



**NOTICE OF A REGULAR MEETING
THE BRENHAM CITY COUNCIL
THURSDAY, AUGUST 15, 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 Shannan Canales**
- 3. Proclamations**
 - ◆ Childhood Cancer Awareness**
- 4. Citizen Comments**

CONSENT AGENDA

5. 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.

- 5.a. Approve the Minutes from the August 1, 2024 Regular City Council Meeting**
- 5.b. Approve Ordinance No. O-24-018 on Its Second 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)**
- 5.c. Approve Ordinance No. O-24-019 on Its Second 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

- 5.d. Approve the Use of Seized Narcotic Funds for the City of Brenham Police Department for the Purchase of One (1) Autel EVO Max 4T Drone, One (1) Autel EVO MAX 4N Drone and the Required Software Licenses, from W.S. Darley & Co, In the Amount of \$32,520.00 and Authorize the Mayor to Execute Any Necessary Documentation**
- 5.e. Approve the Termination of an Interlocal Agreement Between the City of Brenham and Washington County for Emergency Management Coordinator Services and Authorize the Mayor to Execute Any Necessary Documentation**

PUBLIC HEARING

- 6. Public Hearing to Consider Amending the 2022 Thoroughfare Plan Map, Specifically for the Alignment of the Proposed Future Extension of South Blue Bell Road to State Highway 36 South, and Amending the 2019 Comprehensive Plan and Future Land Use Map, Specifically to Adopt the Small Area Plan Located Generally Around the Brenham Family Park (Case No. P-24-021)**
- 7. Public Hearing to Consider the Proposed Annexation of Approximately 6.5 Acres of Land Situation in Washington County, Texas and Hereinafter Described as:**
 - Section 2024-01: Approximately 1.4 Acres of Land, Called Dixie Road and its Right-of-Way, Situated in Washington County, Texas, from State Highway No. 36 North Extending Northward to the Northeast Corner of Vintage Farms Subdivision**
 - Section 2024-02: Approximately 2.6 Areas of Land, Called Dixie Road and its Right-of-Way, Situated in Washington County, Texas, from the Northeast Corner of Vintage Farms Subdivision, Extending North to**

the Current City Limit Line

- **Section 2024-03: Approximately 0.5 Acres of Land, Called Old Masonic Road and Right-of-Way, Situated in Washington County, Texas Extending Northward from the Little Sandy Creek to the Northeast Corner of a 2.869 Acre Tract Owned by OCC Construction Corp**
- **Section 2024-04: Described Generally as a 1.0 Acre Tract Extending Northward on Old Masonic Road from the Northeast Corner of a 2.869 Acre Tract Owned by OCC Construction Corp. to the Northwest Corner of a 2.168 Acre Tract Owned by David Ryan Klinger, et ux**
- **Section 2024-05: Described Generally as a 1.0 Acre Tract Extending Northward on Old Masonic Road from the Northwest Corner of a 2.168 Acre Tract Owned by David Ryan Klinger, et ux to the Existing City Limit Line**

REGULAR SESSION

8. **Discuss and Possibly Act Upon an Agreement Between the City of Brenham and AJR Media Group Related to Advertising for the City of Brenham's Tourism and Marketing Department (Visit Brenham DMO) and Authorize the Mayor to Execute Any Necessary Documentation**
9. **Discuss and Possibly Act Upon an Agreement Between the City of Brenham and Madden Media Related to Digital Advertising for the City of Brenham's Tourism and Marketing Department (Visit Brenham DMO) and Authorize the Mayor to Execute Any Necessary Documentation**
10. **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

11. **Section 551.072 - Texas Government Code - Deliberation Regarding Real Property - Deliberation Related to the Lease or Sale of Real Property Located at 110 W. Vulcan Street, Brenham, Washington County, Texas and Associated Matters**

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, August 12, 2024 at 10:00 a.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

PROCLAMATION

- WHEREAS,** Childhood cancer is the leading cause of death by disease of children, ages 1 to 19 years in the U.S. and the second leading cause of death exceeded only by accidents; and
- WHEREAS,** Every year over 17,000 young children will be diagnosed with cancer, with the average age of diagnosis being 6 years old; and
- WHEREAS,** Survival rates for childhood cancers vary widely depending on the type of cancer and can range from less than 1% to over 90%; and
- WHEREAS,** Sixty percent of childhood cancer survivors experience severe or life-threatening complications in adulthood; and
- WHEREAS,** September is National Childhood Cancer Awareness Month and represents an annual opportunity for supporters nationwide to focus on and raise awareness of the challenges of childhood cancer; and
- WHEREAS,** In Brenham, Texas, Adam's Angels Ministry, a local charitable organization, who support families who face childhood cancer and encourages everyone to join in their efforts to help defeat this terrible disease; and
- WHEREAS,** It is right and just for the City Council and the residents of Brenham to join together with Adam's Angels and all children and families touched by childhood cancer to raise awareness and encourage funding;

NOW, THEREFORE, I Atwood C. Kenwood, Mayor of the City of Brenham, Texas do hereby proclaim September 2024 as

CHILDHOOD CANCER AWARENESS MONTH

In Witness, Whereof, I have set my hand and affixed the Seal of Brenham.

Atwood C. Kenjura
Mayor

Brenham City Council Minutes

A Regular Meeting of the Brenham City Council was held on Thursday, August 1, 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 Shannan Canales
Councilmember Leah Cook
Councilmember Adonna Saunders
Councilmember Albert Wright

Members Absent:

Councilmember Paul LaRoche

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 Finance Stacy Hardy, 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, Development Services Director Stephanie Doland, Economic & Community Development Director Teresa Rosales, Robin Hutchens, Karen Stack, Kyle Branham, Shawn Bolenbarr, Jessica Perez, Shauna Laauwe, Allen Jacobs, Nancy Stafford, Tiwanna Brown, Steven Loving, Richard O'Malley, David Drinkard, Derrick Charlton, and Rolando Arroyo.

Citizens/Others Present:

Walt Edmunds, and Mary Maxwell.

Media Present:

Joshua Blaschke 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 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**

No citizen comments were heard.

CONSENT AGENDA

- 7. Statutory Consent 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**

A motion was made by Councilmember Wright and seconded by Councilmember Canales to approve Consent Agenda Items 7.a. through 7.b as presented.

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 Saunders, Councilmember Wright

No: None

Absent: Councilmember LaRoche

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

Director of Administrative Services/City Secretary Jeana Bellinger presented this item. Bellinger stated that 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 with 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 of 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.

Bellinger advised that as required by law, Washington County was provided notice of the annexation on July 12, 2024, and has been advised by Judge Durrenberger that the County has no objection to this annexation. Bellinger advised that both of these roadways would be added to the City's thoroughfare plan and street inventory. Bellinger advised that 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.

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)

City Planner Shauna Laauwe presented this item. Laauwe explained that Walt Edmunds of WEPROP, LLC., the applicant and property owner, is requesting approval of a Specific Use Permit for an existing 612 sq.ft. detached accessory dwelling unit (ADU). Laauwe advised that 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. Laauwe explained that since the ADU had remained vacant for more than one year, the nonconforming use lost its nonconforming status; therefore, the applicant is requesting that the existing accessory structure be allowed as an ADU again to provide for visiting family and guest accommodation.

Laauwe explained that the proposed ADU has an existing setback of only one foot from the north rear property line so the applicant is currently working with a surveyor to replat the property to include a strip of property recently purchased from the adjacent property owner that would ensure that the ADU has a conforming 11-foot rear yard setback.

Laauwe stated that this SUP went to P&Z on July 22nd and they voted unanimously to approve the SUP with the condition that the property be replatted to include the additional property for the 11-foot rear yard setback.

A motion was made by Councilmember Saunders and seconded by Councilmember Cook to 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).

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 Saunders, Councilmember Wright
No: None
Absent: Councilmember LaRoche

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

Chief Financial Officer Julie Flagg presented this item. Flagg advised that 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.

Flagg advised that 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.

Flagg stated that Council will need to take a record vote on this item so that the proposed property tax rate can be placed on upcoming agendas for City Council consideration.

A motion was made by Councilmember Canales and seconded by Councilmember Saunders 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.

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

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

No: None

Absent: Councilmember LaRoche

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

Mayor Kenjura stated that this item would be passed at this time.

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

Director of Development Services Stephanie Doland presented this item. Doland explained that 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).

Doland advised that 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

Doland advised that 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. 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 the City.

A motion was made by Councilmember Saunders and seconded by Councilmember Wright to 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.

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 Saunders, Councilmember Wright

No: None

Absent: Councilmember LaRoche

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

Director of Human Resources/Risk Management Susan Nienstedt presented this item. Nienstedt explained that 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.

Nienstedt stated that last year, 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. This year 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 for those coverages.

Nienstedt explained that United Healthcare provided a renewal with a 5% increase for our group medical coverage. This increase will be applied to both the city's premiums and the employee's premiums for the 2024-25 plan year beginning October 1, 2024.

A motion was made by Councilmember Canales and seconded by Mayor Pro Tem Kolby to 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.

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 Saunders, Councilmember Wright

No: None

Absent: Councilmember LaRoche

14. Administrative/Elected Officials Report

City Manager Carolyn Miller reported on the following:

- August 10th and 11th - Firemans Fiesta
- August 15th - Regular City Council Meeting
- August 22nd - Special City Council Meeting

Council adjourned into Executive Session at 1:53 p.m.

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**

Executive Session adjourned at 2:47 p.m.

ADJOURN

Atwood C. Kenjura
Mayor

Jeana Bellinger, TRMC, CMC
City Secretary

ORDINANCE NO. O-24-018

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 1st day of August 2024.

PASSED and APPROVED on its second reading this the 15th day of August 2024.

Atwood C. Kenjura
Mayor

ATTEST:

Jeana Bellinger, TRMC, CMC
City Secretary

EXHIBIT "A"



Legend

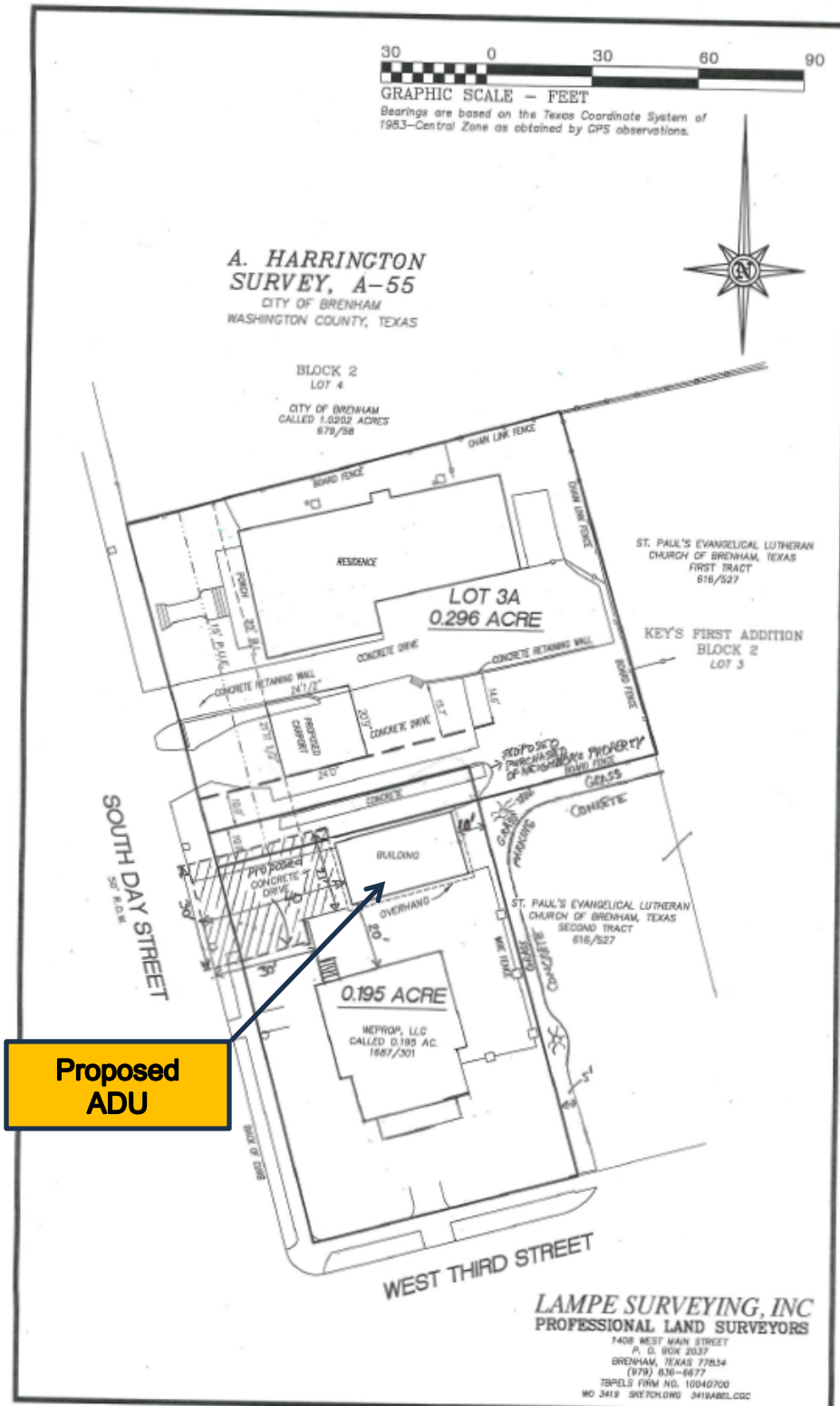
- B1 Local Business Mixed
- B2 Commercial Research and Technology
- I Industrial
- R1 Residential Single Family

Zoning Map
Specific Use Permit - ADU
310 W Third Street



1 inch = 80 feet

EXHIBIT "B"
Site Plan



ORDINANCE NO. O-24-019

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 a copy of said codes has been and 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:

2021 International Building Code (IBC)

2020 National Electrical Code (NEC)

2021 International Fuel Gas Code (IFGC)

2021 International Mechanical Code (IMC)

2021 International Property Maintenance Code (IPMC)

2021 International Plumbing Code (IPC)

2021 International Energy Conservation Code (IECC)

2021 International Residential Code (IRC)
2021 International Existing Building Code (IEBC)
2021 International Swimming Pool and Spa Code (ISPSC)
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 2021 International Building Code, and all revisions thereto, save and except such portions as may hereinafter be amended, of which a copy has been and 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, 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 complete set of the construction plans for all one-and two-family dwellings. 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 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 site plan 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 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 1801 is hereby amended by adding Section 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.

- 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.
- 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 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. 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. Be provided with required exterior ventilation.
 - 7. Have a Project Engineer or Project Architect provide structural inspection prior to project Cover-up.
 - 8. Have a Project Architect or Project Engineer 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) 2020 Edition.

The National Electrical Code, being particularly the 2020 National Electrical Code, and all revisions thereto, save and except such portions as may hereinafter be amended, of which a copy has been and 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 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 230.70(D) to read as follows:

230.70(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
 - 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 without a separate ground, either in the same cable or in the same conduit;
- 3) Armored cable, type A/C;
- 4) MC Cable, unless the exterior armor is color-coded its entire length by the manufacturer to distinguish it from other flexible metallic conduit systems;
- 5) 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
- 6) 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 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. 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 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 2021 International Fuel Gas Code (IFGC), save and except such portions as may hereinafter be amended, of which a copy has been made and 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, 2021 Edition, as adopted by the City of Brenham:

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

Section 109 is deleted in its entirety.

Section 401 is hereby amended by adding Section 401.11 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 403.13 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 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 2021 International Property Maintenance Code (IPMC), save and except such portions as may hereinafter be amended, of which a copy has been made and 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 104 is deleted in its entirety.

Section 109 is deleted in its entirety.

Section 108 is deleted in its entirety.

Section 111 is deleted in its entirety.

Section 112 is deleted in its entirety.

Section 107 is deleted in its entirety.

Section 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 2021 International Plumbing Code (IPC), and all revisions thereto, save and except such portions as may hereinafter be amended, of which a copy has been and 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, 2021 Edition, as adopted by the City of Brenham:

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

Section 109 is deleted in its entirety.

Section 115.3 is deleted in its entirety.

Section 115.4 is deleted in its entirety.

Section 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 605.25 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 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 2021 International Energy Conservation Code (IECC), and all revisions thereto, save and except such portions as may hereinafter be amended, of which a copy has been and 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 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 2021 International Mechanical Code (IMC), and all revisions thereto, save and except such portions as may hereinafter be amended, of which a copy has been and 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, 2021 Edition, as adopted by the City of Brenham:

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

Section 109 is deleted in its entirety.

Section 115.3 is deleted in its entirety.

Section 115.4 is deleted in its entirety.

Section 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 2021 International Residential Code (IRC) (inclusive of Appendix A “Tiny Houses”), and all revisions thereto, save and except such portions as may hereinafter be amended, of which a copy has been and 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, 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, 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: 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 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 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 P2606.2 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 2021 International Existing Building Code (IEBC), and all revisions thereto, save and except such portions as may hereinafter be amended, of which a copy has been and 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, 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 SUBSTANDARD 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 on 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 on 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 2.

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: Intentional or unintentional misuse of the fire alarm system by the owner, its employees, agents, or occupants;

- (1) 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
 - (2) Any other alarm activation for which the fire department personnel are unable to determine the apparent cause of the activation.
 - (3) 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. 8-7 – 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 2021 International Fire Code, including Appendices B, C, D, E, F, G, H, I, , K, L, 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 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, 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, 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 "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, 2020 Edition," and as amended thereafter.
- (f) *Tank location.* In addition to location restrictions listed in NFPA-30, "Flammable and Combustible Liquid Code, 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, 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, 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 3.

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 4.

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 5.

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 1st day of August 2024.

PASSED and **APPROVED** on its second reading this the 15th day of August 2024.

Atwood C. Kenjura
Mayor

ATTEST:

Jeana Bellinger, TRMC, CMC
City Secretary



City Council Regular Meeting **AGENDA ITEM 5.d**

Agenda Item: **Approve the Use of Seized Narcotic Funds for the City of Brenham Police Department for the Purchase of One (1) Autel EVO Max 4T Drone, One (1) Autel EVO MAX 4N Drone and the Required Software Licenses, from W.S. Darley & Co, In the Amount of \$32,520.00 and Authorize the Mayor to Execute Any Necessary Documentation**

Meeting Date: August 15, 2024

Department: Police

Staff Contact: Steven Eilert, Police Sergeant

SUMMARY STATEMENT:

The Brenham Police Department to request authorization to use seizure funds to enhance our technological capabilities. This year, the Brenham Police Department has been utilized for drone support by other agencies in Washington County and the surrounding counties. In 2024 alone, our pilots have logged over 53.5 flight hours flying missions to assist with aerial mapping for fatal accident reconstruction, calls for service such as missing persons, fleeing felons, and weapon-involved situations, to event security to monitor large crowds and watch for vehicle burglaries while citizens enjoy the festivities of our community.

Our department is requesting to acquire two additional drones, the Autel Evo Max 4T and Autel Evo Max 4N, along with necessary accessories utilizing seizure funds. These drones have advanced features that will significantly improve our ability to monitor and maintain public safety. The Autel Evo Max 4T offers high-resolution video capture, extensive zoom capabilities, thermal capabilities, extended flight times, and robust weather resistance, making it ideal for various law enforcement applications during the day. The Autel Evo Max 4N offers high-resolution video capture, thermal capabilities, night vision capabilities, extended flight times, and robust weather resistance, making it ideal for a variety of law enforcement applications at night.

In addition to the drones, we would like to subscribe to DRONESENSE for each unit. DRONESENSE is a comprehensive software platform that allows us to effectively manage and coordinate our drone missions with other drone programs in the county and surrounding areas. It provides real-time drone positions on a map, video streaming to a command center or a cell phone in the field, flight logging, and compliance management, among other features.

Seizure funds will cover the total cost of the drones, accessories, and DRONESENSE subscriptions. This expenditure will not impact our department's budget or require additional funding from the city this fiscal year. There will be an additional yearly subscription for the DRONESENSE software, which we currently use for our DJI Mavic 3T. Adding these two additional drones to our subscription will bring our total yearly DRONESENSE subscription to \$7,700.

We have obtained three quotes for the drone purchase and they are as follows:

1. Advexture in the amount of \$25,188.24
2. W.S. Darley & Co. in the amount of \$26,720.00

3. DSLRPro in the amount of \$24,440.00 (currently does not sell the accessories options we utilize.)

Additionally, DRONESENSE quoted \$5,800.00 to add these requested drones to our current DRONESENSE subscription. We request authorization to purchase the drones from W.S. Darley & C.O. as we have made all of our drone purchases through their company, and the customer service has been second to none.

We believe that this investment will greatly enhance our operational efficiency and effectiveness, ultimately serving the best interests of our community. We kindly request your approval to proceed with this purchase.

ATTACHMENTS:

None

RECOMMENDATION:

Approve the use of seized narcotic funds for the City of Brenham Police Department for the purchase of one (1) Autel EVO Max 4T Drone, one (1) Autel EVO MAX 4N Drone and the required software licenses, from W.S. Darley & Co, in the amount of \$32,520.00 and authorize the Mayor to execute any necessary documentation.



City Council Regular Meeting
AGENDA ITEM 5.e

Agenda Item: **Approve the Termination of an Interlocal Agreement Between the City of Brenham and Washington County for Emergency Management Coordinator Services and Authorize the Mayor to Execute Any Necessary Documentation**

Meeting Date: August 15, 2024

Department: Administration

Staff Contact: Carolyn Miller, City Manager

SUMMARY STATEMENT:

In January 2024, the City and the County entered into an Interlocal Agreement (ILA) that designated the County's Emergency Management Coordinator (EMC), Bryan Ruemke, to temporarily serve as the City's duly appointed EMC to perform all duties and functions during the term of this Agreement.

We have recently recruited an Assistant Fire Chief who will serve as the Emergency Management Coordinator for the City.

In accordance with the ILA, either party may terminate the agreement at any time, by giving a least 30 days written notice of the termination. We are requesting Council's approval to terminate this ILA effective September 30, 2024.

ATTACHMENTS:

1. ILA for EMC Services

RECOMMENDATION:

Approve the termination of an Interlocal Agreement between the City of Brenham and Washington County for Emergency Management Coordinator Services and authorize the Mayor to execute any necessary documentation.

**INTERLOCAL AGREEMENT BETWEEN
THE CITY OF BRENHAM AND WASHINGTON COUNTY
FOR EMERGENCY MANAGEMENT COORDINATOR SERVICES**

WHEREAS, this Interlocal Agreement, hereinafter referred to as “Agreement,” is entered into by and between the following parties: the City of Brenham, a Home-Rule Municipality located in Washington County, Texas, hereinafter referred to as “City”, and Washington County, Texas, a political subdivision of the State of Texas, hereinafter referred to as “County”;

WHEREAS, the City and County each hereby find that it would be mutually advantageous to provide for emergency management coordinator services in the manner established in this Agreement;

WHEREAS, the City and County have negotiated this Interlocal Agreement in order to promote clarity and ease of understanding;

WHEREAS, the City and County are authorized to enter into this Agreement in all respects by Texas Government Code, Chapter 791; and

NOW, THEREFORE, in consideration of the mutual covenants expressed in this Agreement, the receipt and sufficiency of which are hereby acknowledged, the City and the County agree as follows:

1.0 Emergency Management Coordinator Services

a) The County agrees to:

1. Allow the County’s designated Emergency Management Coordinator to temporarily serve as the City’s duly appointed Emergency Management Coordinator and to perform all duties and functions related thereto during the term of this Agreement;
2. To provide to the City all documents and records related to the Emergency Management Coordinator services performed during the term of this Agreement, with the County retaining a copy of said documents and records as determined by the County.

b) The City agrees to:

1. Reimburse the County for fifty percent (50%) of the total annual salary and benefit costs of said Emergency Management Coordinator during the term of this Agreement;
2. Reimburse the County for any and all out-of-pocket expenses directly related to services performed by the Emergency Management Coordinator on behalf of the City; and

3. Pay the County for actual mileage incurred for travel to and from locations by the Emergency Management Coordinator directly related to services performed by the Emergency Management Coordinator on behalf of the City. The mileage rate to be charged shall be the standard rate as allowed by the Internal Revenue Service.

2.0 Purpose

The purpose of this Agreement is to designate an Emergency Management Coordinator to serve as the City's Emergency Management Coordinator, and to authorize said City-designated Emergency Management Coordinator to perform the duties and functions of said position on behalf of the City.

3.0 Breach

The failure of either party to comply with the terms and conditions of this Agreement shall constitute a breach of this Agreement. If either Party commits a breach in the performance of any obligation or covenant herein, the non-breaching party may enforce the performance of this Agreement in any manner provided by law. This Agreement may be terminated at the non-breaching Party's discretion if such breach continues for a period of thirty (30) days after written notification of such breach and of the intention of the non-breaching Party to declare this Agreement terminated, provided, however, if the breach is not capable of being fully cured within thirty (30) days, the breaching Party shall be allowed the needed additional time to cure the breach if (i) the breaching Party begins the cure within the thirty (30) day period, (ii) the breaching Party diligently pursues the cure thereafter until it is fully cured, and (iii) the breaching Party has been given advance written approval to proceed by the non-breaching Party. Such notice shall be sent by the non-breaching Party to the Party in breach. If the breaching Party has not substantially cured the breach within the time period referenced above, this Agreement may be terminated by the non-breaching Party, and the non-breaching Party may pursue any other remedies available in law or equity.

4.0 Waiver

The waiver by either party of a breach of this Agreement shall not constitute a continuing waiver of such breach or of a subsequent breach of the same or a different provision, unless so stipulated in writing by the Party not in breach of this Agreement.

5.0 Term, Renewal

This Agreement shall be effective beginning 1/2/2024, and shall remain in effect until the City appoints a person to serve as the City's Emergency Management Coordinator and the person begins performing the duties and functions of said position. Either Party may terminate this Agreement at any time, without cause, by giving notice in the manner provided herein to the other Party at least thirty (30) days prior to the intended date of termination. Notice shall be provided pursuant to the terms set forth in Section 8.0.

6.0 Payment

An itemized listing of charges incurred and payments due to the County under this Agreement shall be invoiced by the County to the City on a monthly basis. Payment shall be made to the County by the City within thirty (30) days of the City's receipt of such invoice.

7.0 Texas Law to Apply

This Agreement shall be construed under and in accordance with the laws of the State of Texas and all obligations of the parties created hereunder are performable in Washington County, Texas. Exclusive venue for any claim, cause of action, lawsuit, or other legal proceeding arising out of this Agreement shall be in Washington County, Texas.

8.0 Notice

All notices sent pursuant to this Agreement shall be in writing and may be hand delivered, or sent by registered or certified mail, postage prepaid, return receipt requested. Notices sent pursuant to this Agreement shall be delivered or sent to the City Manager at the following address:

City Manager
City of Brenham
P. O. Box 1059
Brenham, Texas 77834-1059

Notices sent pursuant to this Agreement shall be delivered or sent to the County Judge at the following address:

County Judge
Washington County Courthouse
100 East Main Street, Suite 104
Brenham, Texas 77833

When notices sent are hand-delivered, notice shall be deemed effective upon delivery. When notices are mailed by registered or certified mail, notice shall be deemed effective three (3) days after deposit in a U.S. mail box or at a U.S. post office. Either party may change its address for notice under this Agreement by providing a notice of the change in compliance with this paragraph to all other Parties.

9.0 Funding

The City shall pay for services rendered by the County, pursuant to this Agreement, from current revenue funds or any other lawfully available source.

10.0 Legal Construction; Headings

If any one or more of the provisions contained in this Agreement shall for any reason be invalid, illegal, or unenforceable in any respect, such invalidity, illegality, or unenforceability shall not affect any other provision hereof and this Agreement shall be construed as if such invalid, illegal or unenforceable provisions had never been contained herein. The document and paragraph headings contained in this Agreement are for convenience only and do not enlarge or limit the scope or meaning of the document, paragraphs or the terms and conditions of this Agreement.

11.0 Entire Agreement

This Agreement supersedes any and all other agreements, either oral or in writing, between the Parties hereto with respect to the subject matter hereof and contains all of the covenants and agreements between the Parties with respect to said matter. Each Party to this Agreement acknowledges that no representations, inducements, promises, or agreements, oral or otherwise, have been made by any party or anyone acting on behalf of any parties with respect to the subject matter hereof which are not embodied herein and that no other agreements, statements, or promises with respect to the subject matter hereof not contained in this Agreement shall be valid or binding.

No modification concerning this instrument shall be of any force or effect, excepting a subsequent amendment in writing signed by the Parties. No official, representative, agent or employee of the City, has any authority to modify this Agreement except pursuant to express written authority to do so granted by the City Council of the City of Brenham, Texas. No official, representative, agent or employee of the County, has any authority to modify this Agreement except pursuant to express written authority to do so granted by the Commissioners Court of Washington County, Texas.

12.0 Parties Bound

This Agreement shall be binding upon and inure to the benefit of the Parties hereto and their respective legal representatives, successors and assigns. Neither this Agreement nor any duties or obligations under it shall be assignable by either Party without the prior written acknowledgment and authorization of both Parties to this Agreement.

13.0 Gender

Words of gender used in this Agreement shall be held and construed to include any other gender or words in the singular number shall be held to include the plural and vice versa unless this Agreement requires otherwise.

14.0 Attorney's Fees

If any action is brought to enforce, construe or determine the validity of any term or provision of this Agreement (whether at the trial court level or any appeal therefrom), the prevailing Party shall be entitled to reasonable attorney's fees and costs of the action.

IN WITNESS WHEREOF, City and County have hereby entered into this Agreement on this the 2 day of January, 2024.

CITY OF BRENHAM

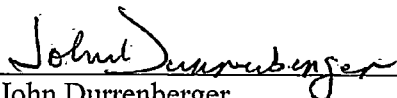

Atwood C. Kenjura
Mayor



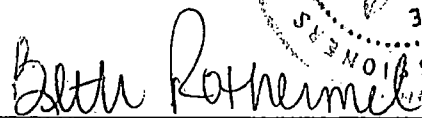
ATTEST:


Jeana Bellinger, TRMC, CMC
City Secretary

WASHINGTON COUNTY


John Durrenberger
Judge




Beth Rothermel
County Clerk



City Council Regular Meeting **AGENDA ITEM 6**

Agenda Item: **Public Hearing to Consider Amending the 2022 Thoroughfare Plan Map, Specifically for the Alignment of the Proposed Future Extension of South Blue Bell Road to State Highway 36 South, and Amending the 2019 Comprehensive Plan and Future Land Use Map, Specifically to Adopt the Small Area Plan Located Generally Around the Brenham Family Park (Case No. P-24-021)**

Meeting Date: August 15, 2024

Department: Development Services

Staff Contact: Shauna Laauwe, City Planner

SUMMARY STATEMENT:

On March 2, 2023, the City Council approved a Professional Services Agreement between the City of Brenham and KKC for the development of the Brenham Family Park Small Area Plan. The attached Staff Memo describes the ensuing process from March 2, 2023, to September 18, 2023, of how a Concept Plan for the 600-acre area around the Brenham Family Park was shaped through a series of project working group meetings, town halls, and public surveys. While the Brenham Family Park Small Area Plan is a concept plan not set in stone, proposed densities, envisioned uses, connectivity, and major roadway alignments help give a foundation for a more intentional development pattern. With the Small Area Plan study complete, the first implementation steps to help bring the plan to fruition are to amend the Comprehensive Plan, the Future Land Use Plan and Map, and the 2022 Thoroughfare Map. It is critical that these implementation steps are completed to guide interested developers, staff, and appointed and elected officials when a development application is submitted. These proposed amendments may be found on pages 2-3 of the Staff Memo and the accompanying exhibits.

On Monday, July 22, 2024, after conducting a Public Hearing, the Planning and Zoning Commission **voted unanimously to recommend approval** of the amendments to the Comprehensive Plan, Future Land Use Plan and Map, and the 2022 Thoroughfare Map.

ATTACHMENTS:

1. SR - CompPlan_FLUP Memo Final

RECOMMENDATION:

Public Hearing only - no action needed.



MEMORANDUM

To: Planning and Zoning Commission

CC: Stephanie Doland, Director of Development Services
Carolyn D. Miller, City Manager
Jeana Bellinger, City Secretary – Director of Administrative Services

From: Shauna Laauwe, AICP, City Planner

Subject: Amendment to Comprehensive Plan and Future Land Use Plan / Special Area Plan

Date: July 22, 2024

On September 19, 2019 the City of Brenham Adopted the Comprehensive Plan, *Historic Past Bold Future: Plan 2040* which was written by planning consultant Kendig Keast Collaborative (KKC). Plan 2040 includes a Comprehensive look at the current state of the community and a 20-year outlook of the future direction, needs, and priorities of the community.

One of the main subject areas of the Plan includes Land Use and Development and the creation of a Future Land Use Map (Page 29). The Future Land Use Map is one of the most referenced documents within the Comprehensive Plan as it serves as a guiding document for City Staff, the Planning and Zoning Commission and the Brenham City Council to make informed decisions when considering development and land use applications like a rezoning request or specific use permit. The Map provides a parcel specific recommendation on the most appropriate use designation for each property in Brenham and areas located within the ETJ. Shown on the Future Land Use Map is the standard use classifications such as residential, commercial and industrial. Additional uses such as Corridor Mixed Use and Brenham Family Park Special Area Plan are shown and represent areas in need of further planning studies to determine a more suitable zoning district and unique development criteria (See Exhibit C).

Included in Plan 2040 and enclosed (Exhibit B), is a description of the area referenced on the Future Land Use Map as the Brenham Family Park Special Area Plan. During the plan development, KKC, City Staff and community members who participated in the plan formation agreed that “the area around the Brenham Family Park is one of the primary large developable tracts within Brenham” though no consensus could be reached on the exact mix of land uses. The plan notes that the largely undeveloped area is suitable for a Planned Development District Zoning and likely a sizeable Master Planned Community with a variety of uses including Single-Family Residential, Multiple-Family Housing, Retail, and Commercial Uses. Plan 2040 recommends the

creation of a Small Area Plan prior to receiving a development proposal to help establish the vision for the area and outline more predictable quality development outcomes.

Generally, the subject area is bounded by the Brenham Business Center to the east, US Highway 290 to the north, the State Supported Living Center to the south and State Highway 36 to the west. The subject properties have a combined area of approximately 600 acres and are zoned a combination of R-1, Single-Family Residential, R-2, Residential Mixed-Use, B-1 Local Business Mixed, and B-2, Commercial Business and Technology. The 600 acres is located immediately adjacent to the Brenham Crossing (Baker Katz) retail development which is currently developed with 125,000 square feet of retail space with an additional 100,000 square feet planned. Since the adoption of Plan 2040, the City has received a \$750,000 grant from Texas Parks and Wildlife Commission for the Development of the 106-acre Brenham Family Park. The first phase of the project includes development of 32 acres of land with a projected development cost of \$1.2 million. These public and private investments will likely spur increased interest in further developing these 600 acres of land located between two primary highways within the south sector of the community. However, many of the properties within the plan area are limited in their development potential due to lack of roadway connections between the two major highways and the need to extend utilities.

The first step of bringing the Brenham Family Park Special Area Plan to fruition was on June 24, 2022, when the Tax Increment Reinvestment Zone Board (TIRZ) provided direction to Staff to include the expenses for a Small Area Plan in the Fiscal Year 2022-2023 Budget to be funded by the TIRZ. On March 2, 2023, this was followed by the City Council approving a Professional Services Agreement between the City of Brenham and Kendig Keast Collaborative (KKC) for the development of the Brenham Family Park Small Area Plan. Subsequently, City Staff met with each of the property owners one-on-one regarding the overall scope of the plan project and learning their visions for their property. Shortly thereafter, Council approved a Project Working Group “The Group” on May 4, 2023, made up of sixteen (16) stakeholders to include the property owners within the Plan area, a Councilmember, a P&Z member, a Park Board representative, TXDOT, architects, and BCDC and TIRZ Board representatives. With the Project Working Group in place, KKC and City Staff facilitated four (4) meetings for the Group between May 19th and September 18, 2023.

Over these four meetings, Kendig Keast Collaborative and the Project Working Group were charged with conducting the Small Area Plan assessment to proactively prepare for the growth anticipated on the 600 acres and to protect the City’s investment in the Brenham Family Park, by identifying the following project outcomes:

- Establish a unified **Vision** for the development of the current vacant land surrounding the Brenham Family Park. The Comprehensive Plan’s Future Land Use Map identifies the area around the Brenham Family Park as Planned Development. Establishing the vision for the area will guide more predictable development outcomes.
- Based on the unified vision, establish a more fine-grain clarification of potential **land use mix and intensities**.
- Identify opportunities to **coordinate public and private improvements** and infrastructure.
- Identify appropriate **road network connections** to future development and the Brenham Family Park and recommend updates to the Thoroughfare Plan.

- Identify **wayfinding, lighting and pedestrian and bicycle infrastructure**, in coordination with the design concepts for the Brenham Family Park.
- Develop **conceptual renderings** of preferred development options.
- Examine any necessary updates to the City's **zoning or development regulations** to implement a unified vision for the area.

During the summer, KKC brought three (3) different concept plans for the Project Working Group based on feedback from the Group, an online survey that was conducted, and from feedback from a public meeting held on August 10, 2023. Through much discussion and deliberation, these concept plans helped the Group to arrive at a unified vision for the 600-acre area, with the selection of Concept Plan #3 that is shown below and in Exhibit A.

Small Area Plan- Concept 3



The Special Area Plan is not set in stone and provides a **concept** plan of the envisioned uses, density and placement, a general layout of connectivity through roadway placement and trails, and the desire for open spaces. With the Small Area Plan study complete, the first implementation steps to help bring the plan to fruition are to amend the Comprehensive Plan, the Future Land Use Plan and Map, and the 2022 Thoroughfare Map. It is critical that these implementation steps are completed to guide interested developers, staff, and appointed and elected officials when a development application is submitted. The Comprehensive and Future Land Use Plans outline the vision of the area around the Brenham Family Park as a Planned Development District that will feature a mixture of uses and public space that is unique to Brenham. The updated Thoroughfare Plan Map lays out the groundwork to request right-of-way dedication. The Comprehensive Plan language needs to be updated on Page 17 to reflect that the recommended Brenham Family Park – Special Area Plan has been completed and to reflect the findings. The Future Land Use Plan

needs to be modified on Page 27 to revise the “Planned Development” section to reflect the new land use name of “Brenham Family Park – Special Area Plan” and minor revisions to the language describing the land use. Lastly, the Future Land Use Map on Page 29 will need to be revised to rename the Planned Development Use area to Brenham Family Park – Small Area Plan, modify the northeast boundary to be at US Hwy 290, and to reflect the revisions to the Thoroughfare Plan. The Thoroughfare Map will be updated to show the proposed alternate Blue Bell Road arterial extension that traverses the planned area from the Brenham Business Center to the east to FM 109 to the southwest and a proposed collector street at Hwy 36, across from Salem Road that would provide a secondary main entry point. The amendments may be found in Exhibits A, B, and C, respectively.

Should there be any questions, comments, or concerns, please contact me by phone at 979-337-7215 or by email at slaauwe@cityofbrenham.org.

Attachments:

- Exhibit A: Comprehensive Plan amendment (Page 17)
- Exhibit B: Future Land Use Plan amendments (Page 27)
- Exhibit C: Future Land Use Plan Map (Page 29)
- Exhibit D: Thoroughfare Map Amendment
- Exhibit E: Special Area Plan Information Poster

Exhibit A:
Comprehensive Plan Amendment (Pg. 17)



Figure : Brenham Family Park- Special Area Plan I

Future Brenham Family Park – Special Area Plan

The area around the future Brenham Family Park is one of the primary large developable tracts within Brenham and there is significant public investment that will be made to the Brenham Family Park over the coming years. The Future Land Use Map (see Pg. 29) designates the currently undeveloped area around the Future Brenham Family Park as Brenham Family Park - Special Area Plan. This designation encourages a master-planned development that will be in character with the Special Area Concept Plan that was adopted in September 2024 and would be approved through the planned development district process in coordination with the City.

Development of a Special Area Plan in advance of receiving a development proposal can help establish the vision that is desired for the area which in turn can help guide more predictable development outcomes. In 2023, Kendig Keast Collaborative was hired for the development of The Special Area Plan. A sixteen (16) member Project Working Group meeting 4 times over a 4 month period, an online public survey, and town hall meeting, helped to develop a plan that addressed the following elements:

- ▶ Coordinating public and private improvements and infrastructure
- ▶ Developing a unified vision for the future development of the area
- ▶ Mixture of land uses and density
- ▶ Integration of future development with the Brenham Family Park
- ▶ Integration with thoroughfare system, including pedestrian and bicycle infrastructure
- ▶ Conceptual rendering of development options

With the Small Area Plan study complete, the first implementation steps to help bring the plan to fruition are to amend the Comprehensive Plan, the Future Land Use Plan and Map, and the 2022 Thoroughfare Map. It is critical that these implementation steps are completed to guide interested developers, staff, and appointed and elected officials when a development application is submitted. The Comprehensive and Future Land Use Plans outline the vision of the area around the Brenham Family Park as a Planned Development District that will feature a mixture of uses and public space that is unique to Brenham.

Exhibit B:
Future Land Use Plan Designation Amendment (Pg. 27)

Brenham Family Park - Special Area Plan



This designation is for the Brenham Family Park Special Area Plan is generally bounded by the Brenham Business Center to the east, US Highway 290 to the north, the State Supported Living Center to the south and State Highway 36 to the west. The Special Area Plan encompasses a combined area of approximately 600 acres where the community aspires to see a master-planned development approach and outcome consistent with the concept plan revealed as part of the 2023 Brenham Special Area Plan. As a result, this scale and potential multi-use style of land development is typically vetted and approved through a Planned Unit Development (PUD or PD) procedure as provided for in many municipal zoning ordinances, including in Brenham.

Development Types

- ▶ Single-family detached dwellings
- ▶ Incorporation of small-lot dwellings, patio homes or townhomes to provide a mix of "life-cycle" housing options (and may also include designated senior housing).
- ▶ Multi-family residential component in designated areas such as at the development perimeter or within or near a mixed-use "town center" node
- ▶ Neighborhood centers or other retail/service/office nodes, potentially to the scale of a "town center" or regional-scale retail center that will draw patronage beyond just the development's residents
- ▶ Public/institutional uses
- ▶ Parks and public space utilizing an internal trail and/or greenway system to link neighborhoods and other destinations within the overall development

Characteristics

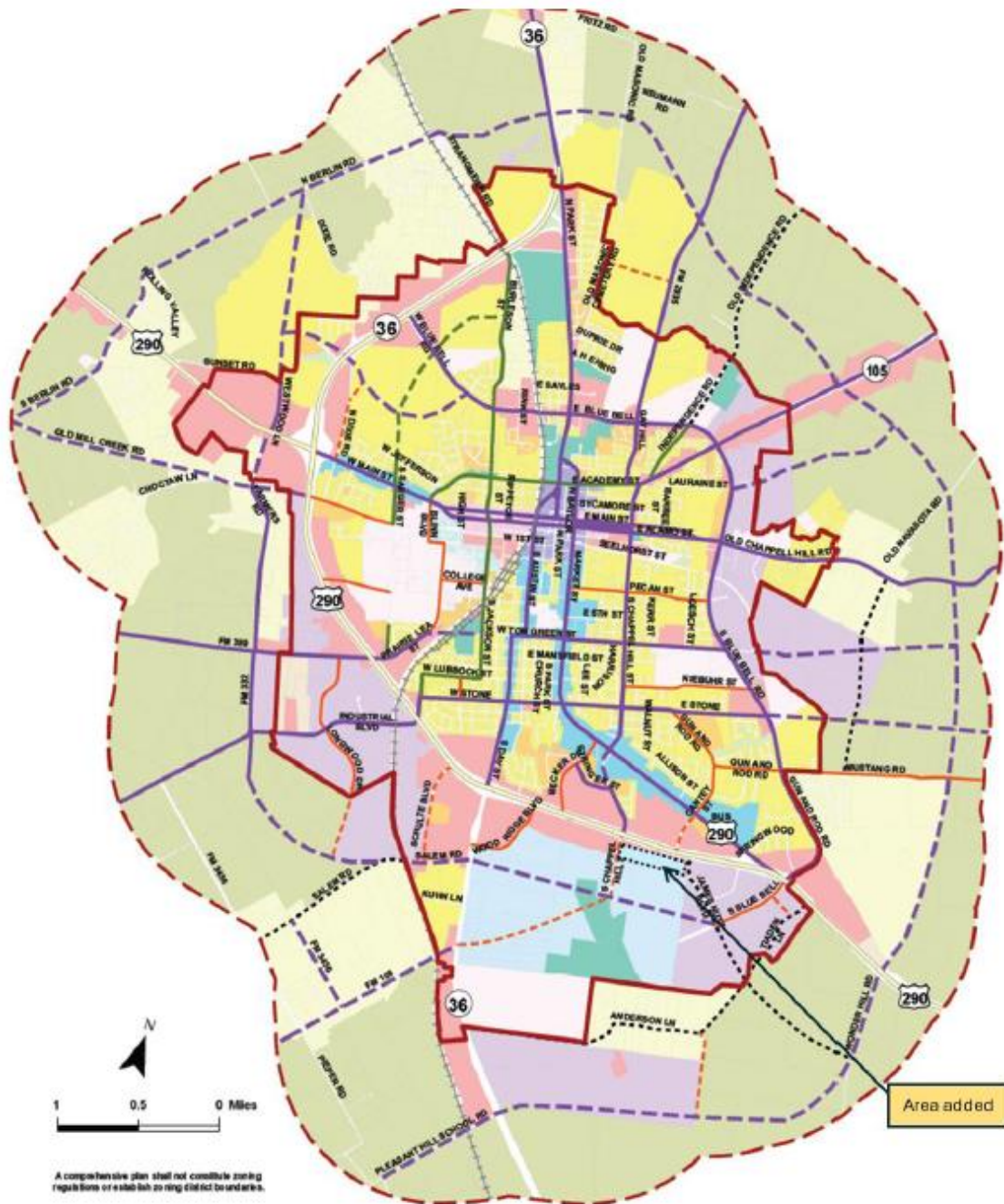
- ▶ Typically involves a series of development "pods" with varying lot sizes and densities, home types/styles, and resulting price points.
- ▶ Often reflects quality land planning that preserves and incorporates pre-existing natural features and other unique site elements, and provides a significant amount of permanent open space for recreation, buffering and aesthetic purposes.
- ▶ Given the site scale and level of land planning, often designed to incorporate natural and/or swale drainage, as well as sophisticated storm water retention/detention features that can also add development value as recreational and aesthetic assets.
- ▶ Given the above characteristics, some PDs include a "town center" component with an urban, mixed-use, pedestrian-oriented character, and some PDs range all the way to the estate and even rural end of the spectrum (e.g, large-lot, equestrian-oriented residential areas).

Industrial



Depending on the standards applied through development regulations, an industrial area can allow for a wide range of uses, from office/warehouse to wholesale, product assembly, and manufacturing. Some communities aim for a more aesthetic business or industrial "park" environment, with specific standards for building arrangement and orientation, building materials and design, extensive landscaping, and especially full screening of loading and outdoor activity/storage areas, if such external activity is even

Exhibit "C" Future Land Use Map Amendment (Pg. 29)



Brenham, TX Future Land Use

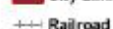
Legend

Future Land Use Plan

- | | |
|---------------------------|----------------------------------|
| Rural | Mixed Use Blinn Adjacent |
| Open Space | Mixed Use Downtown Adjacent |
| Park | Corridor Mixed Use |
| Estate Residential | Brenham Family Park Special Area |
| Single Family Residential | Downtown |
| Manufactured Homes | Local Public Facilities |
| Multi-Family Residential | Commercial |
| | Industrial |



City Limits

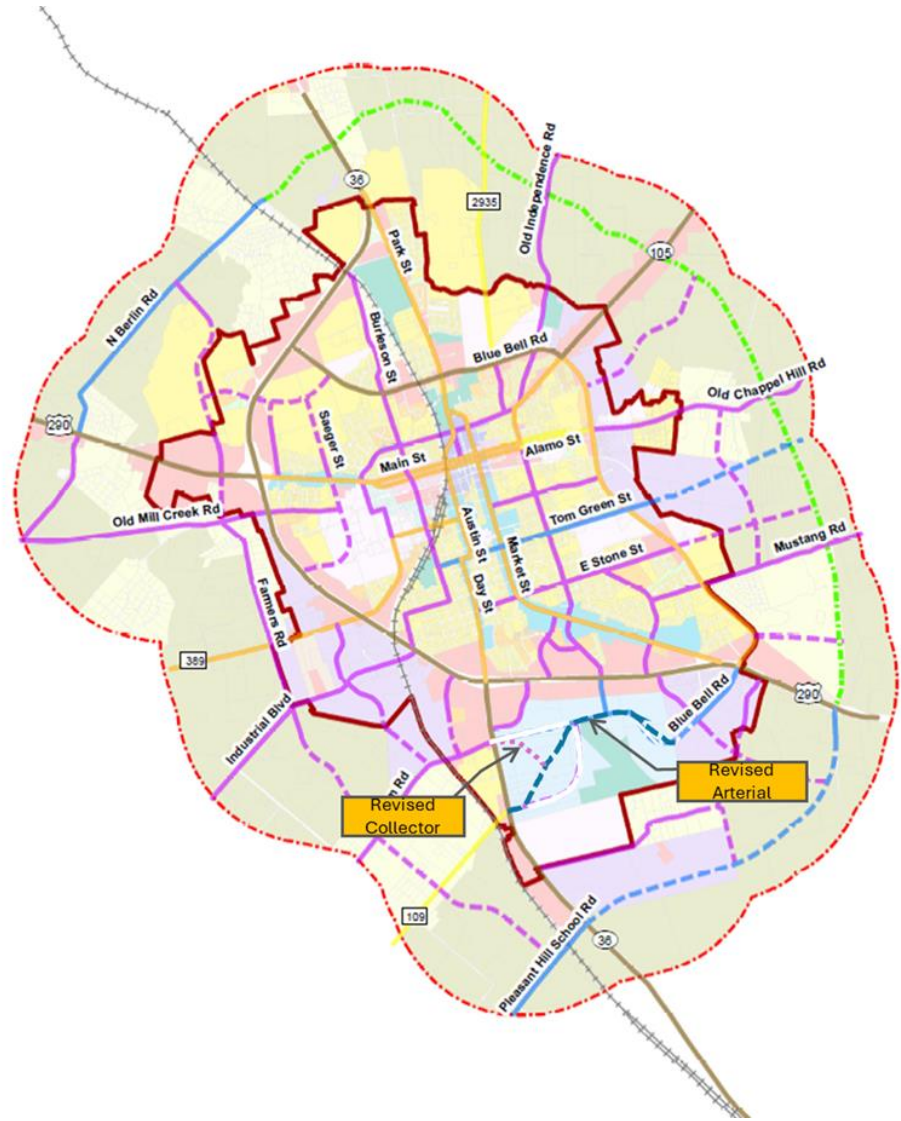
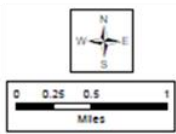
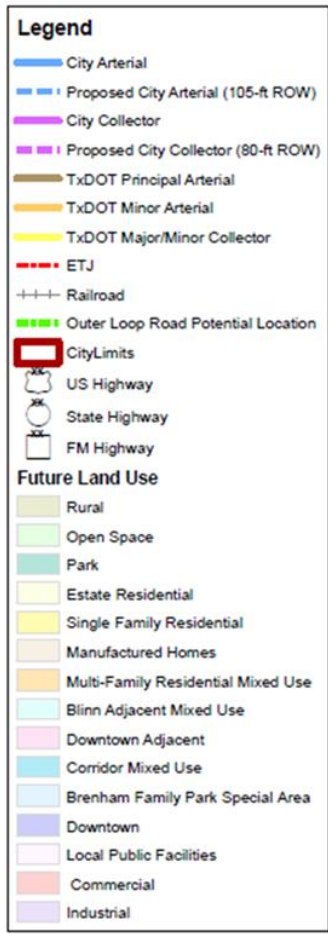


Railroad

2014 Thoroughfare Plan

- | |
|--------------------------|
| Freeway |
| Minor Arterial |
| Minor Arterial Proposed |
| Major Collector |
| Major Collector Proposed |
| Minor Collector |
| Minor Collector Proposed |
| Network Extension |

Exhibit “D” **Thoroughfare Plan Map Amendment**



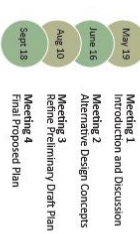


Brenham Family Park Area Plan

Plan Purpose

The Plan purpose is to help establish a consensus vision for this soon-to-develop area of the city, anchored by the pending new Brenham Family Park, and recommend strategies for achieving more predictable and quality development outcomes before specific development proposals emerge.

Process and Timeline (2023)

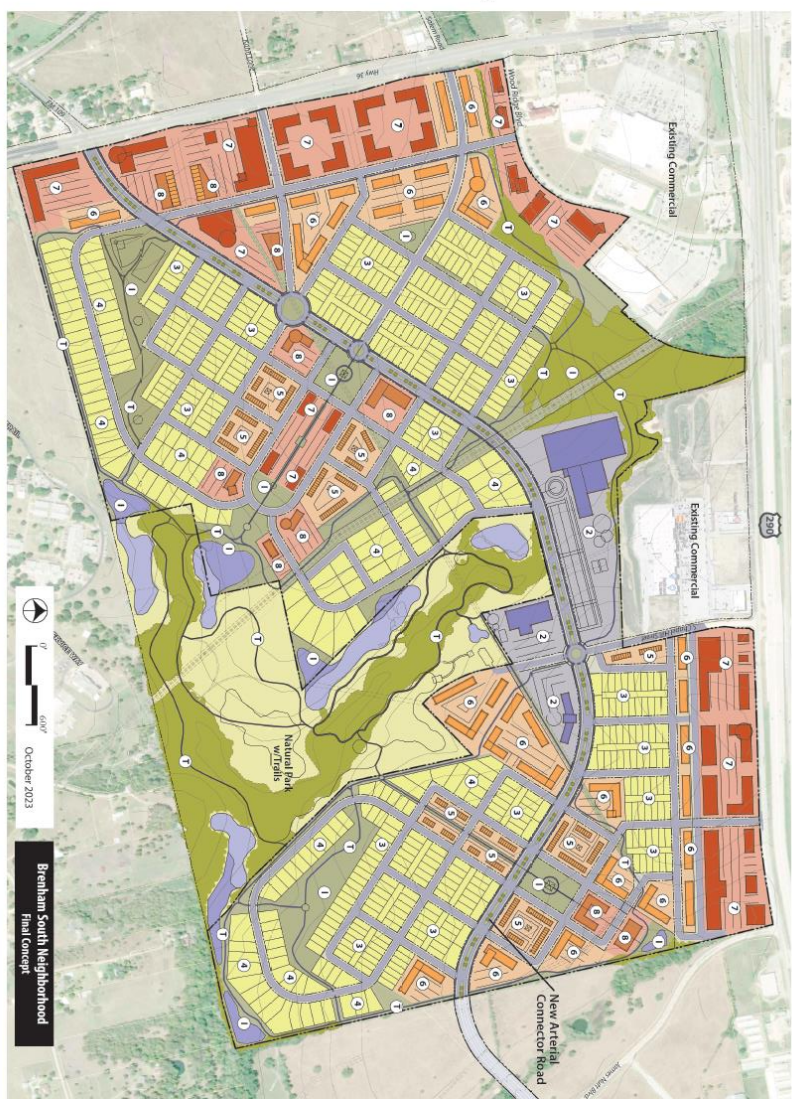


Project Working Group Members

- » Clint Koby - Hen, Clint Koby, Mayor Pro Tem
- » Keith Behrens - Planning & Zoning Commission
- » Gray Crocker - Tax Increment Reinvestment Zone Board
- » Bill Berts - Community Development Corp. & Parks Board
- » William (Dusty) Robinson - Parks & Recreation Board
- » Jeff Miles - Texas Department of Transportation
- » Darren Heine - Architect
- » Darren Tucker - Civil Engineer
- » Pete Simpson
- » Wes Hall - House Family representative
- » Carl Deering - Property owner
- » Ruben Feale - Property owner
- » Mike and Shiley Ogilvie - Property owners
- » John Ogilvie - Property owner
- » Sharon Ogilvie - Property owner
- » Jean Warrine - Property owner
- » Sandra Perry - Property owner

Design Principles

- A Connected streets
- B Shorter, narrower blocks
- C Mixed-use
- D Mixed housing
- E Architectural variety
- F Public amenities
- G Protected sidewalks
- H Open park edge
- I Distributed open space
- J Integrated stormwater management
- K Parking behind and on-street
- L Town Center



Implementation

- » Update Thoroughfare Plan
- » Amend Comprehensive Plan
- » Potential rezoning of "Brenham Family Park Area to special Planned Development District"
- » Update subdivision Ordinance
- » Engage public in neighborhood naming/branding context
- » Create project website
- » Maintain communications with property-owners
- » Explore funding/incentives options

Funding and Incentives

- » Tax Increment Reinvestment Zone
- » Tax Abatements
- » 380 Agreements
- » Bonding
- » Fee Waivers
- » Utility/Management Districts
- » Economic Development Partnerships

Legend

- ① Total Acreage - Approx. 662 Ac.
- ② Trail
- ③ Open Space / Private Maintained Parks / Stormwater - 213 Ac.
- ④ Institutional - Community, Church - 31 Ac.
- ⑤ Roads / Utilities - 110 Ac.
- ⑥ Single Family Residential
 - Total Acreage - 133 Ac.
 - Single family / Alley-loaded - 73 Ac.
 - No. Small Lots - 407
 - Avg. Size - 7,260 Square Feet (57)
 - Single family - 1,200 SF
 - No. Large Lots - 166
 - Avg. Size - 15,700 SF
- ⑦ Total No. Lots - 573
- ⑧ Avg. Size All Lots - 10,100 SF (10.23 Ac.)
- ⑨ Avg. Lots per Acre - 4.31
- ⑩ Multifamily Townhomes - 23 Ac.
 - Total Acreage - 133 Ac.
 - Multifamily Apartments (typical) - 50 Ac.
 - No. Units - 1,969 units
 - (675,000 SF, 3.5 floors, 1,200 SF/unit)
- ⑪ Commercial
 - Total Acreage - Approx. - 82 Ac.
 - Square Footage Bldgs - 985,000 SF
 - Mixed Use - 17 Ac.
 - Office - 1,000 SF
 - Residential - 325 Units
 - (2.5 floors, 1,200 SF/unit)

NOTES: This plan was prepared by the City of Brenham and the City of Houston. The City of Brenham is responsible for the design and the City of Houston is responsible for the engineering. The City of Brenham is responsible for the design and the City of Houston is responsible for the engineering.

October 2023



City Council Regular Meeting **AGENDA ITEM 7**

Agenda Item: **Public Hearing to Consider the Proposed Annexation of Approximately 6.5 Acres of Land Situation in Washington County, Texas and Hereinafter Described as:**

- **Section 2024-01: Approximately 1.4 Acres of Land, Called Dixie Road and its Right-of-Way, Situated in Washington County, Texas, from State Highway No. 36 North Extending Northward to the Northeast Corner of Vintage Farms Subdivision**
- **Section 2024-02: Approximately 2.6 Areas of Land, Called Dixie Road and its Right-of-Way, Situated in Washington County, Texas, from the Northeast Corner of Vintage Farms Subdivision, Extending North to the Current City Limit Line**
- **Section 2024-03: Approximately 0.5 Acres of Land, Called Old Masonic Road and Right-of-Way, Situated in Washington County, Texas Extending Northward from the Little Sandy Creek to the Northeast Corner of a 2.869 Acre Tract Owned by OCC Construction Corp**
- **Section 2024-04: Described Generally as a 1.0 Acre Tract Extending Northward on Old Masonic Road from the Northeast Corner of a 2.869 Acre Tract Owned by OCC Construction Corp. to the Northwest Corner of a 2.168 Acre Tract Owned by David Ryan Klinger, et ux**
- **Section 2024-05: Described Generally as a 1.0 Acre Tract Extending Northward on Old Masonic Road from the Northwest Corner of a 2.168 Acre Tract Owned by David Ryan Klinger, et ux to the Existing City Limit Line**

Meeting Date: August 15, 2024

Department: Administration

Staff Contact: Jeana Bellinger, City Secretary

SUMMARY STATEMENT:

This Public Hearing is for City Council to hear comments and concerns from citizens related to the possible 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.

ATTACHMENTS:

- | |
|--|
| <ol style="list-style-type: none">1. Section 1-2 Annexation - Dixie Road2. Sections 3-5 Annexation - Old Masonic Road |
|--|

RECOMMENDATION:

No action - Public Hearing only.

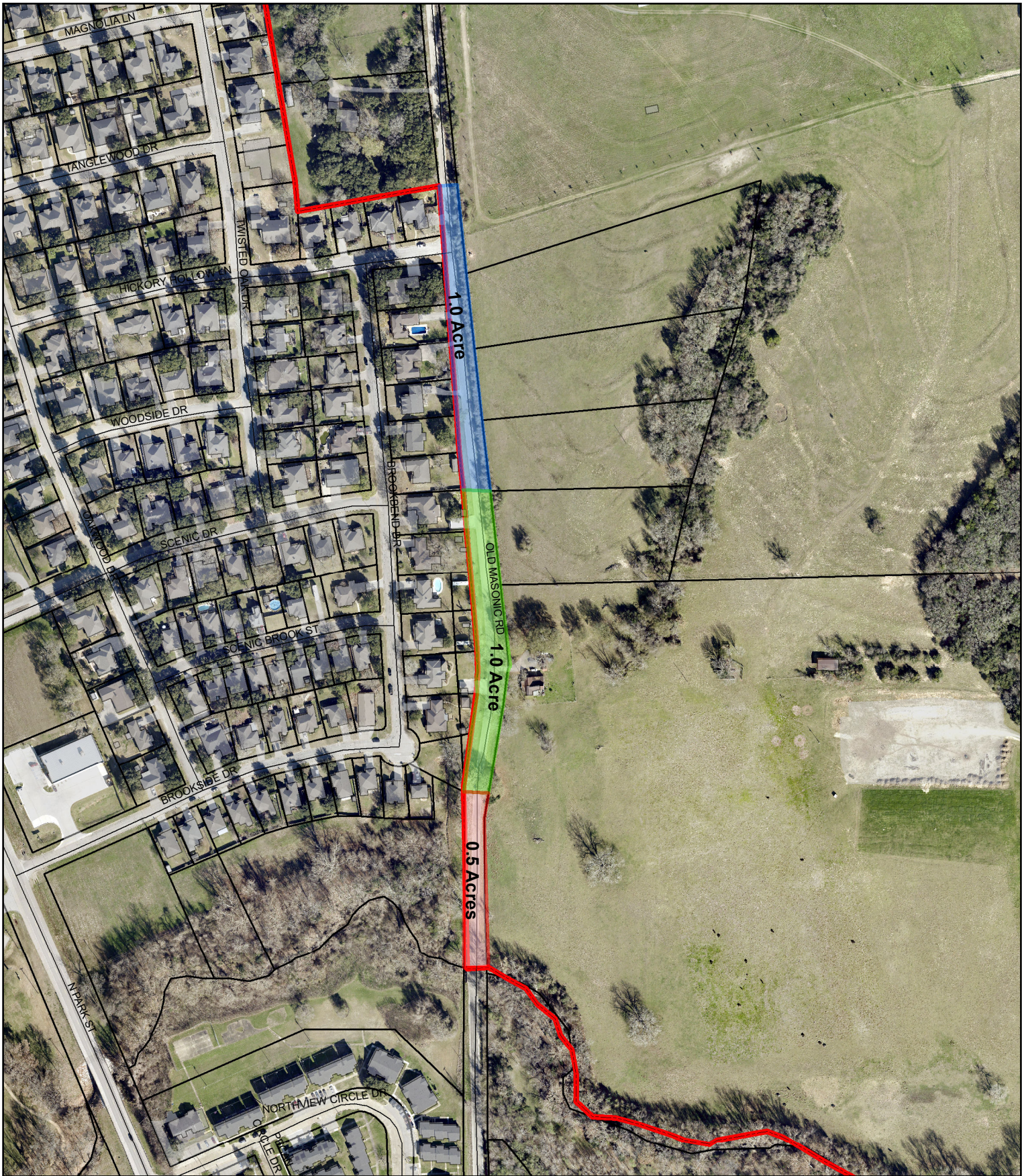


City of Brenham Annexation

-  Section 2024-1
-  Section 2024-2

1 inch = 300 feet





City of Brenham Annexation

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





City Council Regular Meeting **AGENDA ITEM 8**

Agenda Item: Discuss and Possibly Act Upon an Agreement Between the City of Brenham and AJR Media Group Related to Advertising for the City of Brenham's Tourism and Marketing Department (Visit Brenham DMO) and Authorize the Mayor to Execute Any Necessary Documentation

Meeting Date: August 15, 2024

Department: Tourism & Marketing

Staff Contact: Jennifer Eckermann, Director of Tourism & Marketing

SUMMARY STATEMENT:

AJR Media Group represents the state travel publications, several of which are part of the Visit Brenham marketing plan for 2025. The plan includes advertising with the following products:

- Texas State Travel Guide
- Texas Highways Magazine
- Texas Events Calendar
- TexasHighways.com
- TourTexas.com banners
- Hot & Happening Events eNewsletter

Staff recommends your approval of the attached proposal for 2025 advertising in the amount of \$57,190.86.

ATTACHMENTS:

1. AJR Media Group

RECOMMENDATION:

Approve an agreement between the City of Brenham and AJR Media Group, in the amount of \$57,190.86, related to advertising for the City of Brenham's Tourism and Marketing Department (Visit Brenham DMO) and authorize the Mayor to execute any necessary documentation.



Visit Brenham | Washington County
AJR Media Group | 2025 Final Plan

Previous Order Date	Product LINK TO MEDIA KIT	Description LINK TO SPECS	Frequency	Run Date	Space Deadline	Materials Deadline	Rate Card	Discounts	Final Net Amount	Comments:
Jul 31, 2023	Texas State Travel Guide	1/3 Page Horizontal	Annual	2025 (Jan)	Oct 2, 2024 <i>Early res Aug 5, 2024</i>	Oct 9, 2024	\$5,501.00	10% +5%	\$4,703.36	<i>Travel Guide includes both 10% "Multi-Title Discount" AND 5% "Early Reservation Discount" (confirm by Aug 5)</i>
Jul 31, 2023	Texas Highways Magazine	Full Page Bleed	1 of 6	Nov - 2024	Sep 2, 2024	Sep 9, 2024	\$6,723.00	10%	\$6,050.70	
			2 of 6	Dec - 2024	Oct 1, 2024	Oct 8, 2024	\$6,723.00	10%	\$6,050.70	
			3 of 6	Jan/Feb 2025	Nov 1, 2024	Nov 9, 2024	\$6,723.00	10%	\$6,050.70	
			4 of 6	Mar - 2025	Jan 2, 2025	Jan 9, 2025	\$6,723.00	10%	\$6,050.70	
			5 of 6	May - 2025	Mar 3, 2025	Mar 10, 2025	\$6,723.00	10%	\$6,050.70	
		Double Page Spread	6 of 6	July/Aug 2025	May 1, 2025	May 8, 2025	\$12,774.00	10%	\$11,496.60	<i>To qualifies for TxDOT's "Multi-Title Discount Plan B" (10% discount on all print & digital), place the following space:</i> • 6X's Texas Highways • 4X's Events Calendar • 1X State Travel Guide*
Jul 31, 2023	Texas Events Calendar	1/3 Page Vertical	1 of 4	Spring 2025 (Mar/Apr/May)	Nov 15, 2024	Nov 22, 2024	\$984.00	10%	\$885.60	<i>10% discount applies to all 3 publications AND TexasHighways.com</i>
			2 of 4	Summer 2025 (Jun/Jul/Aug)	Feb 15, 2025	Feb 22, 2025	\$984.00	10%	\$885.60	
			3 of 4	Fall 2025 (Sep/Oct/Nov)	May 15, 2025	May 22, 2025	\$984.00	10%	\$885.60	
			4 of 4	Winter 2025/26 (Dec/Jan/Feb)	Aug 15, 2025	Aug 22, 2025	\$984.00	10%	\$885.60	
Jul 31, 2023	TexasHighways.com	Double Medium Rectangle Banner	1 of 4	Nov - 2024	confirmed	Oct 15, 2024	\$590.00	10%	\$531.00	<i>Guarantee of 25,000 impressions per month</i> <i>*consider upgrading to "double half-page" banner at \$720 ea</i>
			2 of 4	Mar - 2025	confirmed	Feb 15, 2025	\$590.00	10%	\$531.00	
			3 of 4	May - 2025	confirmed	Apr 15, 2025	\$590.00	10%	\$531.00	
			4 of 4	Sep - 2025	confirmed	Aug 15, 2025	\$590.00	10%	\$531.00	

TxDOT Total: \$52,119.86

Jul 31, 2023	TourTexas.com	Destination Content Plan	Annual	Oct 1, 2024 through Sept 30, 2025	Sep 1, 2024	Update at any time	\$4,476.00	n/a	\$4,476.00	4 SEO-rich content pages including images, leads, Video, PDF, Web, Social etc.
n/a	Hot & Happening Events eNewsletter	Standard Event Listing	1 of 1	Nov - 2024	confirmed	Oct 7, 2024	\$595.00	n/a	\$595.00	Sent the first Tuesday of each month to 100,000 opt-in subscribers

TourTexas.com Total: \$5,071.00

Grand Total: \$57,190.86





City Council Regular Meeting **AGENDA ITEM 9**

Agenda Item: Discuss and Possibly Act Upon an Agreement Between the City of Brenham and Madden Media Related to Digital Advertising for the City of Brenham's Tourism and Marketing Department (Visit Brenham DMO) and Authorize the Mayor to Execute Any Necessary Documentation

Meeting Date: August 15, 2024

Department: Tourism & Marketing

Staff Contact: Jennifer Eckermann, Director of Tourism & Marketing

SUMMARY STATEMENT:

Visit Brenham DMO has worked with Madden Media to develop a proposal for digital marketing for 2025, with the objectives of increasing brand awareness and overnight visitation. Madden will help us accomplish this through the following tactics:

- Programmatic Display – Prospecting
- Meta Prospecting
- Meta Video
- Google Video
- Search Engine marketing (SEM)

Staff recommends your approval of this proposal by Madden Media in the amount of \$99,960 for 2025 digital marketing.

ATTACHMENTS:

1. Madden Media

RECOMMENDATION:

Approve an agreement between the City of Brenham and Madden Media, in the amount of \$99,960.00, related to digital advertising for the City of Brenham's Tourism and Marketing Department (Visit Brenham DMO) and authorize the Mayor to execute any necessary documentation.



Presented to

VISIT BRENTHAM

FY25 Proposed Media Strategy

August 2024



▶ MEDIA BUDGET BREAKDOWN

Tactic	Estimated Deliverable	Budget	Flighting
Programmatic Display - Prospecting	4,286,000 impressions	\$30,000	10 Months
Meta Prospecting	20,667 clicks	\$15,500	10 Months
Meta Video	1,125,000 impressions	\$9,000	10 Months
Google Video	50,000 views	\$7,500	6 Months
SEM	24,444 clicks	\$22,000	Always On
Account & Media Management			\$12,600
		Design Support	\$3,360
		TOTAL INCLUDING SERVICES	
			\$99,960



City Council Regular Meeting
AGENDA ITEM 11

Agenda Item: **Section 551.072 - Texas Government Code - Deliberation Regarding Real Property - Deliberation Related to the Lease or Sale of Real Property Located at 110 W. Vulcan Street, Brenham, Washington County, Texas and Associated Matters**

Meeting Date: August 15, 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.