. This RSI will be subjected to certain limited procedures but will not be audited:

- Management's Discussion and Analysis
- Schedule of Changes in Total OPEB Liability and Related Ratios
- Schedule of Changes in Net Pension Liability and Related Ratios - Texas Municipal Retirement System
- Schedules of Contributions - Texas Municipal Retirement System
- Schedule of the City's Proportionate Share of the Net Pension Liability - Texas Emergency Services Retirement System
- Schedule of Contributions - Texas Emergency Services Retirement System

Supplementary information other than RSI will accompany the City of Brenham's financial statements. We will subject the following supplementary information to the auditing procedures applied in our audit of the financial statements and certain additional procedures, including comparing and reconciling such information directly to the underlying accounting and other records used to prepare the financial statements or to the financial statements themselves, and other additional procedures in accordance with auditing standards generally accepted in the United States of America. We intend to provide an opinion on the following supplementary information in relation to the financial statements as a whole:

- Combining and individual non-major fund financial statements
- Budgetary comparison information - Other Governmental Funds and Blended Component Unit
- Schedule of expenditures of federal awards

Schedule of Expenditures of Federal Awards

We will subject the schedule of expenditures of federal awards to the auditing procedures applied in our audit of the basic financial statements and certain additional procedures, including comparing and reconciling the schedule to the underlying accounting and other records used to prepare the financial statements or to the financial statements themselves, and additional procedures in accordance with auditing standards generally accepted in the United States of America. We intend to provide an opinion on whether the schedule of expenditures of federal awards is presented fairly in all material respects in relation to the financial statements as a whole.

Data Collection Form

Prior to the completion of our engagement, we will complete the sections of the Data Collection Form that are our responsibility. The form will summarize our audit findings, amounts and conclusions. It is management's responsibility to submit a reporting package including financial statements, schedule of expenditure of federal awards, summary schedule of prior audit findings and corrective action plan along with the Data Collection Form to the federal audit clearinghouse. The financial reporting package must be text searchable, unencrypted, and unlocked. Otherwise,

the reporting package will not be accepted by the federal audit clearinghouse. We will assist you in the electronic submission and certification. You may request from us copies of our report for you to include with the reporting package submitted to pass-through entities.

The Data Collection Form is required to be submitted within the *earlier* of 30 days after receipt of our auditors' reports or nine months after the end of the audit period, unless specifically waived by a federal cognizant or oversight agency for audits. Data Collection Forms submitted untimely are one of the factors in assessing programs at a higher risk.

Audit of the Financial Statements

We will conduct our audits in accordance with GAAS, the standards applicable to financial audits contained in *Government Auditing Standards*, issued by the Comptroller General of the United States of America; the audit requirements of title 2 U.S. Code of Federal Regulations (CFR) Part 200, *Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards* (Uniform Guidance). As part of an audit of financial statements in accordance with GAAS and *Government Auditing Standards*, we exercise professional judgment and maintain professional skepticism throughout the audit. We also:

- Identify and assess the risks of material misstatement of the financial statements, whether due to fraud or error, design and perform audit procedures responsive to those risks, and obtain audit evidence that is sufficient and appropriate to provide a basis for our opinion. The risk of not detecting a material misstatement resulting from fraud is higher than for one resulting from error, as fraud may involve collusion, forgery, intentional omissions, misrepresentations, or the override of internal control.
- Obtain an understanding of the system of internal control relevant to the audit in order to design audit procedures that are appropriate in the circumstances, but not for the purpose of expressing an opinion on the effectiveness of the entity's internal control. However, we will communicate to you in writing concerning any significant deficiencies or material weaknesses in internal control relevant to the audit of the financial statements that we have identified during the audit.
- Evaluate the appropriateness of accounting policies used and the reasonableness of significant accounting estimates made by management, as well as evaluate the overall presentation of the financial statements, including the disclosures, and whether the financial statements represent the underlying transactions and events in a manner that achieves fair presentation.
- Conclude, based on the audit evidence, whether there are conditions or events, considered in the aggregate, that raise substantial doubt about the City of Brenham, Texas' ability to continue as a going concern for a reasonable period of time.

Because of the inherent limitations of an audit, together with the inherent limitations of internal control, an unavoidable risk that some material misstatements or noncompliance may not be detected exists, even though the audit is properly planned and performed in accordance with GAAS and *Government Auditing Standards* of the Comptroller General of the United States of America. Please note that the determination of abuse is subjective and *Government Auditing Standards* does not require auditors to detect abuse.

Our responsibility as auditors is limited to the period covered by our audit and does not extend to any other periods.

We will issue a written report upon completion of our audit of the City of Brenham, Texas' basic financial statements. Our report will be addressed to the City Council of the City of Brenham, Texas. Circumstances may arise in which our report may differ from its expected form and content based on the results of our audit. Depending on the nature of these circumstances, it may be necessary for us to modify our opinions, add an emphasis-of-matter or other-matter paragraph(s) to our auditor's report, or if necessary, withdraw from the engagement. If our opinions on the basic financial statements are other than unmodified, we will discuss the reasons with you in advance. If, for any reason, we are unable to complete the audit or are unable to form or have not formed opinions, we may decline to express opinions or to issue a report as a result of this engagement.

In accordance with the requirements of *Government Auditing Standards*, we will also issue a written report describing the scope of our testing over internal control over financial reporting and over compliance with laws, regulations, and provisions of grants and contracts, including the results of that testing. However, providing an opinion on internal control and compliance over financial reporting will not be an objective of the audit and, therefore, no such opinion will be expressed.

Audit of Major Program Compliance

Our audit of the City of Brenham Texas' major federal award program(s) compliance will be conducted in accordance with the requirements of the Single Audit Act, as amended; and the Uniform Guidance, and will include tests of accounting records, a determination of major programs in accordance with the Uniform Guidance and other procedures we consider necessary to enable us to express such an opinion on major federal award program compliance and to render the required reports. We cannot provide assurance that an unmodified opinion on compliance will be expressed. Circumstances may arise in which it is necessary for us to modify our opinion or withdraw from the engagement.

The Uniform Guidance requires that we also plan and perform the audit to obtain reasonable assurance about whether material noncompliance with applicable laws and regulations, the provisions of contracts and grant agreements applicable to major federal award programs, and the applicable compliance requirements occurred, whether due to fraud or error, and express an opinion on the entity's compliance based on the audit. Reasonable assurance is a high level of assurance but is not absolute assurance and therefore is not a guarantee that an audit conducted in accordance with GAAS, *Government Auditing Standards*, and the Uniform Guidance will always detect material noncompliance when it exists. The risk of not detecting material noncompliance resulting from fraud is higher than for that resulting from error, as fraud may involve collusion, forgery, intentional omissions, misrepresentations, or the override of internal control. Noncompliance with the compliance requirements is considered material if there is a substantial likelihood that, individually or in the aggregate, it would influence the judgment made by a reasonable user of the report on compliance about the entity's compliance with the requirements of the federal programs as a whole.

As part of a compliance audit in accordance with GAAS and in accordance with *Government Auditing Standards*, we exercise professional judgment and maintain professional skepticism

throughout the audit. We also identify and assess the risks of material noncompliance, whether due to fraud or error, and design and perform audit procedures responsive to those risks.

Our procedures will consist of determining major federal programs and, performing the applicable procedures described in the U.S. Office of Management and Budget *OMB Compliance Supplement* for the types of compliance requirements that could have a direct and material effect on each of the entity's major programs, and performing such other procedures as we considers necessary in the circumstances. The purpose of those procedures will be to express an opinion on the entity's compliance with requirements applicable to each of its major programs in our report on compliance issued pursuant to the Uniform Guidance.

Also, as required by the Uniform Guidance, we will obtain an understanding of the entity's internal control over compliance relevant to the audit in order to design and perform tests of controls to evaluate the effectiveness of the design and operation of controls that we consider relevant to preventing or detecting material noncompliance with compliance requirements applicable to each of the entity's major federal award programs. Our tests will be less in scope than would be necessary to render an opinion on these controls and, accordingly, no opinion will be expressed in our report. However, we will communicate to you, regarding, among other matters, the planned scope and timing of the audit and any significant deficiencies and material weaknesses in internal control over compliance that we have identified during the audit.

We will issue a report on compliance that will include an opinion or disclaimer of opinion regarding the entity's major federal award programs, and a report on internal controls over compliance that will report any significant deficiencies and material weaknesses identified; however, such report will not express an opinion on internal control.

Management's Responsibilities

Our audit will be conducted on the basis that management and those charged with governance acknowledge and understand that they have responsibility:

- a. For the preparation and fair presentation of the financial statements in accordance with principles generally accepted in the United States of America;
- b. For the design, implementation, and maintenance of the system of internal control relevant to the preparation and fair presentation of financial statements that are free from material misstatement, whether due to fraud or error;
- c. For identifying, in its accounts, all federal awards received and expended during the period and the federal programs under which they were received;
- d. For maintaining records that adequately identify the source and application of funds for federally funded activities;
- e. For preparing the schedule of expenditures of federal awards (including notes and noncash assistance received) in accordance with the Uniform Guidance;
- f. For designing, implementing, and maintaining effective internal control over federal awards that provides reasonable assurance that the entity is managing federal awards in compliance with federal statutes, regulations, and the terms and conditions of the federal awards, regulations, and the terms and conditions of the federal awards;
- g. For identifying and ensuring that the entity complies with federal laws, statutes, regulations, rules, provisions of contracts or grant agreements, and the terms and conditions of federal

- award programs, and implementing systems designed to achieve compliance with applicable federal statutes, regulations, and the terms and conditions of federal award programs.
- h. For disclosing accurately, currently, and completely the financial results of each federal award in accordance with the requirements of the award;
 - i. For identifying and providing report copies of previous audits, attestation engagements, or other studies that directly relate to the objectives of the audit, including whether related recommendations have been implemented;
 - j. For taking prompt action when instances of noncompliance are identified;
 - k. For addressing the findings and recommendations of auditors, for establishing and maintaining a process to track the status of such findings and recommendations and taking corrective action on reported audit findings from prior periods and preparing a summary schedule of prior audit findings;
 - l. For following up and taking corrective action on current year audit findings and preparing a corrective action plan for such findings;
 - m. For submitting the reporting package and data collection form to the appropriate parties;
 - n. For making the auditor aware of any significant contractor relationships where the contractor is responsible for program compliance;
 - o. To provide us with:
 - i. Access to all information of which management is aware that is relevant to the preparation and fair presentation of the financial statements including the disclosures; and relevant to federal award programs, such as records, documentation, and other matters;
 - ii. Additional information that we may request from management for the purpose of the audit;
 - iii. Unrestricted access to persons within the entity and others from whom we determine it necessary to obtain audit evidence;
 - iv. A written acknowledgement of all the documents that management expects to issue that will be included in the annual report and the planned timing and method of issuance of that annual report; and
 - v. A final version of the annual report (including all the documents that, together, comprise the annual report) in a timely manner prior to the date of the auditor's report.
 - p. For adjusting the financial statements to correct material misstatements and confirming to us in the management representation letter that the effects of any uncorrected misstatements aggregated by us during the current engagement and pertaining to the current period under audit are immaterial, both individually and in the aggregate, to the financial statements as a whole;
 - q. For acceptance of nonattest services, including identifying the proper party to oversee nonattest work;
 - r. For maintaining adequate records, selecting and applying accounting principles, and safeguarding assets;
 - s. For informing us of any known or suspected fraud affecting the entity involving management, employees with significant role in the system of internal control and other where the fraud could have a material effect on compliance;
 - t. For the accuracy and completeness of all information provided;
 - u. For taking reasonable measures to safeguard protected personally identifiable and other sensitive information; and

- v. For confirming your understanding of your responsibilities as defined in this letter to us in your management representation letter.

With regard to the schedule of expenditures of federal awards referred to above, you acknowledge and understand your responsibility (a) for the preparation of the schedule of expenditures of federal awards in accordance with the Uniform Guidance, (b) to provide us with the appropriate written representations regarding the schedule of expenditures of federal awards, (c) to include our report on the schedule of expenditures of federal awards in any document that contains the schedule of expenditures of federal awards and that indicates that we have reported on such schedule, and (d) to present the schedule of expenditures of federal awards with the audited financial statements, or if the schedule will not be presented with the audited financial statements, to make the audited financial statements readily available to the intended users of the schedule of expenditures of federal awards no later than the date of issuance by you of the schedule and our report thereon.

As part of our audit process, we will request from management and those charged with governance, written confirmation concerning representations made to us in connection with the audit.

We understand that your employees will prepare all confirmations we request and will locate any documents or invoices selected by us for testing.

If you intend to publish or otherwise reproduce the financial statements and make reference to our firm, you agree to provide us with printers' proofs or masters for our review and approval before printing. You also agree to provide us with a copy of the final reproduced material for our approval before it is distributed.

Nonattest Services

With respect to any nonattest services we perform, at the end of the year, we agree to perform the following:

- Assist in preparing the IRS Form 1099's based on information provided by you

We will not assume management responsibilities on behalf of the City of Brenham, Texas. However, we will provide advice and recommendations to assist management of the City of Brenham, Texas in performing its responsibilities.

The City of Brenham, Texas' management is responsible for (a) making all management decisions and performing all management functions; (b) assigning a competent individual to oversee the services; (c) evaluating the adequacy of the services performed; (d) evaluating and accepting responsibility for the results of the services performed; and (e) designing, implementing, and maintaining the system of internal control, including the process used to monitoring the system of internal control.

Our responsibilities and limitations of the nonattest services are as follows:

- We will perform the services in accordance with applicable professional standards.
- The nonattest services are limited to the preparation of 1099s previously outlined. Our firm, in

its sole professional judgment, reserves the right to refuse to do any procedure or take any action that could be construed as making management decisions or assuming management responsibilities, including determining account coding and approving journal entries.

Other

We expect to begin our audit planning process during October 2024, audit fieldwork beginning in November, 2024 and to issue our reports during March, 2025.

Michele Kohring Kwiatkowski is the engagement partner for the audit services specified in this letter. Her responsibilities include supervising Seidel Schroeder's services performed as part of this engagement and signing or authorizing another qualified firm representative to sign the audit report.

Our fee for these services will be at our standard hourly rates, except that we agree that our fee, including expenses will not exceed \$63,000. Our standard hourly rates vary according to the degree of responsibility involved and the experience level of the personnel assigned to your audit. The above fee is based on anticipated cooperation from your personnel and the assumption that unexpected circumstances will not be encountered during the audit. If significant additional time is necessary, we will discuss it with you and arrive at a new fee estimate before we incur the additional costs.

Our firm may transmit confidential information that you provided us to third parties in order to facilitate delivering our services to you. For example, such transmissions might include, but not be limited to financial statements and disclosures for purposes of proofreading and mathematical error detection. We have obtained confidentiality agreements with all our service providers to maintain the confidentiality of your information and we will take reasonable precautions to determine that they have the appropriate procedures in place to prevent the unauthorized release of confidential information to others. We will remain responsible for the work provided by any third-party service providers used under this agreement. By your signature below, you consent to having confidential information transmitted to entities outside the firm. Please feel free to inquire if you would like additional information regarding the transmission of confidential information to entities outside the firm.

Further, we will be available during the year to consult with you on financial management and accounting matters of a routine nature.

During the course of the engagement, we may communicate with you or your personnel via fax or e-mail, and you should be aware that communication in those mediums contains a risk of misdirected or intercepted communications.

Regarding the electronic dissemination of audited financial statements, including financial statements published electronically on your Internet website, you understand that electronic sites are a means to distribute information and, therefore, we are not required to read the information contained in these sites or to consider the consistency of other information in the electronic site with the original document.

Professional standards prohibit us from being the sole host and/or the sole storage for your financial and non-financial data. As such, it is your responsibility to maintain your original data and

records and we cannot be responsible to maintain such original information. By signing this engagement letter, you affirm that you have all the data and records required to make your books and records complete.

The audit documentation for this engagement is the property of Seidel Schroeder and constitutes confidential information. However, we may be requested to make certain audit documentation available to regulator's pursuant to authority given to it by law or regulation, or to peer reviewers. If requested, access to such audit documentation will be provided under the supervision of Seidel Schroeder's personnel. Furthermore, upon request, we may provide copies of selected audit documentation to regulators. The aforementioned parties may intend, or decide, to distribute the copies of information contained therein to others, including other governmental agencies. We agree to retain our audit documentation or work papers for a period of at least five years from the date of our report. Further, we will be available during the year to consult with you on financial management and accounting matters of a routine nature. Further, we will be available during the year to consult with you on financial management and accounting matters of a routine nature.

During the course of the audit, we may observe opportunities for economy in, or improved controls over, your operations. We will bring such matters to the attention of the appropriate level of management, either orally or in writing.

We agree to retain our audit documentation or work papers for a period of at least five years from the date of our report.

You agree to inform us of facts that may affect the financial statements of which you may become aware during the period from the date of the auditor's report to the date the financial statements are issued.

At the conclusion of our audit engagement, we will communicate to City Council the following significant findings from the audit:

- Our view about the qualitative aspects of the entity's significant accounting practices
- Significant difficulties, if any, encountered during the audit;
- Uncorrected misstatements, other than those we believe are trivial, if any;
- Disagreements with management, if any;
- Other findings or issues, if any, arising from the audit that are, in our professional judgment, significant and relevant to those charged with governance regarding their oversight of the financial reporting process;
- Material, corrected misstatements that were brought to the attention of management as a result of our audit procedures;
- Representations we requested from management;
- Management's consultations with other accountants, if any; and
- Significant issues, if any, arising from the audit that were discussed, or the subject of correspondence, with management.

In accordance with the requirements of *Government Auditing Standards*, we have attached a copy of our latest external peer review report of our firm for your consideration and files.

Please sign and return the attached copy of this letter to indicate your acknowledgment of, and

agreement with, the arrangements for our audit of the financial statements compliance over major federal award programs including our respective responsibilities.

We appreciate the opportunity to be your financial statement auditors and look forward to working with you and your staff.

Very truly yours,

SEIDEL SCHROEDER

By: Michele Kohring Kwiatkowski
Michele Kohring Kwiatkowski, CPA

RESPONSE:

This letter correctly sets forth the understanding of the City of Brenham, Texas.

Management signature: _____

Title: CITY MANAGER

Date: _____

Governance signature: _____

Title: MAYOR

Date: _____



City Council Regular Meeting **AGENDA ITEM 8**

Agenda Item: **Discussion and Presentation on Possible Annexation of Two (2) Roads and Rights-of-Way that are Contiguous to the Boundaries of the City of Brenham City Limits**

Meeting Date: August 1, 2024

Department: Administration

Staff Contact: Jeana Bellinger, City Secretary

SUMMARY STATEMENT:

Staff would like City Council to consider the annexation of two (2) county roads and their right-of-way into the city limits:

Dixie Road:

Due to the ongoing development of the Vintage Farms Subdivision off of Highway 36 North, staff is recommending the annexation of Dixie Road from Highway 36 North to the current city limit line.

This annexation will give Development Services the ability to provide the developer subdivision accessibility options to ensure the safety of subdivision residents and other traffic traveling along Dixie Road.

Old Masonic Road

This is a clean-up annexation that has been on the city's list since the survey was done in 2020.

The area to the west to this roadway was annexed in 1984 and is the Scenic Estates Subdivision.

This annexation would move the city limit line from the back of residential properties.

As required by law, Washington County was provided notice of the annexation on July 12, 2024 and I have been advised by Judge Durrenberger that the County has no objection to this annexation. Both of these roadways will be added to the City's thoroughfare plan and street inventory. As outlined in our Annexation Service Plan the roadways will be inspected and any needed improvements will be scheduled as part of the City's annual street improvement project.

ATTACHMENTS:

1. Dixie Road (Sections 1-2)
2. Old Masonic Road (Sections 3-5)

RECOMMENDATION:

No action - discussion only.

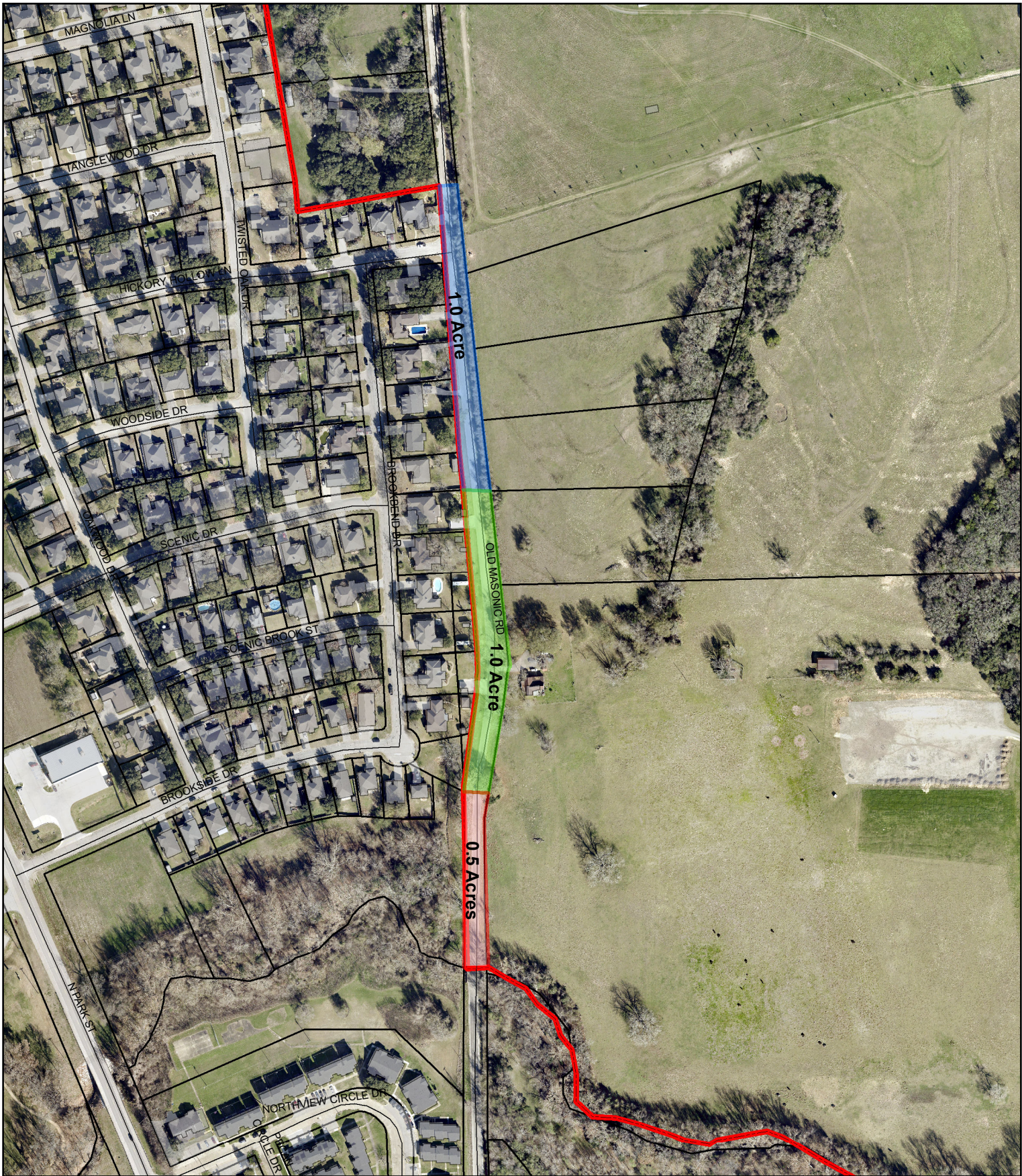


City of Brenham Annexation

- Section 2024-1
- Section 2024-2

1 inch = 300 feet





City of Brenham Annexation

- Section 2024-3
- Section 2024-4
- Section 2024-5

1 inch = 300 feet





City Council Regular Meeting **AGENDA ITEM 9**

Agenda Item: **Public Hearing, Discussion and Possibly Act Upon an Ordinance on Its First Reading Amending Appendix A – “Zoning” of the Code of Ordinances of the City of Brenham Granting a Specific Use Permit to Walt Edmunds/WEPROP, LLC for the Property Located at 310 W. Third Street, to Allow an Accessory Dwelling Unit (ADU) Use in an R-1 Single-Family Residential Zoning District on Approximately 0.1948 Acres of Land Addressed as 310 W Third Street, Being Further Described as Key’s First Addition, Block 2, Lot 3C, in Brenham, Washington County, Texas (Case Number P-24-019)**

Meeting Date: August 1, 2024

Department: Development Services

Staff Contact: Shauna Laauwe, City Planner

SUMMARY STATEMENT:

Walt Edmunds of WEPROP, LLC., the applicant and property owner, is requesting approval of a Specific Use Permit to legitimize an existing 33’6” x 17’6”, 1-story (612 sq.ft.), detached accessory dwelling unit (ADU). Records show that both the principal structure and existing accessory structure were constructed in 1930, before the Subdivision and Zoning Regulations were adopted in 1968. The existing accessory structure was a nonconforming/grandfathered ADU from the 1970s to 2020 when the applicant purchased the subject property. At the time of the purchase, the ADU was in disrepair and remained vacant until 2024 when the applicant submitted building plans to restore the ADU to code-compliant habitable status. Since the ADU had remained vacant for more than 1-year, the nonconforming use lost its nonconforming status. The applicant is requesting that the existing accessory structure be allowed as an ADU again to provide for visiting family and guest accommodation (See Attached Staff Report). The proposed ADU has an existing setback of only 1-foot from the north rear property line. The applicant is currently working with a surveyor to replat the property to include a 10-foot in width by 85-foot in length strip of property along the north property line recently purchased from the adjacent property owner. With the land acquisition and replatting, the proposed ADU would have a conforming 11-foot rear yard setback, and the existing driveway will be widened to accommodate a dedicated parking space for the ADU. With these improvements, the Applicant has satisfied any hindrances to the property created by legally existing incompatible uses. With the replating of the existing property, the applicant’s request will allow the subject property to develop in a compatible, legally conforming manner. In addition to meeting the building codes and the requirements for structures and uses within the R-1 District, Section 10.02(4) of the Zoning Regulations lists six additional development standards for ADUs. As noted in detail in the attached Staff Report, with replatting, the proposed ADU met or exceeded each of the additional development standards.

The purpose of the SUP process is to identify those uses which might be appropriate within a zoning district but, due to either their location, function, or operation, could have a potentially harmful impact on adjacent properties or the surrounding area; and to provide for a procedure whereby such uses might be permitted by further restricting or conditioning them to mitigate or eliminate such adverse

impacts. Staff finds that no adverse impacts to adjacent properties or surrounding area is anticipated due to the proposed compatible residential use, site plan, the replat to include additional land that will bring the structure into compliance with the zoning and building codes, and compliance of the additional development standards.

On Monday, July 22, 2024, after conducting a Public Hearing, the Planning and Zoning Commission **voted unanimously to recommend approval with the following condition** of the SUP request as presented in the Staff Report:

1. Subject property shall be replatted to include the 10'x 85' (850 SF) strip of land that was purchased from the adjacent north property.

ATTACHMENTS:

1. SR - P-24-019 Specific use permit-Edmunds_ADU
2. Brenham - SUP Ordinance- 310 W. Third Street_ Final Draft

RECOMMENDATION:

Approve an ordinance on its first reading amending Appendix A – “Zoning” of the Code of Ordinances of the City of Brenham granting a Specific Use Permit to Walt Edmunds/WEPROP, LLC for the property located at 310 W. Third Street, to allow an Accessory Dwelling Unit (ADU) use in an R-1 Single-Family Residential Zoning District on approximately 0.1948 acres of land addressed as 310 W Third Street, being further described as Key's First Addition, Block 2, Lot 3C, in Brenham, Washington County, Texas (Case Number P-24-019).



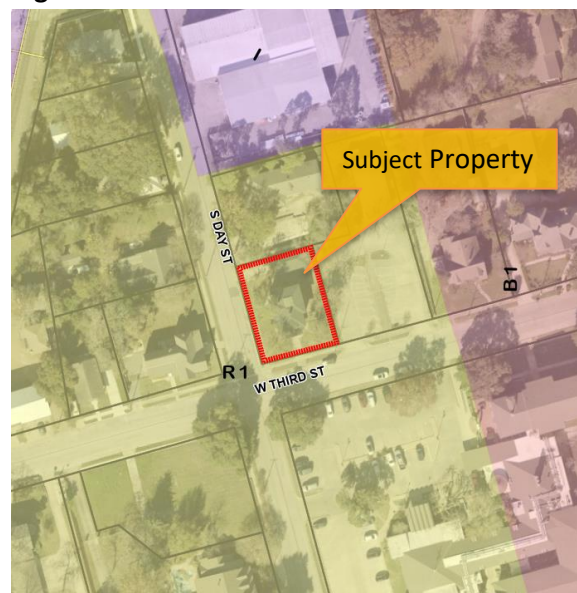
CASE NUMBER P-24-019
310 W. THIRD STREET
SPECIFIC USE PERMIT REQUEST – ACCESSORY DWELLING UNIT

STAFF CONTACT:	Shauna Laauwe AICP, City Planner
APPLICANT/OWNER:	Walt Edmunds / WEPROP, LLC
ADDRESS/LOCATION:	310 West Third Street
LEGAL DESCRIPTION:	Key's First Addition, Block 2, Lot 3C
LOT AREA:	8,487 square feet, approximately 0.1948-acres
ZONING DISTRICT/USE:	R-1 Single-Family Residential District (Exhibit B)
FUTURE LAND USE:	Corridor Mixed Use (Exhibit C)
REQUEST:	A request for a Specific Use Permit to allow a proposed Accessory Dwelling Unit (ADU) in a R-1 Single-Family Residential Zoning District (Exhibit B).

BACKGROUND:

The subject property is an 8,487 square foot (0.1948-acre) lot that is addressed as 310 W. Third Street and located at the northeast corner of the intersection of W. Third Street and S. Day Street. The subject property is owned by Walt Edmunds/WEPROP, LLC. and is a rectangular-shaped lot that is 85 feet in width and 107 feet in depth that is developed with a 2,113 square foot single-family dwelling and a 612 square foot accessory structure that were constructed in 1930. As shown in Figure 1, the subject and adjacent properties are currently zoned R-1, Single-Family Residential District and developed with single-family dwelling units to the north and west, across S Day Street and as St. Paul's Lutheran Church to the east and south. While the existing home predates the adoption of the subdivision and zoning regulations in 1968, the principal structure meets the current required rear yard, east side yard and west side street setbacks for a single-family home and appears to have a legally nonconforming front yard setback of approximately 20-feet. The existing

Figure 1



The existing accessory structure was a grandfathered ADU from the 1970s to 2020 when the applicant purchased the subject property. The previous ADU was in disrepair and remained vacant until 2024 when the applicant submitted building plans to restore the ADU to habitable status. Since the ADU structure had remained vacant for more than 1-year, the nonconforming use lost its nonconforming status. When a grandfathered use is vacant/abandoned for more than 12 months or if the use is converted to a permitted use, the grandfathered/legally nonconforming status is nullified. The Applicant is requesting that the existing accessory structure to be allowed as an ADU again to provide for visiting family and guest accommodations. Since the subject property is within a R-1 District, the proposed ADU must seek a Specific Use Permit for approval. Accessory Dwelling Units, per Section 10.02(4)(c) of the zoning ordinance, have a required 10-foot rear yard and side yard setback. As shown in Figure 2 below, while

[illegible]

2

The proposed ADU structure is built on a foundation like the principal house, has a composition roof, and has a similar architectural design as the 1930s era principal home (See Exhibit F). The floor plan, as shown in Figure 3, is for a 1-bedroom, 1-bathroom dwelling with a kitchen, office, and living room. The existing accessory is located on the north portion of the property, approximately 20 feet from the principal house, approximately one (1) foot from the rear property (11 feet after replatting), 10-feet from the east side property line, and 40-feet from the west side property line along S. Day Street. The proposed ADU would utilize the existing driveway and an expanded parking area to the east via S. Day Street for the required parking. The proposed off-street parking will likely provide ample parking for the residents and guests of both the principal structure and accessory dwelling unit.

A hand-drawn floor plan of a house with various rooms and dimensions. The plan is oriented with the front of the house at the top. The rooms and their dimensions are as follows:

- Back:** 7'8" (vertical dimension on the left).
- Bedroom:** 12'6" (horizontal dimension at the bottom left).
- Office:** 15'5" (15'4" / 12'10 1/2") (horizontal dimension at the bottom center).
- Living:** 11'6" (horizontal dimension at the bottom right).
- Front:** 10'0" (vertical dimension on the right).
- Rooms and Features:**
 - closet:** Located in the top left.
 - Shower:** Located in the top left, near the closet.
 - linen:** Located in the top left, near the shower.
 - toilet:** Located in the top center.
 - Bath:** Located in the top center, near the toilet.
 - W.C.:** Located in the top center, near the bath.
 - REF:** Refrigerator, located in the top center.
 - DW:** Dishwasher, located in the top center.
 - UPPER:** Upper cabinets, located in the top center.
 - o.s.:** Over-the-sink, located in the top center.
 - UPPER:** Upper cabinets, located in the top center.
 - PANTRY:** Located in the top right, with a note "(Floor to ceiling)".
 - Kitchen:** Located in the top right, near the pantry.
 - closet:** Located in the top right, near the kitchen.
 - o.s.:** Over-the-sink, located in the top right.
 - ONTO:** On to, located in the top right.
- Dimensions:**
 - Top dimensions: 5'4 1/2" (9'0"), 5'9" (10'1 1/2"), 8'4" (8'8 1/2"), 12'9" (15'7 1/2"), 13'1 1/2" (14'1 1/2"), 15'1" (22'2"), 15'1 1/2" (24'7"), 16'6" (28'3"), 20'7" (23'7").
 - Bottom dimensions: 15'5" (15'4" / 12'10 1/2"), 9', 26'2 1/2" (26'1" / 22'3"), 11'6", 33'6".

3

ANALYSIS OF CITY OF BRENHAM ZONING POLICIES:

The purpose of zoning policies is to provide guidelines for considering future amendments to the zoning ordinance (Part 1, Section 4 of Appendix A – “Zoning” of the Brenham Code of Ordinances). They are as follows:

- (1) The city's zoning should recognize and seek to preserve the small-town attributes that make Brenham a special place for its citizens to live, work and play.

The subject property is an 8,487 square foot lot that is a corner lot on the northeast corner of W. Third Street and S. Day Street. As shown in Figure 1, the subject property, and all adjacent and neighboring properties are located within an R-1, Single-Family Residential District. The subject property and adjacent properties to the north and west are developed as single-family homes that were predominately built in the 1930s-1940s. The adjacent property to the east and to the south (across W. Third Street) is developed as St. Paul's Lutheran Church.

The applicant is requesting a SUP to allow the existing 17'6" x 33'6" (612 square feet), one-story detached accessory structure to be renovated to an ADU near the north property line of the subject lot. The allowance and standards for ADUs were adopted within in the Zoning Regulations with Ordinance No. O-19-012 that was approved on March 7, 2019. The adopted regulations allow any homeowner living in the R-1 District to build an ADU with prior approval of a Specific Use Permit and a building permit. Any homeowner or business owner located in an R-2 or B-1 zoning district may build an ADU with a building permit. Section 10.02(4) of the Zoning Regulations lists additional development standards that pertain to ADUs:

- a) Should the primary use be a single-family dwelling, the property owner's primary residence shall be the single-family dwelling or ADU.

The property owner plans to continue to reside in the principal home and proposes to utilize the ADU for a guest house for family and friends.

- b) An ADU must be designed and constructed in keeping with the general architecture and building material of the principal structure.

The proposed addition will be in the same general architecture style and building material of the principal structure.

- c) An attached ADU shall be subject to the regulations affecting the principal structure. A detached ADU shall have side yards of not less than the required side yard for the principal structure and rear yards of not less than ten (10) feet.

With the proposed purchase of a 10'x 85' strip of land from the adjacent property to the north, the proposed ADU meets the rear and side yard setback requirements with a rear yard setback of 11-feet, a west side yard setback of 40-feet and an east side yard setback of approximately 10-feet. A condition of approval shall require that the subject property be replatted to include the additional strip of land to the north.

- d) One (1) on-site parking space, located to the side or rear of the primary structure, shall be provided for the ADU in addition to the required parking for the principal structure.

The site has driveway access via S. Day Street, with no direct driveway access to W. Third Street proposed. The existing driveway is proposed to be widened to 30-feet in width and 40-feet long to support both the two (2) required parking spaces for the principal home and

one (1) dedicated parking space for the ADU.

- e) The maximum habitable area of an ADU is limited to either one-half (1/2) of the habitable area of the principal structure, or one thousand (1,000) square feet, whichever is smaller.

The principal structure is 2,113 square feet in area and the proposed ADU is 612 square feet, less than ½ of the habitable area of the principal structure.

- f) ADUs shall not be HUD-code manufactured home or mobile home.

The proposed ADU will not be a HUD-code manufactured home or mobile home.

The SUP process allows staff to identify additional land uses, which may be appropriate in special circumstances. The proposed structure is to be utilized as guest accommodations for the property owner. The site plan provided by the applicant indicates that the structure will have a proposed setback of approximately 40 feet from S. Day Street and after replatting, 11 feet from the rear property line to the north, and a 10-foot side yard setback to the east property line. In addition to the existing 2,113 square foot home, the subject property has an existing narrow 12-foot by 40-foot driveway off S. Day Street with the site plan showing improvements to widen the driveway and parking area to 30-feet in width. The expanded driveway will accommodate the minimum of three (3) off-street parking spaces. Given that the principal and accessory structure have been in the same configuration since the 1930s and has previously been utilized as an ADU, the use will likely appear to be seamless to the neighboring properties and not out of character. The proposed development complies with the development standards for accessory dwelling units and the SUP request promotes the initiatives of the housing task force.

- (2) The city's zoning should be guided by the future land use plan and other applicable guidelines found in the Comprehensive Plan.

The future land use map portion of the Historic Past, Bold Future 2040 Comprehensive Plan suggests the subject property and the area to the east of S. Day Street is envisioned to be Corridor Mixed Use and the property to the west of S. Day is envisioned as single-family use (Exhibit "C"). The subject property and the surrounding properties to the east of S. Day Street are developed as a variety of uses to include single-family homes, St. Paul's Lutheran Church, and the City of Brenham central warehouse, whereas the uses to the west of S. Day are developed as single-family homes. The requested SUP would not deter from the envisioned use. Staff finds that the proposed request aligns with the goals and land use policies established in the Comprehensive Plan.

- (3) The city's zoning should be designed to facilitate the more efficient use of existing and future city services and utility systems in accordance with the Comprehensive Plan.

The subject property has existing utilities available along both S. Day Street and W. Third Street. ADUs are an opportunity to increase density in a compatible manner within a residential area as they do not require additional infrastructure to be built to accommodate the new dwelling unit.

- (4) The city's zoning should be organized and as straight forward as possible to minimize use problems and enforcement problems.

The proposed SUP, if approved, will be reflected on the City of Brenham zoning map available for citizen viewing on the City of Brenham homepage.

- (5) The city's zoning process should be fair and equitable, giving all citizens adequate information and the

opportunity to be heard prior to adoption of zoning amendments.

Property owners within 200 feet of the project site were mailed notifications of this request on July 9, 2024. The Notice of Public Hearing was published in the Brenham Banner on July 11, 2024. As of July 19, 2024, Staff have received no written citizen comment forms regarding the proposed ADU. Any public comments submitted to staff will be provided in the Planning & Zoning Commission and City Council packets or during the public hearing.

- (6) The city's zoning should ensure that adequate open space is preserved as residential and commercial development and redevelopment occur.

If approved, the property will be required to adhere to the regulations of the R-1 District to include, the accessory dwelling unit development standards, minimum building setbacks and maximum impervious coverage requirements. The applicant has submitted a site plan (Exhibit D) which depicts the proposed location of the ADU and access. The subject property has a lot size of 8,487 square feet and is comparable in area to the lots along W. Third Street and nearby residential streets. With the proposed 612 square foot ADU consisting of an existing structure that has been in place since 1930, no increase in impervious cover would occur except for the minimal widening of the driveway. The maximum impervious lot coverage allowed in an R-1 District is 55 percent. As discussed previously, both the principal home and the ADU meet or exceed all R-1 setback requirements. Staff finds that the site development requirements will ensure that adequate open space is preserved on the subject property.

- (7) The city's zoning should ensure Brenham's attractiveness for the future location of business and housing by preserving an attractive and safe community environment in order to enhance the quality of life for all residents.

Staff finds that the requested land use is appropriate in this location given the existing development in the vicinity and conformance with the City's adopted Comprehensive Plan and Future Land Use Plan.

- (8) The city's zoning ordinance should preserve neighborhood culture by retaining and promoting land uses consistent with the community's plan for the development and/or redevelopment of its neighborhoods.

The subject property and all surrounding properties are located within an R-1 District. The Future Land Use Map, as part of the Comprehensive Plan adopted in September 2019, envisions the subject property as corridor mixed use. As such, the area has a variety of uses within nearby zoning districts including R-1, Single-Family Residential, B-1, Local Business Residential Mixed Use and Industrial. The subject property and the adjacent property to the north and surrounding area to the west are currently developed as single-family uses, while church/institutional uses are adjacent to the east and south, with government uses further to the north and commercial uses to the east along S. Austin Street.

The surrounding single-family properties in the area consist predominately of homes built in the early 1900s and have detached garages that are typically behind the front façade. Many of the neighboring properties have either a garage or other accessory structure within the rear yard. While no other ADUs are currently within the immediate area, Staff finds that the proposed ADU is consistent with the land use policies established in the Comprehensive Plan and the existing neighborhood culture.

- (9) The city's zoning should protect existing and future residential neighborhoods from encroachment by incompatible uses.

Staff finds that approval of the proposed SUP to allow for further development of the property with an ADU will promote the orderly development of the community. This request, to allow a proposed 17'6" x 33'6" (612 square foot) detached accessory structure to be located on the north portion of the 0.1948-acre lot, will not adversely affect health, safety, morals, or general welfare of properties in the general vicinity or the community in general.

- (10) The city's zoning should assist in stabilizing property values by limiting or prohibiting the development of incompatible land uses or uses of land or structures which negatively impact adjoining properties.

Staff believes that the proposed development will not have an adverse effect on the surrounding area and will be compatible with anticipated uses surrounding this property. The applicant proposes to utilize the ADU as a guest house. The proposed ADU will meet the architectural character of the existing home and the adjoining properties. The proposed structure meets the development standards set forth in the zoning ordinance and is proposed to be in character with both the principal structure and nearby residential properties. The applicant would be required for the property to be replatted to include the 10'x85' adjacent north strip of land that was recently acquired and to submit a building permit for the ADU showing that it meets all applicable building and fire code requirements.

- (11) The city's zoning should make adequate provisions for a range of commercial uses in existing and future locations that are best suited to serve neighborhood, community, and regional markets.

If approved, the proposed SUP will allow the existing 612 square foot accessory structure to be utilized as a one-bedroom, one bath detached ADU to be situated near the north property line that would provide accommodations for guests. The nearest commercial district is to the east along S. Austin Street, which is a B-1, Local Business Mixed Residential Use District corridor. While mostly developed, vacant commercial property is located along S. Austin Street. Staff finds that the proposed SUP, if approved, will not negatively affect vacant land classified for commercial uses.

- (12) The city's zoning should give reasonable accommodation to legally existing incompatible uses, but it should be fashioned in such a way that over time, problem areas will experience orderly change through redevelopment that gradually replaces the nonconforming uses.

The property is currently developed as a single-family home within an R-1, Single-Family Residential District. The existing principal structure and accessory structure were built in 1930, before the Subdivision and Zoning Regulations were adopted in 1968. The accessory structure that is to be reconverted to an ADU is currently only setback 1-foot from the north rear property line. The applicant is currently working with a surveyor to replat the property to include a 10-foot in width by 85-foot in length strip of property along the north property line recently purchased from the adjacent property owner. With the land acquisition and replatting, the proposed ADU would have a conforming 11-foot rear yard setback, and the existing driveway will be widened to accommodate a dedicated parking space for the ADU. With these improvements, the Applicant has satisfied any hindrances to the property created by legally existing incompatible uses. With the replating of the existing property, the applicant's request will allow the subject property to develop in a compatible, legally conforming manner.

(13)The city's zoning should provide for orderly growth and development throughout the city.

Staff finds approval of the proposed SUP will allow for orderly growth and development in the general vicinity and throughout the city.

STAFF RECOMMENDATION:

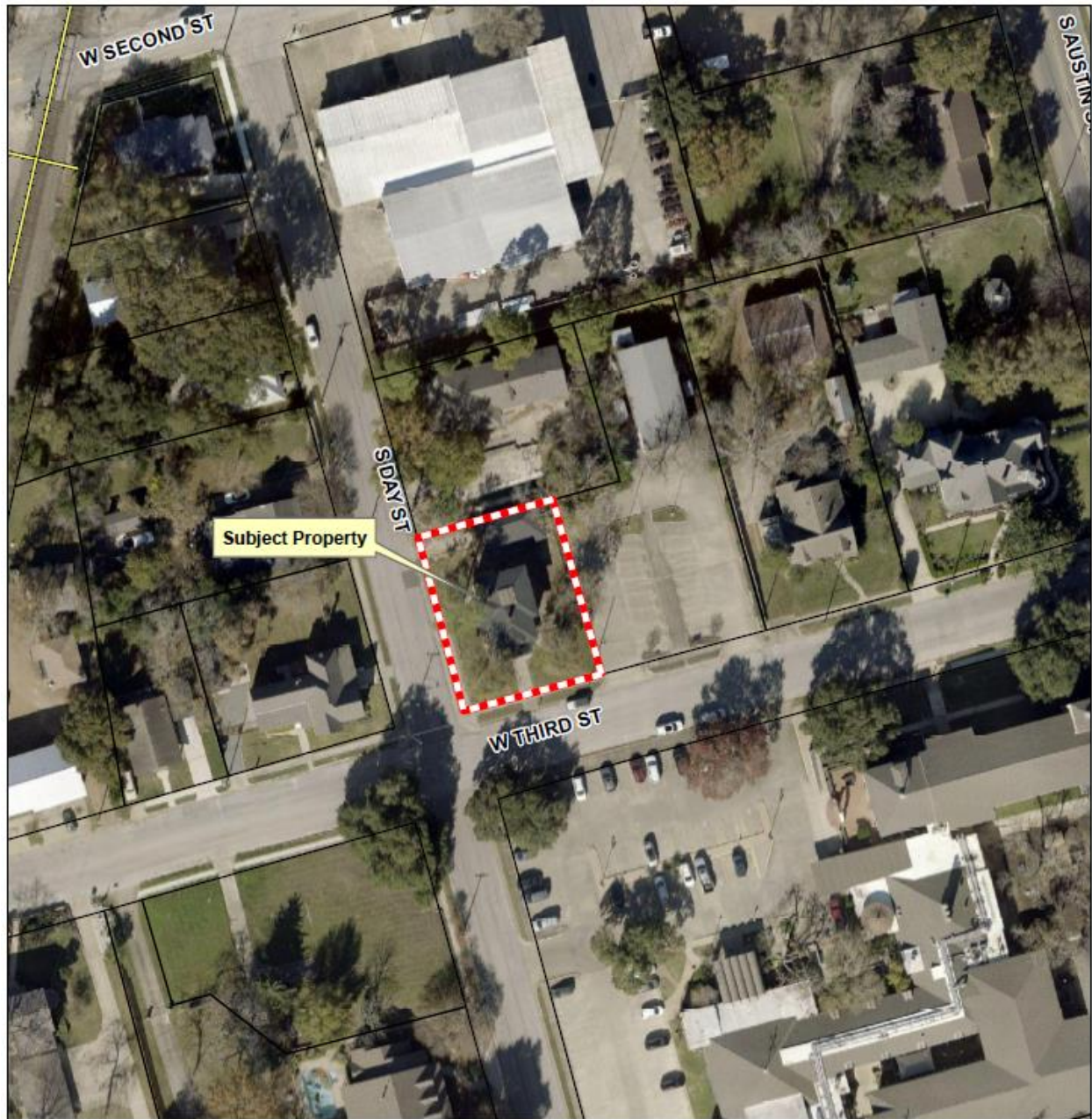
Staff recommends **approval** of a Specific Use Permit to allow (legitimize) a detached accessory dwelling unit to be located within a R-1 Mixed Residential Use Zoning District for the subject 0.1948-acre tract of land that is located at 310 W. Third Street and legally described as Key's 1st Addition, Block 2, Lot 3C, with the following condition:

1. Subject property shall be replatted to include the 10' x 85' strip of land that was purchased from the adjacent north property.

EXHIBITS:

- A. Aerial Map
- B. Zoning Map
- C. Future Land Use Map
- D. Site Plan
- E. Floor Plan
- F. Site photos

EXHIBIT "A"
AERIAL MAP

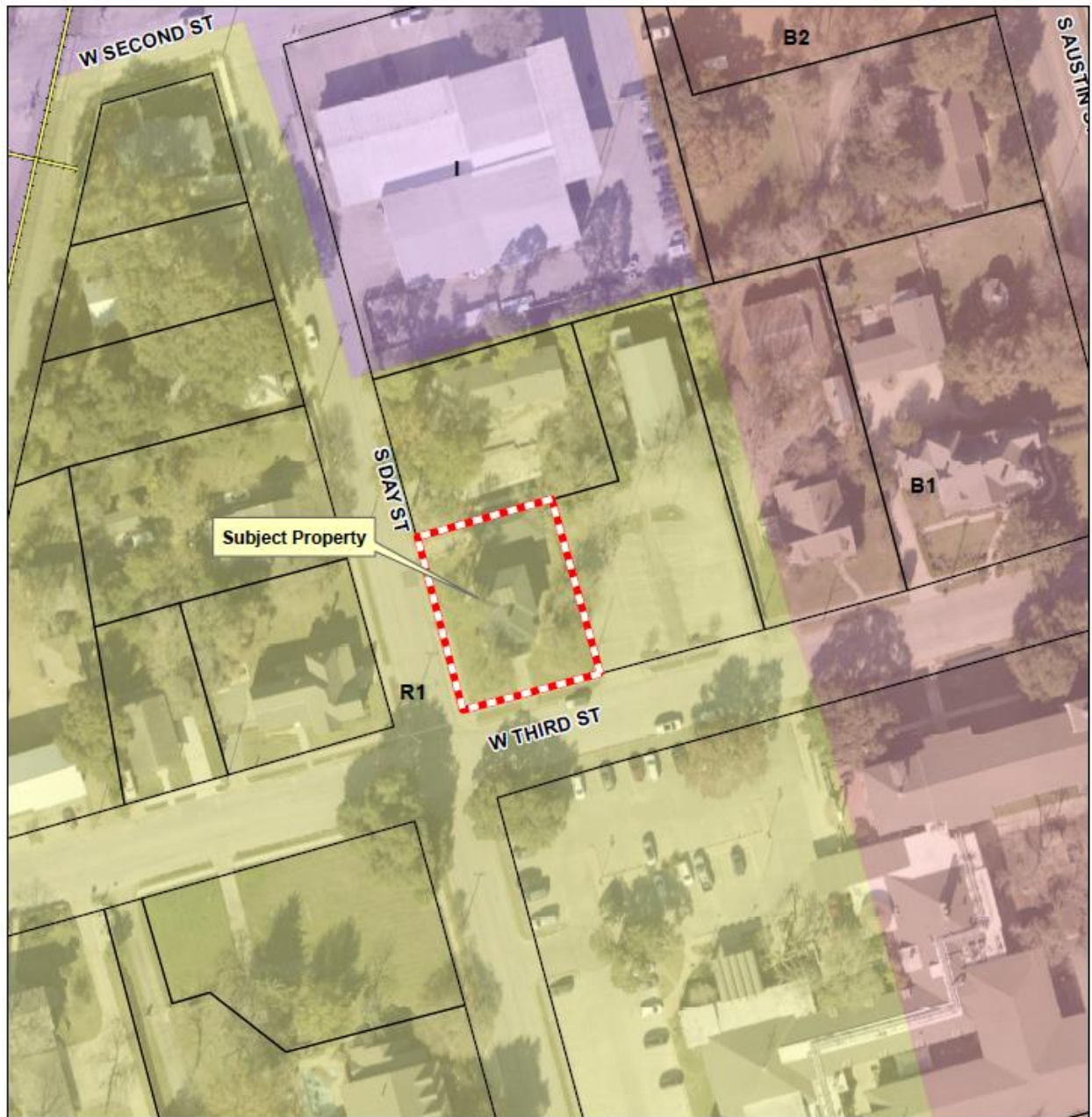


Location Map
Specific Use Permit - ADU
310 W Third Street



1 inch = 80 feet

EXHIBIT "B"
ZONING MAP



Legend

-  B1 Local Business Mixed
-  B2 Commercial Research and Technology
-  I Industrial
-  R1 Residential Single Family

Zoning Map
Specific Use Permit - ADU
310 W Third Street



1 inch = 80 feet

EXHIBIT "C"
FUTURE LAND USE MAP



Legend

Future Land Use Plan

FLU_FINAL

- Single Family Residential
- Corridor Mixed Use

Future Land Use Map
Specific Use Permit - ADU
310 W Third Street



1 inch = 80 feet

EXHIBIT "D"
PROPOSED SITE PLAN

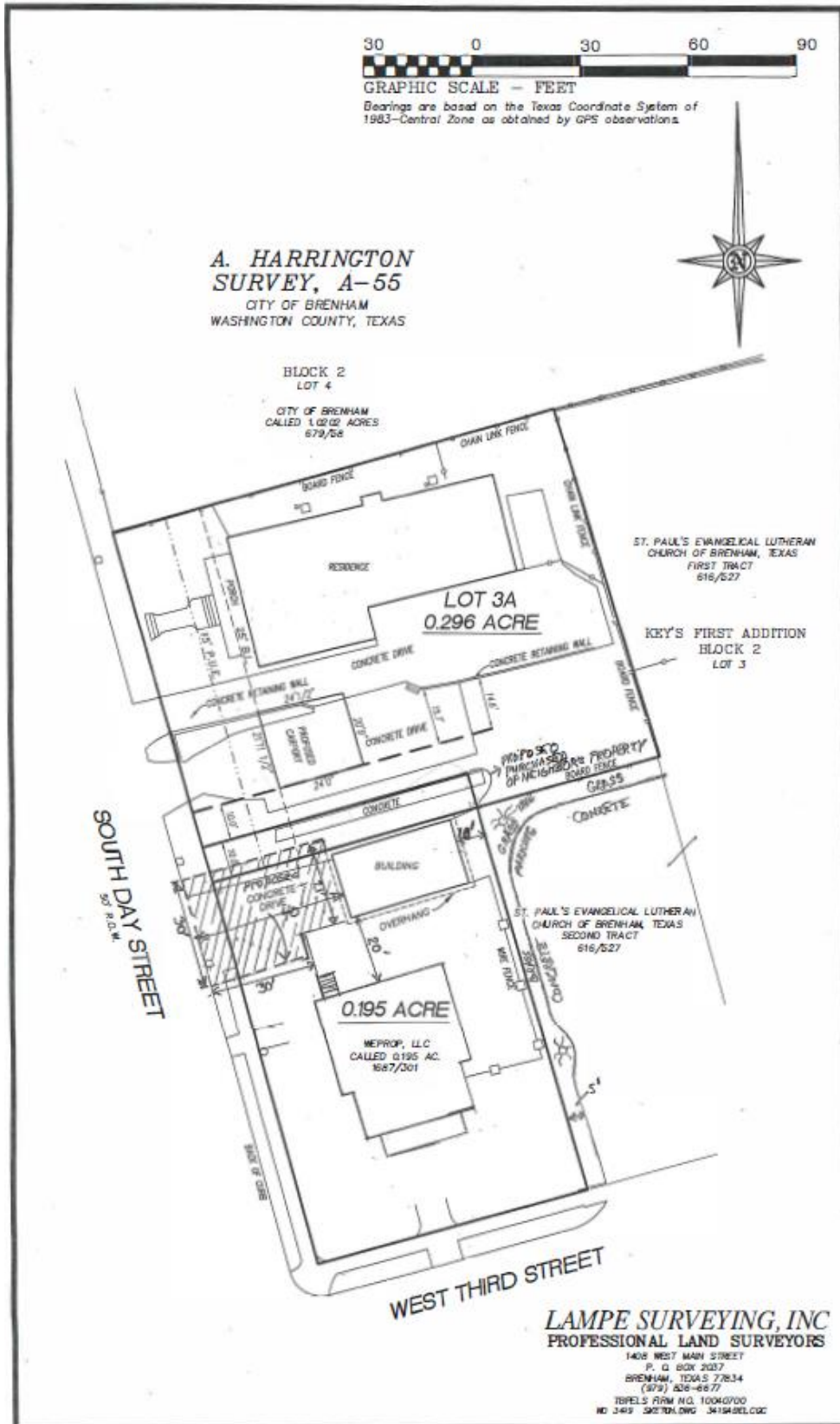


EXHIBIT "F"
FLOOR PLAN

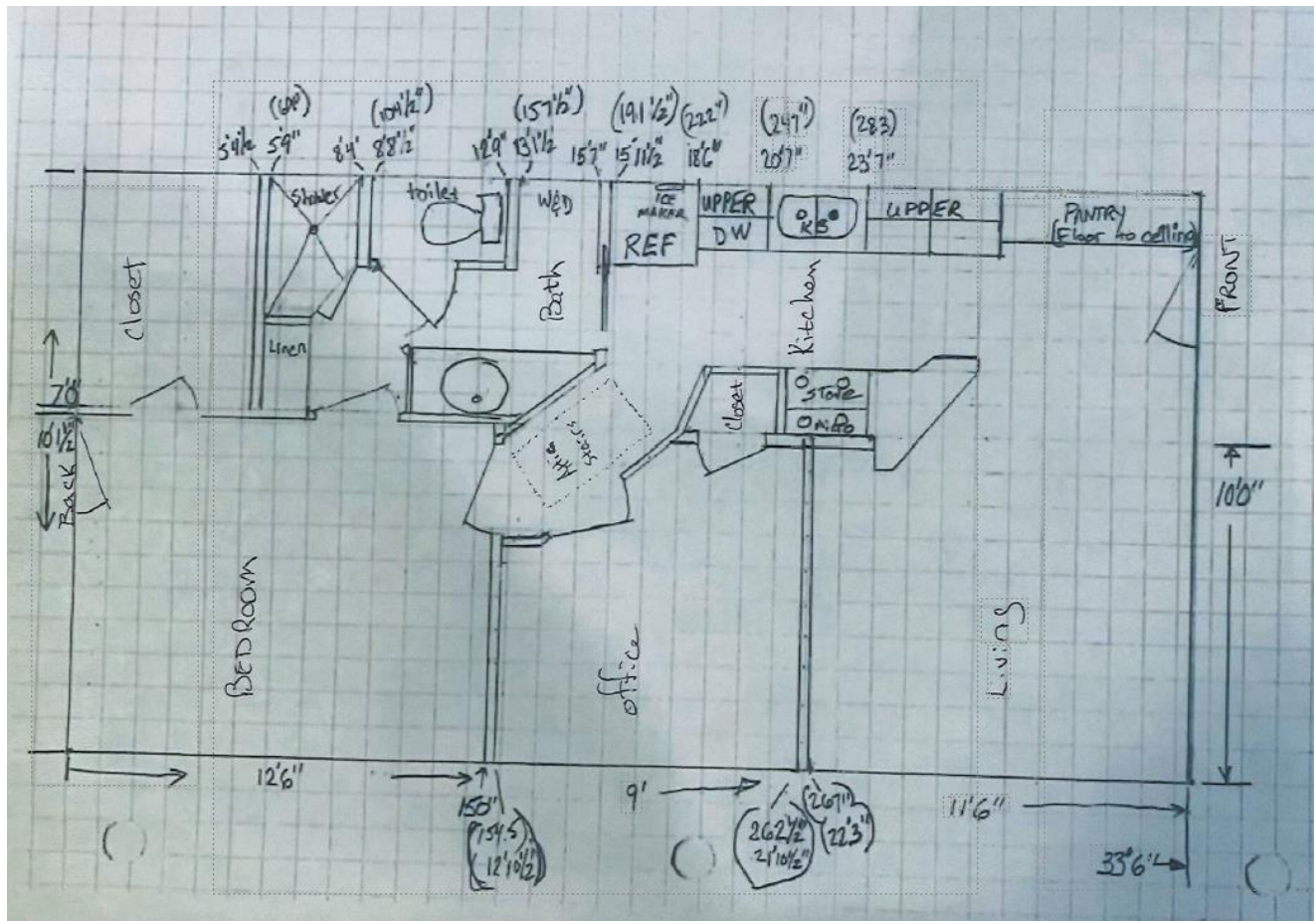


EXHIBIT "G"
SITE PHOTOS



310 W. Third Street – Principal Home



Principal Home and Proposed ADU structure.
Land Acquisition piece includes paved area to the left.



St. Paul's Lutheran Church to the south across S. Day Street



Residential homes to the west across W. Third Street



Industrial property to the north (City of Brenham Central Warehouse)

ORDINANCE NO. _____

AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF BRENHAM GRANTING A SPECIFIC USE PERMIT TO ALLOW AN ACCESSORY DWELLING UNIT (ADU) USE IN AN R-1 SINGLE-FAMILY RESIDENTIAL ZONING DISTRICT ON APPROXIMATELY 0.1948 ACRES OF LAND ADDRESSED AS 310 W. THIRD STREET, BEING FURTHER DESCRIBED AS KEY'S FIRST ADDITION, BLOCK 2, LOT 3C, IN BRENHAM, WASHINGTON COUNTY, TEXAS.

WHEREAS, WEPROP, A Texas Limited Liability Corporation, the owner of the 0.1948 acres of land generally located at the northeast corner of the intersection of W. Third Street and S. Day Street, and addressed as 310 W. Third Street, being further described as Key's First Addition, Block 2, Lot 3C, in Brenham, Washington County, Texas (the "Property"), has requested that the Property be issued a Specific Use Permit for an Accessory Dwelling Unit; and

WHEREAS, the City of Brenham has adopted Appendix A – "Zoning" of the City of Brenham Code of Ordinances, as amended, which divides the City of Brenham into various zoning districts; and

WHEREAS, Appendix A – "Zoning" of the City of Brenham Code of Ordinances authorizes the City Council to grant specific use permits for specific uses within the various zoning districts; and

WHEREAS, at least ten (10) days after publication in the official newspaper of the City of the time and place of a public hearing and at least ten (10) days after written notice of that hearing was mailed to the owners of land within two hundred feet of the Property in the manner required by law, the Planning & Zoning Commission held a public hearing on the requested Specific Use Permit; and

WHEREAS, this amendment was recommended unanimously for approval by the Brenham Planning and Zoning Commission during its regular meeting on July 22, 2024, with the condition that the subject property and a portion of the bordering property to its north, which are currently platted as two lots, shall be replatted into one lot with approval by the Planning and Zoning Commission; and

WHEREAS, subject to the aforementioned condition, the City Council desires to approve this Ordinance granting the specific use permit, as described herein below; and

WHEREAS, at least fifteen (15) days after publication in the official newspaper of the City of the time and place of a public hearing for the requested rezoning, the City Council held the public hearing for the requested Specific Use Permit and the City Council considered the final report of the Planning & Zoning Commission;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BRENHAM, TEXAS, THAT:

- SECTION 1.* The Official Zoning Map of the City of Brenham is hereby amended to grant a Specific Use Permit to WEPROP, LLC. for an accessory dwelling unit (ADU), more particularly described in Exhibit “B”, in an R-1 Single-Family Residential use zoning district on approximately 0.1948 acres of land addressed as 310 W. Third Street, being further described as Key’s First Addition, Block 2, Lot 3C in Brenham, Washington County, Texas, said 0.1948 acres of land being shown on Exhibit “A” attached hereto and incorporated herein for all purposes.
- SECTION 2.* The development of the Property shall be in accordance with the following special condition on the subject 0.1948-acre tract: 1) The property shall be replatted to include a 10’ x 85’ (850 square feet) strip of land purchased from the adjacent property to the north, as shown in Exhibit B.
- SECTION 3.* Upon holding a properly notified public hearing, the City Council may amend, change, or rescind the Specific Use Permit granted by this Ordinance if:
- a. There is a violation and conviction of any of the provisions of this Ordinance, or any ordinance of the City of Brenham, that occurs on the Property;
 - b. The premises, or Property, used pursuant to the Specific Use Permit granted by this Ordinance are enlarged, modified, structurally altered, or otherwise significantly changed unless a separate Specific Use Permit is granted for such enlargement, modification, structural alteration, or change;
 - c. As otherwise permitted by law and/or Brenham’s Zoning Ordinance, as it exists or may be amended.
- SECTION 4.* This Ordinance shall take effect as provided by the Charter of the City of Brenham, Texas.

PASSED and APPROVED on its first reading this the ____ day of August 2024.

PASSED and APPROVED on its second reading this the ____ day of August 2024.

Atwood C. Kenjura
Mayor

ATTEST:

Jeana Bellinger, TRMC, CMC
City Secretary

EXHIBIT "A"



Legend

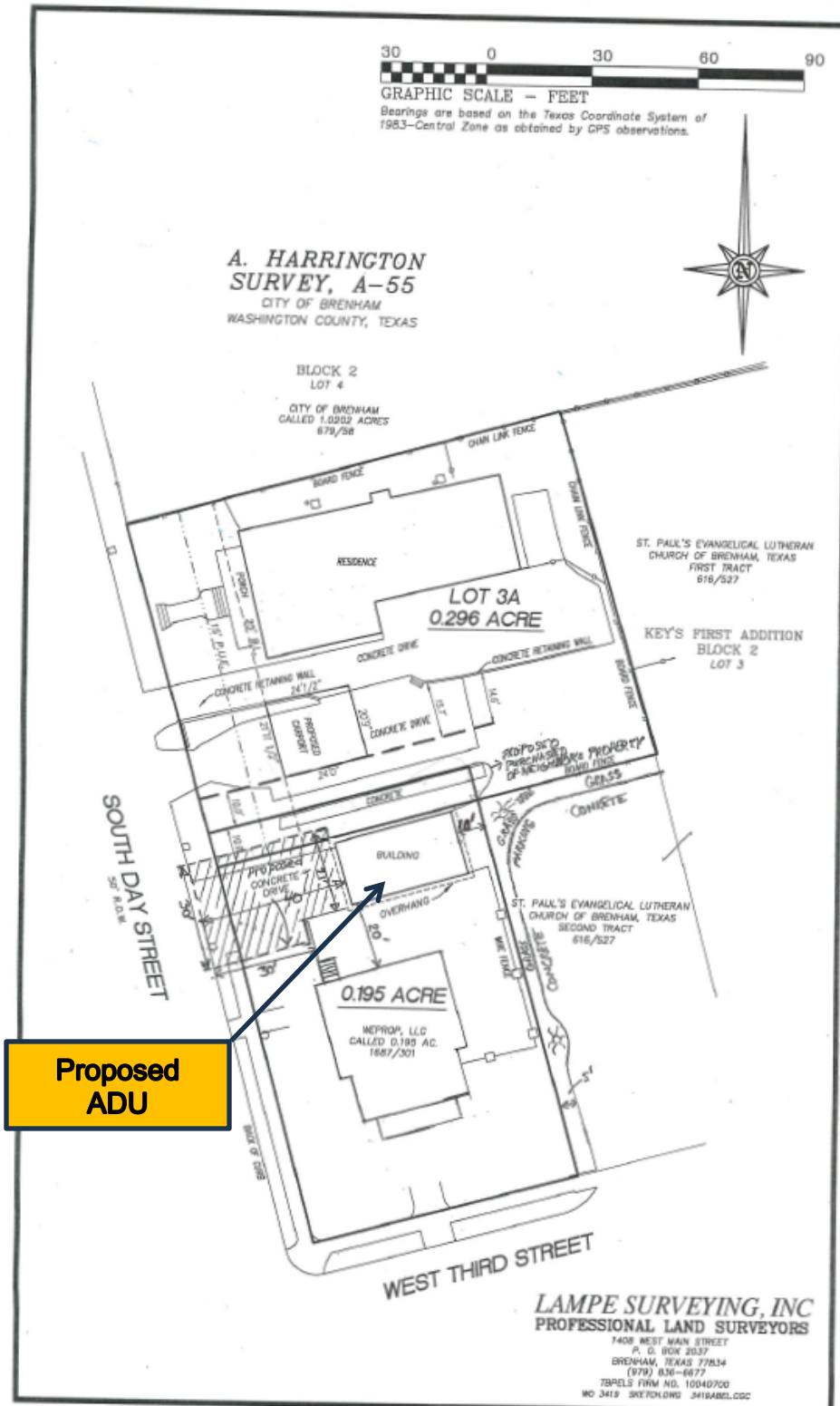
-  B1 Local Business Mixed
-  B2 Commercial Research and Technology
-  I Industrial
-  R1 Residential Single Family

**Zoning Map
Specific Use Permit - ADU
310 W Third Street**



1 inch = 80 feet

EXHIBIT "B" Site Plan





City Council Regular Meeting **AGENDA ITEM 10**

Agenda Item: **Submission of, Discussion, and Possible Action Regarding the No-New Revenue Tax Rate, Voter-Approval Tax Rate, and Proposed Tax Rate for the 2024 Tax Year, and Take Record Vote on Proposed Tax Rate and Meeting Date for Final Adoption of Tax Rate**

Meeting Date: August 1, 2024

Department: Finance

Staff Contact: Julie Flagg, Chief Financial Officer

SUMMARY STATEMENT:

The City is proposing to keep the same tax rate of \$0.4584 per \$100 valuation. The maintenance & operations (M&O) property tax rate will increase slightly to \$0.3164 per \$100 valuation; and the interest and sinking (I&S) rate will decrease slightly to \$0.1420 per \$100 valuation.

The City is proposing to adopt a total tax rate (M&O and I&S) of \$0.4584 for FY2024-25. The proposed rate is less than the Voter-Approval rate of \$0.4666, so no election will be necessary. However, the proposed rate is higher than the No-New-Revenue Rate of \$0.4555 which requires us to hold a public hearing before the tax rate is adopted.

ATTACHMENTS:

1. MEMO Propose Tax Rate FY24-2025

RECOMMENDATION:

I move that a property tax rate of \$0.4584 per \$100 valuation be considered by the governing body on the agendas of the September 5, 2024 and September 19, 2024 Brenham City Council meetings.



MEMORANDUM

To: Mayor, Council and City Manager

From: Julie Flagg
Chief Financial Officer

Subject: Proposed Property Tax Rate for FY2024-25

Date: July 29, 2024

Developing an annual budget and adopting a property tax rate to support that budget must be accomplished in compliance with property tax code, local government code, and City Charter. Following legislative guidelines ensures that the public is informed of any increases. In 2019, the Texas Legislature passed Senate Bill 2, also known as the *Texas Property Tax Reform and Transparency Act of 2019*.

At its most fundamental level, S.B. 2 reformed the system of property taxation in three primary ways:

- (1) Lowered the tax rate a taxing unit can adopt without voter approval from 8.0% to 3.5% and requires a mandatory election to go above the lowered rate;
- (2) Made numerous changes to the procedures by which a city adopts a tax rate (see section below);
- (3) Made several changes to the property tax appraisal process.

What changes were made to how a city provides notice of its tax rate every year?

S.B. 2 provides a few different mechanisms for providing notice of the city's tax rate:

- By August 7th, or as soon thereafter as practicable, the city must post a notice on the city's website in the form prescribed by the comptroller.
- New notice provisions for the Public Hearing on the tax rate are required depending on the tax rate proposed by the city.
- New notice provision for the Meeting to vote on the tax rate is required.
- Requires a table to be included at the end of the notice for the Public Hearing on the tax rate that compares the taxes imposed on the average residence homestead in the city last year to the taxes proposed to be imposed on the average residence homestead this year.

City of Brenham Proposed Tax Rate for FY2024-25

The City is proposing to keep the same tax rate of \$0.4584 per \$100 valuation. The maintenance & operations (M&O) property tax rate will increase slightly to \$0.3164 per \$100 valuation; and the interest and sinking (I&S) rate will decrease slightly to \$0.1420 per \$100 valuation.

The City is proposing to adopt a total tax rate (M&O and I&S) of \$0.4584 for FY2024-25. The proposed rate is less than the Voter-Approval rate of \$0.4666, so no election will be necessary. However, the proposed rate is higher than the No-New-Revenue Rate of \$0.4555 which requires us to hold a public hearing before the tax rate is adopted.

Tax Rate Comparison		
	24-25 PROPOSED	23-24 ADOPTED
Property Tax Rate	\$ 0.4584	\$ 0.4584
Voter-Approval Tax Rate	\$ 0.4666	\$ 0.4606
No-New-Revenue Tax Rate	\$ 0.4555	\$ 0.4445
No-New-Revenue M&O Rate	\$ 0.3119	\$ 0.3007
M&O Tax Rate	\$ 0.3164	\$ 0.3102
Debt Tax Rate	\$ 0.1420	\$ 0.1482

Property Tax Rate	M&O	I&S (Debt)	Total
Current Tax Rate	\$ 0.3102	\$ 0.1482	\$ 0.4584
Proposed Tax Rate	\$ 0.3164	\$ 0.1420	\$ 0.4584
Increase/(Decrease)	\$ 0.0062	\$ (0.0062)	\$ 0.0000

Tax Freeze for Residential Homestead Property Owners Over 65 and Disabled Persons

In June of 2019, Council approved an Ordinance providing for a tax freeze for persons over 65 years of age and disabled persons. For FY 2024-25, the number of homesteads with this freeze is noted below:

- Over 65 – 1,689 accounts with an appraised value of \$407,317,315
- Disabled Persons – 46 accounts with an appraised value of \$6,102,390

These accounts will have their “tax bill” frozen from this point forward, or until the property is sold. The appraised value continues to increase (or decrease.) However, the amount due for property taxes cannot increase but can decrease. *These 1,735 accounts with a local exemption for Over 65 or Disabled Persons represent 33% of the total homestead eligible properties (5,262 total).*

We have prepared a comparison chart showing the average homestead taxable value for 2025 versus 2024, and the total change in taxes.

Comparison Table	Tax Year		Change	
	2024	2025	Dollar	Percent
Total Tax Rate (per \$100 of value)	\$ 0.4584	\$ 0.4584	\$ 0.00	0.00%
Average Homestead Taxable Value	\$ 239,681	\$ 272,061	\$ 32,380	13.51%
Tax on Average Homestead	\$ 1,098.70	\$ 1,247.13	\$ 148.43	13.51%
Total Tax Levy on All Properties	\$ 10,453,880	\$ 11,139,402	\$ 685,522	6.56%

Council Action

Although not required by Tax Code, we recommend that Council take a RECORD vote to place an item to adopt the proposed property tax rate on agendas of future meetings. The motion for the vote should be made as follows:

“I move that a property tax rate of \$0.4584 per \$100 valuation be considered by the governing body on the agendas of the September 5, 2024 and September 19, 2024 Brenham City Council meetings.



City Council Regular Meeting **AGENDA ITEM 11**

Agenda Item: Discuss and Possibly Act Upon An Ordinance on Its First Reading Amending the Rate Tariff Schedule for the City of Brenham Sanitary Sewer System

Meeting Date: August 1, 2024

Department: Public Utilities

Staff Contact: William Bisette, General Manager of Public Utilities

SUMMARY STATEMENT:

Currently the Maximum Sur-Charge rates for Industrial Wastewater Service Rate Schedule SW-E are not covering the cost of operation at the Wastewater Treatment Plant due to a high level of Biochemical Oxygen Demand (BOD). In order to cover the Wastewater Treatment Plant cost staff is recommending a change in the current Maximum and Minimum Sur-Charge rates for the Industrial Wastewater Service Rate Schedule SW-E. Please see attachments for the proposed changes.

Staff is requesting Council's approval to adjust the Sur-Charge Maximum and Minimum Sur-Charge to the proposed amounts effective September 1st.

ATTACHMENTS:

1. Sanitary Sewer Rate Tariff - Redline 2024
2. Ordinance for First Reading
3. Exhibit A - Sanitary Sewer Rate Tariff

RECOMMENDATION:

Approve an Ordinance on its first reading amending the Rate Tariff Schedule for the City of Brenham Sanitary Sewer System.

CITY OF BRENHAM
200 WEST VULCAN STREET P.O. BOX 1059
BRENHAM, WASHINGTON COUNTY, TEXAS 77834-1059

ALL SERVICES	700	782
TARIFF	SECTION NO.	SHEET NO.
SANITARY SEWER RATE SCHEDULE	NOVEMBER 1, 2019	SEPTEMBER 1, 2024
SECTION TITLE	EFFECTIVE DATE	

(Supersedes Rate Change Effective ~~10.1.14~~
11.1.2019)

BODs/TSS SURCHARGE

Each industrial customer shall pay a monthly surcharge if the customer's discharge of waste has a concentration of biochemical oxygen demand (BOD₅) in excess of 300 milligrams per liter and/or a concentration of total suspended solids (TSS) in excess of 300 milligrams per liter as measured periodically by the City. The monthly surcharge shall be calculated as follows:

$$Cu = Vu(Bu - 300)B + Vu(Su - 300)S$$

Where: **Cu** is the surcharge, in dollars, to be added to the customer's bill

Vu is the billing volume in thousands of gallons as determined under Determination of Volume

Bu is the measured BOD level in mg/l or 300 mg/l, whichever is greater

B is the unit charge per 1000 gallons, as specified in Unit Charge B

Su is the measured TSS level in mg/l or 300 mg/l, whichever is greater

S is the unit charge per 1000 gallons, as specified in Unit Charge S

1. Unit Charge B

The unit charge for treating one milligram per liter of BOD₅ gallons shall be \$0.001536.

2. Unit Charge S

The unit charge for treating one milligram per liter of TSS gallons shall be \$0.001457.

3. The minimum and maximum monthly surcharge amounts to be paid by an industrial customer are as follows:

	Minimum Surcharge	Maximum Surcharge
Total BOD Monthly Surcharge	\$ 16,577 <u>\$15,202.00</u>	\$ 25,540 <u>\$31,569.35</u>
Total TSS Monthly Surcharge	\$ 3,664 <u>\$3,372.00</u>	\$ 8,023 <u>\$8,903.75</u>
Total Monthly Surcharge	\$ 20,238 <u>\$18,574.00</u>	\$ 33,563 <u>\$40,473.10</u>

ORDINANCE NO. _____

AN ORDINANCE AMENDING THE SEWER RATE TARIFF SCHEDULES FOR SEWER SERVICES FOR THE CITY OF BRENHAM, TEXAS; AND PROVIDING FOR AN EFFECTIVE DATE OF THIS ORDINANCE.

WHEREAS, the City Council of the City of Brenham, Texas deems it necessary to change the rates charged for sewer services to its customers in order to provide for conditions of utility service which promote the health, safety and welfare of the citizens of Brenham, Texas.

NOW, THEREFORE BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BRENHAM, TEXAS:

SECTION I.

The City Council of the City of Brenham, Texas, does hereby adopt the Sewer Rate Schedules for sewer services as set forth in the attached Exhibit “A”, which is made a part hereof for all purposes pertinent, to be effective with utility billing occurring on and after September 1, 2024.

SECTION II.

This Ordinance shall take effect as provided by the Charter of the City of Brenham, Texas. The implementation of rates as set forth herein and on the attached Exhibit “A” shall be effective with utility billing occurring on and after September 1, 2024.

PASSED AND APPROVED on its first reading this the _____ day of _____, 2024.

PASSED AND APPROVED on its second reading this the _____ day of _____, 2024.

Atwood C. Kenjura, Mayor

ATTEST:

Jeana Bellinger, TRMC, CMC
City Secretary

CITY OF BRENHAM
200 WEST VULCAN STREET P.O. BOX 1059
BRENHAM, WASHINGTON COUNTY, TEXAS 77834-1059

Exhibit A

ALL SERVICES	700	782
TARIFF	SECTION NO.	SHEET NO.
SANITARY SEWER RATE SCHEDULE	SEPTEMBER 1, 2024	
SECTION TITLE	EFFECTIVE DATE	

(Supersedes Rate Change Effective 11.1.2019)

BODs/TSS SURCHARGE

Each industrial customer shall pay a monthly surcharge if the customer's discharge of waste has a concentration of biochemical oxygen demand (BOD₅) in excess of 300 milligrams per liter and/or a concentration of total suspended solids (TSS) in excess of 300 milligrams per liter as measured periodically by the City. The monthly surcharge shall be calculated as follows:

$$Cu = Vu(Bu - 300)B + Vu(Su - 300)S$$

Where: **Cu** is the surcharge, in dollars, to be added to the customer's bill

Vu is the billing volume in thousands of gallons as determined under Determination of Volume

Bu is the measured BOD level in mg/l or 300 mg/l, whichever is greater

B is the unit charge per 1000 gallons, as specified in Unit Charge B

Su is the measured TSS level in mg/l or 300 mg/l, whichever is greater

S is the unit charge per 1000 gallons, as specified in Unit Charge S

1. Unit Charge B

The unit charge for treating one milligram per liter of BOD₅ gallons shall be \$0.001536.

2. Unit Charge S

The unit charge for treating one milligram per liter of TSS gallons shall be \$0.001457.

3. The minimum and maximum monthly surcharge amounts to be paid by an industrial customer are as follows:

	Minimum Surcharge	Maximum Surcharge
Total BOD Monthly Surcharge	\$15,202.00	\$31,569.35
Total TSS Monthly Surcharge	<u>\$3,372.00</u>	<u>\$8,903.75</u>
Total Monthly Surcharge	\$18,574.00	\$40,473.10



City Council Regular Meeting **AGENDA ITEM 12**

Agenda Item: Discuss and Possibly Action Upon An Ordinance on Its First Reading Amending Chapter 6, Buildings and Structures, of the Code of Ordinance of the City of Brenham, Texas to Provide for the Adoption of the 2021 Editions of the International Building Code, International Fuel Gas Code, International Property Maintenance Code, International Plumbing Code, International Energy Conservation Code, International Mechanical Code, International Residential Code, International Swimming Pool and Spa Code, International Fire Code, and International Existing Building Code and Adopting the 2020 Edition of the National Electrical Code; Amending Article II, Building Code, of Chapter 6, Buildings and Structures, of the Code of Ordinances of the City of Brenham, Texas to Add Shipping Container Construction Requirements; Amending Chapter 8, Fire Protection and Prevention, of the Code of Ordinances of the City of Brenham, Texas to Provide for the Adoption of the 2021 Edition of the International Fire Code

Meeting Date: August 1, 2024

Department: Development Services

Staff Contact: Stephanie Doland, Director of Development Services

SUMMARY STATEMENT:

The City of Brenham updates and adopts current editions of the International Building Code and Complimentary Building Codes in an effort to maintain a safe built community for Brenham. The routine updating of the ordinance of the Building Codes and Complimentary Codes also helps with lower premiums for building insurance rates for our community since the Building Code updates demonstrate a building safety plan through the nationally recognized Insurance Services Offices (ISO).

The City of Brenham Development Services Department has actively notified builders and licensed trades of the future updates. Attached, please find the Summary of Significant Changes document which outlines what may be considered significant changes. This information is available on the City of Brenham webpage and has been provided as an attachment with recently issued permits. This is the same process we have exercised for previous Building Code and Complimentary Code updates and it has been a smooth transition. To further allow additional time for the transition to the new codes, Staff recommends adopting the proposed ordinance with an effective date of October 1, 2024.

The proposed ordinance adopts Chapter 6, 'Buildings and Structures' and Chapter 8, 'Fire Protection and Prevention,' of the City of Brenham Code of Ordinances, which consists of the following codes:

- 2021 International Building Code
- 2020 National Electrical Code (NEC)
- 2021 International Mechanical Code
- 2021 International Property Maintenance Code
- 2021 International Plumbing Code
- 2021 International Energy Conservation Code

- 2021 International Residential Code
- 2021 International Existing Building Code
- 2021 International Swimming Pool and Spa Code
- 2021 International Fire Code

The draft ordinance also includes local amendments to the proposed 2021 Suite of the International Building Code as well as the 2020 National Electrical Code. Local amendments include clarifications to the code on the usage of various material types and removal of requirements that are not applicable to construction in the City of Brenham. The ordinance also accounts for two additional local amendments to the International Building Code which outline the approval requirements for converting Intermodal Shipping Containers as habitable or non-habitable buildings within in the City.

The attached draft redline version of the Ordinance is included in the packet to highlight the proposed amendments as compared to the currently adopted Ordinance. The final clean version of the Ordinance will be included in the packet for the second and final reading of the Ordinance on August 15, 2024. Staff recommends approval of the proposed Ordinance amendments.

ATTACHMENTS:

1. Significant Changes for Contractors - Adoption 2021 IBC - letter landscape - 3 page
2. Ordinance - 2021 Code Adoption (Ch 6 and Ch 8) - Redline Draft

RECOMMENDATION:

Approve an Ordinance on its first reading amending Chapter 6, Buildings and Structures, of the Code of Ordinance of the City of Brenham, Texas to provide for the adoption of the 2021 Editions of the International Building Code, International Fuel Gas Code, International Property Maintenance Code, International Plumbing Code, International Energy Conservation Code, International Mechanical Code, International Residential Code, International Swimming Pool and Spa Code, International Fire Code, and International Existing Building Code and adopting the 2020 Edition of the National Electrical Code; Amending Article II, Building Code, of Chapter 6, Buildings and Structures, of the Code of Ordinances of the City of Brenham, Texas to add Shipping Container Construction Requirements; Amending Chapter 8, Fire Protection and Prevention, of the Code of Ordinances of the City of Brenham, Texas to provide for the adoption of the 2021 Edition of the International Fire Code.

Significant Changes for Contractors

Adoption of 2021 International Building Codes (Commercial)

Development Services Department | 979-337-7220 | Contact: Allen Jacobs - ajacobs@cityofbrenham.org | David Doelitsch - ddoelitsch@cityofbrenham.org

2021 International Building Code (IBC) and Fire Code (IFC)

IBC 202 Definitions

Modified and added definitions of Change of Occupancy, Puzzle Room, and Special Amusement Area

IBC 1006.3.4 Single exit from stories

Instead of using Common Path of Travel, total travel to an exit is now used to determine when 2 exits are required from a story

IBC 1008.2.1 Egress illumination

Increases the amount of lighting for along stairs and landings from 1 foot-candle to 10 foot-candles while stairs are in use

IBC 1107.2 Vehicle charging stations

Now requires 5% of charging spaces to be van accessible parking spaces

IBC 1210.3 Restroom privacy

New requirement to provide privacy screening at entrances to public restrooms designed for more than one occupant

IBC 3115 Shipping containers

IBC now recognizes shipping containers as buildings if they comply with certain standards

IFC 405 Emergency drills

The frequency of training and participation in fire drills and evacuation drills are revised. The use of defend-in-place or staged evacuation strategies are included with specific criteria for each.

IFC 708 Maintenance of spray fire-resistant materials

Maintenance requirements for spray fire-resistant materials and intumescent fire-resistant materials are added to the code

IFC 808.5 Play structures

Play structures added to existing buildings must comply with the requirements of the IBC

IFC 1010.2 Locking arrangements in educational occupancies

Exit door locks for protection from intruders are allowed in Group E occupancies, Group B educational occupancies and Group I-4 occupancies. When remote operation is provided, the door must still be unlockable from outside the room.

IFC 1010.2.9 Panic hardware and fire exit hardware

Panic or fire exit hardware is now required in electrical rooms with equipment greater than 800 amperes rather than 1,200 amperes, and in refrigeration machinery rooms exceeding than 1,000 square feet.

IFC 1103.7.5.1 Group R-1 hotel and motel fire alarm system

The requirements for retrofitting a fire alarm system in existing hotels and motels is reformatted and a new requirement for retrofitting unsprinklered single story hotels and motels is added.

IFC 3305.5 Fire watch

Requirements are added for fire watch during non-working hours at building construction sites

2021 International Mechanical Code (IMC)

IMC 307.2.1.1 Condensate drainage

New language clarifies where condensate discharge and drain connections are and aren't allowed

IMC 502.20 Manicure and pedicure stations

The controls for these systems must operate continuously while the space is occupied

IMC 1105.9 Machinery room means of egress

To be consistent with the IBC, the IMC specifies that machinery rooms larger than 1000 square feet shall have at least two exits

IMC 1107-1110 Refrigerant piping

The code sections on refrigerant piping have been completely rewritten

2021 International Existing Building Code (IEBC)

IEBC 503.4 Existing structural elements carrying lateral load

Additional equipment may be added to a roof without a full structural analysis when the equipment weighs less than 400 pounds and is less than 10% of the total roof dead load

IEBC Chapters 8 and 9

Sprinkler requirements for Level 2 and Level 3 alterations are revised for higher hazard areas

2021 International Plumbing Code (IPC)

IPC 403.2 Multi-user multi-gender toilet facility privacy measures

Sets standards for stall in multi-user restrooms designed to serve all genders and stipulates that urinals must be in stalls or in a separate area

IPC 407.2 Bathtub waste outlets and overflows

Overflows are no longer required for bathtubs

IPC 606.1 Location of full-open valves

In multiple tenant buildings, where a common water supply piping system is installed, a main shutoff valve shall be provided for each tenant

IPC 609.2 Group I-2, Condition 2 health care facilities (hospitals)

Two separate water services are required. A tracer wire is now required for underground non-metallic water service piping

IPC 708.1.6 Removable fixture traps as cleanouts

Removable traps and fixtures that are removable without disturbing concealed piping can be used as substitutes for cleanouts

2020 National Electrical Code (NEC)

300.4(G) Protection against physical damage - fittings

Listed metal fittings with smoothly rounded edges were added as options for protection of wires 4 AWG and larger entering boxes, enclosures, or raceways

408.4(A) Circuit directory or circuit identification

Allows the circuit directory for a panelboard to be located in an "approved location adjacent" to the panelboard door

590.4 Splices for temporary installations

Branch circuits that are permanently installed in framed walls and ceilings may be used for temporary power with GFCI protection

645.5(E)(2) Underground wiring

Added additional wiring methods and types installed underground within 5' of swimming pools

680.26(B)(2)(c) Equipotential bonding

Now allows a copper bonding grid around a pool perimeter in lieu of bonding rebar or a copper ring.

690.13(E) Type of disconnect

Expanded the types of disconnects allowed for PV systems

2021 International Energy Conservation Code (IECC) (commercial and residential)

C/R103.2 Information on construction documents

Must declare what compliance path is used

C/R401.2.1 Compliance paths

Outlines the 4 compliance paths for commercial buildings

C401.3 Thermal envelope certificate

Required to post a permanent certificate showing building envelope R-values, U-factors, SHGC, and air leakage ratings

C402.5.11 Operable openings interlocking

Openings to the outdoors greater than 40 square foot must be interlocked with the HVAC controls

C403.4.2.3 Automatic start and stop

HVAC controls must be programmable with an automatic start and stop

Table R402.1.2 Insulation and fenestration requirements

Ceiling R-value has increased from R-38 to R-49

R402.2.4 Access hatches and doors

Attic access doors shall be at least R-10 and must be weatherstripped

R403.3.5 Duct testing

Ducts in conditioned spaces are no longer exempt from duct testing

Significant Changes for Contractors

Adoption of the 2021 International Building Codes (Residential)

Development Services Department | 979-337-7220 | Contact: Allen Jacobs - ajacobs@cityofbrenham.org | David Doelitsch - ddoelitsch@cityofbrenham.org

2021 International Residential Code (IRC)

IRC 202 Definition of grade floor emergency escape and rescue opening

To qualify for the grade-floor reduction in open area, the bottom of the clear opening can't be more than 44" above or below the adjacent grade

IRC 302.5.1 Opening protection

Doors separating the garage and dwelling must be self-latching in addition to self-closing

IRC 310.1 Emergency escape and rescue openings

The pathway from an emergency escape and rescue opening out to a public way must be at least 36" wide

IRC 311.7 Stairways

Stairways not within or attached to a building, porch, or deck are not regulated by this section

IRC 314.3 Smoke alarm location

Added a new location requirement for smoke alarms to address areas with high ceilings adjacent to hallways serving bedrooms

IRC 315.2.2 Alterations, repairs and additions (carbon monoxide alarms)

Carbon monoxide alarms shall be installed when there are repairs to, or replacement of, fuel fired mechanical systems

IRC 609.4.1 Garage door labeling

All garage doors shall have a permanent label provided by the manufacturer to identify the manufacturer, model/series number, wind pressure rating, the installation instructing drawing reference number, and the applicable test standard

IRC G2447.2 Prohibited location

Commercial cooking appliances are no longer permitted to be installed in a dwelling unit, without exception.

IRC P2503.7 DWV system testing

The head pressure for a DWV water test has been changed from 5' to 10'. Air vacuum testing is now permitted for plastic piping systems.

IRC P2905.3 Hot water supply to fixtures

The developed length of hot water piping, from the source of hot water to the fixtures that require hot water, shall not exceed 100'.

IRC E3606.5 Surge protection

All services shall be provided with a surge-protection device at the service panel (including when service equipment is replaced)

IRC 3901.4.2 Island and peninsular countertops and work surfaces

The number of required receptacle outlets is based off of the area of the countertop surface

IRC E3902 Ground-fault and arc-fault circuit-interrupter protection

GFCI protection is now required for damp and wet locations not included in the other 10 areas requiring GFCI protection

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF BRENHAM, TEXAS AMENDING CHAPTER 6 – “BUILDINGS AND STRUCTURES” OF THE CODE OF ORDINANCES, CITY OF BRENHAM, TEXAS BY ADOPTING THE 2021 EDITIONS OF THE INTERNATIONAL BUILDING CODE, INTERNATIONAL FUEL GAS CODE, INTERNATIONAL PROPERTY MAINTENANCE CODE, INTERNATIONAL PLUMBING CODE, INTERNATIONAL ENERGY CONSERVATION CODE, INTERNATIONAL MECHANICAL CODE, INTERNATIONAL RESIDENTIAL CODE, INTERNATIONAL SWIMMING POOL AND SPA CODE, INTERNATIONAL FIRE CODE, AND INTERNATIONAL EXISTING BUILDING CODE AND ADOPTING THE 2020 EDITION OF THE NATIONAL ELECTRICAL CODE; AMENDING ARTICLE II – “BUILDING CODE” OF CHAPTER 6 – “BUILDINGS AND STRUCTURES” OF THE CODE OF ORDINANCES, CITY OF BRENHAM, TEXAS BY ADDING SHIPPING CONTAINER CONSTRUCTION REQUIREMENTS; AMENDING CHAPTER 8 – “FIRE PROTECTION AND PREVENTION” OF THE CODE OF ORDINANCES, CITY OF BRENHAM, TEXAS BY ADOPTING THE 2021 EDITION OF THE INTERNATIONAL FIRE CODE; PROVIDING FOR A SAVINGS CLAUSE; PROVIDING FOR SEVERABILITY; REPEALING ALL CONFLICTING ORDINANCES; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, The City of Brenham regulates buildings and structures within the city limits to promote safe and appropriate buildings and structures; and

WHEREAS, in order to enhance, promote and protect the health, safety and general welfare of the citizens of Brenham, Texas the City Council must from time to time amend and/or adopt new regulations; and

WHEREAS, the City Council of the City of Brenham, Texas desires to amend Chapter 6, Buildings and Structures by adopting the 2021 editions of the following codes: International Building Code, International Residential Code, International Fuel Gas Code, International Mechanical Code, International Property Maintenance Code, International Plumbing Code, International Energy Conservation Code, International Swimming Pool and Spa Code, International Fire Code, and the International Existing Building Code and the 2020 edition of the National Electrical Code, and to amend the Code of Ordinances of the City of Brenham, Texas in order to adopt these codes with certain revisions thereto; and

WHEREAS, the City Council of Brenham, Texas desires to amend Chapter 8 Fire Protection and Prevention, of the Code of Ordinances by adopting the International Fire Code 2021 Edition; and

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BRENHAM, TEXAS, THAT:

SECTION 1.

That Chapter 6 – “Buildings and Structures” of the Code of Ordinances of the City of Brenham, Texas is hereby amended in its entirety to read as follows:

Chapter 6. BUILDINGS AND STRUCTURES

ARTICLE I. - IN GENERAL
ARTICLE II – BUILDING CODE
ARTICLE III. - ELECTRICAL
ARTICLE IV. - GAS
ARTICLE V. - PROPERTY MAINTENANCE
ARTICLE VI. - PLUMBING
ARTICLE VII. - ENERGY CODE
ARTICLE VIII. - MECHANICAL CODE
ARTICLE IX. - RESIDENTIAL CODE
ARTICLE X. - EXISTING BUILDING CODE
ARTICLE XI. - SWIMMING POOLS
ARTICLE XII. – SUBSTANDARD BUILDINGS OR STRUCTURES

ARTICLE I. IN GENERAL

Sec. 6-1. Adoption of building codes.

The codes listed below and all revisions thereto are hereby adopted and incorporated as fully as if set forth at length herein, save and except such portions as may hereinafter be amended, and ~~not less than two (2) copies~~ a copy of said codes ~~have has~~ been and ~~are is~~ now filed at the offices of the City of Brenham, and from the date on which this section shall take effect, the provisions therein shall be controlling in the construction, alteration, repair, equipment, use and occupancy, location, and maintenance of all buildings and structures within the area of jurisdiction of the city.

Regulations adopted in Article I shall be applicable to all articles within this chapter.

Codes adopted by the City of Brenham:

~~2018-2021~~ International Building Code (IBC)
~~2017-2020~~ National Electrical Code (NEC)
~~2018-2021~~ International Fuel Gas Code (IFGC)
~~2018-2021~~ International Mechanical Code (IMC)
~~2018-2021~~ International Property Maintenance Code (IPMC)
~~2018-2021~~ International Plumbing Code (IPC)
~~2018-2021~~ International Energy Conservation Code (IECC)
~~2018-2021~~ International Residential Code (IRC)

~~2018-2021~~ International Existing Building Code (IEBC)
~~2018-2021~~ International Swimming Pool and Spa Code (ISPSC)
~~2018-2021~~ International Fire Code (IFC)

Sec. 6-2. Permits.

- (a) Permits shall be issued for all work as required by the adopted codes.
- (b) The city council shall set, by resolution, fees for permits under this chapter at their sole discretion.
- (c) Permits issued for lawful construction shall be null and void if such construction has been abandoned for a period of one hundred eighty (180) or more days.

Sec. 6-3. Office of the building official – Appointment; qualifications; making required inspections and reports.

A qualified building official shall serve as chief combination inspector and chief code official. Any designated combination inspectors, hereby referred to as code officials, must be qualified professionals; must be of good moral character and business integrity; and must maintain applicable International Code Council inspector certifications and licenses as required by best practices or state law. The building official shall be responsible for interpretations and enforcement of the adopted building codes.

Sec. 6-3.1. Same – Conflicting interest prohibited.

The building official and any designated combination inspectors during their tenure of office shall not be engaged in the business of building, plumbing, electrical or any other type of construction contracting or any branch of the construction business either directly or indirectly or have such financial interest in such business within the city. It shall be prohibited for any employee engaged in inspection activities to inspect his/her own work or any work performed by an entity in which they have a financial interest.

Sec. 6-4. Board of appeals – Composition; appointment; qualifications.

The building standards commission is hereby appointed the board of appeals for any appeal of a decision by the building official or variance requested from the adopted building codes.

Sec. 6-4.1. Same – Calling meetings.

The board of appeals shall meet at the call of the building official.

Sec. 6-4.2. Same – Appeals to board of appeals; procedure; fee.

Any permit holder, whose work has been denied or rejected by the inspector, and a controversy has arisen as to whether the work conforms to the ordinances and regulations, or a person who has been ordered by the inspector to incur an expense in the alteration, repair or construction of any building, may, within fifteen (15) days thereafter appeal therefrom by giving to the inspector notice in writing of such an appeal; such notice or a certified copy thereof shall at once be transmitted by the inspector to the board of appeals. After notice to such persons as the board may direct, a hearing shall be had, and the board may by a majority vote affirm, annul or

modify such action of the inspector. If the action of the inspector is affirmed, such action shall have full force and effect. If the action of the inspector is modified or annulled a permit shall be issued accordingly.

Sec. 6-5. Appeals to governing body.

If an applicant is dissatisfied with the decision of the board of appeals, he shall have the right of final appeal to the governing body, whose judgment as to all matters involved shall be final.

Sec. 6-6. Liability.

The provisions of this chapter shall not be construed to relieve from or to lessen the responsibility of any person performing work within the scope of these adopted codes for damage or injury to any person or property, nor shall it be construed to impose on the city any liability by reason of the inspection herein provided for or by reason of any certificate issued hereafter.

Sec. 6-7. Exemption of owners doing own work.

Any person, who has acquired the necessary permits from the building official, may perform work on a property or premises where the person has a homestead exemption, provided that the material and equipment used and the work that is done are in strict accord with the rules and regulations of this article and that the inspector's approval be obtained upon inspection in regular order. The property owner must actually perform the work and no person other than the actual owner shall do any part of the work unless the other person is fully licensed and in full compliance with all the provisions of this article.

Sec. 6-8. Keeping records.

The building official shall keep complete records of all permits issued and inspections made.

Sec. 6-9. Request for final inspection; issuance and revocation of certificate; temporary and preliminary certificates.

Upon the completion of all work which has been authorized by issuance of a permit, it shall be the duty of the permit holder to notify the inspector, who shall inspect the installation promptly after such notice is given; and, if it is found to be fully in compliance with the provisions of this chapter, they shall issue to such person a final certificate of approval authorizing occupancy of the building or structure. When a certificate is issued authorizing the use of temporary work, such certificate shall be issued to expire at a stated time and shall be revocable by the inspector at his discretion. A preliminary certificate may be issued authorizing the use of certain specified portions of an uncompleted project, which preliminary certificate shall be revocable at the discretion of the inspector. No certificate of occupancy shall be issued unless all work has been inspected and is in strict conformity with the provisions of this chapter and the statutes of the state.

Sec. 6-9.1. Same – Inspections prior to concealment.

When any part of a building system is to be hidden from view by the permanent placement of parts of the building, the person installing any concealed building systems shall so notify the inspector and such parts of the installation shall not be concealed until they have been inspected or approved.

Sec. 6-9.2. Same – Notice of defects.

If upon inspection of any building system, the building system is found to not be fully in compliance with this article, the inspector shall at once forward to the permit holder, a notice stating the defects which have been found to exist.

Sec. 6-9.3. Same – Periodic reinspections; correction of defective conditions.

The inspector shall periodically make a thorough reinspection of the installation of all permitted work; and when any permitted work completed has been found to be in a dangerous or unsafe condition, the persons owning, using, or operating the same shall be so notified in writing by the inspector and shall make the necessary repairs or change required for such work to be in a safe condition and have such work completed within fifteen (15) days or any longer period specified by the inspector in said notice. The inspector is hereby empowered to disconnect or order the discontinuance of utility services to such structure, building, or systems so found to be defectively or improperly constructed or installed until such work have been made safe as directed by the inspector.

Sec. 6-9.4. Same – New residential construction; site final coverage requirement for sodding.

Prior to requesting a final inspection on new residential home construction, the entire permeable landscape is required to have landscape grass established. The entire permeable landscape area shall have sod installed and/or hydro mulching completed at all disturbed permeable areas where site grades were established on site, and/or where existing landscape grasses are not established or were damaged during construction.

Sec. 6-9.5. Same - Covenant for maintenance of storm water detention system.

The owner (“Declarant”) of real properties requiring storm water detention systems are required to complete the City of Brenham standard form agreement for maintenance of storm detention systems. The owner (“Declarant”) is required to complete the agreement prior to requesting the final inspection.

Sec. 6-10. Tradesman – License required.

It shall be unlawful for any plumber, electrician, or mechanical installer to perform any work that requires a permit within the city, without first obtaining a license from the State of Texas to engage in electrical, plumbing, or mechanical work and practice. Licensed tradesman must be the permit holders for any work required to be completed by a licensed tradesman.

Sec. 6-11. Conflict of codes with other regulations.

- (a) The provisions of the building codes, and local amendments thereto, shall supersede other ordinances, codes or regulations to the extent that such laws, ordinances, codes or

regulations are inconsistent with the provisions of said codes; provided, that nothing herein contained shall be construed to prevent the adoption and enforcement of a law, ordinance, or regulation which is more restrictive or establishes a higher standard than those provided in the building codes, and such more restrictive requirement or higher standard shall govern during the period in which it is in effect.

- (b) In a case where a provision of the building codes is found to be in conflict with a provision of a zoning, building, electrical, plumbing, fire, safety, health, water supply or sewage disposal law or ordinance, or regulation adopted pursuant thereto, or other ordinance, code or regulation, the provision or requirement which is more restrictive or establishes the higher standard shall prevail.

Sec. 6-12. Conformity with other regulations.

- (a) Installations, alterations and repairs to commercial or residential premises, manufactured homes, materials, assemblies, and equipment utilized in connection therewith, shall be reasonably safe to persons and property, and in conformity with applicable ordinances of the city and orders, rules and regulations issued by the authority thereof.
- (b) Except as otherwise provided in this article, conformity of installations, alterations and repairs of commercial or residential premises, manufactured homes, materials, assemblies, and equipment utilized in connection with such buildings and structures, with the applicable requirements of the building codes adopted in chapter 6, shall be prima facie evidence that such work, materials, assembly or equipment is reasonably safe to persons and property.

Sec. 6-13. Severability of provisions of code.

It is hereby declared that the several provisions of the building codes are separable, in accordance with the following:

- (1) If any court of competent jurisdiction shall judge any provisions thereof to be invalid, such judgment shall not affect any other provisions thereof not specifically included in said judgment.
- (2) If any court of competent jurisdiction shall judge invalid the application of any provision thereof to a particular property, building or other structure, such judgment shall not affect the application of said provision to any other property, building or structure not specifically included in said judgment.

Sec. 6-14. Penalties for violations of codes.

- (a) Any person who shall violate any of the provisions of the building codes adopted under this chapter, shall be deemed guilty of a misdemeanor and upon conviction shall be punished as provided in section 1-5 of the City of Brenham Code of Ordinances.
- (b) Any person who allows or permits the use or occupancy of any building, structure or premises of which he is the owner, which is in violation of any provision of the building codes adopted under this chapter shall likewise be punished.

Secs. 6-15 – 6-25. Reserved.

ARTICLE II. BUILDING CODE

Sec. 6-26. Adoption of building code.

The International Building Code, being particularly the 2018-2021 International Building Code, and all revisions thereto, save and except such portions as may hereinafter be amended, of which ~~code not less than two (2) copies have a copy has~~ been and ~~are is~~ now filed at the offices of the City of Brenham, are hereby adopted and incorporated as fully as if set forth at length herein, and from the date on which this section shall take effect, the provisions therein shall be controlling in the construction, alteration, repair, equipment, use and occupancy, location, maintenance, removal and demolition of all buildings and structures within the area of jurisdiction of the city.

Sec. 6-27. Building code local amendments.

The following local amendments are made to the International Building Code, 2018-2021 Edition, as adopted by the City of Brenham:

Section 101.1 is hereby amended by inserting the following: the City of Brenham

Section 105 is hereby amended by adding Section 105.8 to read as follows: If work done on a building/structure cumulatively within any 12-month period constitutes a "substantial improvement" (as defined in the City's flood damage prevention ordinances, e.g., Section 8 ½ -5 of this Code), the owner shall—to the extent reasonably practicable—make the building comply with current code provisions for new construction regarding: (i) structural components (except foundations) and (ii) life safety features (hand and guard rails, smoke alarms, carbon monoxide alarms, safety glazing, ground fault circuit interrupters, arc-fault combination breakers, emergency egress from sleeping rooms, locking devices on required egress components, etc.). To determine the "market value" of a pre-existing building, the most current tabulation of square foot construction costs published by the International Code Council (usually as part of "Building Valuation Data." see e.g., www.iccsafe.org/cs/techservices) shall be used.

Section 105 is hereby amended by adding Section 105.9 to read as follows: If a building is "substantially damaged" (as defined in the City's flood damage prevention ordinances, e.g., Section 8 ½ -5 of this Code), the owner shall cause it to be: (i) secured to prevent entry by unauthorized persons, within 24 hours after all embers are extinguished (or other damaging occurrence has ended) and (ii) either demolished (in accordance with Chapter 8 ½ of this Code) or rebuilt in conformity with applicable technical codes as though it were a new building. Normal permits (including certificate of occupancy) are required. Work to demolish or rebuild must begin within 60 days following the date the occurrence ends and must be completed within a reasonable time, but not longer than the time allowed by the applicable permit(s). To determine the "market value" of a pre-existing building, the most current tabulation of square foot construction costs published by the International Code Council (usually as part of "Building Valuation Data," see, e.g., www.iccsafe.org/cs/techservices) shall be used.

Section 107 is hereby amended by adding Section 107.6 to read as follows:

Building Plans, Applications and Permits

A complete application for a building permit shall be accompanied by a complete set of construction permit plans for residential construction projects and commercial construction projects.

Residential permit applications shall be submitted with a ~~minimum of two (2) sets~~complete set of the construction plans for all one-and two-family dwellings. ~~Each~~ The plan set shall include the following: site plan, floor plan, framing plan, and mechanical, electrical, and plumbing plans for all one-and two-family dwellings. Utility requirements should be noted on all plans.

Commercial building permit applications and multi-family apartment building permit applications shall be submitted with a ~~minimum of three (3) sets of construction plans and an electronic copy of the~~ complete set of plans. Each set shall include the following: site plan, floor plan, framing plan, and mechanical, electrical, and plumbing plans. Utility requirements should be noted on all plans.

State of Texas architectural and engineering seals are required to accompany an application for a building permit as required by the Texas Board of Architectural Examiners and the Texas Board of Professional Engineers and Land Surveyors. Additionally, all commercial and apartment buildings over five thousand (5,000) square feet, will require a full set of plans, including plumbing, electrical, mechanical, structural, final topography, MEP site plans, and all architectural and engineering seals on plans, to accompany the application for a building permit.

~~The s~~Site plan ~~shall be on a minimum sheet size of 24" X 36" and~~ shall be in conformity with the City of Brenham's adopted Design Guidelines and Standards Specifications and will show:

- (1) Vicinity map and north arrow.
- (2) Scale should be largest standard engineering scale possible on sheet (not smaller than one inch = 50').
- (3) Plan must show dimension of all property lines.
- (4) All existing and proposed structures must be shown with building dimensions and distances from property lines.
- (5) Setbacks as required by zoning.
- (6) On and off-site circulation and access with dimensions, shape, and location.
- (7) Location and width of curbs, drainage ditches, sidewalks and rights-of-way.
- (8) Parking areas with dimensions and adherence to minimum parking requirements.
- (9) For all Commercial and Multiple-Family uses provide landscaping and screening plan.
- (10) Proposed finished floor elevation and top of curb elevation shall be noted.
- (11) Location of existing and proposed underground and overhead utilities.
- (12) All recorded public easements shall be shown and properly dimensioned.
- (13) Location of existing and proposed fire hydrants and vehicle lay of hose.
- (14) Title block including: a. Property acreage, address, and legal description b. Name, address, and phone number of property owner c. Date of submittal or drawing.

The floor plan shall include the proposed utility requirements for the structure. Plan review shall be completed within ten (10) working days after submission of a complete application packet. Larger projects may take longer. After review, individual permits will be issued for building, electrical, mechanical, plumbing, fire system and irrigation

phases. Each individual contractor shall be responsible for inspection of his work. All plumbing, mechanical, fire system and irrigation contractors must show appropriate state license and proof of insurance. All electrical contractors shall have a current state license and all employees must have proper journeyman or apprentice license on job. All extensions, taps, permit fees or deposits shall be paid at the time the permit is issued.

Prior to construction, the contractor or owner shall verify with the city all utility locations and depths. The contractor shall be responsible for placing a string line on a minimum of two (2) property lines, the front and one side. The building inspector may request string lines on additional property lines. These string lines shall be in place at the time of the foundation inspection.

All alterations to civil infrastructure, building layout, electrical, mechanical, plumbing and structural must have amended drawings and city approval prior to construction.

The property owner is responsible for location of property lines and underground utilities. Fences shall not obstruct drainage or redirect drainage on adjacent property. Any fence along or across an easement may be removed by utility personnel. The city is not required to reconstruct any fences inside of utility easements.

All ~~retainer~~-retaining wall construction requires written approval of the city prior to construction. All cut and/or fill on an improved property requires written city approval prior to work.

A certificate of occupancy will be issued at the completion of all new construction by the city building department. Permanent service will be connected upon issuance of the certificate of occupancy. No occupancy of the building will be allowed prior to the issuance of the certificate of occupancy. No exceptions will be made without written consent of the city building official.

Section 109.3 is deleted in its entirety.

Section 110.3.1 is hereby amended in its entirety to read as follows: Footing and foundation inspections shall be made after excavations for footings are complete and any required reinforcing steel is in place. For concrete foundations, any required forms shall be in place prior to inspection. Materials for the foundation shall be on the job, except where concrete is ready mixed in accordance with ASTM C 94, the concrete need not be on the job. Form Surveys performed by a Texas Registered Professional Licensed Surveyor are required to be submitted prior to approval of foundation inspection. Properties larger than 1 acre in size may request an exception to this requirement. The exception may be granted by the Building Official.

Section 110.3.2 is hereby amended in its entirety to read as follows: Concrete slab and under-floor inspections shall be made after in-slab or under-floor reinforcing steel and building service equipment, conduit, piping accessories and other ancillary equipment items are in place, but before any concrete is placed or floor sheathing installed, including the subfloor. Form Surveys performed by a Texas Registered Professional Licensed Surveyor are required to be submitted prior to approval of foundation inspection. Properties larger than 1 acre in size may request an exception to this requirement. The exception may be granted by the Building Official.

Section 114.3 is deleted in its entirety.

Section 114.4 is deleted in its entirety.

Section 116 is deleted in its entirety.

Section ~~4208.4~~1801 is hereby amended by adding Section ~~4208.4~~1801.1.2 to read as follows: Crawlspace (pier and beam construction) shall be completely skirted with approved skirting materials. Approved skirting construction may be of the following materials: metal, masonry, exterior grade wood, or other construction material designed for exterior exposure and contact with the ground. Skirting shall be installed in accordance with the material manufacturer's installation instructions and shall be adequately secured to ensure stability and susceptibility to wind damage. Skirting shall enclose crawlspaces sufficiently in order to hide unsightly areas and to prevent the intrusion of rodents.

Section 1612.3 is hereby amended by inserting the following: City of Brenham

Section 1612.3 is hereby amended by inserting the following: "Flood Insurance Study for Washington County, Texas and Incorporated Areas," dated August 16, 2011," or current presiding Flood Insurance Map (FIRM) and Flood Boundary and Floodway Map (FBFM).

Section 2308.5. is hereby amended in its entirety to read as follows: Walls and partitions shall be constructed in accordance with the applicable provisions of Sections 2308.5.1 through 2308.5.4. In walls containing Plumbing Drain, Waste & Vent lines all framing members shall be 2 inch by six inch (2 x 6) or larger.

Section 2303.1.1 is hereby amended in its entirety to read as follows: Sawn lumber used for load-supporting purposes, including end-jointed or edge-glued lumber, machine stress-rated or machine-evaluated lumber, shall be identified by the grade mark of a lumber grading or inspection agency that has been approved by an accreditation body that complies with DOC PS 20 or equivalent. Grading practices and identification shall comply with rules published by an agency approved in accordance with the procedures of DOC PS 20 or equivalent procedures. Utility grade lumber shall not be used for joists, rafters or vertical framing.

Secs. 6-28. Shipping Container Construction Requirements for Dwelling and Commercial Uses. —6 29. Reserved.

A. Applications for Intermodal Shipping Containers shall comply with City of Brenham Code of Ordinances, Adopted Building Codes and Building Code Amendments, specifically IBC Special Construction and 31115.3 Intermodal shipping container information. Intermodal shipping containers shall bear an existing data plate containing the following information as required by ISO 6346 and verified by an approved agency. A report of the verification process and findings shall be provided as outlined below.

- a. Manufacturer's name or identification number.
- b. Date manufactured.
- c. Safety approval number.
- d. Identification number.
- e. Maximum operating gross mass or weight (kg or lbs.)
- f. Allowable stacking load for 1.8G (kg or lbs.)
- g. Transverse racking test force (newtons).
- h. Valid maintenance examination date.
- i. With prior approval by the building official, the markings and existing data plate are permitted to be removed from the intermodal shipping container before they are repurposed for use as a dwelling or commercial use.

B. Plans shall comply with adopted Energy codes.

- C. Plans shall include confirmation that intermodal shipping containers are toxin free.
- D. Plans shall include engineered and/or architectural drawings.
- E. Project Engineer or Project Architect shall provide structural inspection prior to project Cover-up.
- A.F. Project Architect or Project Engineer shall provide letter of compliance upon completion and prior to request of the final inspection.

Secs. 6-29. Shipping Container Construction Requirements for Utility Storage Uses.

- A. An Accessory Utility Building/Structure that is a single container and at ground level (one story, one container height, and not elevated) must:
 - 1. Comply with City of Brenham Code of Ordinances, Adopted Building Codes and Building Code Amendments.
 - 2. Comply with IBC Chapter 31 Special Construction.
 - 3. Have plans which shall include confirmation that intermodal shipping containers are toxin free.
 - 4. Have a door entrance/exit design which shall assure safe passage to the outside without the capability of being locked inside the building.
 - 5. Building shall be provided with required exterior ventilation.
 - 6. Comply with City of Brenham Zoning Ordinance.
- B. An Accessory Utility Building/Structure that is two or more containers or above ground level (greater than one story or greater than one container height) must:
 - 1. Comply with City of Brenham Code of Ordinances, Adopted Building Codes and Building Code Amendments.
 - 2. Comply with IBC Chapter 31 Special Construction.
 - 3. Provide Engineered and/or Architectural Drawings.
 - 4. Confirm that Containers are toxin free.
 - 5. Have a door entrance/exit design which shall assure safe passage to the outside without the capability of being locked inside the building.
 - 6. Building shall be provided with required exterior ventilation.
 - 7. Have a Project Engineer or Project Architect shall provide structural inspection prior to project Cover-up.
 - 8. Have a Project Architect or Project Engineer shall provide a letter of compliance upon completion and prior to request of the final inspection.

ARTICLE III. ELECTRIC CODE

Sec. 6-30. Adoption of National Electrical Code (NEC) ~~2017~~ 2020 Edition.

The National Electrical Code, being particularly the ~~2017~~ 2020 National Electrical Code, and all revisions thereto, save and except such portions as may hereinafter be amended, of which ~~code not less than two (2) copies a copy have has~~ been and ~~are~~ is now filed at the offices of the City of Brenham, are hereby adopted and incorporated as fully as if set forth at length herein, and from the date on which this section shall take effect, the provisions therein shall be controlling within the area of jurisdiction of the city.

Sec. 6-30.1. Electrical Code local amendments.

The following local amendments are made to the National Electrical Code, ~~2020~~ 2017 Edition, as adopted by the City of Brenham:

Article 110 is hereby amended by adding Section 110.80 to read as follows:

110.80 Distribution system limitation.

For the purpose of this article, the distribution system of any person furnishing electric power shall not extend to any property which such person does not own in fee simple or control by easement.

Article 110 is hereby amended by adding Section 110.81 to read as follows:

110.81 Tampering with fuses, circuit breakers.

It shall be unlawful for any person:

- (A) To bridge, tamper with or change from its original installation (except upon the approval of the building official, and then only after a proper permit for alteration has been issued) any fuse of the plug, cartridge type or link type installed in panel boards, main switches or switchboards;
- (B) To alter or change circuit breakers so that the original calibration will be affected; or
- (C) To tie down or secure any circuit breaker so that it will not function properly.

Article 110 is hereby amended by adding Section 110.82 to read as follows:

110.82 Grounding, GFCIs, etc.

- (A) Supplemental grounding. On any new service or change-out service there must be a supplemental grounding electrode as specified in article 250.52(A) of the NEC, with the grounding electrode conductor sized per table 250.66 of the NEC.
- (B) Certain GFCIs. The ground-fault circuit-interrupter required for a hydro-massage shall not be located under such a bathtub and must be readily accessible as specified in 680.71.

Section 210.52 is hereby amended by adding subsection (E)(4) to read as follows: Switches and equipment installed on the outside of the building in a recess in the outside wall and covered by a door as part of the building structure shall be considered as being on the exterior of the building and exposed to the weather.

Section 230.42 is hereby amended by adding subsection (D) to read as follows:

(D) Service entrance conductors.

In any residence, apartment, apartment house, commercial building or other building of whatsoever character now existing or to be constructed within the city, all service entrance conductors, including underground conductors, shall have a minimum current-carrying capacity of 150 amperes. On buildings with existing service, this requirement shall apply when:

- (1) Load is added or modified;
- (2) An existing service is found to be inadequate for demand; or
- (3) An unsafe condition exists.
- (4) When replacing main service panel, all-service disconnect, service riser, or service underground lateral.

Exception: Existing dwellings with a framed area of less than 1,500 square feet may have conductors with a minimum current-carrying capacity of 125 amperes.

Article 230 is hereby amended by adding Section 230.56-170(D) to read as follows:

230.53-170(D) All-service disconnect.

In every building now existing or to be constructed within the city, there must be an "all-service disconnect" accessible on the outside of the building and located as close as practicable to the meter. It shall consist of one switch or circuit breaker having a continuous current rating of no less than 150 amperes. On buildings with existing service, this requirement shall apply when load is added or modified or whenever an unsafe condition exists or when replacing main service panel, all-service disconnect, service riser or service underground lateral. Exception: Existing dwellings with a framed area of less than 1,500 square feet may have a main "all-service disconnect" with a minimum continuous current rating of 125 amperes.

Article 300 is hereby amended by adding Section 300.51 to read as follows:

300.51 Wires, cables, conductors and circuits.

(A) Wires, cables and conductors. Notwithstanding any other code provision or ordinance to the contrary, it shall be unlawful for any person to install or use any of the following in connection with electrical work for any structure in the city:

- 1) Any wire other than solid or stranded copper;

Exception: The use of other wire, cable, or conductor materials approved by the 2020 NEC will be approved by the City of Brenham after the following:

- a) The NEC articles allowing the proposed material to be used shall be included on the submitted electrical plans; and

a)b) A letter from both the device manufacturer and wire nut manufacturer stating their devices and wire nuts are compatible with the proposed wire, cable, or conductor material;

- ~~2) Any wire smaller than gauge 12 AWG requires electrical load calculations per the NEC.~~

- ~~23)~~ Any wire without a separate ground, either in the same cable or in the same conduit;

- ~~34)~~ Armored cable, type A/C;

- ~~45)~~ MC Cable, unless the exterior armor is color-coded its entire length by the manufacturer to distinguish it from other flexible metallic conduit systems;

Commented [SD1]: No longer needed due to B. Circuits below.

56) Nonmetallic sheathed cables, as listed in article 334 of the NEC, but this prohibition only applies to multifamily dwellings with more than one floor above grade; or

67) Nonmetallic sheathed cables, as listed in article 334 of the NEC, except in buildings used and occupied exclusively for residential purposes (without any nonresidential occupancies or mixed uses, even if only accessory or incidental).

(B) Circuits. Notwithstanding any other code provision or ordinance to the contrary, it shall be unlawful for any person to install or use more than ten openings (outlets or fixtures) on any single electrical circuit for any structure in the city.

Section 422.40 is hereby amended in its entirety to read as follows:

422.40 Polarity in Cord-and Plug-Connected Appliances.

(A) If the appliance is provided with a manually operated, line-connected, single-pole switch for appliance on-off operation, or a 15- or 20-ampere receptacle, on-off operation disconnect must be readily accessible.

(B) Window air conditioners. All window air conditioning units, whether to be operated on 110vac or 220vac current, shall be installed with and bonded to a polarized plug, and Number 10 AWG wire minimum for 220vac shall be used in bonding said air conditioning unit to the said polarized plug.

Sec. 6-31. Right of entry and disconnection of service.

The Building Official or his duly authorized assistant shall have the right to enter any building, in accordance with applicable legal requirements, during reasonable hours in the discharge of his official duties and shall have the authority to cause the disconnection of any wiring or equipment, which such wiring or equipment in his judgment is dangerous to life or property or may interfere with the work of the fire department.

Sec. 6-32. Meter loop specifications.

The National Electrical Code, being particularly the ~~2017~~ 2020 National Electrical Code, save and except such portions as may hereinafter be amended and the meter loop specifications of the municipal light and power system of the City of Brenham, Texas, are hereby adopted and incorporated as fully as if set forth at length herein, and from the date on which this section shall take effect, the provisions therein shall be controlling for all electrical work within the area of jurisdiction of the city. ~~Not less than two (2) copies~~ A copy of said National Electrical Code, and meter loop specifications of the municipal light and power system of the city, shall be filed in the office of the building official of the city.

Sec. 6-33. Modifications of code or meter loop specifications.

Any requirement deemed by the inspector necessary for safeguarding the hazards from fire and to life in connection with any electrical installation not specially covered by this article shall be determined by the inspector, subject to appeal to the board of appeals in the manner prescribed in section 6-5.1.

Sec. 6-34. Approved materials, devices, appliances, apparatus.

It shall be unlawful to manufacture, sell or use any electrical materials, devices, appliances or apparatus which are not approved by the Underwriters' Laboratories, Inc., Chicago, Illinois, anywhere or anytime within the city.

Sec. 6-35. Allowing use of or furnishing electric current without inspection and certificate of approval prohibited.

In order to protect the lives of the citizens and the property of the citizens from the dangers incident to defective wiring of buildings and structures, it shall be unlawful for any person to allow any electrical current used for the purpose of producing light, heat or power in buildings or structures belonging to such person, to be turned on without first having had an inspection made of the wiring by the inspector and having received from the inspector a certificate of occupancy approving the wiring of such building, unless otherwise provided in this article.

It shall be unlawful for any person engaged in the business of selling electricity to furnish any electrical current for use for light, heat or power purposes in any building or structure of any person, unless the building or structure has first been inspected by the inspector and a certificate of occupancy given as hereinafter provided, unless otherwise authorized in this article.

Sec. 6-36. Reinspection and correction in certain knob and tube systems; protection of exterior switches and fuse cabinets.

Whenever the service wires of a so-called knob and tube system are disconnected or electrical services disconnected to and in any commercial building or any building in the first fire district which has been vacated for any period in excess of thirty (30) days, the service shall not again be connected until same has been wired so as to conform to this article, subject to any special conditions as approved by the electrical inspector.

All switches or fuse cabinets mounted on the exterior of any buildings must be of an approved weatherproof type.

Whenever old work is found in the following instances, the building official may refuse or disconnect permanent electric service until compliance with the 2017-2020 National Electrical Code is completed. The instances shall be when:

- (1) Wiring smaller than gauge 12 AWG is found;
- (2) Wire lacking a separate ground is found; or
- (3) Any structure having more than ten (10) openings on a single circuit.

Sec. 6-37. Advertising on light and telephone poles and wires; wires under sheds, etc.

It shall be unlawful for any person to place or allow to be placed any advertising cards or posters or other light material on any electric, telephone or telegraph poles within the city.

Secs. 6-38 - 6-49. Reserved.

ARTICLE IV. GAS

Sec. 6-50. Adoption of code.

The International Fuel and Gas Code, being particularly the ~~2018~~ 2021 International Fuel Gas Code (IFGC), save and except such portions as may hereinafter be amended, of which ~~not less than two (2) copies~~ a copy ~~have~~ has been made and ~~are~~ is now filed in the offices of the City of Brenham, are hereby adopted and incorporated as fully as if set forth at length herein, and from the date on which this section shall take effect, the provisions therein shall be controlling within the area of jurisdiction of the city.

Sec. 6-50.1. Same—Gas code local amendments.

The following local amendments are made to the International Fuel and Gas Code, ~~2018~~ 2021 Edition, as adopted by the City of Brenham:

Section 101.1 is hereby amended by inserting: the City of Brenham

~~Section 106.6 is deleted in its entirety.~~

~~Section 108.3 is deleted in its entirety.~~

~~Section 108.4 is deleted in its entirety.~~

~~Section 108.5 is hereby by amended in its entirety to read as follows: Upon notice from the code official that work is being done contrary to the provisions of this code or in a dangerous or unsafe manner, such work shall immediately cease. Such notice shall be in writing and shall be given to the owner of the property, the owner's agent, or the person doing the work. The notice shall state the conditions under which work is authorized to resume. Where an emergency exists, the code official shall not be required to give a written notice prior to stopping the work.~~

~~Section 108.7 is hereby by amended in its entirety to read as follows: When an emergency exists the code official shall have the authority to require disconnection of utility service to any building, structure or system regulated by the technical codes in order to eliminate an immediate hazard to life or property. The code official shall notify the serving utility, and wherever possible, the owner and occupant of the building, structure or service system of the decision to disconnect prior to taking such action. If not notified prior to disconnection, the owner or occupant of the building, structure or service system shall be notified in writing, as soon as practicable thereafter.~~

~~Section 108.7.1 is hereby by amended in its entirety to read as follows: A person shall not make energy source connections to installations regulated by this code which have been disconnected or ordered to be disconnected by the code official, or the use of which has been ordered to be discontinued by the code official until the code official authorizes the reconnection and use of such installations. When an installation is maintained in violation of this code, the code official shall institute appropriate action to prevent, restrain, correct or abate the violation.~~

Section 108.7.2 is deleted in its entirety.

Section 108.7.3 is deleted in its entirety.

Section 109 is deleted in its entirety.

Section ~~402-401~~ is hereby amended by adding Section ~~402-7401.11~~ to read as follows:
Each new or replaced gas meter shall be located on the same lot/property that it serves.

Section 403 is hereby amended by adding Section 403.~~14-13~~ to read as follows:

Even if otherwise permitted by this code:

1. All above-ground gas piping shall be SCH 40 black iron pipe.
Exception: The use of other gas piping materials approved by the ~~2018-2021~~ International Fuel Gas Code will be approved by the City of Brenham after the manufacturer, or manufacturer's designated representative, physically inspects and approves the installation. Written approval of the gas piping inspection and installation must be provided to the City of Brenham on the manufacturer's letterhead and certified by the gas piping manufacturer or manufacturer's designated representative prior to wall or ceiling cover-up.
2. Thermo plastic pipe may be used for gas lines only if it: (i) meets ASTM D2513 (or equivalent, or better), (ii) is identified by proper markings and (iii) is installed with a locator wire (No. 12 gauge insulated solid copper wire).
3. Thermo plastic pipe shall terminate above ground outside of buildings and be installed in pre-manufactured anodeless risers or service head adapter risers, all in accordance with the manufacturer's installation instructions.
4. Underground piping systems require isolation valves.

Section 404.12 is hereby amended to read as follows: Underground piping systems shall be installed in City of Brenham approved materials and at a minimum depth of 18 inches below grade.

Section 404.12.1 is deleted in its entirety.

Section 404.17.3 is hereby amended to read as follows: A yellow insulated copper tracer wire or other approved conductor shall be installed adjacent to underground nonmetallic piping. Access shall be provided to the tracer wire or the tracer wire shall terminate above ground at each end of the nonmetallic piping. The tracer wire size shall not be less than 12 AWG and the insulation type shall be suitable for direct burial.

Section 406.4 is hereby amended in its entirety to read as follows: Low pressure (not to exceed 0.5 PSI) gas piping shall withstand a pressure of at least 10 inches of mercury on a manometer for a period of time not less than 10 minutes without showing any drop in pressure, except that the following shall apply in the case of new construction: The newly-constructed system must withstand a pressure of at least 25 PSI, spring gauge here is acceptable, for a period of not less than 10 minutes without showing any drop in pressure as an initial pressure test, i.e. rough-in, and the system must also withstand a pressure test of 10 inches of mercury on a manometer gauge as a final test. Higher pressure piping

systems must withstand pressure of at least 10 PSI, but never less than twice the maximum pressure to which the piping will be subjected in operation, for a period of at least 10 minutes without showing a drop in pressure. The manometer under test conditions shall not be pressured more than 50% of the gauge maximum pressure, i.e. a 10 psi test would require a 20 psi manometer gauge.

Sec. 6-51. Cut-off valve.

- (a) All gas service lines on the customer's property will be required to be equipped, ahead of the gas meter assembly, with an approved type, flat ahead-lock pattern, cut-off valve to permit sealing of the valve by authorized city personnel in order to prevent any flow of gas or prevent opening of said valve by persons other than authorized city personnel.
- (b) All gas piping on customer's premises where installed for connection of a range; water heater; space heater; and the like; will be required to be provided with an approved type cut-off valve, installed in the line and directly ahead of the above referred to appliances.

Secs. 6-52. – 6-55. Reserved.

ARTICLE V. INTERNATIONAL PROPERTY MAINTENANCE CODE

Sec. 6-56. Adoption of code.

The International Property Maintenance Code, being particularly the ~~2018–2021~~ International Property Maintenance Code (IPMC), save and except such portions as may hereinafter be amended, of which ~~not less than two (2) copies~~ a copy ~~have has~~ been made and ~~are~~ is now filed in the offices of the City of Brenham, are hereby adopted and incorporated as fully as if set forth at length herein, and from the date on which this section shall take effect, the provisions therein shall be controlling within the area of jurisdiction of the city.

Sec. 6-56.1. Same—Property maintenance code local amendments.

The following local amendments are made to the International Property Maintenance Code, 2018 Edition, as adopted by the City of Brenham:

Section 101.1 is hereby amended by inserting: the City of Brenham

Section ~~103.5~~104 is deleted in its entirety.

Section ~~106–109~~ is deleted in its entirety.

Section 108 is deleted in its entirety.

Section 107 is deleted in its entirety.

Section ~~108–111~~ is deleted in its entirety.

Section ~~110–112~~ is deleted in its entirety.

Section ~~411-107~~ is deleted in its entirety.

Section ~~412-110.4~~ is deleted in its entirety.

Section 302.4 is hereby amended by inserting: twelve (12) inches

Section 302.8 is deleted in its entirety.

Section 304.14 is hereby amended in its entirety to read as follows: Every door, window and other outside opening required for ventilation of habitable rooms, food preparation areas, food service areas or any areas where products to be included or utilized in food for human consumption are processed, manufactured, packaged or stored shall be supplied with approved tightly fitting screens of minimum 16 mesh per inch (16 mesh per 25 mm), and every screen door used for insect control shall have a self-closing device in good working condition. Exception: Screens shall not be required where other approved means, such as air curtains or insect repellent fans, are employed.

Section 602.3 is hereby amended in its entirety to read as follows: Every owner and operator of any building who rents, leases or lets one or more dwelling units or sleeping units on terms, either expressed or implied, to furnish heat to the occupants thereof shall supply heat to maintain a minimum temperature of 68°F (20°C) in all habitable rooms, bathrooms and toilet rooms. Exceptions: 1) When the outdoor temperature is below the winter outdoor design temperature for the locality, maintenance of the minimum room temperature shall not be required provided that the heating system is operating at its full design capacity. The winter outdoor design temperature for the locality shall be as indicated in Appendix D of the International Plumbing Code; and 2) In areas where the average monthly temperature is above 30°F (-1°C) a minimum temperature of 65°F (18°C) shall be maintained.

Section 602.4 is hereby amended in its entirety to read as follows: Indoor workspaces to be occupied shall be supplied with heat to maintain a minimum temperature of 65°F (18°C) during the period the spaces are occupied. Exceptions: 1) Processing, storage and operation areas that require cooling or special temperature conditions; and 2) Areas in which persons are primarily engaged in vigorous physical activities.

Secs.6-57 – 6-60. Reserved.

ARTICLE VI. INTERNATIONAL PLUMBING CODE

Sec. 6-61. Adoption of code.

The International Plumbing Code, being particularly the ~~2018-2021~~ International Plumbing Code (IPC), and all revisions thereto, save and except such portions as may hereinafter be amended, of which ~~not less than two (2) copies~~ a copy ~~have has~~ been and ~~are is~~ now filed in the offices of the City of Brenham, are hereby adopted and incorporated as fully as if set forth at length herein, and from the date on which this section shall take effect, the provisions therein shall be

controlling in the construction, installation, extension, or repair of all plumbing, plumbing fixtures and plumbing systems within the area of jurisdiction of the city.

Sec. 6-61.1. Same—Plumbing code local amendments.

The following local amendments are made to the International Plumbing Code, ~~2018~~ 2021 Edition, as adopted by the City of Brenham:

Section 101.1 is hereby amended by inserting: the City of Brenham

Section ~~106.6.2~~ 109 is deleted in its entirety.

~~Section 106.6.3 is deleted in its entirety.~~

Section ~~108~~ 115.3 is deleted in its entirety.

Section ~~108~~ 115.4 is deleted in its entirety.

Section ~~108.5~~ 116 is hereby amended in its entirety to read as follows: Upon notice from the code official, work on any plumbing system that is being done contrary to the provisions of this code or in a dangerous or unsafe manner shall immediately cease. Such notice shall be in writing and shall be given to the owner of the property, or to the owner's agent, or to the person doing the work. The notice shall state the conditions under which work is authorized to resume. Where an emergency exists, the code official shall not be required to give a written notice prior to stopping the work.

Section 305.4.1 is hereby amended by inserting twelve (12) inches.

Section 603.1 is hereby amended in its entirety to read as follows: The water service pipe shall be sized to supply water to the structure in the quantities and at the pressures required in this code. The water service pipe shall be not less than 1 inch (19.1 mm) in diameter.

Section 604.1 is hereby amended in its entirety to read as follows: The design of the water distribution system shall conform to accepted engineering practice. Methods utilized to determine pipe sizes shall be approved. Any manifold system shall not be located on a wall shared with a garage unless it does not penetrate the garage wall.

Section 605 is hereby amended by adding Section 605.~~26-25~~ to read as follows:

1. All water lines under a slab on grade must be copper Type L, K or PEX, no joints. Each water line under, in or through a slab on grade must be sleeved with a continuous piece of tubing at least 0.025 inches thick terminating at least six inches above the finished floor.
2. Note: The City is not responsible for irrigation system components located in street areas or easements (and special permits may be required to install such components in those locations).

Section 903.1.1 is hereby amended by inserting six (6) inches.

~~Section 918 is hereby amended by adding 918.9 to read as follows: Air admittance valves are only approved for use in an unenclosed structure, i.e. outdoor kitchen.~~

Section 1101.1 is hereby amended in its entirety to read as follows: The provisions of this chapter are applicable to interior leaders, building storm drains, building storm sewers, exterior conductors, downspouts, roof gutters and other storm drainage fixtures and facilities.

Sec. 6-62. Cross-connection control program.

- (a) *General.* No water service connection shall be made to any establishment where a potential or actual contamination hazard exists unless the water supply is protected in accordance with the Texas Commission on Environmental Quality (TCEQ) Rules and Regulations for Public Water Systems (290 Rules) and this section. The water purveyor shall discontinue water service if a required backflow prevention assembly is not installed, maintained and tested in accordance with the 290 Rules and this section.
- (b) *Backflow prevention assembly installation, testing and maintenance.*
 - (1) All backflow prevention assemblies shall be tested upon installation by a licensed backflow prevention assembly tester and certified to be operating within specifications. Backflow prevention assemblies which are installed to provide protection against health hazards must also be tested and certified to be operating within specifications at least annually by a recognized backflow prevention assembly tester.
 - (2) All backflow prevention assemblies shall be installed and tested in accordance with the manufacturer's instructions, the American Water Works Association's Recommended Practice for Backflow Prevention and Cross-Connection Control (Manual M14) or the University of Southern California Manual of Cross-Connection Control.
 - (3) Assemblies shall be repaired, overhauled, or replaced at the expense of the customer whenever said assemblies are found to be defective. Original forms of such test, repairs, and overhaul shall be kept and submitted to the city within five (5) working days of the test, repair or overhaul of each backflow prevention assembly.
 - (4) No backflow prevention assembly or device shall be removed from use, relocated, or other assembly or device substituted without the approval of the city. Whenever the existing assembly or device is moved from the present location or cannot be repaired, the backflow assembly or device shall be replaced with a backflow prevention assembly or device that complies with this section, the American Water Works Association's Recommended Practice for Backflow Prevention and Cross-Connection Control (Manual M14), current addition, University of Southern California Manual of Cross-Connection Control, current addition, or the current plumbing code of the city, whichever is more stringent.
 - (5) Test gauges used for backflow prevention assembly testing shall be tested for accuracy at least annually in accordance with the American Water Works Association's Recommended Practice for Backflow Prevention and Cross-Connection Control (Manual M14), current addition, or the University of Southern California's Manual of Cross-Connection Control, current addition. The original

calibration form must be submitted to the city within five (5) working days after calibration.

- (6) A recognized backflow prevention assembly tester must hold a current endorsement from the Texas Commission on Environmental Quality (TCEQ).

(c) *Customer service inspections.*

- (1) A customer service inspection shall be completed prior to providing continuous water service to all new construction, on any existing service when the water purveyor has reason to believe that cross-connections or other contaminant hazards exist, or after any material improvement, correction, or addition to the private water distribution facilities.
- (2) Only individuals with the following credentials shall be recognized as capable of conducting a customer service inspection:
 - a. Plumbing inspectors and water supply protection specialists that have been licensed by the Texas State Board of Plumbing Examiners.
 - b. Customer service inspectors that have been licensed by the Texas Commission on Environmental Quality (TCEQ).
- (3) The customer service inspection must certify that:
 - a. No direct connection between the public drinking water supply and a potential source of contamination is permitted. Potential sources of contamination shall be isolated from the public water system by a properly installed air gap or an appropriate backflow prevention assembly.
 - b. No cross-connection between the public water supply and a private water source exists. Where an actual properly installed air gap is not maintained between the public water supply and a private water supply, an approved reduced pressure-zone backflow prevention assembly is properly installed and a service agreement exists for annual inspection and testing by a recognized backflow prevention assembly tester.
 - c. No connection exists which allows water to be returned to the public drinking water supply is permitted.
 - d. No pipe or pipe fitting which contains more than 0.25% lead may be used for the installation or repair of plumbing at any connection that provides water for human use.
 - e. No solder or flux which contains more than 0.2% lead can be used for the installation or repair of plumbing at any connection that provides water for human use. A minimum of one (1) lead test shall be performed for each inspection.

Secs. 6-63 – 6-65. Reserved.

ARTICLE VII. ENERGY CODE

Sec. 6-66. Adoption of code.

The International Energy Conservation Code, being particularly the ~~2018~~ 2021 International Energy Conservation Code (IECC), and all revisions thereto, save and except such

portions as may hereinafter be amended, of which ~~not less than two (2) copies~~ a copy have ~~has~~ been and ~~are~~ is now filed in the offices of the City of Brenham, are hereby adopted and incorporated as fully as if set forth at length herein, and from the date on which this section shall take effect, the provisions therein shall be controlling within the area of jurisdiction of the city.

Sec. 6-66.1. Same—Energy code local amendments.

The following local amendments are made to the International Energy Conservation Code, referenced ~~2018~~ 2021 Edition, as adopted by the City of Brenham:

Sections C101.1 and R101.1 are hereby amended by inserting: the City of Brenham

Section C105.4 is hereby amended in its entirety to read: The code official is authorized to accept reports of approved inspection agencies, provided such agencies satisfy the requirements as to qualifications and reliability. In lieu of inspection by City employees, the building official may require a written certification that a building meets or exceeds minimum requirements, if the certification is: (i) signed by a code-certified inspector (as defined in V.T.C.A., Health and Safety Code § 388.02) not employed by the city, and (ii) accompanied by an approved inspection checklist, properly completed, signed and dated by the inspector. If the fees of the code-certified inspector are paid by the City, the amount shall be added to the building permit fees otherwise payable. With approval from the building official, a permittee may pay such fees directly to an independent inspection firm. Only code-certified inspectors or inspectors as approved by the currently adopted edition of the IECC may perform inspections and enforce this code in the City. A copy of all approved inspections, rough-in and final shall be provided to the city prior to final inspections being requested.

Sections C108.4 and R108.4 are deleted in their entirety.

Section R404.2 is deleted in its entirety.

Secs. 6-67 – 6-70. Reserved.

ARTICLE VIII. MECHANICAL CODE

Sec. 6-71. Adoption of code.

The International Mechanical Code, being particularly the ~~2018~~ 2021 International Mechanical Code (IMC), and all revisions thereto, save and except such portions as may hereinafter be amended, of which ~~not less than two (2) copies~~ a copy have ~~has~~ been and ~~are~~ is now filed in the offices of the City of Brenham, are hereby adopted and incorporated as fully as if set forth at length herein, and from the date on which this section shall take effect, the provisions therein shall be controlling within the area of jurisdiction of the city.

Sec. 6-71.1. Same—Mechanical code local amendments.

The following local amendments are made to the International Mechanical Code, ~~2018~~ 2021 Edition, as adopted by the City of Brenham:

Section 101.1 is hereby amended by inserting: the City of Brenham

Section ~~106.5~~109 is deleted in its entirety.

Section ~~108~~115.3 is deleted in its entirety.

Section ~~108~~115.4 is deleted in its entirety.

Section ~~108.5~~116 is hereby amended in its entirety to read as follows: Upon notice from the code official that mechanical work is being done contrary to the provisions of this code or in a dangerous or unsafe manner, such work shall immediately cease. Such notice shall be in writing and shall be given to the owner of the property, or to the owner's agent, or to the person doing the work. The notice shall state the conditions under which work is authorized to resume. Where an emergency exists, the code official shall not be required to give a written notice prior to stopping the work.

Section 306.3 is hereby amended in its entirety to read as follows: Attics containing appliances shall be provided with an opening and unobstructed passageway large enough to allow removal of the largest appliance. The passageway shall not be less than 30 inches (762 mm) high and 22 inches (559 mm) wide and not more than 20 feet (6096 mm) in length measured along the centerline of the passageway from the opening to the appliance. The passageway shall have continuous solid flooring not less than 24 inches (610 mm) wide. A level service space not less than 30 inches (762 mm) deep and 30 inches (762 mm) wide shall be present at the front or service side of the appliance. The clear access opening dimensions shall be a minimum of 20 inches by 30 inches (508 mm by 762 mm), and large enough to allow removal of the largest appliance. As a minimum, for access to the attic space, provide one of the following:

- 1) A permanent stair;
- 2) A pull-down stair with a minimum 300 lb. (136kg) capacity;
- 3) An access door from an upper floor level; or
- 4) Access panel may be used in lieu of items 1, 2, and 3 with prior written approval of the code official.

Secs. 6-72 – 6-75. Reserved.

ARTICLE IX. RESIDENTIAL CODE

Sec. 6-76. Adoption of code.

The International Residential Code, being particularly the ~~2018-2021~~ International Residential Code (IRC) (inclusive of Appendix ~~AQ~~ “Tiny Houses”), and all revisions thereto, save and except such portions as may hereinafter be amended, of which ~~not less than two (2) copies a copy have has~~ been and ~~are is~~ now filed in the offices of the City of Brenham, are hereby adopted and incorporated as fully as if set forth at length herein, and from the date on which this section shall take effect, the provisions therein shall be controlling within the area of jurisdiction of the city.

Sec. 6-76.1. Same—Residential code local amendments.

The following local amendments are made to the International Residential Code, [2018 2021](#) Edition, as adopted by the City of Brenham:

All amendments and deletions to the other "International Codes" adopted by this Schedule are also carried forward and adopted as amendments to or deletions from the International Residential Code, [2018 2021](#) Edition.

This code does not apply to installation and maintenance of electrical wiring and related components. See National Electrical Code.

Section R101.1 is hereby amended by inserting: the City of Brenham.

Section R113.3 is deleted in its entirety.

Section R113.4 is deleted in its entirety.

Table R301.2 (1) is hereby amended in its entirety to read as follows:

Table R301.2(1). Climatic and Geographical Design Criteria Page 3-3			
Ground snow load:	5 [per figure R301.2(5)]	Air freezing index:	50 BF days
Wind speed (mph):	120 (3-second gust) [per figure R301.2(4)A]	Mean annual temperature:	68° F
Seismic design category:	A [per figure R301.2(2)]	Subject to damage from weathering:[per figure R301.2(3)]	Negligible
Winter design temperature:	32° F [appendix D of the IPC, Houston] [per figure R302.2(1)] Local Data if more accurate	Frost line: [per figure R301.2(8)]	5"
Ice shield underlayment:	Not required	Termite: [per figure R301.2(6)]	Very heavy
Flood hazards:	Map effective date: August 16, 2011 Community Number 480648 Panel numbers: 0295C 0300C 0315C 0450C	Decay:	Mod. to severe

Section R408.1 is hereby amended by adding section R408.1.1 to read as follows:

Crawlspaces (pier and beam construction) shall be completely skirted with approved skirting materials. Approved skirting construction may be of the following materials: metal, masonry, exterior grade wood, or other construction material designed for exterior exposure and contact with the ground. Skirting shall be installed in accordance with the material manufacturer's installation instructions and shall be adequately secured to ensure stability and susceptibility to wind damage. Skirting shall enclose crawlspaces sufficiently in order to hide unsightly areas and to prevent the intrusion of rodents.

[Section N1104.2 is hereby deleted in its entirety.](#)

Section M1305.1.2 is hereby amended in its entirety to read as follows: Attics containing appliances shall be provided with an opening and unobstructed passageway large enough

Commented [DD2]: Interior lighting controlled by dimmers or occupant sensors

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

- 1) A permanent stair;
- 2) A pull-down stair with a minimum 300 lb. (136kg) capacity;
- 3) An access door from an upper floor level; or
- 4) Access panel may be used in lieu of items 1, 2, and 3 with prior written approval of the code official.

Section G2415.12 is hereby amended to read as follows: Underground piping systems shall be installed in City of Brenham approved materials and at a minimum depth of 18 inches below grade

Section G2415.12.1 is deleted in its entirety.

Section G2415.17.3 is hereby amended to read as follows: A yellow insulated copper tracer wire or other approved conductor shall be installed adjacent to underground nonmetallic piping. Access shall be provided to the tracer wire or the tracer wire shall terminate above ground at each end of the nonmetallic piping. The tracer wire size shall not be less than 12 AWG and the insulation type shall be suitable for direct burial.

Section P2603.5.1 is hereby amended in its entirety to read as follows: Building sewers that connect to private sewage disposal systems shall be a not less than twelve (12) inches below finished grade at the point of septic tank connection. Building sewers shall be not less than twelve (12) inches below grade.

Section P2606 is hereby amended by adding section P2606.24 to read as follows: Vertical plumbing drain and vent piping penetrating a concrete foundation must be wrapped with foam or other approved material to seal the space around the pipe and to prevent contact with cement. Black tar/mastic is not an allowed material.

Secs. 6-77 – 6-80. Reserved.

ARTICLE X. EXISTING BUILDING CODE

Sec. 6-81. Adoption of code.

The International Existing Building Code, being particularly the 2018-2021 International Existing Building Code (IEBC), and all revisions thereto, save and except such portions as may hereinafter be amended, of which ~~not less than two (2) copies~~ a copy ~~have~~ has been and ~~are~~ is now filed in the offices of the City of Brenham, are hereby adopted and incorporated as fully as if set

forth at length herein, and from the date on which this section shall take effect, the provisions therein shall be controlling within the area of jurisdiction of the city.

Sec. 6-81.1. Same—Existing building code local amendments.

The following local amendments are made to the International Existing Building Code, ~~2018~~ 2021 Edition, as adopted by the City of Brenham:

Section 101.1 is hereby amended by inserting: the City of Brenham

Section 108.3 is deleted in its entirety.

Section 115 is deleted in its entirety.

Section 117 is deleted in its entirety.

Section 113.3 is deleted in its entirety.

Section 113.4 is deleted in its entirety.

Secs. 6-82 – 6-85. Reserved.

ARTICLE XI. SWIMMING POOLS

Sec. 6-86. Definition.

A swimming pool within the meaning of this section shall be any depression in the ground, either temporary or permanent, or a container of water, either temporary or permanent, and either above or below the ground which contains water of more than twenty-four (24) inches in depth and which is used primarily for the purpose of bathing or swimming.

Sec. 6-87. Installation of new pools and compliance of existing pools.

- (a) It shall be unlawful for any person to construct, install or enlarge a swimming pool in the city limits not enclosed in a permanent building with self-closing, self-latching doors, except in accordance with the following regulations.
- (b) It shall be unlawful for any person who owns an indoor swimming pool within the city limits on the effective date hereof to maintain such swimming pool without self-closing, self-latching doors leading directly to the pool area after September 1, 1991.
- (c) It shall be unlawful for any person who owns an outdoor swimming pool within the city limits on the effective date hereof to maintain such swimming pool without fences as provided in section 6-146 after September 1, 1991.

Sec. 6-88. Permit.

It shall be unlawful for any person to construct, install, enlarge or alter any private swimming pool unless a building permit has first been obtained from the building inspector. The

permit fee shall be paid per fee schedule. Application shall be on forms provided by the building inspector and shall be accompanied by plans drawn to scale showing the following:

- (1) Pool dimensions and volume of water in gallons;
- (2) Location and type of waste disposal system;
- (3) Location of pool on lot, distance from lot lines and distance from structure;
- (4) Fencing and landscape plan, or a combination thereof;
- (5) Specifications on gate latching;
- (6) Location of pool equipment;
- (7) BTU load of pool heating equipment (if applicable); and
- (8) Location of pool plumbing, gas, and electrical service lines.

Sec. 6-89. Construction requirements.

- (a) All pools located, erected, enlarged, or constructed within the City of Brenham shall conform to the following requirements:
 - (1) A minimum five (5) foot rear and side yard is required;
 - (2) A minimum twenty-five (25) foot front yard and a fifteen (15) foot side yard on corner lots is required, or pools must be located behind the established building lines of the principle structure located on the lot, whichever distance is greater;
 - (3) Pools must be a minimum of five (5) feet from any structure to allow access for emergency rescue operations; and
 - (4) All measurements are taken from the outermost edge of the pool coping.
- (b) Any connection to the city's sewer system shall include a suitable gap or backflow prevention device to prevent contamination of the pool by the sewer.
- (c) Gaseous chlorination systems shall not be used as a disinfection method for pool waters.
- (d) Any connection to the city's potable water system shall be protected by a suitable air gap or approved backflow prevention device.

Sec. 6-90. Fence.

- (a) Pools within the scope of this section or not enclosed within a permanent building shall be completely enclosed by a fence of sufficient strength to prevent access to the pool and shall not be less than four (4) feet in height, so constructed as not to have voids, holes or openings larger than four (4) inches in one (1) dimension. Gates or doors shall be equipped with a self-closing and self-latching childproof device for keeping the gate or door securely closed at all times when not in actual use. Such latch shall be installed at a minimum height of four (4) feet or the top of the fence. Gates or doors may be disabled from use to the satisfaction of the city manager or his designee in lieu of a self-closing and self-latching device. The location of fencing required shall be subject to all other applicable ordinances. No fence shall be located, erected, constructed or maintained closer than three (3) feet to a pool. The wall of the house or building faced to a pool may be incorporated as a portion of such fence.
- (b) Aboveground pools with self-provided fencing to prevent unguarded entry will be allowed without separate additional fencing, providing the self-provided fence is of four (4) foot required height and design as heretofore specified.
- (c) Permanent access from grade to aboveground pools having stationary ladders, stairs or ramps shall have not less than equal safeguard fencing and gates.

Sec. 6-91. Pool covers.

Pools which have a maximum depth of four (4) feet or less may be covered in lieu of a fence to comply with these requirements.

Sec. 6-92. Other regulations.

No pool shall be so operated or maintained as to create a nuisance, a hazard, an eyesore or otherwise to result in a substantial adverse effect on neighboring properties, or to be in any other way detrimental to public health, safety and welfare.

Sec. 6-93. Maintenance.

A swimming pool or swimming pools shall be disinfected and maintained in a sanitary manner. The health inspector may inspect or cause to be inspected each private swimming pool maintained in the city.

Sec. 6-94. Pool safety equipment.

Each pool shall maintain at least one (1) floating throw-ring and rope and/or one (1) rescue pole per pool. Such equipment shall be maintained in good working order.

Sec. 6-95. Penalty.

Any person who shall violate any provision of this article, shall be deemed guilty of a misdemeanor and upon conviction shall be punished as provided in section 1-5 of the City of Brenham Code of Ordinances.

Secs. 6-96 – 6-99. Reserved.

ARTICLE XII. SUBSTANDARD BUILDINGS OR STRUCTURES

DIVISION 1. GENERAL PROVISIONS

Sec. 6-100. Purpose of article.

- (a) The purpose of this article is to protect the health, safety and welfare of the citizens of the City of Brenham by establishing standards for the identification, abatement and/or removal of substandard buildings or structures.
- (b) This article is hereby declared to be remedial and shall be constructed to secure the beneficial interests and purposes thereof—which are public safety, health and general welfare—through structural strength, stability, sanitation, adequate light and ventilation, and safety to life and property from fire and other hazards incident to the construction, alteration, repair, removal, demolition, use and occupancy of buildings, structures or premises.

Sec. 6-101. Scope of article.

The provisions of this article shall apply to all unsafe buildings or structures, as herein defined, and shall apply equally to new and existing conditions.

Sec. 6-102. Building and standards commission.

- (a) There is hereby created a building and standards commission to hear and determine cases concerning alleged violations of this article. The commission shall consist of a panel composed of five (5) members, with terms of office of two (2) years. The panel shall include a plumber and electrician licensed by the State of Texas as well as a general contractor by trade. All members shall reside in the City of Brenham, unless a licensed tradesman required above cannot be recruited to serve, then such person may reside within Washington County. Each member shall hold office for a period of two (2) years, or until a successor is appointed, unless a vacancy is created in the member's office by resignation, removal, or death. As near as practical, they shall be qualified in one (1) or more of the fields of fire prevention, building construction, sanitation, health or public safety.
- (b) In addition to said five (5) members, the Fire Marshal, Building Official and Health Inspector of the City of Brenham shall be ex officio, nonvoting members of said building and standards commission. Any city employee in the respective department or division of the city, who shall be designated by the city manager, shall be authorized to act as substitute for the respective superior of their respective department or division as ex officio member of said commission. It shall be the duty of the ex officio members of such commission to assist the building official in inspecting all buildings or structures reported to be or believed to be substandard buildings and to present a report of such inspection to the building and standards commission.
- (c) Three (3) members of the building and standards commission shall constitute a quorum. In varying the application of any provision of this article or in modifying an order of the building official, affirmative votes of not less than three (3) members shall be required. A commission member shall not act in a case in which he has a conflict of interest as defined by applicable law.
- (d) A vacancy on the building and standards commission shall be filled for the unexpired term.
- (e) The city council may appoint two (2) alternate members of the commission who shall serve in the absence of one or more regular members when requested to do so by the mayor or city manager. Alternate members serve for the same period and are subject to removal in the same manner as regular members. A vacancy is filled in the same manner as a vacancy among the regular members.
- (f) The building and standards commission may establish rules and regulations for its own procedures not inconsistent with the provisions of this article. Each year, the building and standards commission shall appoint a chairperson from among its members to preside over meetings of the commission. The commission shall also appoint a vice chairperson to perform the functions and duties in the event the chairperson is unable or refuses to perform the functions and duties of the office. The commission shall meet as needed and upon request by a board member.

Sec. 6-103. Alterations, repairs or rehabilitation work.

- (a) Alterations, repairs or rehabilitation work may be made to any existing building without requiring the building to comply with all the requirements of the building code of the City of Brenham, Texas; provided, that the alteration, repair or rehabilitation work

conforms to the requirements of the building code for new construction. The building official shall determine, subject to appeal to the building and standards commission, the extent, if any, to which the existing building shall be made to conform to the requirements of the building code of the city for new construction.

- (b) Alterations, repairs or rehabilitation work shall not cause an existing building to become a substandard building as defined in section 6-121 of this article.
- (c) If the occupancy classification of an existing building is changed, the building shall be made to conform to the requirements of the building code of the city for the new occupancy classification as established by the building official.
- (d) Repairs and alterations, not covered by the preceding paragraphs of this section, restoring a building to its condition previous to damage or deterioration, or altering it in conformity with the provisions of this article or in such manner as will not extend or increase an existing nonconformity or hazard, may be made with the same kind of materials as those of which the building is constructed; but not more than twenty-five (25) percent of the roof covering a building shall be replaced in any period of twelve (12) months unless the entire roof covering is made to conform with the requirements of the building code of the city for new buildings.

Sec. 6-104. Special historic buildings or districts.

The provisions of this article relating to the construction, alteration, repair, enlargement, restoration, relocation, or moving buildings or structures shall not be mandatory for existing buildings or structures identified and classified by the state or local jurisdiction as historic buildings or structures when such provisions conflict with a provision of the City's Historic Preservation Ordinance and the subject buildings or structures are judged by the building official to be safe. Any proposed construction, alteration, repair, enlargement, restoration, relocation or moving of such buildings or structures shall comply with the provisions of the City's Historic Preservation Ordinance.

Sec. 6-105. Maintenance.

All buildings or structures, both existing and new, and all parts thereof, shall be maintained in a safe and sanitary condition. All devices or safeguards which are required by the building code of the city in a building when erected, altered or repaired shall be maintained in good working order. The owner shall be responsible for the maintenance of buildings and structures.

Sec. 6-106. Enforcement officer.

The provisions of this article shall be enforced by the building official of the City of Brenham, Texas.

Sec. 6-107. Reserved.

Sec. 6-108. Records of enforcement officer.

The building official shall keep, or cause to be kept, a record of the business of the city related to the enforcement of this article. Such records shall be open to public inspection.

Sec. 6-109. Powers and duties of the enforcement officer.

- (a) The building official or his authorized representative may enter any building, structure or premises at all reasonable times to make an inspection or enforce any of the provisions of this article. When entering a building, structure or premises that is occupied, the building official shall first identify himself, present proper credentials and request entry. If the building, structure or premises is unoccupied, he shall first make a reasonable effort to locate the owner or other persons having charge of the building and demand entry. If entry is refused, the building official or his authorized representative shall have recourse to every remedy provided by law to secure entry.
- (b) The building official, the fire marshal and other authorized representatives are hereby authorized to make such inspections and to take such actions as may be required to enforce the provisions of this article.
- (c) Any requirement necessary for the strength or stability of an existing or proposed building or structure or for the safety or health of the occupants thereof, not specifically covered by this article shall be determined by the building official.
- (d) The building official shall be an ex officio member of the building and standards commission, act as secretary and shall make a detailed record of all its proceedings, which shall set forth the reasons for its decisions, the vote of each member participating therein, the absence of a member and any failure of a member to vote.

Sec. 6-110. Liability.

Any officer or employee of the City of Brenham, Texas, or member of the building and standards commission, charged with the enforcement of this article, acting for the applicable governing body in the discharge of his duties, shall not thereby render himself liable personally, and he is hereby relieved from all personal liability for any damage that may accrue to persons or property as a result of any act required or permitted in the discharge of his duties.

Sec. 6-111. Validity.

If any section, subsection, sentence, clause or phrase of this article is for any reason held to be unconstitutional or invalid, such decision shall not affect the validity of the remaining portions of this article.

Secs. 6-112 – 6-119. Reserved.

DIVISION 2. DEFINITIONS AND STANDARDS

Sec. 6-120. General definitions.

For the purposes of this article, the following words shall have the following meanings unless the context clearly indicates otherwise:

Building or structure means any structure for the support, shelter or enclosure of persons, animals, chattels or property of any kind which has enclosing walls for fifty (50) percent of its perimeter. The term "building" shall be construed as if followed by the words "or part thereof." For the purpose of this article, each portion of a building separated from other portions by a fire wall shall be considered as a separate building or means that which is built or constructed, a

building of any kind, or any pieces of work artificially built up or composed of parts joined together in some definite manner. Structure and building may be used interchangeably or as separate definitions.

Occupant means any person as owner, tenant, licensee, trespasser or other person in the exclusive or partial possession or living upon the premises.

Owner means a person claiming, or in whom is vested, the ownership, dominion or title of real property, including, but not limited to: the holder of fee simple title; the holder of a life estate; the holder of a recorded leasehold estate for an initial term of five (5) years or more; the buyer in a recorded contract for deed; and/or a mortgagee, receiver, executor or trustee in control of real property; but not including, the holder of a leasehold estate or tenancy for an initial term of less than five (5) years.

Premises means a lot, plot or parcel of land, including but not limited to, any buildings and structures thereon.

Sec. 6-121. Substandard buildings designated.

Any building, structure, or portion thereof, including but not limited to, any dwelling unit, guest room or suite of rooms, or the premises on which the same is located in which there exists any of the following listed in conditions to an extent that endangers the life, limb, health, property, safety or welfare of the public or the occupants thereof, as determined by the building official, shall be deemed and is hereby declared to be a substandard building:

- (1) *Inadequate sanitation.* Inadequate sanitation shall include, but not be limited to, the following:
 - a. Lack of or improper water closet, lavatory, bathtub or shower in a dwelling unit.
 - b. Lack of or improper water closets, lavatories, and bathtubs or showers per number of guests in a hotel.
 - c. Lack of or improper kitchen sink.
 - d. Lack of hot and cold running water to plumbing fixtures in a hotel.
 - e. Lack of hot and cold running water to plumbing fixtures in a dwelling unit.
 - f. Lack of adequate heating facilities.
 - g. Lack, or improper operation, of required ventilating equipment.
 - h. Lack of minimum amounts of natural light and ventilation required by this article.
 - i. Lack of required electrical lighting.
 - j. Dampness of habitable rooms.
 - k. Infestation of insects, vermin or rodents as determined by the building official.
 - l. General dilapidation or improper maintenance.
 - m. Lack of connection to required sewage disposal system.
 - n. Lack of adequate garbage and rubbish storage and removal facilities as determined by the building official.
 - o. Lack of sanitary, interior wall covering.
- (2) *Structural hazards.* Structural hazards shall include, but not be limited to, the following:
 - a. Deteriorated or inadequate foundations.
 - b. Defective or deteriorated flooring or floor supports.
 - c. Flooring or floor supports of insufficient size to carry imposed loads with safety.

- d. Members of walls, partitions or other vertical supports that split, lean, list or buckle due to defective material or deterioration.
 - e. Members of walls, partitions or other vertical supports that are of insufficient size to carry imposed loads with safety.
 - f. Members of ceilings, roofs, ceiling and roof supports or other horizontal members which sag, split, or buckle due to defective material or deterioration.
 - g. Members of ceilings, roofs, ceiling and roof supports or other horizontal members that are of insufficient size to carry imposed loads with safety.
 - h. Fireplaces or chimneys which list, bulge, or settle due to defective material or deterioration.
 - i. Fireplaces or chimneys which are of insufficient size or strength to carry imposed loads with safety.
 - j. Any condition wherein a building, structure or portion thereof has been damaged by fire, flood, earthquake, wind or other cause to the extent that the structural integrity of the buildings or structures is less than it was prior to the damage and is less than the minimum requirement established by the building code of the city.
 - k. Any condition wherein any exterior appendages or portion of a building or structure are not securely fastened, attached or anchored such that it is capable of resisting wind, seismic or similar loads.
 - l. Any condition wherein any building, structure or portion thereof as a result of decay, deterioration, or dilapidation is likely to fully or partially collapse.
- (3) *Hazardous wiring.* All wiring except that which conforms with all applicable laws in effect at the time of installation and which has been maintained in good condition and is being used in a safe manner.
- (4) *Hazardous plumbing.* All plumbing except that which conforms with all applicable laws in effect at the time of installation and which has been maintained in good condition and which is free of cross-connections and siphonage between fixtures.
- (5) *Hazardous mechanical equipment.* All mechanical equipment, including but not limited to vents, except that which conforms to all applicable laws in effect at the time of installation and which has been maintained in good and safe condition.
- (6) *Faulty weather protection.* Weather protection which shall include, but not be limited to, the following:
- a. Deteriorated, crumbling or loose plaster.
 - b. Deteriorated or ineffective waterproofing of exterior walls, roof, foundations or floors, including broken windows or doors.
 - c. Defective or lack of weather protection for exterior wall coverings, including lack of paint, or weathering due to lack of paint or other approved protective covering.
 - d. Broken, rotted, split or buckled exterior wall coverings or roof coverings.
 - e. Lack of adequate insulation in ceilings.
 - f. Lack of adequate insulation in exterior walls. Provided, however, double wall construction which was in compliance with this article at the time of original construction shall be deemed adequate for purposes of this article; otherwise, insulating material will be required.
- (7) *Fire hazard.* Any building or portion thereof, device, apparatus, equipment, combustible waste or vegetation which, in the opinion of the chief of the fire department or his deputy, is in such a condition as to cause a fire or explosion or provide a ready fuel to augment the spread and intensity of fire or explosion arising from any cause.

- (8) *Faulty materials of construction.* All materials of construction except those which are specifically allowed or approved by this article and the building code, and which have been adequately maintained in good and safe condition.
- (9) *Hazardous or insanitary premises.* Those premises on which any accumulation of weeds, vegetation, junk, dead organic matter, debris, garbage, offal, rodent harborages, stagnant water, combustible materials and similar materials or conditions constitute fire, health or safety hazards.
- (10) *Inadequate maintenance.* Any building or portion thereof which is determined to be an unsafe building in accordance with any city ordinance.
- (11) *Inadequate exits.* All buildings or portion thereof not provided with adequate exit facilities as required by City ordinance except those buildings or portion thereof whose exit facilities conform with all applicable laws at the time of their construction and which have been adequately maintained and increased in relation to any increase in occupant load, alteration or addition, or any change in occupancy. When an unsafe condition exists through lack of, or improper location of, exits, additional exits may be required to be installed.
- (12) *Inadequate fire protection or firefighting equipment.* All buildings or portions thereof which are not provided with a fire-resistive construction or fire extinguishing systems or equipment required by this article or the building code, except those buildings or portions thereof which conform with all applicable laws at the time of their construction and whose fire-resistive integrity and fire extinguishing systems or equipment have been maintained and approved in relation to any increase in occupant load, alteration or addition or any change in occupancy.
- (13) *Improper occupancy.* All buildings or portions thereof occupied for living, sleeping, cooking or dining purposes which were not designed or intended to be used for such occupancy.

Sec. 6-122. Tense, gender and number.

Words used in the present tense include the future. Words in the masculine gender include the feminine and neuter. Words in the feminine and neuter gender include the masculine. The singular number includes the plural and the plural number includes the singular.

Secs. 6-123 - 6-129. Reserved.

DIVISION 3. INSPECTION; NOTICE OF SUBSTANDARDS BUILDING; HEARING

Sec. 6-130. Abatement of substandard buildings.

All buildings or portions thereof which are determined to be substandard buildings, as defined in this article, are hereby declared to be a hazard to the health, safety and welfare of the citizens, and shall be abated by repair, vacation, rehabilitation, demolition or removal in accordance with the procedures specified in this article, by the City's Historic Preservation Ordinance if applicable, by prosecution in municipal court, or as otherwise allowed by law or equity.

Sec. 6-131. Inspection.

The building official shall inspect or cause to be inspected any building, structure or portion thereof which is or may be a substandard building.

Sec. 6-132. Action required.

After the building official has inspected or caused to be inspected a building, structure or portion thereof and has determined that such building, structure or portion thereof is a substandard building, he shall initiate proceedings to cause the abatement of the unsafe condition by repair, vacation, demolition or combination thereof.

Sec. 6-133. Emergency procedure for abating substandard building.

- (a) When it shall appear that a building or structure in the City of Brenham is a substandard building under the terms of this article and that such building or structure or the manner of its use constitutes an immediate and serious danger to life or property, the condition shall be deemed a condition justifying the use of emergency measures, and the building and standards commission, or a majority of the building and standards commission, may, with the consent and approval of the city manager, order any of the following emergency measures to be taken:
 - (1) Immediate vacation of such building, structure and/or adjoining buildings or structures;
 - (2) Vacation of the danger area around such building or structure;
 - (3) Such emergency shoring-up and bracing of walls, roofs and supports as are required to render such building or structure safe;
 - (4) The destruction of such walls, roofs, and supports or the entire structure or so much thereof as cannot be braced or made secure with safety; or
 - (5) Posting of notices on or near such building or structure, or buildings or structures, notifying the public of such orders and ordering all persons to keep out of such building, buildings, structures or structure and the areas of danger surrounding it or them.
- (b) When any of the above-mentioned measures are ordered to be taken, notice of such order shall be given as follows:
 - (1) Such order shall be directed to the owner of such substandard building or structure, or the owner's authorized representative, if the same shall be known. Where notification can be accomplished without increasing the danger to life or property, notice shall be given by personal service on the owner of the building or structure, or the owner's representative or by certified mail, return receipt requested;
 - (2) In the event that such notification would create such a delay as would materially increase the danger of life or property, then such notice need not be given.

Sec. 6-134. Standard procedure for abating substandard building.

- (a) When it appears that a building or structure in the City of Brenham is a substandard building, but that no necessity exists for instituting emergency procedures under section 6-133 of this article, the building official shall prepare and issue a notice of substandard building directed to the owner, mortgagee, registered agent or any lienholder of the building or structure found using a search of real property records of Washington

County, Appraisal District Records of Washington County, Records of the Secretary of State, Assumed Name Records of Washington County, City of Brenham Tax Records, and City of Brenham Utility Records. The notice shall contain, but not be limited to, the following information:

- (1) The street address or legal description of the building, structure or premises.
 - (2) A statement indicating the building or structure has been declared a substandard building by the building official, and a detailed report documenting the conditions determined to have rendered the building or structure a substandard building under the provisions of this article.
 - (3) The action required to be taken as determined by the building official.
 - (4) A notice of the date, place and time that the notice of substandard building is set for public hearing before the building and standards commission. The hearing notice shall include, but not be limited to, the following information:
"You are hereby notified that on the ____ day of _____ 20____, at ____ o'clock in the _____, at _____, a hearing will be held before the Building and Standards Commission to consider the Notice of Substandard Building of the Building Official regarding the property located at _____. You may choose to be represented by counsel. You may present evidence and will be given an opportunity to cross-examine all witnesses. You may request the issuance of subpoenas to compel witnesses to appear and for the production of other supporting data or documentation by filing a written request therefor with the Building and Standards Commission."
 - (5) A notice providing as follows:
"According to the Real Property Records of Washington County, you own or claim an interest in the real property described in this notice. If you no longer own or claim an interest in the property, you must execute an affidavit stating that you no longer own or claim an interest in the property and stating the name and last known address of the person who acquired the property or an interest in the property from you. The affidavit must be delivered in person or by certified mail, return receipt requested, to the Building Official of the City of Brenham not later than the 10th day after the date that you receive this notice. If you do not send the affidavit, it will be presumed, pursuant to Tex. Local Gov't Code Ann. § 54.005, as amended, that you own or claim an interest in the property described in this notice, even if you do not."
- (b) The notice of substandard building and all attachments thereto shall be personally delivered or mailed to any owner, mortgagee and lienholder of record, and posted on the premises in a conspicuous location on or before the tenth day before the date of the hearing before the commission panel. In addition, the notice must be published in a newspaper of general circulation in the City of Brenham on one (1) occasion on or before the tenth day before the date fixed for the hearing.
 - (c) The notice of substandard building shall be either personally delivered or mailed by certified mail, postage prepaid, return receipt requested, to each person at the last known address of the person. If addresses are not available on any person required to be notified of the substandard building proceeding, the notice addressed to such person shall be mailed to the address of the building or structure involved in the proceedings. The failure of any person to receive notice shall not invalidate any proceedings under this article. Notification by certified or registered mail as herein described shall be effective on the date the notice was received as indicated on the return receipt. When

the city mails a notice in accordance with this article to a property owner, mortgagee, lienholder, or registered agent and the United States Postal Service returns the notice as "refused" or "unclaimed," the validity of the notice is not affected, and the notice is considered delivered on the third day (excluding Sundays) occurring after the date the notice was mailed.

- (d) The building official shall file notice of a substandard building proceeding before the building and standards commission in the Official Public Records of Real Property of Washington County. The notice must contain the name and address of the owner of the affected property if that information can be determined from a reasonable search of the instruments on file in the office of the county clerk, a legal description of the affected property, and a description of the proceeding. The filing of the notice is binding on subsequent grantees, lienholders, or other transferees of an interest in the property who acquire such interest after the filing of the notice and constitutes notice of the proceeding on any subsequent recipient of any interest in the property who acquires such interest after the filing of the notice.

Sec. 6-135. Hearings before the building and standards commission.

- (a) Failure of any person to appear at the hearing set in accordance with the provisions of this article shall constitute a waiver of that person's right to a hearing on the notice of substandard building.
- (b) The hearing shall offer all interested persons reasonable opportunity to be heard.
- (c) A person may appear at the hearing in person or through an attorney or other designated representative.
- (d) The building and standards commission, after hearing evidence from each interested party present, may:
 - (1) Find that the building or structure is not a substandard building and refer the matter to the building official for further appropriate action;
 - (2) Grant a variance in order to avoid the imposition of an unreasonable hardship;
 - (3) In the case of a single-family dwelling occupied by the owner, where the health, safety and welfare of other persons will not be affected, grant an exception to any provision of this article to avoid the imposition of an unreasonable hardship;
 - (4) Find that the building or structure is a substandard building and order the repair or other suitable remedy within a specified period of time and/or demolition of the structure if the repair and other suitable remedies are not timely effected; or
 - (5) Order the demolition of the building or structure within a specified period of time.

Sec. 6-136. Order of building and standards commission.

- (a) The final decision of the building and standards commission shall be in writing and contain all findings of fact.
- (b) After receipt of all competent evidence presented at a hearing, if the building and standards commission shall find a building or structure to be a substandard building, the building and standards commission shall enter its written order containing, but not limited to, the following information:
 - (1) The street address or legal description of the building, structure or premises.
 - (2) A statement indicating the building or structure has been declared a substandard building by the building and standards commission, and an account giving the conditions determined to have rendered the building or structure a substandard building under the provisions of this article.

- (3) The action required to be taken as determined by the building and standards commission.
 - a. If the building or structure is to be repaired, the notice shall require that all necessary permits be secured and the work commenced within sixty (60) days and continued to completion within such time as the building and standards commission determines. The notice shall also indicate the degree to which the repairs must comply with the provisions of the building code of the city.
 - b. If the building or structure is to be demolished, the notice shall require that the premises be vacated within sixty (60) days, that all required permits for demolition be secured, and that the demolition be completed within such time as determined reasonable by the building and standards commission.
- (4) A statement of additional reasonable time for the ordered action to be taken by a mortgagee or lienholder in the event the owner fails to timely take the ordered action.
- (5) A statement advising that if the required action is not commenced within or completed by the time specified, the building will be ordered vacated and posted to prevent further occupancy until the work is completed, and the building official may cause the work to be done and all costs incurred charged against the premises and/or the owner.
- (6) A statement advising that any owner, lienholder, or mortgagee of record may appeal the order by the building and standards commission to district court; and that such petition shall be in writing in the form specified by this article and shall be filed with the district court within thirty (30) calendar days after the date a copy of the final decision of the commission panel is personally delivered or mailed by first class mail with certified return receipt requested, or delivered by the United States Postal Service using signature confirmation service. In the event no timely appeal is filed in district court, the order of the building and standards commission is, in all respects, final and binding, and the failure to appeal in the time specified will constitute a waiver of all rights to an appeal.
- (c) The final order of the building and standards commission shall be served on all persons entitled to receive the notice of substandard building in the proceeding and shall be served on such parties in the same manner specified for service of the notice of substandard building in section 6-134 of this article. In addition, an abbreviated copy of the order shall be published one (1) time in a newspaper of general circulation in the City of Brenham within ten (10) calendar days after the date of the delivery or mailing of the copy, including the street address or legal description of the property; the date of the hearing, a brief statement indicating the results of the order, and instructions stating where a complete copy of the order may be obtained. Further, a copy of the order shall be filed in the office of the city secretary.

Sec. 6-137. Recording.

- (a) A record shall be made of all hearings and proceedings. The method of recording shall be designated by the building and standards commission.
- (b) The record of any hearing may, upon payment of the prescribed fees, be made available to any person on request.

Sec. 6-138. Reasonable dispatch.

The building and standards commission shall proceed with reasonable dispatch to conclude any matter before it, with due regard to the convenience and necessity of the parties involved.

Sec. 6-139. Subpoenas.

- (a) The building and standards commission may obtain the issuance and service of subpoenas for the attendance of witnesses or the production of evidence at the hearings. Subpoenas may be issued upon the request of any member of the building and standards commission or of an interested party.
- (b) The issuance and service of subpoenas shall be in accordance with established law.
- (c) Any person who refuses without legal excuse to respond to any subpoena lawfully issued and served may be prosecuted to the extent established by law.

Sec. 6-140. Procedural rules.

- (a) Hearings shall not be required to be conducted in accordance with the Texas Rules of Civil Procedure or the Texas Rules of Evidence.
- (b) The building and standards commission may grant continuances for good cause.

Sec. 6-141. Evidence.

- (a) In any proceedings under this article any member of the building and standards commission shall have the power to administer oaths and affirmations and to certify official acts.
- (b) Oral evidence shall be taken only on oath or affirmation.
- (c) Relevant evidence shall be admitted if it is the type on which responsible persons are accustomed to rely in the conduct of serious affairs, regardless of the existence of any common law or statutory rule which might make improper the admission of such evidence over objection in civil courts.

Sec. 6-142. Inspections.

The building and standards commission may inspect any building, structure or premises involved in the proceeding during the course of the hearing, provided the following are complied with:

- (1) Notice of such inspection is given to the parties prior to making the inspection;
- (2) The parties are allowed to be present during the inspection; and
- (3) The commission shall state for the record, upon completion of the inspection, the facts observed and any conclusions drawn therefrom.

Sec. 6-143. Recording of notice.

If the notice is not complied with nor an appeal filed within the allotted time, the building official shall file in the Office of the County Clerk of Washington County a certificate describing the premises, certifying that the building or structure is a substandard building and that the owner of record and any mortgagee or lienholders have been served, and stating the restrictions on the disposal of premises set out in section 6-144 of this article. This certificate shall remain on file until such time as the conditions rendering the building or structure a substandard building have

been abated. At such time, the building official shall file a new certificate indicating that corrective action has been taken and the building or structure is no longer a substandard building.

Sec. 6-144. Restriction on the disposal of premises.

No owner of any building or structure upon whom a notice has been served that violations of this article exist in such building or structure or on its premises shall sell, transfer, grant, mortgage, lease or otherwise dispose of such premises until compliance with such notice or order has been secured, or until such owner shall have furnished to the purchaser, transferee, grantee, mortgagee or lessee who is affected by the violations a true copy of such notice or order and at the same time shall have given adequate notification to the building official of his intent to enter into such transaction, including supplying the name and address of the person to whom the sale, transfer, grant, mortgage or lease is proposed. A purchaser who has been informed of the existence of any notice or order pursuant to this article shall be bound thereby.

DIVISION 4. APPEALS

Sec. 6-145. Requirements for appeal.

- (a) Any owner, lienholder, or mortgagee of record jointly or severally aggrieved by any decision of the building and standards commission may present a petition to a district court, duly verified, setting forth that the decision is illegal, in whole or in part, and specifying the grounds of the illegality. The petition must be presented to the court within thirty (30) calendar days after the date a copy of the final decision of the commission panel is personally delivered, mailed by first class mail with certified return receipt requested, or delivered by the United States Postal Service using signature confirmation service to the owner, lienholder, or mortgagee.
- (b) On presentation of the petition, the court may allow a writ of certiorari directed to the building and standards commission to review its decision and shall prescribe in the writ the time, which may not be less than ten (10) days, within which a return on the writ must be made and served on the relator or the relator's attorney. The commission panel may not be required to return the original papers acted on by it. It is sufficient for the commission panel to return certified or sworn copies of the papers or of parts of the papers as may be called for by the writ. The return must concisely set forth other facts as may be pertinent and material to show the grounds for the decision appealed from and shall be verified.

Sec. 6-146. Staying of order under appeal.

The allowance of the writ by the district court does not stay proceedings on the decision appealed from.

Sec. 6-147. Procedural and evidentiary rules.

The district court's review shall be limited to a hearing under the substantial evidence rule. The court may reverse or affirm, in whole or in part, or may modify the decision brought up for review.

Sec. 6-148. Costs of appeal.

If the decision of the building and standards commission is affirmed or not substantially reversed but only modified, the district court shall allow to the city all attorney's fees and other costs and expenses incurred by it and shall enter a judgment for those items, which may be entered against the property owners as well as all persons found to be in occupation of the property subject to the proceedings before the building and standards commission.

Secs. 6-149 - 6-150. Reserved.

DIVISION 5. ENFORCEMENT

Sec. 6-151. Failure to commence work.

- (a) Whenever the required repair, vacation or demolition is not commenced within thirty (30) days after the effective date of any order, the building, structure or premises shall be posted as follows:

UNSAFE BUILDING
DO NOT OCCUPY

It shall be punishable by law to occupy this building or remove or deface this Notice
(Specify the applicable ordinance and the penalty for violation thereof)

Building Official
City of Brenham

- (b) Subsequent to posting the building, the building official may cause the building to be repaired to the extent required to render it safe, or if the notice required demolition, to cause the building or structure to be demolished and all debris removed from the premises. The cost of repair or demolition shall constitute a lien on the premises as provided in this article.
- (c) Any monies received from the sale of a building or from the demolition thereof, over and above the cost incurred, shall be paid to the owner of record or other persons lawfully entitled thereto.

Sec. 6-152. Extension of time.

The building official may approve one (1) or more extensions of time as he may determine to be reasonable to complete the required repair or demolition. Such requests for extensions shall be made in writing stating the reasons therefor. If the extensions of time, in total, exceed one hundred twenty (120) days, they must also be approved by the building and standards commission which may act without further public hearing.

Sec. 6-153. Assessment of expenses.

In any case where the building and standards commission orders a substandard building or structure repaired or demolished and cleared or removed, and the owner of any such premises or building or structure which is a substandard building fails to correct, remedy or remove such condition, and the owner, or duly authorized representative of the owner, shall have exhausted his rights and remedies under this article, the commission may order such work or make such improvements as are necessary to correct, remedy or remove such conditions, or cause the same to be done, and pay therefor, and charge the expenses incurred thereby to the owner of such lot or

premises. Such expense shall be assessed against the lot or real property upon which work was done, the improvements made or the demolishing, cleaning or removal of substandard buildings or structures accomplished. The performance of such work by the city or the ordering of same by the building and standards commission shall not relieve such person from prosecution for failure to comply with the notice.

Sec. 6-154. Lien for expenses.

- (a) Whenever any work is done or improvements are made or any substandard building or structure is repaired, demolished, cleared or removed by the city under the provisions of this article, the building official, on behalf of the city, shall file a statement of the expenses incurred thereby with the county clerk. Such statement shall give the name and address of the owner, if it can be determined with a reasonable effort, the legal description of the affected property, the amount of such expenses, the date or dates on which the work was done, or the expenses incurred, and the costs of demolishing, cleaning, repairing or removing the conditions or substandard building and structure and the amount of expenses then due. When this statement is filed with the county clerk, the City of Brenham shall have a lien on the lot or real estate upon which the work was done, or improvements made, or repairs made, or substandard buildings repaired, removed or demolished and cleared to secure the expenses thereof unless the property is homestead protected by the Texas Constitution.

If notice is given and the opportunity to repair, remove or demolish the building is afforded to each mortgagee and lienholder, the lien of the city is a privileged lien, subordinate only to taxes and all previously recorded bona fide mortgage liens attached to the property. The city's lien is superior to any previously recorded judgment liens. The amount of the city's lien shall bear interest at the rate of ten (10) percent per annum from the date the statement was filed with the county clerk. For any such expenditure, expense and interest suit may be instituted against the owner or owners. The statement of expenses for repairs or demolition made herein and filed with the county clerk, or a certified copy thereof, shall be prima facie proof of the amount expended for such work, improvements, repairs, demolition, clearance or removal.

- (b) In any judicial proceeding regarding the enforcement of the city's rights under this section, the prevailing party is entitled to recover reasonable attorney's fees.
- (c) A lien acquired by the city under this article for repair expenses may not be foreclosed if the property upon which the repairs were made is occupied as a residential homestead by a person sixty-five (65) years of age or older.

Sec. 6-155. Penalties.

A person commits an offense punishable in accordance with section 1-5 of the Code of Ordinances if:

- (1) The person fails or refuses to respond to the direction of an order of the building official or building and standards commission after that order becomes final;
- (2) The person shall obstruct or interfere with the implementation of any action required by the final order of the building official or the building and standards commission after that order becomes final; or
- (3) The person willfully refuses to leave or fails to leave a building or structure which has been ordered vacated under the provisions of this article.

Secs. 6-156 - 6-159. Reserved.

SECTION 23.

That Chapter 8 – “Fire Protection and Prevention” of the Code of Ordinances of the City of Brenham, Texas is hereby amended to read as follows:

Chapter 8. FIRE PROTECTION AND PREVENTION

ARTICLE I. GENERAL

Sec. 8-1. Arson reward—Offer.

The city offers a reward of one thousand dollars (\$1,000.00) to anyone who furnishes information to the fire marshal necessary to and which results in the arrest and conviction of any person or persons who commit the crime of arson within the corporate limits of the city. This reward is a standing offer and shall be paid out of the general fund of the city. The city council shall be the sole and exclusive judge in determining eligibility for the reward offered herein.

Sec. 8-2. Same—Placards; furnishing copies of offer.

The fire marshal is authorized to publish the notice of Arson reward on the City’s website, social media, news print or other media as the situation or need arises.

Sec. 8-3. Fireworks—Possessing, selling, etc.

- (a) The transporting, storing, possession or presence of any fireworks (except for the purpose of offering fireworks for sale in the territorial jurisdiction of the city), including types covered by Texas Occupation Code Chapter 2154, within the city or the territorial jurisdiction of the city, being the area immediately adjacent and contiguous to the city limits and extending outside the city limits for a distance of five thousand (5,000) feet in all directions, unless such area is within the corporate limits of another municipality, is hereby declared to be a nuisance. The offering for sale of any fireworks within the city limits is hereby declared to be a nuisance; however, the offering for sale of any fireworks in the territorial jurisdiction of the city shall not be considered a nuisance.
- (b) The fire chief shall seize and cause to be destroyed all fireworks that are opened or unpackaged and found within the city or its territorial jurisdiction in violation of the provisions of this section.
- (c) Any member of the fire department, any police officer, or any other peace officer, is empowered to detain all fireworks that are opened or unpackaged and found being transported illegally or to close any building where any fireworks are found stored illegally, until the fire department can be notified in order that such fireworks that are opened or unpackaged may be seized and destroyed in accordance with the terms of this section.

- (d) Notwithstanding any penal provisions hereof, the city attorney is authorized to file suit on behalf of the city for such injunctive relief as may be necessary to prevent unlawful storage, transportation, keeping or using of fireworks within the city limits or the territorial jurisdiction of the city, and to prevent any person from interfering with the seizure and destruction of such fireworks; provided, however:
 - 1) That it shall not be necessary to obtain such injunctive relief as a prerequisite to such seizure and destruction.
 - 2) That any member of the fire department is hereby authorized to enter any building, in accordance with applicable laws governing the right to entry, search and seizure, where the unlawful presence of fireworks is suspected in order to inspect the same for the presence of such fireworks.
 - 3) That in any instance, where the fire chief or any of his duly authorized assistants have probable cause to believe that fireworks are being stored in a building, they shall, in accordance with applicable laws governing the right to entry, search and seizure, promptly enter the building for the purpose of inspection.
- (e) Any person, firm, corporation, company or association who shall violate any of the provisions of this section, or suffer or allow the same to be violated, shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be punished by a fine not to exceed two thousand dollars (\$2,000.00), and each day during which such violation shall continue to exist shall constitute a separate and distinct offense.
- (f) It is an affirmative defense to prosecution for possession of fireworks under this section that:
 - 1) The defendant was operating or was a passenger in a motor vehicle that was being operated in a public place; and
 - 2) The fireworks were not in the passenger area of the vehicle.
- (g) For purposes of subsection (f), the "passenger area" of a motor vehicle means the area of the 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.

Sec. 8-4. Same—Discharge.

The use, firing, igniting, shooting, exploding or discharge of fireworks as provided in section 8-3 is hereby found and declared to be a general and public nuisance and the same is hereby prohibited; provided, this section shall not prohibit lawfully authorized pyrotechnic displays.

Sec. 8-5. Recovering cost for fire protection and emergency services.

- (a) *Collection of fees:*
 - 1) The City Council of the City of Brenham authorizes the city manager to adopt charges to be billed against parties involved in motor vehicle accidents, hazardous waste or chemical spills, or other fire suppression and non-fire suppression activities to which the city responds with fire department equipment and/or personnel. These charges may be billed as a debt to the party causing the event; the landowner; the party controlling the premises in the event of a spill or dumping and/or the party transporting said hazardous, dangerous and/or injurious product; or the party controlling the premises in the event of a fire.

Fire suppression activities resulting from third party negligence may be billed against that third party. Fire suppression resulting from arson may be billed against the arsonist.

- 2) The city manager, or his designee, shall bill and collect all fees and costs for fire suppression services, fire prevention services and for other public safety and emergency services rendered by the department when providing these services for motor vehicle accidents or other incidents. Such fees include but are not limited to the use of equipment, materials, labor and overtime costs, maintenance and overhead expenses and costs of whatever nature which constitute full reimbursement to the fire department for services actually rendered and as hereafter authorized.
 - 3) Within one hundred eighty (180) days of the date of providing fire suppression, fire prevention and protection services or other public safety and emergency services for the motor vehicle accidents or other incidents, the city manager, or his designee, shall submit an invoice for all costs, fees, charges and expenses related to providing such services, to include but not limited to all actual expenses including costs of equipment operations, cost of material utilized, costs of specialists, experts or other contract labor not in the full time employment of the city; labor and overtime costs, and other incidental costs incurred by the city as a result of the incident, to the landowner, party controlling the premises, party causing the incident, customer, client, owner, designated agent, representative and/or insurance company who received, covered and/or otherwise benefited from these services.
 - 4) Any bills, fees or penalties, including but not limited to clean up costs, fees or expenses that are imposed the City of Brenham or the fire department by any local, state or federal agency, related to the rendering of fire suppression, fire protection or prevention services or of other public safety and emergency services may be included in the billing or billed separately within one hundred eighty (180) days of receipt.
- (b) *Enforcement.* The city may enforce the provisions of this section by any action allowed by law for the collection of any amounts due hereafter, including reasonable and necessary attorney fees, costs, and expenses, in a court of competent jurisdiction.

Sec. 8-6. Fees charged for false alarms.

- (a) Definitions:

False alarm. The activation of any fire alarm system subject to this section which results in a response by the fire department and which is caused by:

- (1) Intentional or unintentional misuse of the fire alarm system by the owner, its employees, agents, or occupants;
- (2) Activation of a fire alarm system not caused by heat, smoke or fire, including activations caused by the mechanical failure, malfunction, improper installation, or lack of proper maintenance; or
- (3) Any other alarm activation for which the fire department personnel are unable to determine the apparent cause of the activation.
- (4) Excluded from the definition of false alarm is:
 - (A) Alarms caused by actions of a communications service provider;
 - (B) Alarms caused by power outage of more than four (4) hours, severe weather, or other natural disaster;
 - (C) Alarms activated after the fire alarm business has, in good faith, provided advanced notice to the 911 dispatch center that the fire alarm system would be undergoing installation or modifications and maintenance that could trigger a false alarm signal; and
 - (D) Multiple fire alarms within a twenty-four (24) hour period that could be considered as one (1) alarm with resulting corrective action being taken by the owner or alarm system service provider.
- (b) Any person, firm, or corporation having any type of fire alarm shall not be charged a fee for the first three (3) false alarms responded to by the fire department within a calendar year; however, said owner shall be charged for each subsequent alarm:
 - (1) \$50.00 (fifty and no/100 dollars) for the fourth (4th) through sixth (6th) false alarm;
 - (2) \$75.00 (seventy-five and no/100 dollars) for the seventh (7th) through the ninth (9th) false alarm; and
 - (3) \$100.00 (one hundred and no/100 dollars) for any subsequent false alarm(s) responded to thereafter within a calendar year.
- (c) Fees will be charged on all false alarms, regardless of whether the alarm is monitored by the city.
- (d) All false alarm fees will be calculated and invoiced quarterly. Payments for false alarm fees shall be due within thirty (30) days of invoice date. Any person delinquent by more than fifteen (15) days in the payment of false alarm fees charged hereunder may be disconnected from alarm monitoring service. Disconnection from alarm monitoring service may result in violation of the fire code and is subject to enforcement.

Secs. 8-76 – 8-19. Reserved.

ARTICLE II. FIRE PREVENTION CODE

Sec. 8-20. Adoption.

There is hereby adopted by the city for the purpose of prescribing regulations governing conditions hazardous to life and property from fire or explosion, that certain code known as the 2018-2021 International Fire Code, including Appendices B, C, D, E, F, G, H, I, J, K, L, M and N, and all revisions thereto, and the whole thereof, save and except such portions as are hereinafter deleted, modified or amended, said code as revised herein also being sometimes referred to as the fire prevention code. A copy of the 2018-2021 International Fire Code shall be filed in the office of the planning and development services department, and in the office of the fire marshal. The same is hereby adopted and incorporated as fully as if set out at length herein, and from the date on which this section shall take effect, the provisions thereof shall be controlling within the limits of the city.

Sec. 8-21. Definitions.

- (a) Wherever the word "municipality" is used in the fire prevention code, it shall be held to mean this city.
- (b) Where the term "corporation counsel" is used in the fire prevention code, it shall be held to mean the attorney for this city.
- (c) Wherever the word "fire code official" is used in the fire prevention code, it shall be held to mean fire marshal for this city.

Sec. 8-22. Establishment of limits of districts in which storage of explosives and blasting agents is to be prohibited.

The limits referred to in the fire prevention code in which storage of explosives and blasting agents is prohibited are hereby established as the city limits.

Sec. 8-23. Regulation of use and placement of fuel storage tanks.

- (a) *Definitions.* The following definitions shall apply in the interpretation and enforcement of this article:

Aboveground shall mean any storage tank, as defined herein, which any portion thereof is aboveground, excluding valves and pipes into and out of the tank.

Combustible liquid shall mean a liquid having a flash point of one hundred (100) degrees Fahrenheit or higher per NFPA-30, the Flammable and Combustible Liquid Code, 2012 2021 Edition, and as amended thereafter.

Flammable liquid shall mean a liquid having a flash point of less than one hundred (100) degrees Fahrenheit per NFPA-30, the Flammable and Combustible Liquid Code, 2012 2021 Edition, and as amended thereafter.

Storage location shall mean any area which contains no less than one hundred (100) square feet within which one (1) or more fuel storage tanks are to be located. Each storage location shall be located no less than one hundred (100) linear feet from any other storage location.

Storage tanks shall mean any container in excess of one hundred (100) gallons, which is used to store any hydrocarbon material including, but not limited to, gasoline, diesel and kerosene.

- (b) *Permit required.* Every owner shall obtain a permit from the Fire Marshal for any of the following prior to the commencement of construction of such facilities:
- 1) A belowground (or underground), liquefied natural gas, liquefied petroleum gas, or flammable or combustible liquid storage tank.
 - 2) An aboveground storage tank for liquefied natural gas, or liquefied petroleum gas. No new storage locations shall be permitted which will contain a fuel storage tank with a liquid capacity of more than two thousand (2,000) gallons or which will contain two (2) or more fuel storage tanks with an aggregate liquid capacity of more than four thousand (4,000) gallons.
 - 3) An aboveground storage tank for a flammable or combustible liquid. No new storage locations shall be permitted which will contain a fuel storage tank with a liquid capacity of more than one thousand (1,000) gallons or which will contain two (2) or more fuel storage tanks with an aggregate liquid capacity of more than two thousand (2,000) gallons.
- (c) *Proper tank for aboveground storage of flammable or combustible liquids.* Any new tank or tank system used in the city for aboveground storage of flammable or combustible liquids shall be designed, constructed, installed, operated and maintained in accordance with NFPA-30, titled "Flammable and Combustible Liquid Code, 2012 Edition," and as amended thereafter.
- (d) *Proper tank for aboveground storage of liquefied natural gas.* Any new tank or tank system used in the city for aboveground storage of liquid natural gas shall be designed, constructed, installed, operated and maintained in accordance with ~~NFPA 59A, titled "Liquefied Natural Gas, 2013 Edition"~~ [NFPA 59A, titled "Standard for the Production, Storage, and Handling of Liquefied Natural Gas, 2019 Edition,"](#) and as amended thereafter.
- (e) *Proper tank for aboveground storage of liquefied petroleum gas.* Any new tank or tank system used in the city for aboveground storage of liquefied petroleum gas shall be designed, constructed, installed, operated and maintained in accordance with NFPA-58, titled "Liquefied Petroleum Gas, ~~2014-2020~~ [2020](#) Edition," and as amended thereafter.
- (f) *Tank location.* In addition to location restrictions listed in NFPA-30, "Flammable and Combustible Liquid Code, ~~2012-2021~~ [2021](#) Edition," no new tank used for the aboveground storage of flammable or combustible liquids may be placed or used within one hundred (100) feet of property zoned or used for residential use. New tanks added to existing bulk plants are excluded from this provision.
- (g) *Noncompliance; denial or revocation of certificate; order to cease operations.* Upon finding of non-compliance with this article, the fire marshal may revoke or deny the renewal of a permit and order the person or firm owning or operating the tank to cease all or part of its operation in this city until in compliance. No one shall operate or own a storage tank without a valid permit.

(h) *Establishment of limits of districts in which storage of flammable or combustible liquids, liquefied petroleum gas, or liquefied natural gas in aboveground tanks is prohibited.* The storage of flammable or combustible liquids, liquefied petroleum gas, or liquefied natural gas in aboveground tanks is prohibited within the areas of the city zoned as "B-3, Historical and Central Business" district(s). New bulk loading and unloading facilities for tank cars, tank vehicles and similar equipment involved in the storage or transportation of flammable or combustible liquids, liquefied petroleum gas, or liquefied natural gas, in aboveground tanks, are prohibited within the city limits.

(i) Special permit required for tank exceeding volumes limits established in subsections 8-23(b)(2) and 8-23(b)(3).

1) Any person or firm desiring to own, install or operate one (1) or more aboveground tanks for the storage of combustible liquids in excess of the volume limits stated in subsections 8-23(b)(2) and 8-23(b)(3) hereinabove, shall submit an application to the fire marshal for a special permit allowing for an increase in the volume capacity of the tank(s). To be considered for such special permit, the owner or operator of the tank facility shall demonstrate to the satisfaction of the fire marshal or his deputy that the aboveground tank(s):

(A) Shall be located only on property zoned as industrial;

(B) Shall be registered and licensed in compliance with all rules and regulations of the Texas Commission on Environmental Quality;

(C) Shall be designed, built and operated in compliance with all applicable provisions of the International Fire Code, ~~2018~~ 2021 Edition and the National Fire Protection Association Standard 30 entitled "Flammable and Combustible Liquids Code" as referenced by the International Fire Code; and

(D) Shall contain only combustible liquids having a flash point of greater than one hundred (100) degrees Fahrenheit, including but not limited to, diesel fuel, biodiesel, motor oil, hydraulic oil and like substances.

2) Special permits may not be issued for aboveground storage tanks containing gasoline or other flammable liquids having a flash point of less than one hundred (100) degrees Fahrenheit and with a capacity greater than the volume limits detailed in subsections 8-23(b)(2) and 8-23(b)(3) herein above.

3) Within forty-five (45) days after determining that a special permit application meets the requirements of this section, the fire marshal, or his deputy, shall present the matter to the city council for its consideration. No special permit for a tank or tanks exceeding the quantities shown in subsections 8-23(b)(2) and 8-23(b)(3) may be issued without approval by the city council. The fire marshal, or his deputy, shall inspect all tank(s) installed pursuant to a special permit to determine compliance with the requirements of this section.

4) Special permits approved and issued pursuant to this section shall be revocable. The city council, upon request of the fire marshal and after written notice and opportunity to be heard being issued to the permit holder, is authorized to revoke a special permit for non-compliance with the provisions of this section or other applicable law. Where an immediate hazard to life or property exists, however, the fire marshal in such an emergency may order a permit holder to take

immediate action, without prior written notice, to correct the issues of non-compliance with the fire prevention code and the provisions of this article or to immediately abate all conditions creating the immediate hazard to life or property. The fire marshal, in such an emergency and without prior written notice to the permit holder, may also order the permit holder to cease any and all operations, occupancy or activity at the affected site. A permit holder that violates an order of the fire marshal shall be subject to the penalties provided for in section 8-26 of this article and as otherwise allowed by law. In the event a permit holder does not immediately comply with an emergency order of the fire marshal, the fire marshal, without prior written notice to the permit holder, may take any and all actions necessary to immediately abate all conditions creating the immediate hazard to life or property.

Sec. 8-24. Modifications.

The fire marshal, as the fire code official of the city, shall have power to approve exceptions any of the provisions of the fire prevention code upon application in writing by the owner or lessee, or his duly authorized agent, when there are practical difficulties in the way of carrying out the strict letter of the code, provided that the spirit of the code shall be observed, public safety secured, and substantial justice done. The particulars of such exceptions when granted or allowed and the decision of the fire marshal thereon shall be entered upon the records of the department and a signed copy shall be furnished the applicant.

Sec. 8-25. Appeals.

Whenever the chief of the fire department shall disapprove an application or refuse to grant a permit applied for, or when it is claimed that the provisions of the fire prevention code do not apply or that the true intent and meaning of the code have been misconstrued or wrongly interpreted, the applicant may appeal from the decision of the chief of the fire department to the city manager or his designee within thirty (30) days from the date of the decision appealed. Section 109 of the International Fire Code, 2018-2021 Edition and all amendments thereto, creating a board of appeals, shall not be applicable to any appeals filed pursuant to any provision of this chapter 8 of the Code of Ordinances.

Sec. 8-26. Penalties.

- (a) Any person, firm, partnership, corporation, association, or other entity violating any provision of this article or of any Code provision adopted herein shall be deemed guilty of a misdemeanor and, upon conviction thereof, shall be fined in the sum of not more than \$2,000.00, and each day such violation continues shall constitute a separate and distinct violation.
- (b) The application of the above penalty shall not be held to prevent the enforced removal of prohibited conditions.

Secs. 8-27 – 8-39. Reserved.

ARTICLE III. FIRE MARSHAL

Sec. 8-40. Office created; appointment, qualifications, removal compensation.

The office of fire marshal is hereby created. Such office shall be an independent bureau of the fire department. The fire marshal shall report directly to the fire chief. Such office shall be filled by appointment by the fire chief. The fire marshal shall be properly qualified for the duties of his office.

The office of the Brenham Fire Marshal is hereby designated as the official investigating agency of the city for the crime of arson and other fire or explosion related crimes and is hereby established as a law enforcement agency of the city. As the official responsible for the investigation of arson and other fire-related crimes, the fire marshal, his deputy fire marshal(s) and his appointed arson investigator(s) are hereby commissioned as peace officers of the city as per the Texas Code of Criminal Procedures, Article 2.12(7) and are subject to the applicable rules and regulations of the Texas Commission on Law Enforcement and the Texas Commission on Fire Protection.

Sec. 8-41. Investigation and record of fires.

The fire marshal shall investigate, or cause to be investigated, the cause, origin and circumstances of every fire occurring within the city by which property has been destroyed or damaged and shall especially make investigation as to whether such fire was accidental or incendiary in nature. Such investigation shall be begun within twenty-four (24) hours, not including Sunday, of the occurrence of such fire. The fire marshal shall keep in his office a record of all fires occurring within the city, together with all facts, statistics and circumstances, including the origin, of the fires and the amount of loss, which may be determined by the investigation required by this article.

Sec. 8-42. Taking statements; charging suspected offenders; referring matter to prosecutor.

The fire marshal, when in his opinion further investigation is necessary, shall take or cause to be taken the statement of all persons supposed to be cognizant of any facts or to have means of knowledge in relation to the matter as to which an examination is herein required to be made, and shall cause the same to be reduced to writing, or other means of recording, and if he shall be of the opinion that there is evidence sufficient to charge any person with the crime of arson or other crime related to fire or explosion, or the threat thereof, or with the attempt to commit the crime of arson, or of conspiracy to defraud, or other criminal conduct in connection with such fire, he shall cause such person to be arrested and charged with such offense, and shall furnish to the proper prosecuting attorney all such evidence together with the names of witnesses and all of the information obtained by him, including a copy of all pertinent and material statements taken during the course of the investigation.

Sec. 8-43. Right of entry at location of fire.

The fire marshal shall have the authority, in accordance with applicable laws governing the right of entry, search and seizure, at all times of day or night in the performance of the duties imposed upon him by the provisions of this article or other law to enter upon and examine any building or premises when any fire or explosion has occurred, and other buildings and premises adjoining or near the same.

Sec. 8-44. Right of entry for examination generally; discovery of violations.

- (a) The fire marshal, or his deputy, shall have a right at all reasonable hours, for the purpose of inspection, for fire safety hazards, to enter all public or commercial

buildings and premises within the city, as detailed in section 104.3 of the International Fire Code, 2021 Edition, and all revisions thereto, and in accordance with applicable laws governing the right to entry, search and seizure.

- (b) It shall be the duty of the fire marshal to periodically perform, or cause to be performed, thorough inspection of all commercial, manufacturing and public buildings, together with the premises belonging thereto. Whenever he shall find within or upon any building or other structure or upon the premises of any building or structure the presence of fire or life safety hazards, the absence of required fire safety systems, devices, or equipment, or any violation of the fire prevention code or fire-related ordinance or law, he shall order the same to be removed or remedied and such order shall be forthwith complied with by the owner or occupant of said building or premises; provided, however, if the owner or occupant deems himself aggrieved by such order, he may within thirty (30) days appeal the decision to the city manager or his designee, who shall investigate the cause of the complaint, and unless by his authority the order is revoked, such order shall remain in force and be forthwith complied with by said owner or occupant.

Sec. 8-45. Over-crowding, hazardous conditions; threats to life safety.

- (a) When any condition such as inadequate exits, over-crowding, presence of fire hazards, lack of required fire protection system or equipment, or other conditions that pose an immediate threat to life safety of the occupants of a building, structure or premises are found, the fire marshal, or his deputy, the fire chief, or his designee, or any peace officer of the city, shall have the authority to order such place to be immediately vacated and closed to the public and secure against re-entry until such hazardous conditions are eliminated or remedied. A written report of such action shall be created by the official ordering the closure and same shall be transmitted to the building official and to the fire marshal of the city within forty-eight (48) hours, excluding Saturdays, Sundays and holidays observed by the city.
- (b) The fire marshal, or his deputy, shall have the authority to establish the occupant load limit of any building, structure or premises within the city and order same to be posted prominently within or upon the building, structure or premises. Establishment of such occupant load limit shall be determined according to criteria set forth in chapter 10, section 1004 of the International Fire Code, 2021 Edition, and all revisions thereto. Upon establishment of the occupant load limit of a building, structure or premises, the owner or operator of such place shall post signs or placards of type and in such locations as acceptable to the fire marshal or his deputy.
- (c) At no time shall the occupant load determined by the fire marshal, or his deputy, be deemed to supersede or overrule such determination made by previously by the building official of the city. If a conflict should arise between the determination of the fire marshal, or his deputy, and that of the building official, the previous determination of the building official shall prevail.

Sec. 8-46. through § 8-49. (Reserved)

ARTICLE IV. FIRE LANES AND FIRE APPARATUS ACCESS ROADS

Sec. 8-50. Authority to establish, locate, modify, or abandon fire lanes or fire apparatus access roads.

The terms “fire lane” and “fire apparatus access roads” shall have the same definitions as those terms are defined by section 202 “General Definitions” in the International Fire Code, 2021 Edition, and all revisions thereto. The establishment, location, modification, or abandonment of fire lanes or fire apparatus access roads shall be determined by the chief of the fire department, the fire marshal, or their designated representative, hereinafter called “the authority,” in conformity with the provisions of this article and appendix D of the International Fire Code, 2021 Edition, and all revisions thereto.

If there is a conflict between terms or when there is a question as to the intent or meaning of any portion of this subsection, the International Fire Code, 2021 Edition, appendix D, and all revisions thereto, shall prevail.

Sec. 8-51. Fire lanes and fire apparatus access roads generally.

(a) Construction. No building used for any purpose other than single-family or two-family dwellings shall be constructed so that any part of the perimeter of the structure is greater than one hundred fifty (150) feet from a public street or highway unless the owner constructs and maintains a fire lane having a minimum width of at least twenty (20) feet and height throughout of no less than fourteen (14) feet and terminating within one hundred fifty (150) feet from the farthest point of said structure, with increases to the minimum width of twenty-six (26) feet for aerial fire apparatus, where required per appendix D of the International Fire Code, 2021 Edition, and all revisions thereto.

(b) Restrictions. The following restrictions shall apply to fire lanes:

- (1) Required fire lanes and fire apparatus access roads, when not connected at both ends to a public street, shall terminate as detailed in Figure D103.1 of appendix D of the International Fire Code, 2021 Edition, and all revisions thereto.
- (2) All required fire lanes and fire apparatus access roads shall be all-weather surfaced with concrete, asphalt or other approved means, provide effective drainage of storm water and capable of supporting the imposed load of fire apparatus weighing at least seventy-five thousand (75,000) pounds, as detailed in section D102 of the International Fire Code, 2021 Edition, and all revisions thereto.
- (3) Fire lanes or fire apparatus access roads shall not be used as loading zones.
- (4) There shall be no unattended parking in any fire lane or fire apparatus access road at any time. [Exception: vehicles operated by the fire department of the city or vehicles operated by any other emergency responder organization or law enforcement agency shall be exempt from the parking restriction established in subsection 8-111(b)(4) above.]

(c) Maintenance. All required fire lanes and fire apparatus access roads shall always be maintained and kept in a good state of repair by the owner or owners of the premises. It shall not be the responsibility of the city to maintain fire lanes or fire apparatus access roads except in cases where the city owns the property upon which the fire lanes or fire apparatus access roads are located.

Sec. 8-52. Posting of signs and markings.

Required fire lanes and fire apparatus access roads shall be conspicuously marked with signs as detailed in section D103.6 of appendix D of the International Fire Code, 2021 Edition, and all revisions thereto. Where approved by the fire marshal, or his deputy, painted curbs or pavement striping, or stripes painted on the sides of buildings may be used in lieu of posted signs. Painted curbs, or stripes painted on pavement or buildings, shall consist of a red stripe six (6) inches in width with four (4) inch white letters stating "FIRE LANE - NO PARKING" with such lettering to be spaced approximately thirty (30) feet apart, and arranged in a manner approved by the fire marshal or his deputy. Paint used for striping and lettering shall be of a type suitable for exposure to the elements and stripes and lettering shall be re-painted as needed to maintain legibility.

All required fire lanes and fire apparatus access road signs shall always be maintained in good condition and legible. Maintenance of required fire lane and fire apparatus access road signs and markings shall be the responsibility of the owner or owners on whose property such signs are located.

Sec. 8-53. Abandonment of fire lanes.

No owner or person in charge of any premises served by a required fire lane or fire apparatus access road shall abandon or close any such fire lane or fire apparatus access road without first complying with the following procedure:

- (1) A request shall be made in writing to the fire marshal stating the reasons for abandonment of the fire lane or fire apparatus access road.
- (2) Verification shall be made by the fire marshal, or his deputy, that such property is no longer subject to the requirements of this article.
- (3) The decision of the fire marshal shall be transmitted in writing to the owner or person in charge of the premises, declaring the fire lane or fire apparatus access road is to be either maintained or abandoned.

Sec. 8-54. Applicability.

Immediately upon the effective date of this article, all new construction within the city shall be undertaken in conformance with the provisions of this article and only after the approval of authority.

Sec. 8-55. Penalty for violation.

Any person, firm, corporation, company or association who shall violate any of the provisions of this article, or suffer or allow the same to be violated, shall be deemed guilty of a misdemeanor, and upon conviction therefor, shall be punished by a fine not to exceed two thousand

dollars (\$2,000.00), and each day that a provision of this article is violated shall constitute a separate offense.

Sec. 8-56. through § 8-70. (Reserved)

SECTION 34.

All provisions of any ordinance, resolution or other action of the City in conflict with this Ordinance are hereby repealed to the extent they are in conflict. Any remaining portions of said ordinances, resolutions or other actions shall remain in full force and effect.

SECTION 45.

Should any section, subsection, sentence or clause or phrase of this Ordinance be declared unconstitutional or invalid by a court of competent jurisdiction, it is expressly provided that any and all remaining portions of this Ordinance shall remain in full force and effect. The City Council hereby declares that it would have passed this Ordinance, and each section, subsection, sentences, clauses and phrases remaining should any provision be declared unconstitutional or invalid.

SECTION 56.

This Ordinance, upon passage, approval and publication as required by law, shall take effect on October 1, 2024.

PASSED and **APPROVED** on its first reading this the ____ day of _____ 2024.

PASSED and **APPROVED** on its second reading this the ____ day of _____ 2024.

Atwood C. Kenjura
Mayor

ATTEST:

Jeana Bellinger, TRMC, CMC
City Secretary



City Council Regular Meeting **AGENDA ITEM 13**

Agenda Item: **Discuss and Possibly Act Upon:**

- **An Agreement with United Healthcare for Group Medical, and Voluntary Dental and Vision Coverage Benefits for the Plan Year October 1, 2024 through September 30, 2025;**
- **An Agreement with Surency for the Administration of Flexible Spending Account/Dependent Care Reimbursement, Health Savings Account, and COBRA for the Plan Year October 1, 2024 through September 30, 2025; and**
- **An Agreement with Alliance Work Partners for an Employee Assistance Program for the Plan Year October 1, 2024 through September 30, 2025**

and Authorize the Mayor to Execute Any Necessary Documentation

Meeting Date: August 1, 2024

Department: HR and Risk Management

Staff Contact: Susan Nienstedt, Director of Human Resources and Risk Management

SUMMARY STATEMENT:

The City of Brenham provides an excellent benefit package to our full-time employees, and dependents if elected, which includes medical, dental, vision, life, and long-term disability insurance coverage. Last year, Mayor and City Council approved an agreement with HUB International to work as our benefit consultant to bid out and negotiate pricing for our medical, dental, vision, and life and long-term disability lines of coverage. HUB negotiated rate guarantees for dental, vision, life insurance, and long-term disability coverage, which means we will continue with the same rate for the city and our employees. United Healthcare provided us with a renewal of 5% increase for our group medical coverage. This increase will be applied to the city's premiums and the employee's premiums for the 2024-25 plan year beginning October 1, 2024.

ATTACHMENTS:

1. Memo for Benefits Summary

RECOMMENDATION:

Approve:

- **An Agreement with United Healthcare for Group Medical, and Voluntary Dental and Vision Coverage Benefits for the Plan Year October 1, 2024 through September 30, 2025;**
- **An Agreement with Surency for the Administration of Flexible Spending Account/Dependent Care Reimbursement, Health Savings Account, and COBRA for the Plan Year October 1, 2024 through September 30, 2025; and**

- An Agreement with Alliance Work Partners for an Employee Assistance Program for the Plan Year October 1, 2024 through September 30, 2025

and authorize the Mayor to execute any necessary documentation.



MEMORANDUM

To: Mayor and City Council

From: Susan Nienstedt – Director of HR and Risk Management

Subject: Employee Benefits for Plan Year 2024-2025

Date: July 25, 2024

The City of Brenham provides an excellent benefit package to our full-time employees, and dependents if elected, which includes medical, dental, vision, life, and long-term disability insurance coverage. Last year, the Mayor and City Council approved an agreement with HUB International to work as our benefit consultant to bid out and negotiate pricing for our medical, dental, vision, and life and long-term disability lines of coverage. HUB negotiated rate guarantees for this plan year for dental, vision, life insurance, and long-term disability coverage. The group medical plan with United HealthCare (UHC) provided a rate cap of no more than an 11.9% increase for this year.

Our group medical plan consists of three plan options with four different levels of coverage from employee only to employee and family. Our census includes over 400 covered lives on our group medical plan. After less than one full year of claims data our renewal from United HealthCare includes a 5% increase based on our medical loss ratio. HUB was able to negotiate on our behalf to reduce the increase by having UHC also provide our voluntary dental and vision coverage. As a result of bundling our dental and vision plans with our group medical, the voluntary dental rates the employee pays will decrease, and vision will increase slightly. The City will continue to offer the same three medical plans with the options of Flexible Spending Accounts and if enrolled a Health Savings Account plan. The group medical premium increase of 5% will be applied to both the City's monthly premium and the employee's biweekly premium. The City's portion of the United HealthCare medical increase is included in the fiscal year 2024-25 proposed budget. The proposed group medical plan cost sharing between the employee and the City can be found on page 2 of this memo, along with the new dental and vision employee rates.

Our coverage for the following employee benefits will remain with the same provider and at the same guaranteed rates:

- Flexible Spending, Dependent Care, Health Savings Account – Surency
- Life and AD&D insurance, and long-term disability – Equitable
- Employee Assistance Program – Alliance Work Partners

Monthly Medical Rates with 5% Increase

Buy-Up PPO Plan	Employee Cost	Employee Increase	City Cost	City Increase	Total Cost
Employee	\$105.14	\$5.01	\$550.69	\$26.21	\$655.83
Employee + Spouse	\$383.59	\$18.27	\$947.72	\$45.11	\$1,331.31
Employee + Children	\$310.80	\$14.80	\$843.94	\$40.17	\$1,154.74
Employee + Family	\$631.57	\$30.07	\$1,301.33	\$61.94	\$1,932.90

Base HMO Plan	Employee Cost	Employee Increase	City Cost	City Increase	Total Cost	A
Employee	\$0.00	\$0.00	\$550.69	\$26.21	\$550.69	
Employee + Spouse	\$170.16	\$8.10	\$947.72	\$45.11	\$1,117.88	
Employee + Children	\$125.68	\$5.98	\$843.94	\$40.17	\$969.62	
Employee + Family	\$321.70	\$15.31	\$1,301.33	\$61.94	\$1,623.03	

HDHP w/HSA	Employee Cost	Employee Increase	City Cost	City Increase	Total Cost	B
Employee	\$0.00	\$0.00	\$447.56	\$21.30	\$447.56	
Employee + Spouse	\$63.94	\$3.04	\$844.59	\$40.20	\$908.53	
Employee + Children	\$47.22	\$2.24	\$740.81	\$35.26	\$788.03	
Employee + Family	\$120.88	\$5.75	\$1,198.20	\$57.03	\$1,319.08	
	City Cost					
	City contributes to HSA Oct and Apr, total of \$1,237.56 (A – B)					

Voluntary Employee Benefits

Dental	Current Equitable		Proposed UHC Dental	
	High Plan	Low Plan	High Plan	Low Plan
Employee	\$28.28	\$20.53	\$25.41	\$18.45
Employee + Spouse	\$57.54	\$41.48	\$51.70	\$37.28
Employee + Children	\$72.73	\$48.98	\$65.35	\$44.02
Employee + Family	\$102.05	\$69.64	\$91.69	\$62.58
Vision	Current Avesis		Proposed UHC	
	Vision		Vision	
Employee	\$5.32		\$7.30	
Employee + 1	\$9.30		\$12.76	
Employee + 2 or more	\$13.82		\$18.96	



City Council Regular Meeting
AGENDA ITEM 15

Agenda Item: **Section 551.071, Texas Government Code - Consultation with Attorney - Consultation with City Attorney Regarding Commonwealth Development, Inc. v. City of Brenham, Texas; Fair Housing Case No. 06-22-3294-8**

Meeting Date: August 1, 2024

Department: Administration

Staff Contact: Carolyn Miller, City Manager

SUMMARY STATEMENT:

To be discussed in Executive Session.

ATTACHMENTS:

None

RECOMMENDATION:

No action - Executive Session discussion only.



City Council Regular Meeting
AGENDA ITEM 16

Agenda Item: **Section 551.071, Texas Government Code - Consultation with City Attorney
- Consultation with City Attorney Concerning the Brenham Municipal
Airport, Its Operations and Services, and Associated Matters**

Meeting Date: August 1, 2024

Department: Administration

Staff Contact: Carolyn Miller, City Manager

SUMMARY STATEMENT:

To be discussed in Executive Session.

ATTACHMENTS:

None

RECOMMENDATION:

No action - Executive Session discussion only.



City Council Regular Meeting
AGENDA ITEM 17

Agenda Item: **Section 551.071, Texas Government Code - Consultation with City Attorney
- Consultation with City Attorney Concerning Administrative Processes
Related to Various Personnel Issues and Associated Matters**

Meeting Date: August 1, 2024

Department: Administration

Staff Contact: Carolyn Miller, City Manager

SUMMARY STATEMENT:

To be discussed in Executive Session.

ATTACHMENTS:

None

RECOMMENDATION:

No action - Executive Session discussion only.



City Council Regular Meeting
AGENDA ITEM 18

Agenda Item: **Section 551.071, Texas Government Code - Consultation with Attorney - Consultation with City Attorney Regarding the Impact of Lindke v. Freed, 601 U.S. 187 (2024) on First Amendment Law, Elected Officials' Responsibility Related to Social Media Use, and Associated Legal Matters (Social Media)**

Meeting Date: August 1, 2024

Department: Administration

Staff Contact: Carolyn Miller, City Manager

SUMMARY STATEMENT:

To be discussed in Executive Session.

ATTACHMENTS:

None

RECOMMENDATION:

No action - Executive Session discussion only.



City Council Regular Meeting
AGENDA ITEM 19

Agenda Item: Section 551.071, Texas Government Code - Consultation with City Attorney - Consultation with City Attorney Regarding ETC Marketing, Ltd. v. Ken Paxton, Attorney General of the State of Texas, and the City of Brenham, Texas; Cause No. D-1-GN-24-004577; 53rd Judicial District Court, Travis County, Texas

Meeting Date: August 1, 2024

Department: Administration

Staff Contact: Carolyn Miller, City Manager

SUMMARY STATEMENT:

To be discussed on Executive Session.

ATTACHMENTS:

None

RECOMMENDATION:

No action - Executive Session discussion only.