

Cause No. 11-11207

FILED

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IN THE DISTRICT COURT

DALLAS COUNTY, TEXAS

134<sup>th</sup> JUDICIAL DISTRICT

CITY OF IRVING, TEXAS  
*Plaintiff,*

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VS.

VILLAS OF IRVING, LTD.,  
*Defendant.*

**CITY OF IRVINGS' SECOND AMENDED PETITION, REQUEST FOR TEMPORARY AND PERMANENT INJUNCTIONS, AND REQUEST FOR DISCLOSURES**

TO THE HONORABLE JUDGE OF THE COURT:

COMES NOW, the City of Irving, Plaintiff, and files this Second Amended Petition, Request for Temporary and Permanent Injunctions, and Request for Disclosure and shows the Court as follows:

**I. DISCOVERY CONTROL PLAN**

1. Discovery is intended to be conducted under Level 2 of Rule 190 of the Texas Rules of Civil Procedure.
2. Pursuant to Rule 194 of the Texas Rules of Civil Procedure, Defendant is requested to disclose, within 50 days of this request, the information or material described in Rule 194.2 regarding the Property located at 310-370 Brown Drive, Dallas County, Irving, Texas.

**II. PARTIES**

3. The City of Irving (the "Plaintiff") is a home-rule municipal corporation situated in Dallas County, Texas, incorporated and operating under the laws of the State of Texas.
4. Villas of Irving, Ltd., is a limited partnership owning property in the City of Irving, Texas, and may be served through its registered agent Mr. Don Robinson at the following address: 2612 Throckmorton #124, Dallas, Texas 75219.

### III. VENUE AND JURISDICTION

5. Plaintiff brings this cause of action to obtain temporary and permanent injunctive relief, and to recover civil penalties against Defendant pursuant to Subchapter B of Chapter 54 and Chapter 211 of the Texas Local Government Code.

6. Venue is proper and this Court has jurisdiction pursuant to Section 54.013 of the Texas Local Government Code.

### IV. FACTS

7. Defendant owns and controls property located at Lot 2, 3, 4, 5, 6, 7, 8, 9, and 10 and part of Lot 1, Block B of Garden Oaks No. 5, an addition to the City of Irving, Texas, according to the plat thereof recorded in Volume 29, Page 135, Map Records, Dallas County, Texas and is otherwise known as 310-370 Brown Drive, Irving, Texas (the "Property").

8. The Property consists of an occupied apartment complex.

9. The Property has received a risk rating of 4 and thus on or before April 13, 2012, Defendant is required to install a heat detection system and attain a risk rating of 3 or better. This is required by Section 8-35 of the Code of Civil and Criminal Ordinances of the City of Irving.

10. The Property is in violation of numerous city ordinances, many of which may create health and safety problems to the tenants, neighbors, and the general public.

11. The following violations of the Irving City Code exist or have existed on the Properties:

- a. Failure to maintain all glazing materials free from cracks and holes in violation of Section 8-26 (b)(1)(l) of the Code of Civil and Criminal Ordinances of the City of Irving, Texas;
- b. Failure to maintain all exterior surfaces, including, but not limited to, doors, door and window frames, cornices, porches, trim, balconies, decks, and fences in good condition in violation of Section 8-26 (b)(1)(a) of the Code of Civil and Criminal Ordinances of the City of Irving, Texas;

- c. Failure to maintain food-contact surfaces smooth and easily cleanable; impermeable to liquid; unpainted; not resurfaced; free from areas which are inaccessible to cleaning and inspection; free from breaks, seams, cracks, chips, pits, or similar imperfection; and free from difficult-to-clean internal corners or crevices in violation of Section 8-26 (c) (1) (e) of the Code of Civil and Criminal Ordinances of the City of Irving, Texas;
- d. Failure to maintain all structures free from insect and rodent infestation in violation of Section 8-26 (c)(1)(e) of the Code of Civil and Criminal Ordinances of the City of Irving, Texas;
- e. Failure to maintain all interior surfaces, including windows and doors, in good, clean, and sanitary condition; failure to correct cracked or loose plaster, decayed wood, and other defective surface conditions in violation of Section 8-26 (c) (1) (b) of the Code of Civil and Criminal Ordinances of the City of Irving, Texas;
- f. Failure to keep receptacles enclosed so that live wiring terminals are not exposed to contact in violation of NEC Article 406.4 (f) as adopted by the City of Irving, Texas;
- g. Failure to provide and maintain all systems, devices, and equipment to detect a fire, smoke, or carbon monoxide, actuate an alarm, or suppress or control a fire or any combination thereof in operable condition at all times in accordance with the International Fire Code in violation of Section 8-26 (i) of the Code of Civil and Criminal Ordinances of the City of Irving, Texas;
- h. Failure to maintain a window latch on each exterior window of the dwelling and failure to provide a keyless bolting device and a door viewer on each exterior door of the dwelling in violation of the Texas Property Code Section 92.153 as adopted by Section 8-26 (b)(2) of the Code of Civil and Criminal Ordinances of the City of Irving, Texas;
- i. Failure to properly install and maintain all electrical equipment, wiring, and appliances in a safe manner, including, but not limited to: ground-fault circuit-interrupter protected receptacles shall be provided for the following locations: Bathrooms; Kitchens (where the receptacles are installed to serve the countertop surfaces); and Laundry (utility, and wet bar sinks where the receptacles are installed within six (6) feet of the outside edge of the sink) in violation of Section 8-26 (c)(4)(c) of the Code of Civil and Criminal Ordinances of the City of Irving, Texas;
- j. Failure to maintain grease extracting ventilation hoods which are readily removable and listed by a recognized testing laboratory in violation of Section 8-26(c)(1)(e)(4) of the Code of Civil and Criminal Ordinances of the City of Irving, Texas;
- k. Allowing another person to occupy premises which are not in a sanitary and safe condition and which do not comply with the requirements of this chapter in violation of Section 8-24 of the Code of Civil and Criminal Ordinances of the City of Irving, Texas;

- l. Failure to properly install and maintain all electrical equipment, wiring, and appliances in a safe manner, including, but not limited to: the size and usage of appliances and equipment shall serve as a basis for determining the need for additional facilities in accordance with the National Electrical Code and artificial light fixtures with protective shields capable of preventing broken glass from falling in areas where food may be exposed and where equipment or utensils may be stored in violation of Section 8-26 (c)(4) of the Code of Civil and Criminal Ordinances of the City of Irving, Texas;
- m. Failure to maintain all interior surfaces, including windows and doors, in good, clean, and sanitary condition; failure to repair or remove peeling, chipping, flaking, or abraded paint; failure to correct cracked or loose plaster, decayed wood, and other defective surface conditions in violation of Section 8-26 (c)(1)(b) of the Code of Civil and Criminal Ordinances of the City of Irving, Texas;
- n. Failure to maintain every stair, ramp, landing, or other walking surface in sound condition and good condition in violation of Section 8-26 (c)(1)(c) of the Code of Civil and Criminal Ordinances of the City of Irving, Texas;
- o. Failure to maintain internal parts of electrical equipment, including busbars, wiring terminals, insulators, and other surfaces, free from damaged or contaminated by foreign materials such as paint, plaster, cleaners, or abrasives, and corrosive residues; failure to repair damaged parts that might adversely affect safe operation or mechanical strength of the equipment such as parts that are broken; bent; cut; deteriorated by corrosion, chemical action, or overheating; failure to remove foreign debris from equipment in violation of International Residential Code Section E3304.6., as adopted by the City of Irving, Texas.
- p. Failure to maintain all occupied areas and all plumbing equipment and facilities in a clean, sanitary condition at all time and to connect plumbing fixtures and heating equipment that the occupant supplies in compliance with applicable laws in violation of Section 8-26 (g)(2) of the Code of Civil and Criminal Ordinances of the City of Irving, Texas;
- q. Failure to maintain exterior lighting at appropriate points adjacent to all building entrances, including individual dwelling units, sufficient to illuminate areas where hazards may reasonably exist, and operable between a half hour after sunset and a half hour before sunrise; failure to repair all inoperable exterior lighting fixtures within a reasonable period of time after being notified that the fixture is not working in violation of Section 8-27 (f)(3) of the Code of Civil and Criminal Ordinances of the City of Irving, Texas;
- r. Failure to maintain all exterior doors, door assemblies, and hardware in good condition with locks at all entrances to dwelling units and sleeping units that tightly secure the door in violation of Section 8-26 (b)(1)(m) of the Code of Civil and Criminal Ordinances of the City of Irving, Texas;
- s. Failure to maintain intake and exhaust air ducts in such a manner as to prevent the entrance of dust, dirt, and any other contaminating material in violation of Section 8-26 (c)(3)(e) of the Code of Civil and Criminal Ordinances of the City of Irving, Texas;

- t. Failure in all habitable rooms to maintain cooling facilities capable of maintaining a room temperature of at least fifteen degrees cooler than the outside temperature and in no event higher than 85 degrees in violation of Section 8-26 (c)(3)(c) of the Code of Civil and Criminal Ordinances of the City of Irving, Texas;
- u. Failure to maintain parking lots, fire lanes, driveways, sidewalks, porches, patios, and other paved areas free from deterioration, holes, excavations, sharp protrusions, or any other object or condition which may cause injury to a person in violation of Section 8-26 (a)(1) of the Code of Civil and Criminal Ordinances of the City of Irving, Texas;
- v. Failure to remove trees and tree limbs that are reasonably capable of damaging a structure, or that are reasonably capable of causing injury to a person, or which are within fourteen (14) feet of a fire lane measured vertically from the surface of the fire lane to the lowest point of the tree limb or branch in violation of Section 8-26(a)(6) of the Code of Civil and Criminal Ordinances of the City of Irving, Texas;
- w. Failure to maintain every exterior stairway, deck, porch, and balcony, and all appurtenances attached thereto, structurally sound, in good condition, with proper anchorage and capable of supporting the imposed loads in violation of Section 8-26 (b)(1)(j) of the Code of Civil and Criminal Ordinances of the City of Irving, Texas;
- x. Failure to maintain the roof and flashing sound, tight and without defects that admit rain with roof drainage adequate to prevent dampness or deterioration in the walls or interior portion of the structure and roof drains, gutters, and downspouts maintained in good condition and free from obstructions in violation of Section 8-26 (b)(1)(g) of the Code of Civil and Criminal Ordinances of the City of Irving, Texas;
- y. Failure to maintain all exterior walls free from holes, breaks, and loose or rotting materials and to maintain all exterior walls and exposed surfaces of metal or wood to protect them from the elements and against decay or rust by periodic application of weather coating materials, such as paint or similar surface treatment in violation of Section 8-26 (b)(1)(e) & (f) of the Code of Civil and Criminal Ordinances of the City of Irving, Texas;
- z. Failure to equip every window which opens directly to or from an outdoor space with a tightly fitting insect-proof screen of not less than sixteen (16) mesh per inch in violation of Section 8-26(b)(1)(1)(3) of the Code of Civil and Criminal Ordinances of the City of Irving, Texas;
- aa. Failure to ensure that every bedroom has at least one (1) window or opening facing directly to the outdoors which is capable of being opened far enough to permit egress by any adult in violation of Section 8-26 (c) (5) of the Code of Civil and Criminal Ordinances of the City of Irving, Texas;
- bb. Failure to remove all graffiti from the Property in violation of Section 57-4 of the Code of Civil and Criminal Ordinances of the City of Irving, Texas;

- cc. Failure to maintain the roof and flashing sound, tight, and without defects such that drainage is adequate to prevent dampness or deterioration and failure to maintain roof drains and gutters in sound condition in violation of Section 8-26 (b)(1)(g) of the Code of Civil and Criminal Ordinances of the City of Irving, Texas
- dd. Failure to maintain fences, gates, and screening walls in good condition in violation of Section 8-26(a)(7) of the Code of Civil and Criminal Ordinances of the City of Irving, Texas;
- ee. Failure to remove outside storage in violation of Section 52-56 of the Land Development Code;
- ff. Failure to maintain sillcocks, hose bibs wall hydrants and other openings with a hose connection that shall be protected by an atmospheric-type or pressure-type vacuum breaker or a permanently attached hose connection vacuum breaker in violation of International Residential Code Section P2902.4.3 as adopted by the City of Irving, Texas;
- gg. Failure to affix official street address numbers assigned to each building and each unit as follows: **Multi-family dwelling communities:** Street number required. The owner and manager shall post street address numbers or other identifying numbers designated by the city on each multi-family dwelling community structure; shall post the range of street address numbers at each entrance to the multi-family dwelling community; if there is a name sign posted at each entrance, shall post the range of street address numbers on this sign; and, if there are covered parking structures, shall post the building address numbers on the faces of the covered parking structures adjacent to the fire lane or access way at all locations that provide pedestrian access to a building. The street address numbers required by this subsection shall be at least six (6) inches in height with a one-inch-stroke and otherwise comply with the requirements of this chapter. **Dwelling unit numbers required:** The owner and manager shall post on each dwelling unit in a multi-family dwelling community structure at its main entrance a number distinguishing the unit from all other units in the structure. The numbers shall be no less than one and one-half (1½) inches in height and the stroke shall be one-fourth (¼) inch and comply with the requirements of section 8-16 of this chapter. In a multi-family dwelling community which has more than one (1) vehicular access to one (1) or more structures, the city may require the posting of more than one (1) set of street numbers or other identifying numbers on each structure in order that each structure may be identified from each vehicular access point. The street address numbers or other identifying numbers required by this subsection shall be at least six (6) inches in height with a one-inch stroke and otherwise comply with the material requirements of section 8-16 of this chapter. A multi-family dwelling community that provides no more than four (4) dwelling units, has a building line no more than fifty (50) feet from the nearest edge of the nearest street or access way, has posted street numbers on it that are at least three (3) inches in height and is otherwise in compliance with sections 8-15 and 8-16 of this chapter is exempt from this subsection in violation of Section 8-14 (a)(1-2) of the Code of Civil and Criminal Ordinances of the City of Irving, Texas;

- hh. Failure to maintain all structural members free from deterioration, and capable of safely supporting the imposed dead and live loads in violation of Section 8-26(b)(1) of the Code of Civil and Criminal Ordinances of the City of Irving, Texas;
  - ii. Failure to maintain all vacant units, structures, and premises thereof or vacant land in a clean, safe, secure, and sanitary condition as provided herein so as not to cause a blighting problem or adversely affect the public health or safety in violation of Section 8-26 (k)(1-5) of the Code of Civil and Criminal Ordinances of the City of Irving, Texas;
  - jj. Failure to maintain all vacant or unoccupied structures or parts of structures completely secure from unauthorized entry in violation of Section 8-26 (k)(1-5) of the Code of Civil and Criminal Ordinances of the City of Irving, Texas;
  - kk. Failure to install equipment and appliances as required by the terms of their approval, in accordance with the conditions of the listing, the manufacturer's installation instructions and this code in violation of the International Mechanical Code Section 304 as adopted by the City of Irving, Texas;
  - ll. Failure to legibly identify all circuits and circuit modifications as to their clear, evident, and specific purpose or use in violation of the International Residential Code Section E3606.2 as adopted by the City of Irving, Texas;
  - mm. Failure to install signage preventing BBQ grills within 10 feet of a residence in violation of Section 308 of the 2006 International Fire Code as amended and adopted by Section 17-4 of the Land Development Code; and
  - nn. Failure to maintain a multi-family license in violation of Section 8-19 of the Code of Civil and Criminal Ordinances of the City of Irving, Texas.
  - oo. Failure of the owner, occupant, or person in control of property who suffers or permits the placement of a commercial container or other refuse storage facility, other than publicly accessible commercial container solely for collection of recyclable paper, to screen the commercial container in violation of Section 33-8.1(B) of the Code of Civil and Criminal Ordinances of the City of Irving, Texas.
12. A true and correct copy of the ordinances violated by the conditions of the Property is attached to this Petition as Exhibit A. These ordinances relate to:
- a. the preservation of public safety, relating to the material or methods used to construct a building or other structure or improvement, including the foundation, structural elements, electrical wiring or apparatus, plumbing fixtures, entrances, or exits;

- b. the preservation of public health or to the fire safety of a building or other structure or improvement;
- c. dangerously damaged or deteriorated structures or improvements;
- d. conditions caused by accumulation of refuse, vegetation, or other matter that creates breeding and living places for insects and rodents; or

13. Persons other than Defendant and property other than Defendant's will continue to suffer from adverse impacts and risk substantial danger of injury unless Defendant complies with one or more of these ordinances. These violations of the ordinances threaten harm that is irreparable.

14. The Property is dilapidated, substandard, and unfit for human habitation and a hazard to the public health, safety, and welfare and constitutes a public nuisance. The Property cannot be repaired without substantial reconstruction. Further, regardless of its structural condition, the Property at various times is unsecured from unauthorized entry to the extent, it could be entered by vagrants or uninvited persons or could be entered by children or the means to secure the vacant portions are inadequate.

#### V. CAUSES OF ACTION

15. Subchapter B of Chapter 54 and Chapter 211 of the Texas Local Government Code apply to these ordinances.

16. Pursuant to Sections 54.016 and 54.018 of the Texas Local Government Code and Section 211.012 of the Texas Local Government Code, Plaintiff requests temporary and permanent injunctive relief ordering Defendant to remedy the conditions on the Property to be in compliance with the Land Development Code and the Code of Civil and Criminal Ordinances of the City of Irving. In addition or in the alternative, Plaintiff requests the Defendant be ordered to vacate the Property and demolish the Property such that it is blade clean, with all improvements



removed including foundations, porches, driveways, concrete slabs, fences, and steps, and in a fashion to prevent ponding of water. The City further requests that Defendant place a silt fence around the Property to prevent erosion until vegetation can be established. If Defendant fails to demolish the Property, in addition to the other remedies of Plaintiff, Plaintiff requests this Court allow Plaintiff to perform asbestos testing and/or remediation if needed, demolish the Property, remove all personalty and dispose of it, remove the components and demolition debris, and charge the costs against Defendant, and place a lien upon the Property for these costs.

17. Pursuant to Sections 54.016, and 54.018 of the Texas Local Government Code, and Section 211.012 of the Texas Local Government Code, Plaintiff requests temporary and permanent injunctive relief ordering Defendant to bring its multifamily license current or close and vacate its Property.

18. Pursuant to Section 54.017 of the Texas Local Government Code, Plaintiff requests civil penalties not to exceed \$1,000 per day for each violation of the ordinances.

19. Plaintiff also requests post-judgment interest and costs of court.

#### **VI. REQUEST FOR JURY TRIAL**

18. Plaintiff respectfully requests a trial by jury on all issues so triable.

#### **VII. PRAYER FOR RELIEF**

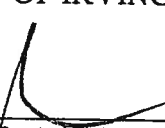
20. WHEREFORE, PREMISES CONSIDERED, the Plaintiff, prays for the following relief:

- 1) Plaintiff be granted temporary and permanent injunctive relief as provided herein;
- 2) Plaintiff be awarded judgment for a civil penalty not to exceed \$1,000 per violation, per day, for each day that the Property remains in violation of the Irving City Code;
- 3) Plaintiff be granted judgment for all costs of court;
- 4) Plaintiff be granted judgment for post-judgment interest at the highest legal rate; and

5) All such other and further relief, both general or special, at law or in equity, to which Plaintiff may show itself to be justly entitled.

Respectfully submitted,

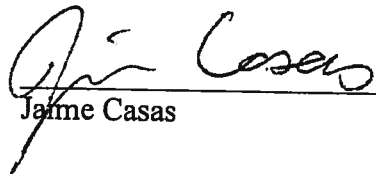
CITY ATTORNEY'S OFFICE  
CITY OF IRVING, TEXAS

By:   
Jennifer Richie  
Senior Assistant City Attorney  
State Bar of Texas No. 24007916  
City of Irving, Texas  
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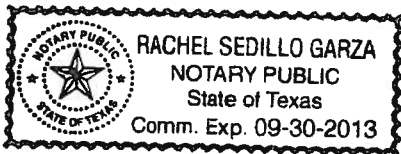
VERIFICATION

STATE OF TEXAS           §  
  §  
COUNTY OF DALLAS       §

I, Jaime Casas, a Code Inspector with the City of Irving, after being duly sworn, hereby certify that I am qualified and authorized to make this affidavit, and that I have read the factual allegations paragraphs 7-14 contained in this petition and said factual allegations are within my personal knowledge and are true and correct.

  
\_\_\_\_\_  
Jaime Casas

Subscribed and sworn to before me this 11<sup>th</sup> day of January 2012.



  
\_\_\_\_\_  
Notary Public

**CERTIFICATE OF SERVICE**

This is to certify that a true and correct copy of the foregoing document has been served upon all counsel of record in accordance with the Texas Rules of Civil Procedure on this the 12th day of January 2012:

**Via CMRRR # 7010 1870 0002 6773 7989**

**And E-mail**

Mr. Darrell W. Cook  
Darrell W. Cook & Associates  
One Meadow Building  
5005 Greenville Avenue, Suite 200  
Dallas, Texas 75206



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Jennifer Richie  
Senior Assistant City Attorney

**Sec. 8-35. - Requirements for risk rating 4 multi-family dwelling communities.**

- (a) An owner, manager, or lienholder of a multi-family dwelling community as of July 1, 2009, which receives a risk rating of 4 as a result of any inspection on or after July 1, 2009, shall be required to:
- (1) Install a heat detection system; and
  - (2) Improve its risk rating to 3 or better within twelve (12) months of the date of the inspection that resulted in the risk rating of 4.
- (b) If an owner, manager, or lienholder described in subsection (a) herein fails to comply with said requirements in subsection (a), the building official shall revoke the certificate of occupancy for failure to meet the minimum standards set forth in this chapter. An owner, manager, or lienholder may appeal the revocation to the construction board of appeals. Certificate of occupancy appeals shall be handled in accordance with the provisions set forth in Section 112 of the 2003 International Building Code with the exception that the appeal shall be in writing, filed with the building official within seven (7) calendar days of such revocation.
- (c) An owner who purchases property after July 1, 2009, and applies for a certificate of occupancy for a multi-family dwelling community which has a current risk rating of 4, may be issued a temporary certificate of occupancy and shall be required to do the following within six (6) months of the application to obtain a certificate of occupancy:
- (1) Install a heat detection system; and
  - (2) Improve the risk rating to 3 or better.
- (d) Only one (1) owner per multi-family dwelling community per rolling twelve-month period may take advantage of the provisions of subsection (b) or (c). If such an owner fails to comply with the requirements of subsection (b) or (c), whichever is applicable, the building official shall automatically revoke the temporary certificate of occupancy for failure to meet the minimum housing standards set forth in this chapter.
- (e) If a multi-family dwelling community receives a risk rating of 4, subsequent upgrades that improve the multi-family dwelling community's risk rating shall not relieve the owner, manager, and lienholder from the requirement of installing a heat detection system. The installation of a heat detection system shall not establish the basis for which a multi-family dwelling community may be maintained with a risk rating of 4. It shall be a violation of this chapter to maintain a multi-family dwelling community at a risk rating of 4 other than temporarily as set forth herein.
- (f) Ownership changes of a multi-family dwelling community shall not extend any requirement deadlines set forth in this chapter, except as specifically provided herein.

(Ord. No. 2008-9000, § 2 10-2-08)



**Sec. 57-4. - Prohibition.**

An owner of any tangible property in the city commits an offense if the owner fails to remove all graffiti from the owner's property after the director notifies the owner that graffiti is present on the property.

- (1) Before issuing a citation for a violation under section 57-4 of this section, the director shall serve the property owner with written notice to remove the graffiti from the property within ten (10) calendar days from the date the notice is served. The notice shall state that the director has determined that the property has graffiti in violation of this chapter; that the owner may remove the graffiti or authorize the director to remove the graffiti by written consent and a written waiver of liability; that if the director has not received consent from the owner within ten (10) days from the date of the notice, the owner may initiate a graffiti abatement hearing; and that if the owner fails to take one of these actions within ten (10) days, the property shall be subject to abatement of the graffiti by the director without further notice, and cost of the graffiti removal shall be levied against the property. The notice may be served by handing it to the owner in person or by United States certified mail, five-day return receipt requested, addressed to the owner at the owner's post office address as shown on the tax rolls of the city or of Dallas County. If the owner cannot be found and the notice is returned by the United States Postal Service, then the owner may be notified by:
  - a. Publication one time in the official newspaper designated by the city council;
  - b. Posting the notice on or near the front door of each building on the premises to which the violation relates; or
  - c. Posting the notice on a placard attached to a stake driven into the ground on the premises to which the violation relates if the premises contains no buildings.
- (2) The ten (10) calendar days will be counted:
  - a. From the date the notice is personally served on the owner or from the sixth day after the notice is placed in the United States certified mail; or
  - b. From the date the notice is:
    1. Published in compliance with subsection (1)a of this section; or
    2. Posted in compliance with subsection (1)b or (1)c of this section.
- (3) It is a defense to prosecution under this section if:
  - a. No notice was served on the property owner in compliance with subsection (1);
  - b. Before being issued a citation under this section, the property owner gave the director written authorization to enter onto the property and to remove the graffiti.

(Ord No 6632 § 1 6-8-95)

State law reference— Graffiti, V.T.C.A., Penal Code § 28 08

**Sec. 8-24. - Owner's and manager's general responsibilities.**

The owner and manager of the premises shall maintain the structures and premises in compliance with these minimum standards. A person shall not occupy or permit another person to occupy premises which are not in a sanitary and safe condition and which do not comply with the requirements of this chapter. The standards of this article are intended to complement the requirements of any other applicable code or ordinance of the City of Irving, and shall not be deemed to lower any more restrictive standard required by the codes at time of original construction or subsequent remodeling. The duty of an owner and manager to maintain premises in compliance with this article is not affected by any duty this article creates upon the occupants thereof, even if the owner or manager has, by agreement, imposed upon the occupants the duty of maintaining the premises and complying with this article.

(Ord. No. 2008-9000, § 2 10-2-08)

**Sec. 8-26. - All structures and premises.**

- (a) **Exterior grounds and premises.** The owner and manager shall maintain all exterior grounds and premises in a clean, safe, and sanitary condition, including, but not limited to, as follows:
- (1) Maintain parking lots, fire lanes, driveways, sidewalks, porches, patios, and other paved areas free from deterioration, holes, excavations, sharp protrusions, or any other object or condition which may cause injury to a person;
  - (2) Provide and maintain legible parking and fire lane markings;
  - (3) Maintain vehicular and pedestrian control devices in good condition;
  - (4) Cover and maintain all exposed ground with pavement, stone screenings, other solid or semi-pervious material, or vegetative growth that is capable of eliminating soil erosion and dust, and that is free of holes and depressions that may injure a person or property;
  - (5) Maintain wells, cesspools, and cisterns securely covered or closed;
  - (6) Remove trees and tree limbs that are reasonably capable of damaging a structure, or that are reasonably capable of causing injury to a person, or which are within fourteen (14) feet of a fire lane measured vertically from the surface of the fire lane to the lowest point of the tree limb or branch;
  - (7) Maintain fences, gates, and screening walls in good condition; and
  - (8) Maintain all exterior property and premises free from rubbish or garbage except as contained in covered, leakproof containers; shall provide containers of adequate size and number and shall be serviced with adequate regularity to prevent an overflow; and shall remove excess rubbish and garbage or items too large for the provided containers.
- (b) **Exterior of structures.**
- (1) The owner and manager shall maintain the exterior of all structures and equipment thereon in good condition, structurally sound, and in a sanitary condition, so as not to pose a threat to the public health, safety, or welfare including, but not limited to, as follows:
    - a. Maintain all exterior surfaces, including, but not limited to, doors, door and window frames, cornices, porches, trim, balconies, decks, and fences in good condition. Exterior wood surfaces, other than decay resistant woods, shall be protected from the elements and decay by painting or other protective covering or treatment. Peeling, flaking, and chipped paint shall be eliminated and surfaces repainted. All siding and masonry joints as well as those between the building envelope and the perimeter of windows, doors, and skylights shall be maintained weather resistant and water tight. All metal surfaces subject to rust or corrosion shall be coated to inhibit such rust and corrosion and all surfaces with rust or corrosion shall be stabilized and coated to inhibit future oxidation or that the structure is a manufactured home or recreational vehicle that will not be in place longer than ninety (90) days;
    - b. Maintain all structural members free from deterioration, and capable of safely supporting the imposed dead and live loads;
    - c. Maintain all foundation walls plumb and free from open cracks and breaks in such condition so as to prevent the entry of rodents and other pests;
    - d. Provide mechanical ventilation or screened cross-ventilation openings of not less than one and one-half (1½) square feet for each twenty-five (25) linear feet of wall in each basement, cellar, and crawl space;
    - e. Maintain all exterior walls free from holes, breaks, and loose or rotting materials;
    - f.

- Maintain all exterior walls and exposed surfaces of metal or wood to protect them from the elements and against decay or rust by periodic application of weather coating materials, such as paint or similar surface treatment;
- g. Maintain the roof and flashing sound, tight and without defects that admit rain. Roof drainage shall be adequate to prevent dampness or deterioration in the walls or interior portion of the structure. Roof drains, gutters, and downspouts shall be maintained in good condition and free from obstructions. Roof water shall not be discharged in a manner that creates a public nuisance;
  - h. Maintain all cornices, belt courses, corbels, trim, wall facings, and similar decorative features in good condition with proper anchorage and in a safe condition;
  - i. Maintain all overhang extensions including, but not limited to, canopies, marquees, signs, metal awnings, fire escapes, standpipes, and exhaust ducts in good condition and properly anchored so as to be kept in a sound condition. All exposed surfaces of metal or wood shall be protected from the elements and against decay or rust by periodic application of weather-coating materials, such as paint or similar surface treatment;
  - j. Maintain every exterior stairway, deck, porch, and balcony, and all appurtenances attached thereto, structurally sound, in good condition, with proper anchorage and capable of supporting the imposed loads;
  - k. Maintain all chimneys, cooling towers, smoke stacks, and similar appurtenances structurally safe and sound, and in good condition;
  - l. Maintain every window, skylight, door, and frame in sound condition, good condition, and weather tight:
    1. All glazing materials shall be maintained free from cracks and holes;
    2. Every window, other than a fixed window, shall be easily openable and capable of being held in position by window hardware; and
    3. Every window which opens directly to or from an outdoor space shall be equipped with a tightly fitting insect-proof screen of not less than sixteen (16) mesh per inch; and
  - m. Maintain all exterior doors, door assemblies, and hardware in good condition. Locks at all entrances to dwelling units and sleeping units shall tightly secure the door.
- (2) **Security devices.** The owner and manager of all residential rental property shall comply with the Texas Property Code Chapter 92, Residential Tenancies, Subchapter D, Security Devices;
- (3) **Storm drainage.** The owner and manager shall provide and maintain drainage of roofs and paved areas, yards and courts, and other open areas on the premises in a way so as not to be discharged in a manner that creates a public nuisance.
- (c) **Interior of structure.**
- (1) The owner and manager shall maintain the interior of a structure and equipment therein in good condition, structurally sound, and in a sanitary condition, and occupants shall maintain that part of the structure which they occupy or control in a clean and sanitary condition, including, but not limited to, as follows:
    - a. Maintain all structural members structurally sound, and capable of supporting the imposed loads;
    - b. Maintain all interior surfaces, including windows and doors, in good, clean, and sanitary condition. Peeling, chipping, flaking, or abraded paint shall be repaired, removed, or covered. Cracked or loose plaster, decayed wood, and other defective surface conditions shall be corrected;
    - c. Maintain every stair, ramp, landing, or other walking surface in sound condition and good condition;
    - d. Every interior door shall fit reasonably well within its frame and shall be capable of being opened and closed by being properly and securely attached to jambs, headers, or tracks as intended by the manufacturer of the attachment hardware; and
    - e. Every dwelling unit shall contain a kitchen that meets, and every hotel room that contains a kitchen or kitchenette shall meet, the following requirements:
      1. Food-contact surfaces shall be smooth and easily cleanable; impermeable to liquid; unpainted; not resurfaced; free from areas which are inaccessible to cleaning and inspection; free from breaks, seams, cracks, chips, pits, or similar imperfection; and free from difficult-to-clean internal corners or crevices;
      2. Surfaces for equipment not intended for contact with food but which are exposed to splash or food debris or which otherwise require frequent cleaning shall be smooth, washable, free of unnecessary ledges, projections or crevices; readily accessible for cleaning; and constructed of such material in such repair as to be easily maintained in a clean and sanitary condition;
      3. Gaskets and seals used for temperature control on doors into refrigeration systems shall be maintained clean, firm-fitting, and intact; and
      4. Grease extracting ventilation hoods shall be provided which are readily removable and listed by a recognized testing laboratory.



- (2) **Fuel burning equipment.** The owner and manager shall provide and maintain:
- That fuel burning heating and cooking devices be properly vented to the outside;
  - That all fuel supply lines and fuel containers be securely installed to avoid accidental displacement;
  - All required clearances to combustible materials;
  - All safety controls for fuel-burning equipment be in effective operating condition; and
  - A supply of air for complete combustion of the fuel and for ventilation of the space containing the fuel-burning equipment.
- (3) **Mechanical.** The owner and manager shall provide and maintain heating and cooling facilities in all dwellings as follows:
- Heating facilities shall be capable of maintaining a room temperature of sixty-eight (68) degrees Fahrenheit in all habitable rooms, bathrooms, and toilet rooms at any point measured a distance of not more than three (3) feet above floor level, and not more than two (2) feet from an exterior wall;
  - Cooling appliances shall not be used to provide space heating to meet the requirements of this subsection;
  - Cooling facilities shall be capable of maintaining a room temperature of at least fifteen (15) degrees cooler than the outside temperature, but in no event higher than eighty-five (85) degrees, in all habitable rooms, bathrooms, and toilet rooms at any point measured a distance of not less than five (5) feet above floor level, and not more than three (3) feet from an exterior wall;
  - All rooms, and all other enclosed spaces, shall be ventilated in a manner sufficient to keep them free of excessive heat, steam, condensation, vapors, offensive odors, smoke, and fumes; and
  - Intake and exhaust air ducts shall be maintained in such a manner as to prevent the entrance of dust, dirt, and any other contaminating material.
- (4) **Electrical.** The owner and manager shall properly install and maintain all electrical equipment, wiring, and appliances in a safe manner, including, but not limited to:
- The size and usage of appliances and equipment shall serve as a basis for determining the need for additional facilities in accordance with the National Electrical Code;
  - Artificial light fixtures with protective shields capable of preventing broken glass from falling in areas where food may be exposed and where equipment or utensils may be stored; and
  - Ground-fault circuit-interrupter protected receptacles shall be provided for the following locations:
    - Bathrooms;
    - Kitchens where the receptacles are installed to serve the countertop surfaces; and
    - Laundry, utility, and wet bar sinks where the receptacles are installed within six (6) feet of the outside edge of the sink.
- (5) **Egress required.** The owner and manager shall ensure that every bedroom has at least one (1) window or opening facing directly to the outdoors which is capable of being opened far enough to permit egress by any adult.
- It is an affirmative defense to this subsection that the windows conform to all applicable laws at the time of their construction and have been adequately maintained and upgraded to current building code requirements in response to any Alteration, fire damage, repair, or addition.
  - When an unsafe condition exists through lack of, or improper location of exits, the building official, code enforcement director, or fire chief may require the owner and manager to install additional exits.
- (d) **Essential utilities.**
- Multi-family dwelling communities.** If the owner or manager is responsible for the provision of an essential utility for a dwelling unit in a multi-family dwelling community, he or she shall ensure that these utilities are provided at all times. If an essential utility is interrupted due to an accident, natural event, or equipment malfunction, the owner and manager shall cause repairs to begin as soon as practical and shall have service reinstated within twenty-four (24) hours, except as otherwise provided for sewer systems in this chapter. Except in cases beyond the reasonable control of the owner or manager, if repairs are not completed and service reinstated within twenty-four (24) hours, affected residents shall be relocated to temporary housing.
  - Hotel.** The owner and manager are responsible for provision and payment for essential utilities, and shall ensure that essential utilities are provided to each hotel room at all times. If an essential utility is interrupted due to an accident, natural event, or equipment malfunction, the owner and manager shall cause repairs to begin as soon as practical and shall have service reinstated within twenty-four (24) hours, except as otherwise provided for sewer systems in this chapter. Except in cases beyond the reasonable control of the owner or manager, if repairs are not completed and service reinstated within twenty-four (24) hours, affected residents shall be relocated to temporary housing.
  - If the owner or manager is responsible for payment for an essential utility for a dwelling unit, he or she shall ensure that these essential utilities are not discontinued due to payment delinquency. Termination of an essential utility due to non-payment is grounds for the revocation of the certificate of occupancy.

- (e) **Handrails.** The owner and manager shall provide and maintain every exterior and interior flight of stairs having more than four risers with a handrail on each side of the stair and every open portion of a stair, landing, balcony, porch, deck, ramp, or other walking surface which is more than thirty (30) inches above the floor or grade below with guards. Handrails shall not be less than thirty (30) inches high or more than forty-two (42) inches high measured vertically above the nosing of the tread or above the finished floor of the landing or walking surfaces. Guards shall not be less than forty-two (42) inches high above the floor of the landing, balcony, porch, deck, ramp, or other walking surface. Intermediate rails shall be spaced to prohibit the passage of a four (4) inch sphere for rails installed after August 30, 1991; a six (6) inch sphere for rails installed prior to August 30, 1991; or a nine (9) inch sphere for rails installed prior to February 1, 1979. Every handrail and guard shall be firmly fastened and capable of supporting normally imposed loads and shall be maintained in good condition.
- (f) **Extermination.** The owner and manager shall maintain all structures free from insect and rodent infestation. All structures in which insects or rodents are found shall be promptly exterminated by approved processes that will not be injurious to human health. After extermination, the owner and manager shall take proper precautions to prevent reinfestation. The owner, manager, and occupant shall maintain those portions of the interior of a structure under his or her control free from rubbish, garbage, and other substances that may encourage infestation by insects, rodents, or vermin, and from all unsanitary conditions and shall cause the structure to be exterminated of insects, rodents, and other pests by an exterminator licensed by the state within ten (10) days after receiving written notice from the city that extermination is necessary.
- (g) **Plumbing in all structures and premises.**
- (1) If municipal water and sewer systems are within one hundred (100) feet of the property line of a dwelling other than a manufactured home or recreational vehicle, the owner and manager shall provide and maintain the following plumbing facilities connected to said systems in compliance with the building code and so as not to pose any health or sanitation hazard:
    - a. Kitchen sink, lavatory basin, and either a bathtub or shower all of which are provided with both hot and cold water;
    - b. Flush toilet; and
    - c. Water heating equipment adequate to supply hot water to every kitchen sink, lavatory basin, and bathtub or shower at a temperature of not less than one hundred ten (110) degrees Fahrenheit.
  - (2) The owner, manager, and occupant shall:
    - a. Maintain all occupied areas and all plumbing equipment and facilities in a clean, sanitary condition at all times; and
    - b. Connect plumbing fixtures and heating equipment that the occupant supplies in compliance with applicable laws.
  - (3) The owner and manager shall take immediate action to clear stoppages and partial blockages of all sanitary sewer systems. The owner and manager shall within twenty-four (24) hours after written notice of a malfunctioning sewer system:
    - a. Reinstatate properly functioning sewer service; and
    - b. Complete removal of all residue, and complete treatment of all affected areas with a suitable disinfectant, including, but not limited to, inside structures, underneath structures, and all premises under the control of the owner and manager. It is unlawful for the owner, manager, or any person under his control to permit washing or power-washing sewage and debris. It is an affirmative defense to the washing requirement that the debris and wash water are contained, collected, and properly disposed of.
  - (4) If repairs are necessary that involve excavating to replace or rearrange sanitary sewer piping, the public works director may grant additional time for the owner or manager to complete the repair and restore properly functioning sewer service. Said additional time shall not exceed forty-eight (48) hours for a total of seventy-two (72) hours after written notice.
  - (5) If repairs involving excavation are necessary, the owner and manager shall establish an electronic record of the internal problems using a sewer line video inspection system or by taking photographs or video of the repairs once the line is excavated. The owner and manager shall maintain said record to confirm to the City of Irving that the repairs were completed.
  - (6) Written notice of a malfunctioning sewer system shall be effective upon the earliest of any of the following:
    - a. Upon personal service;
    - b. Upon delivery to the person's office during normal business hours;
    - c. Upon posting such notice on the door of the person's residence or office; or
    - d. Seventy-two (72) hours after depositing the notice, enclosed in a postpaid, properly addressed envelope, in a post office or official depository under the care and custody of the United States Postal Service.
  - (7) The owner and manager shall notify the code enforcement director and the public works director of sewer overflows immediately, but in no case later than twenty-four (24) hours, after the overflow.
  - (8)

- The owner and manager shall maintain access points (i.e., cleanouts and manholes) to sanitary sewer piping closed and tightly capped at all times. It is an affirmative defense that there is construction, cleaning, inspection, or repair actively occurring.
- (9) If a notice is provided under this section in excess of two (2) times within a twelve-month period, the owner and manager shall have the sanitary sewer piping cleaned and the internal piping condition assessed by a video inspection system. The cleaning and video assessment shall, at a minimum, include the piping from the point of blockage downstream to the City of Irving sewer system. The owner and manager shall retain an electronic record of said condition assessment and provide it as requested by the City of Irving.
- (10) If a notice is provided under this section in excess of four (4) times within a twelve-month period, the owner and manager shall maintain a written agreement to have the sanitary sewer piping, including, but not limited to, sewer mains and lateral lines, cleaned at least once every two (2) months. The owner and manager shall retain a copy of said written agreement and provide it as requested by the City of Irving. If the structure and premises improve to such a condition that notice is not required for twelve (12) consecutive months, the owner and manager may reduce the cleaning frequency to once annually.
- (11) If a notice is provided under this section in excess of six (6) times within a twelve-month period, it is deemed that all or part of the sanitary sewer piping under the control of the owner and manager is in total structural failure. When all or part of the sanitary sewer piping is deemed to be in total structural failure, the owner and manager shall conduct a complete assessment of the sewer piping and replace the failed area. The owner and manager shall retain an electronic record of said condition assessment and provide it as requested by the City of Irving.
- (12) The costs, charges, and expenses incurred by the City of Irving in responding to, cleaning up, applying appropriate disinfectant to raw sewage and residue that entered the public right-of-way from the structure and premises, or causing such work to be done, shall be a charge to and a personal liability of the owner and manager.
- (h) **Fire safety.** The owner and manager shall provide and maintain a safe, continuous, and unobstructed path of travel from any point in a structure to the public way. Means of egress shall comply with the International Fire Code, including, but not limited to, as follows:
- (1) At least one (1) emergency escape window or door shall be provided for each nonsprinklered bedroom below the fourth story;
  - (2) Emergency escape and rescue openings shall have a minimum net clear opening of 5.7 square feet. It is an affirmative defense to this subsection that the minimum net clear opening for emergency escape and rescue grade-floor openings and for buildings built prior to February 1, 1979, shall be five (5) square feet;
  - (3) The minimum net clear opening height dimension shall be twenty-four (24) inches. The minimum net clear opening width dimension shall be twenty (20) inches. The net clear opening dimensions shall be the result of normal operation of the opening. It is an affirmative defense to this subsection that the minimum net clear opening height or width shall be twenty-two (22) inches for windows legally installed prior to February 1, 1979;
  - (4) Emergency escape and rescue openings shall have the bottom of the clear opening not greater than forty-four (44) inches measured from the floor. It is an affirmative defense to this subsection that the bottom of the clear opening height forty-eight (48) inches for windows legally installed prior to February 1, 1979;
  - (5) Emergency escape and rescue openings shall be operational from the inside of the room without the use of keys or tools. Bars, grilles, grates, or similar devices are permitted to be placed over emergency escape and rescue openings provided the minimum net clear opening size complies with this section and such devices shall be releasable or removable from the inside without the use of a key, tool, or force greater than that which is required for normal operation of the escape and rescue opening; and
  - (6) When an unsafe condition exists due to the provision of an insufficient means of egress system or emergency escape opening, the city may require the owner or manager to comply with this section.
- (i) **Fire protection systems.** The owner and manager shall provide and maintain all systems, devices, and equipment to detect a fire, smoke, or carbon monoxide, actuate an alarm, or suppress or control a fire or any combination thereof in operable condition at all times in accordance with the International Fire Code, including, but not limited to, as follows:
- (1) Smoke alarms shall be installed and maintained on the ceiling or wall outside of each separate sleeping area in the immediate vicinity of bedrooms and in each room used for sleeping purposes. It is an affirmative defense to this subsection that the bedroom or sleeping room was constructed prior to August 29, 1991; and
  - (2) Smoke alarms shall receive their primary power from the building wiring and shall be equipped with a battery backup. It is an affirmative defense to this subsection that battery backup is not required for smoke alarms legally installed prior to August 29, 1991. It is an affirmative defense to this subsection that smoke alarms are permitted to be solely battery operated if the alarm was legally installed prior to February 1, 1979.
- (j) **Alterations.** Each owner, manager, and occupant of a building shall not alter the building or its facilities so as to create any noncompliance with any applicable law.

- (k) **Vacant units, structures, and land.** In addition to the other requirements of this section, the owner and manager shall maintain:
- (1) All vacant units, structures, and premises thereof or vacant land in a clean, safe, secure, and sanitary condition as provided herein so as not to cause a blighting problem or adversely affect the public health or safety; and
  - (2) All vacant or unoccupied structures or parts of structures completely secure from unauthorized entry. Minimum standards for securing a structure are:
    - a. All openings in a structure, including all floor levels, shall be secured to prevent entry by unauthorized persons. One (1) building entrance may be secured with a door of either solid core wood or steel construction, having no window in the door, and the door shall be securely locked to allow access only to authorized persons. Said door shall be secured with a through-bolted hasp and padlock if the door swings in;
    - b. If plywood materials are used to secure buildings, such materials shall be no less than one-half (½) inch thick, exterior grade. Particle board, water board, masonite, or other similar materials shall not be used for purposes of boarding-up a building;
    - c. Mechanical fasteners used for wood board-up materials shall be round-headed, non-slotted carriage bolts no less than three-eighths-inch in diameter with washers and nuts on the interior face;
    - d. The primary method of securing plywood boards shall be by the use of through-bolt compression fastening, using plywood on the exterior face and wood bracing constructed of minimum two-inch by four-inch (nominal) lumber installed on the interior side of the opening to be secured, perpendicular to the long dimension of the opening. Such bracing shall extend at least six (6) inches beyond the edge of the opening on each side in order to be securely traced against the building structure;
    - e. Wood construction used to secure a structure opening shall contain at least one (1) bolt in each corner and additional bolts no more than four (4) feet on center continuously along the perimeter. Each bolt shall fully penetrate the wood bracing on the interior side of the opening; and
    - f. The surfaces of such securing materials exposed to the weather shall be protected with the application of exterior grade paint, or a similar weather resistant finish, which blends with the background color of the building.
  - (3) It is an affirmative defense to the requirement of through-bolt compression fastening that such fastening is impossible due to the construction or condition of the opening. In such event, the opening shall be covered with plywood secured with minimum three-inch-long wood screws fastened on four-inch centers around the circumference of the opening.
  - (4) Nothing in the minimum standards of this section shall preclude an owner or manager from utilizing superior materials, such as metal, masonry, or concrete, or proprietary systems such as VPS systems, which exceed the durability and reliability of the foregoing standards, to secure a vacant structure or portion of a structure.
  - (5) In the event that a structure becomes unsecure after compliance with the standards in this section, the owner and manager shall resecure immediately and maintain said building in a secure manner.
- (Ord No 2008-8000, § 2.10-2-08)

#### Sec. 8-27. - Multi-family dwelling community specific provisions.

- (a) In addition to the provisions in section 8-26 herein, each owner and manager of a multi-family dwelling community shall comply with this section.
- (b) **Emergency telephone number.** The owner and manager of a multi-family dwelling community shall provide to each resident a current correct emergency telephone number which shall be answered twenty-four (24) hours each day by an owner, an employee or agent of the owner, a manager, or a telephone answering service for the multi-family dwelling unit in which the resident resides, in order to be able to respond to all resident emergencies which cannot wait until the first business hours.
- (c) **Management registration.**
  - (1) All managers of a multi-family dwelling community shall register as such with the city. Such registration shall include the name of the person or management company, street address, a current correct telephone number, and a current correct emergency telephone number which shall be answered twenty-four (24) hours each day by an owner, an employee or agent of the owner, or a manager and any other information as determined by the building official.
  - (2) An owner shall not use a manager that is not registered with the city pursuant to this subsection.
- (d) **Disclosure of ownership.**
  - (1) The landlord shall disclose to each resident and the code enforcement director the name and either a street address or post office box address of the holder of record title in accordance with the provisions set forth in Section 92.201 of the Texas Property Code, as amended.
  - (2) The owner, agent, or manager of a condominium shall disclose to each tenant and the code enforcement director the name and business address of the owner, lessor, or sub-lessor of the dwelling



- unit rented by the tenant and provide the names and addresses of those persons responsible for the maintenance of the common area of a condominium by supplying said information to each tenant within seven (7) days after receiving a written request by the tenant or code enforcement director.
- (a) **Utilities to master-metered multi-family dwelling community.**
- (1) **Utility company records.** Before providing utility service to a new account at a master-metered multi-family dwelling community, a utility company may obtain, and the applicant for utility service shall provide:
- The name and address of the owner or owners of the building;
  - The name and address of the manager responsible for paying the utility bills; and
  - The name and address of the first-ten holder, if any.
- (2) The utility company may maintain a record of the information obtained per subsection (1) and may make it available to the city.
- (3) **Notice of utility interruption.**
- A utility company may make a reasonable effort (including, but not limited to, messenger delivery) to provide notice of a pending utility interruption to residents of a master-metered multi-family dwelling community.
  - Prior to disconnecting service, a utility company providing gas, electricity, water, or sanitary sewer may send to the building official a copy of each termination of service letter or notice sent to the owner or manager of a master-metered multi-family dwelling community.
- (f) **Crime prevention standards.** The owner and manager of a multi-family dwelling community shall provide the following crime prevention measures:
- (1) **Signs for emergencies and code violations.** The owner and manager of a multi-family dwelling community shall post and maintain signs on the premises of the community which include the following:
- Emergency numbers.** The names of designated employees or other authorized persons who shall be assigned to respond to emergency conditions, and a telephone number where said employees can be contacted during any twenty-four-hour period. Emergency conditions shall include fire, natural disaster, flood, collapse hazard, burst pipes, or violent crimes.
  - Notice for reporting code violations.** A sign for reporting code violations to the city in a form approved by the code enforcement director.
- (2) **Sign requirements.** The sign required by this section shall be a minimum of twelve (12) inches by twenty-four (24) inches. Sign facings shall be fabricated out of weather-proof material. The signs shall have a white background, with letters and numbers in a contrasting color. At each multi-family dwelling community there shall be at least one (1) sign posted, and an additional sign for each fifty (50) dwelling units in excess of fifty (50). The signs shall be prominently displayed in exterior, publicly accessible areas of the complex. If the community has an on-site management office, one (1) sign shall be on the exterior of the office.
- (3) **Lighting.**
- Exterior illumination shall be provided at appropriate points adjacent to all building entrances, including individual dwelling units. Lighting shall be sufficient to illuminate areas where hazards may reasonably exist, and shall be operable between a half hour after sunset and a half hour before sunrise.
  - If control mechanisms for such lighting are not accessible by each tenant, such illumination shall be activated and deactivated by a photo cell or seasonally-adjusted timer switch, not operable by individual tenants of the community.
  - The owner and manager shall repair all inoperable exterior lighting fixtures within a reasonable period of time after being notified that the fixture is not working. In no instance shall a reasonable period of time be deemed to mean more than seven (7) days.
- (4) **Vacant buildings.** The owner and manager shall maintain all vacant buildings pursuant to the standards otherwise in this chapter.
- (5) **Security gate access.**
- The owner and manager of a multi-family dwelling community which has unstaffed security gates which restrict vehicle access onto the premises shall provide the police chief with master codes to the gates so that police vehicles and personnel and ambulance and ambulance personnel are allowed unrestricted entry onto the premises when responding to emergencies and calls for service and routine patrols.
  - Prior to changing the master codes, the owner and manager shall notify the police chief of the new codes.
  - The owner and manager shall equip all security gates with a manual override to be used in the event of a power outage or system failure. The owner and manager shall notify the police chief of the location of the override.
  - The owner and manager shall provide access through such security gates by fire trucks and fire personnel as required by the International Fire Code as adopted by the city.
- (6)

**Graffiti abatement.** An owner and manager shall remove graffiti from his or her multi-family dwelling community as required in chapter 5Z of the Code of Civil and Criminal Ordinances of the City of Irving, Texas.

**(7) Crime free multi-housing.**

- a. The owner and manager of each multi-family dwelling community risk rated "3" or "4" shall:
1. Attend the crime free multi-housing advanced management techniques seminar as provided by the City of Irving Police Department.
  2. Conduct criminal background checks on all prospective residents and employees seventeen (17) years of age or older.
  3. Utilize the crime free lease addendum in all leases and other tenancies. A copy of the wording of such addendum shall be kept on file in the Office of the City Secretary of the City of Irving.
  4. Sign and abide by the required crime free multi-housing agreement, which agreement includes the management policies and criminal history questionnaire. A copy of the wording of such agreement shall be kept on file in the Office of the City Secretary of the City of Irving.
- b. If a person presents mitigating circumstances regarding the person's conviction of a category I crime as listed in the management policies, and if the owner or manager accepts the mitigating circumstances, then the owner or manager may seek a recommendation from the City of Irving Police Department regarding the presumptive exclusion of that person in accordance with the management policies. If the police department does not recommend that the presumptive exclusion be disregarded, then the person subject to the presumption may appeal such presumption to the Irving Municipal Judge. Such person shall have the burden of proof to show that the person does not present a danger to the life, health, or property of the residents of the multi-family dwelling community and the City of Irving. The Irving Municipal Judge shall hear and decide the appeal within five (5) working days of the filing. The issue shall be decided in the same manner and with similar considerations as IV(f) of the Rules Governing the Admission to the Bar of the State of Texas as set forth below. If five (5) years have passed since the person was either convicted or incarcerated for a category I crime, the person must prove:
1. That the best interest of the public as well as the ends of justice, would be served by his or her residency or employment;
  2. That he or she is of present good moral character and fitness; and
  3. That during the five (5) years immediately preceding the present action, he or she has been living a life of exemplary conduct.
- If five (5) years have not passed since the person was either convicted or incarcerated for a category I crime, then the person may not appeal the presumption. The decision of the Irving Municipal Judge shall be final.
- c. The city council may approve updates or revisions to the lease addendum or the required crime free multi-housing agreement, or any part thereof by resolution passed at a properly posted meeting.

**(8)** An owner or manager commits an offense if the owner or manager knowingly violates this section.  
(Ord. No. 2008-9000, § 2, 10-2-08; Ord. No. 2008-9011, § 1, 11-8-08)

**Sec. 8-14. - Numbering.**

The owner and manager of each structure or occupancy shall affix official street address numbers assigned to each building and each unit as follows:

- (a) **Multi-family dwelling communities.**
- (1) **Street number required.** The owner and manager shall post street address numbers or other identifying numbers designated by the city on each multi-family dwelling community structure; shall post the range of street address numbers at each entrance to the multi-family dwelling community; if there is a name sign posted at each entrance, shall post the range of street address numbers on this sign; and, if there are covered parking structures, shall post the building address numbers on the faces of the covered parking structures adjacent to the fire lane or access way at all locations that provide pedestrian access to a building. The street address numbers required by this subsection shall be at least six (6) inches in height with a one-inch-stroke and otherwise comply with the requirements of this chapter.
  - (2) **Dwelling unit numbers required.**
    - a. The owner and manager shall post on each dwelling unit in a multi-family dwelling community structure at its main entrance a number distinguishing the unit from all other units in the structure. The numbers shall be no less than one and one-half (1½) inches in height and the stroke shall be one-fourth (¼) inch and comply with the requirements of section 8-16 of this chapter.
    - b. In a multi-family dwelling community which has more than one (1) vehicular access to one (1) or more structures, the city may require the posting of more than one (1) set of street numbers or other identifying numbers on each structure in order that each structure may be identified from each vehicular access point. The street address numbers or other identifying numbers required by this subsection shall be at least six (6) inches in height with a one-inch stroke and otherwise comply with the material requirements of section 8-16 of this chapter.
    - c. A multi-family dwelling community that provides no more than four (4) dwelling units, has a building line no more than fifty (50) feet from the nearest edge of the nearest street or access way, has posted street numbers on it that are at least three (3) inches in height and is otherwise in compliance with sections 8-15 and 8-16 of this chapter is exempt from this subsection.
- (b) **Commercial and industrial buildings.**
- (1) **Single structures.** The owner and manager of each commercial and industrial building shall have posted on it at the front entrance and at the rear entrance, if there is a rear entrance, street address and suite numbers designated by the city. Street address numbers shall be of the size and of the material required in sections 8-15 and 8-16 of this chapter.
  - (2) **Complexes of multiple structures.**
    - a. If there is more than one (1) structure forming a commercial or industrial building complex, the owner and manager of the complex shall post the street address number designated by the city at the main driveway entrance from the public street to the complex and shall post on each structure at the front entrance and at the rear entrance, if there is a rear entrance, a street address or suite number distinguishing it from all other structures in the complex.
    - b. Where in a commercial or industrial building complex, there is more than one (1) vehicular access to each structure, the city may require the posting of more than one (1) set of numbers on each structure in order that each structure may be identified from each vehicular access point. The street address numbers required by this subsection shall be at least six (6) inches in height with a one-inch-stroke and otherwise comply with the requirements of section 8-16 of this chapter.
- (c) **Single-family, duplex, triplex.** The owner of each single-family, duplex, and triplex dwelling structure shall place on it the proper street number designated by the city in some conspicuous place in order that the numbers can be seen and read from the street. The owner of each single-family, duplex, and triplex dwelling structure with a rear doorway or entryway shall also place the proper street number on the rear of the premises in some conspicuous place in order that the numbers can be seen and read from the alley or rear entrance. The size and stroke width of the street address number shall be that designated by sect on 8-16 and of the material designated by section 8-16 of this chapter.
- (d) **Manufactured homes in manufactured home communities.** The owner and occupant of each manufactured home located in a manufactured home community shall post and maintain the proper street address numbers matching the street address numbers posted on the manufactured home's lot or pad, designated by the city on the side of the manufactured home facing the nearest vehicular access to the manufactured home. Neither the owner nor the occupant of any manufactured home located in a manufactured home community shall post any other street address numbers on the manufactured home except those designated by the building official for the lot or pad on which the manufactured home is located. The owner and manager of each manufactured home community shall post and maintain the proper street address numbers designated by the building official on each lot or pad in the manufactured home park in addition to any street address numbers posted on the

manufactured homes. The size and stroke width of the street address number shall be that designated by section 8-15 and of the material designated by section 8-18 of this chapter.  
(Ord. No. 2008-8000, § 2, 10-2-08)



**Sec. 8-19. - License.**

- (a) **License required.** Any person who owns or manages a multi-family dwelling community, manufactured home community, recreational vehicle community, or hotel in the city shall obtain a current and valid license having been issued by the city for each. Any person owning, managing, or maintaining a multi-family dwelling community, manufactured home community, recreational vehicle community, or hotel at more than one (1) location shall obtain a license for each separate location. The city will not issue a certificate of occupancy for any multi-family dwelling community, manufactured home community, recreational vehicle community, or hotel that does not have a license issued to it.
- (b) **License application and issuance.**
- (1) An owner or manager shall file a city-supplied application with the building official for each location. The following correct and current information is required in the application:
    - a. Names, current addresses, and telephone numbers of all owners, managers, lien holders, and insurance companies;
    - b. State-issued driver's license or identification numbers and dates of birth of all owners and managers;
    - c. Names, addresses, state-issued driver's license or identification numbers, and dates of birth of all registered agents, presidents, and vice-presidents, if any of the above-named parties are corporations;
    - d. Names, addresses, state-issued driver's license or identification numbers, and dates of birth of all registered agents, presidents, and vice-presidents, if any of the registered agents are corporations;
    - e. One trade name;
    - f. Zoning district in which the property is located;
    - g. Telephone number, name, and address of a person responsible for paying utility bills, including the utility bills for the common area of a manufactured home community or recreational vehicle community;
    - h. The number of units as follows:
      1. *Multi-family dwelling community.* The number of dwelling units broken down by number of efficiencies, one-bedroom, two-bedroom, and three-bedroom;
      2. *Manufactured home community and recreational vehicle community.* The number of manufactured home plots and recreational vehicle plots; and
      3. *Hotel.* The number of hotel rooms; and
    - i. The current occupancy rate, in percentage, of a multi-family dwelling community.
  - (2) Any person shall not use or permit to be used more than one (1) trade name at a single location.
  - (3) It is the duty of an owner and manager to update all information provided in the application within seven (7) calendar days of any change.
  - (4) The city may, at any time, require additional relevant information of the owner or manager to clarify items on the application. The owner and manager shall provide the information the city requires within seven (7) calendar days of the city's request.
  - (5) When more than fifty (50) percent of the ownership changes or there is a change of a general partner, the new owners and partners shall obtain a new license within thirty (30) days of the change. There is no fee for such a new license.
  - (6) The owner or licensee shall notify the city in writing of each change in ownership and each change in manager and individual responsible for compliance with this chapter, and any information required in this section within seven (7) calendar days of the change.
  - (7) A condominium regime seeking a license shall provide in addition to the foregoing information a copy of the application file-marked by the Dallas County Clerk of the instrument creating the condominium regime. The condominium regime shall also name a designated agent to receive notices relating to the premises and give the agent's street address and current correct telephone number, as well as name the council of owners. Such council of owners is hereby deemed to be a manager of the property.
  - (8) If an annual license cannot be issued at the time the application is filed, a temporary license may be issued upon payment of the license fee. The temporary license shall be valid until such time as the annual license is issued or the temporary license is revoked for failure or refusal to comply with this chapter.
  - (9) No annual license may be issued until the applicant has met all the requirements for it and paid all applicable fees.
- (c) **License expiration and renewal.**
- (1)

*Multi-family dwelling community, manufactured home community, recreational vehicle community.* Each license expires on December 31 of each year and the owner shall renew it no later than January 1 of the following year.

(2) *Hotel.* Each license expires on March 31 of each year and the owner or manager shall renew it no later than April 1 of the same year.

(d) **License fee.**

(1) All applicants for a license for a multi-family dwelling community, manufactured home community, or recreational vehicle community shall pay license fees as follows:

a. *Multi-family dwelling community.* The fee for a license is thirteen dollars and sixteen cents (\$13.16) per dwelling unit, washateria, clubhouse, athletic facility, and office per calendar year. If an additional dwelling unit, washateria, clubhouse, athletic facility, or office is constructed on the multi-family dwelling community premises after the city has issued a license, the city will not issue a certificate of occupancy for the new dwelling unit, washateria, clubhouse, athletic facility, or office until the licensee has paid a fee of one dollar and 999/1000 cent (\$1.0999) per dwelling unit, washateria, clubhouse, athletic facility, and office for each month left in that current year. When a multi-family dwelling community begins operation, the annual licensing fee for the first year of operation shall be one dollar and 999/1000 cent (\$1.0999) per dwelling unit, washateria, clubhouse, athletic facility, and office for each month the community is in operation that year.

b. *Manufactured home community and recreational vehicle community.* The fee for each manufactured home community or recreational vehicle license is seven dollars and twenty cents (\$7.20) per authorized manufactured home site, recreational vehicle site, washateria, clubhouse, athletic facility, and office per calendar year. If additional spaces are constructed on the manufactured home community or recreational vehicle community premises after the city has issued a license, the city will not issue a certificate of occupancy for any new units until the licensee has paid a fee of sixty cents (\$0.60) per unit, washateria, clubhouse, athletic facility, and office for each month left in that current year. When a manufactured home community or recreational vehicle community begins operation, the annual licensing fee for the first year of operation shall be sixty cents (\$0.60) per unit, washateria, clubhouse, athletic facility, and office for each month the community is in operation that year.

(2) Should the license payment be made by check or other instrument, which is not honored, the license for which the payment was made to secure shall be null and void without additional action by the city.

(3) The license fee shall be paid at the time the initial application is filed and at the time each renewal application is filed with the building official.

(4) The fee for issuing a replacement or duplicate license is twenty dollars (\$20.00).

(5) The applicant shall pay a late charge equal to ten (10) percent of the annual license fee for any portion of the first month the annual license fee is late and five (5) percent of the annual license fee for any portion of each succeeding month the annual license fee is late or twenty-five dollars (\$25.00) for any portion of any month the annual license fee is late, whichever is greater.

(e) **License display.**

(1) *Multi-family dwelling community, manufactured home community, recreational vehicle community.* The owner and manager shall post and display each license issued pursuant to this chapter in the office or in another conspicuous place to which occupants have access.

(2) *Hotel.* The owner and manager shall make each license issued pursuant to this chapter available for inspection on request.

(f) **License replacement and transferability.**

(1) A replacement license may be issued for one lost, destroyed, or mutilated upon application on the form provided by the building official. A replacement license may have the word "replacement" stamped across its face and may bear the same number as the one it replaces.

(2) A license pursuant to this chapter is not assignable or transferable from one person to another or from one place to another.

(3) The form of the license may be prepared by the building official.

(g) **License standards.** The owner and manager shall maintain the premises in compliance with the provisions of this chapter and with all applicable laws in order to obtain, retain, or renew a license.

(h) **Appeal of license denial.**

(1) If the building official denies a license, the owner or manager may appeal the denial to the construction board of appeals. License appeals shall be handled in accordance with the provisions set forth in Section 112 of the 2003 International Building Code with the exception that the appeal shall be in writing, filed with the building official within seven (7) calendar days of such denial.

(2) Failure of any person to file an appeal in accordance with this section is a waiver of his or her right to a hearing and the building official's decision shall be final.

(3) The denial of a license by the building official is not stayed pending appeal.

(i) It shall be unlawful and a violation of this section for an owner or manager to intentionally, knowingly, recklessly, or negligently provide, cause to be provided, or allow false information to be provided in response to any of the terms of this section.

- (j) it shall be unlawful for an owner or manager to intentionally, knowingly, recklessly, or negligently commit, permit, or allow a violation of any of the terms of this section.  
(Ord. No. 2008-0000, § 2 10-2-08; Ord. No. 2009-0113 § 2. 9-3-09,

**Sec. 52-56. - Outside storage.**

- (a) Outside storage shall include, but is not limited to, the following items stored other than in an enclosed building:
- (1) Merchandise for sale;
  - (2) Building materials;
  - (3) Trash, garbage, or other refuse;
  - (4) Inventory or supplies for a business;
  - (5) In a district zoned and used for residential purposes as a principal use, the parking of any commercial vehicle or conveyance from the following list:
    - a. Vehicle of three (3) axles or more;
    - b. Bus;
    - c. Truck tractor;
    - d. Commercial vehicle of rated capacity in excess of one and one-half (1½) tons according to the manufacturer's classification;
    - e. Cargo van or bobtail truck with a cargo space of more than seven hundred twenty (720) cubic feet calculated by multiplying the outside length by the outside width by the outside height of the cargo space;
    - f. Cargo van, bobtail, or flatbed truck more than twenty (20) feet in overall length, more than eight (8) feet in width, and more than ten (10) feet in height measured from the surface under the vehicle to the highest part of the vehicle excluding antennas; and
    - g. Tow truck.
  - (6) Any camper top, motor vehicle, boat, or trailer parked on a surface which does not consist of an area larger than the vehicle, boat, or trailer paved with concrete or asphalt of sufficient strength to support the weight of the vehicle, boat, or trailer or with gravel, stone, or a like material at a minimum uniform depth of two (2) inches with a containment border that minimizes the spread of the material. The parking surface must be continuously connected to a street, alley, or driveway by a similarly improved surface at least nine (9) feet wide or by two (2) fourteen-inch wide parallel ribbons of similarly improved surface. It is an affirmative defense to this subsection that the vehicle, boat, or trailer was being actively washed during the entire time of such parking. It is an affirmative defense to this subsection that the vehicle, boat, or trailer was screened on all sides by a six-foot blind fence or a building wall.
  - (7) In a district zoned and used for not more than one (1) residential unit per lot or tract as a principal use, the parking of six (6) or more motor vehicles on the lot or tract on two (2) days within a seven-day period, provided that it is an affirmative defense to this subparagraph that:
    - a. The number of vehicles parked on the lot or tract did not exceed by more than two (2) the number of licensed drivers who lawfully and concurrently reside on the lot or tract; and
    - b. The owner or tenant produces a current, valid title, bill of sale, or lease agreement showing the motor vehicle to be in the lawful possession of a resident of the premises on the date of the alleged offense.
  - (8) Any vehicle from the following list:
    - a. Any motor vehicle that is inoperable, more than five (5) years old, and left unattended on public property for more than forty-eight (48) hours;
    - b. Any motor vehicle that has remained illegally on public property for more than forty-eight (48) hours;
    - c. Any motor vehicle that has remained on private property without the consent of the owner or person in control of the property for more than forty-eight (48) hours;
    - d. Any motor vehicle left unattended on the right-of-way of a county, state, or federal highway for more than forty-eight (48) hours;
    - e. Any vehicle which is:
      1. Inoperable;
      2. On the same lot or tract on two (2) consecutive days; and
      3. Either:
        - (i) Showing external damage to the body or frame; or
        - (ii) Partially and visibly dismantled.
  - (9) Motor vehicle parts and accessories including, but not limited to, engine, transmission, electrical, suspension parts, as well as tires, hubcaps, and other motor vehicle parts;
  - (10) Chemicals;
  - (11)

- Furniture, yard swings, waterscape, art form, barbecue grills, outdoor equipment, and children's playground equipment and toys;
- (12) Appliances not designed for outdoor use;
- (13) Tools, mobile or mechanical equipment not connected to the principal use;
- (14) Boxes.
- (b) It is unlawful for any person to suffer, allow, permit, conduct, or maintain any outside storage on any lot or tract within the City of Irving. Each day during which outside storage occurs is a separate offense.
- (c) The following are affirmative defenses to prosecution under subsection (b):
- (1) That the outside storage is a principal use specifically allowed in the zoning district, provided, however, that this affirmative defense is not available against charges of outside storage of a type enumerated in subsection (a)(3).
- (2) That the outside storage is an accessory use specifically allowed in the zoning district, provided, however, that this affirmative defense is not available against charges of outside storage of a type enumerated in subsection (a)(3).
- (3) That the tract or lot is actively covered by a current valid building or demolition permit, and the outside storage is associated with the construction or demolition.
- (4) That a valid demolition permit exists for the property.
- (5) That the outside storage is of a type enumerated in subsection (a)(11), and that the furniture (including landscape structures-gazebos and arbors), yard swings, waterscape and art forms are designed and made for outside use, are in good condition, and are not deteriorated. Barbecue grills, outdoor equipment (spa, hot tub, deck, FCC approved satellite dish antennas, animal enclosures, patio covers), and children's playground equipment and toys may be allowed in rear yards; however, children's playground equipment and toys and outdoor equipment, other than spa and hot tub, may also be allowed in side yards. A spa or hot tub is allowed in a side yard that is screened by a minimum six-foot blind fence.
- (6) That the outside storage is of a type not specifically enumerated in subsection (a), and that the outside storage is:
- No greater than reasonably necessary to the lawful use of the property;
  - Of an object or type that is of a minor nature; and
  - Of a type which is traditionally or commonly associated with the principal use of the property.
- (7) That the outside storage is of a type specifically enumerated in subsection (a)(3), and that:
- It was awaiting pickup by the city or other sanitation service;
  - It was in a container or bag as approved by the city;
  - It was in an approved or customary location for city or other sanitation service pickup; and
  - Unless in an approved dumpster or unless the trash consists of only lawn and/or landscape clippings, it was placed outside no longer than twenty-four (24) hours before the scheduled pickup.
- (8) That the outside storage is of a type designated in subsection (a)(8), and any externally damaged or dismantled vehicle that was actively under repair for only one (1) period of time no longer than three (3) consecutive days within any six-month interval, provided that only one (1) such vehicle may be under repair outside at one (1) time, provided the affirmative defense provided by this subsection (8) is available only during such time as the vehicle is under repair provided that it is an affirmative defense to this subsection that a resident of a home located on a single-family lot is making automotive repairs to a motor vehicle that is not externally damaged or dismantled and such vehicle belongs to a resident of the home located on the same single-family lot and the resident residing on such single-family lot is in lawful possession of such vehicle and produces a current, valid title, bill of sale, or lease agreement showing such vehicle being repaired is owned by such resident.
- (9) That the outside storage is of a type designated in (a)(1), and:
- That the merchandise is for sale in a zoning district which specifically allows retail sales as a principal or accessory use; and
  - That the merchandise is displayed within five (5) feet of the front of the principal building or structure which is fully enclosed; is not stacked higher than six (6) feet; is not stacked on a trailer; and the items displayed shall not pose any threat to public health or welfare (e.g., tires, receptacles, or containers that can harbor mosquitoes, rodents, vermin, or disease-carrying pests); and shall not violate any city ordinance or state law related to public health or welfare; and
  - However, merchandise consisting of plants and landscape materials may not be more than thirty (30) feet from the outside wall of the principal building or structure which is fully enclosed; and
  - That the merchandise is not located within fifteen (15) feet of a public right-of-way; and
  - That the merchandise is not located within three hundred (300) feet of property zoned or used for single-family detached dwellings or for duplexes as measured in a straight line from the merchandise to the property line of said single-family or duplex property, unless such merchandise is screened from view of said residential property by six (6) feet or taller screening

- devices consisting of buildings, blind fences, berms, or a combination of the same, such screening to be located on the property of the retail establishment; and
- f. That the merchandise is not located within required landscaped areas, required parking areas, required walkways, fire lanes, fire access ways, exit ways or accessible routes of travel as defined by the city building code, and is located upon a totally paved surface consisting of concrete or asphalt. The requirement of location on a totally paved surface shall not apply when all the merchandise outside is contained within an area no larger than one hundred (100) square feet.
- (10) That the outside storage is of a type enumerated in subsection (a)(5), and that the vehicle is a motor home.
- (11) That the outside storage is of a type listed in subsection (a)(5), and that a person is actively using the vehicle to load, unload, move, or deliver furniture or other household goods to or from the residence at which it is parked for no more than seventy-two (72) consecutive hours.
- (12) Any vehicle described in subsection (a)(5) that is not parked in the front yard; and it is screened from view from any street, alley, public way, or adjacent private property zoned or used for residential purposes by a solid opaque fence or wall at least six (6) feet in height; or vegetation consisting of a solid hedgerow or evergreen shrubs, or trees and shrubs, providing full screening from the ground to a minimum height of six (6) feet or; any combination of the above that effectively conceals the vehicle from view and accomplishes the required screening height, or any other form of compatible and appropriate screening as determined by the building official.
- (13) That the outside storage is of a type described in subsection (a)(2), and building materials stored on site are actively used in a construction project for which a valid permit is in effect and for which reasonable progress is being made or the building materials are associated with work of a nature for which no permit is required, and the materials are stored on site for only one period of time no longer than ten (10) consecutive days within any six-month period or a construction scope and schedule is approved by the department of inspections to allow storage of materials associated with:
- Work for which a permit is required, but reasonable progress is not being made;
  - Work for which a permit is not required and a time period of more than ten (10) days is needed to complete the work; or
  - A future project planned by a homeowner on a property for which the homeowner has a homestead exemption and for which an approved storage plan and storage inspection schedule is included in the scope and schedule.

(Ord. No. 5591, § 1 3-18-88, Ord No 5682, §§ 1, 2, 9-7-89; Ord No. 6300 § 1 8-12-93; Ord. No. 7198 § 1 1-22 98 Ord No. 8685, § 11, 8-3-06)

Editor's note—

Provisions added by Ord. No. 5591, § 1, adopted Mar. 16, 1989, as § 52-55 hereof, have been redesignated as § 52-58 in order to avoid duplication of section numbers with provisions previously designated as § 52-55 by Ord. No. 5550, adopted Dec. 15, 1988, at the discretion of the editor.



ing that creates or adds to a hazardous or objectionable situation.

**307.4 Location.** The location for open burning shall not be less than 50 feet (15 240 mm) from any structure, and provisions shall be made to prevent the fire from spreading to within 50 feet (15 240 mm) of any structure.

**Exceptions:**

1. Fires in approved containers that are not less than 15 feet (4572 mm) from a structure.
2. The minimum required distance from a structure shall be 25 feet (7620 mm) where the pile size is 3 feet (914 mm) or less in diameter and 2 feet (610 mm) or less in height.

**307.4.1 Bonfires.** A bonfire shall not be conducted within 50 feet (15 240 mm) of a structure or combustible material unless the fire is contained in a barbecue pit. Conditions which could cause a fire to spread within 50 feet (15 240 mm) of a structure shall be eliminated prior to ignition.

**307.4.2 Recreational fires.** Recreational fires shall not be conducted within 25 feet (7620 mm) of a structure or combustible material. Conditions which could cause a fire to spread within 25 feet (7620 mm) of a structure shall be eliminated prior to ignition.

**307.5 Attendance.** Open burning, bonfires or recreational fires shall be constantly attended until the fire is extinguished. A minimum of one portable fire extinguisher complying with Section 906 with a minimum 4-A rating or other approved on-site fire-extinguishing equipment, such as dirt, sand, water barrel, garden hose or water truck, shall be available for immediate utilization.

**SECTION 308  
OPEN FLAMES**

**308.1 General.** This section shall control open flames, fire and burning on all premises.

**308.2 Where prohibited.** A person shall not take or utilize an open flame or light in a structure, vessel, boat or other place where highly flammable, combustible or explosive material is utilized or stored. Lighting appliances shall be well-secured in a glass globe and wire mesh cage or a similar approved device.

**308.2.1 Throwing or placing sources of ignition.** No person shall throw or place, or cause to be thrown or placed, a lighted match, cigar, cigarette, matches, or other flaming or glowing substance or object on any surface or article where it can cause an unwanted fire.

**308.3 Open flame.** A person shall not utilize or allow to be utilized, an open flame in connection with a public meeting or gathering for purposes of deliberation, worship, entertainment, amusement, instruction, education, recreation, awaiting transportation or similar purpose in Group A or E occupancies without first obtaining a permit in accordance with Section 105.6.

**308.3.1 Open-flame cooking devices.** Charcoal burners and other open-flame cooking devices shall not be operated

on combustible balconies or within 10 feet (3048 mm) of combustible construction.

**Exceptions:**

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

**308.3.1.1 Liquefied-petroleum-gas-fueled cooking devices.** LP-gas burners having an LP-gas container with a water capacity greater than 2.5 pounds (nominal 1 pound (0.454 kg) LP-gas capacity) shall not be located on combustible balconies or within 10 feet (3048 mm) of combustible construction.

**Exception:** One- and two-family dwellings.

**308.3.2 Open-flame decorative devices.** Open-flame decorative devices shall comply with all of the following restrictions:

1. Class I and Class II liquids and LP-gas shall not be used.
2. Liquid- or solid-fueled lighting devices containing more than 8 ounces (237 ml) of fuel must self-extinguish and not leak fuel at a rate of more than 0.25 teaspoon per minute (1.26 ml per minute) if tipped over.
3. The device or holder shall be constructed to prevent the spillage of liquid fuel or wax at the rate of more than 0.25 teaspoon per minute (1.26 ml per minute) when the device or holder is not in an upright position.
4. The device or holder shall be designed so that it will return to the upright position after being tilted to an angle of 45 degrees from vertical.

**Exception:** Devices that self-extinguish if tipped over and do not spill fuel or wax at the rate of more than 0.25 teaspoon per minute (1.26 ml per minute) if tipped over.

5. The flame shall be enclosed except where openings on the side are not more than 0.375 inch (9.5 mm) diameter or where openings are on the top and the distance to the top is such that a piece of tissue paper placed on the top will not ignite in 10 seconds.
6. Chimneys shall be made of noncombustible materials and securely attached to the open-flame device.
 

**Exception:** A chimney is not required to be attached to any open-flame device that will self-extinguish if the device is tipped over.
7. Fuel canisters shall be safely sealed for storage.
8. Storage and handling of combustible liquids shall be in accordance with Chapter 34.
9. Shades, where used, shall be made of noncombustible materials and securely attached to the open-flame device holder or chimney.

10. Candelabras with flame-lighted candles shall be securely fastened in place to prevent overturning, and shall be located away from occupants using the area and away from possible contact with drapes, curtains or other combustibles.

308.3.3 Location near combustibles. Open flames such as from candles, lanterns, kerosene heaters, and gas-fired heaters shall not be located on or near decorative material or similar combustible materials.

308.3.4 Aisles and exits. Candles shall be prohibited in areas where occupants stand, or in an aisle or exit.

308.3.5 Religious ceremonies. When, in the opinion of the fire code official, adequate safeguards have been taken, participants in religious ceremonies are allowed to carry hand-held candles. Hand-held candles shall not be passed from one person to another while lighted.

308.3.6 Theatrical performances. Where approved, open-flame devices used in conjunction with theatrical performances are allowed to be used when adequate safety precautions have been taken in accordance with NFPA 160.

308.3.7 Group A occupancies. Open-flame devices shall not be used in a Group A occupancy.

**Exceptions:**

1. Open-flame devices are allowed to be used in the following situations, provided approved precautions are taken to prevent ignition of a combustible material or injury to occupants:

1.1. Where necessary for ceremonial or religious purposes in accordance with Section 308.3.5.

1.2. On stages and platforms as a necessary part of a performance in accordance with Section 308.3.6.

1.3. Where candles on tables are securely supported on substantial noncombustible bases and the candle flames are protected.

2. Heat-producing equipment complying with Chapter 6 and the *International Mechanical Code*.

3. Gas lights are allowed to be used provided adequate precautions satisfactory to the fire code official are taken to prevent ignition of combustible materials.

308.3.8 Group R-2 dormitories. Candles, incense and similar open-flame-producing items shall not be allowed in sleeping units in Group R-2 dormitory occupancies.

308.4 Torches for removing paint. Persons utilizing a torch or other flame-producing device for removing paint from a structure shall provide a minimum of one portable fire extinguisher complying with Section 906 and with a minimum 4-A rating, two portable fire extinguishers, each with a minimum 2-A rating, or a water hose connected to the water supply on the premises where such burning is done. The person doing the burning shall remain on the premises 1 hour after the torch or flame-producing device is utilized.

308.4.1 Permit. A permit in accordance with Section 105.6 shall be secured from the fire code official prior to the utilization of a torch or flame-producing device to remove paint from a structure.

308.5 Open-flame devices. Torches and other devices, machines or processes liable to start or cause fire shall not be operated or used in or upon hazardous fire areas, except by a permit in accordance with Section 105.6 secured from the fire code official.

Exception: Use within inhabited premises or designated campsites which are a minimum of 30 feet (9144 mm) from grass-, grain-, brush- or forest-covered areas.

308.5.1 Signals and markers. Flame-employing devices, such as lanterns or kerosene road flares, shall not be operated or used as a signal or marker in or upon hazardous fire areas.

Exception: The proper use of fuses at the scenes of emergencies or as required by standard railroad operating procedures.

308.5.2 Portable fueled open-flame devices. Portable open-flame devices fueled by flammable or combustible gases or liquids shall be enclosed or installed in such a manner as to prevent the flame from contacting combustible material.

**Exceptions:**

1. LP-gas-fueled devices used for sweating pipe joints or removing paint in accordance with Chapter 38.

2. Cutting and welding operations in accordance with Chapter 26.

3. Torches or flame-producing devices in accordance with Section 308.4.

4. Candles and open-flame decorative devices in accordance with Section 308.3.

308.6 Flaming food and beverage preparation. The preparation of flaming foods or beverages in places of assembly and drinking or dining establishments shall be in accordance with Sections 308.6.1 through 308.6.5.

308.6.1 Dispensing. Flammable or combustible liquids used in the preparation of flaming foods or beverages shall be dispensed from one of the following:

1. A 1-ounce (29.6 ml) container; or

2. A container not exceeding 1-quart (946.5 ml) capacity with a controlled pouring device that will limit the flow to a 1-ounce (29.6 ml) serving.

308.6.2 Containers not in use. Containers shall be secured to prevent spillage when not in use.

308.6.3 Serving of flaming food. The serving of flaming foods or beverages shall be done in a safe manner and shall not create high flames. The pouring, ladling or spooning of liquids is restricted to a maximum height of 8 inches (203 mm) above the receiving receptacle.

308.6.4 Location. Flaming foods or beverages shall be prepared only in the immediate vicinity of the table being ser-



vised. They shall not be transported or carried while burning.

**308.6.5 Fire protection.** The person preparing the flaming foods or beverages shall have a wet cloth towel immediately available for use in smothering the flames in the event of an emergency.

### SECTION 309

#### POWERED INDUSTRIAL TRUCKS AND EQUIPMENT

**309.1 General.** Powered industrial trucks and similar equipment including, but not limited to, floor scrubbers and floor buffers, shall be operated and maintained in accordance with this section.

**309.2 Battery chargers.** Battery chargers shall be of an approved type. Combustible storage shall be kept a minimum of 3 feet (915 mm) from battery chargers. Battery charging shall not be conducted in areas accessible to the public.

**309.3 Ventilation.** Ventilation shall be provided in an approved manner in battery-charging areas to prevent a dangerous accumulation of flammable gases.

**309.4 Fire extinguishers.** Battery-charging areas shall be provided with a fire extinguisher complying with Section 906 having a minimum 4-A:20-B:C rating within 20 feet (6096 mm) of the battery charger.

**309.5 Refueling.** Powered industrial trucks using liquid fuel, LP-gas or hydrogen shall be refueled outside of buildings or in areas specifically approved for that purpose. Fixed fuel-dispensing equipment and associated fueling operations shall be in accordance with Chapter 22. Other fuel-dispensing equipment and operations, including cylinder exchange for LP-gas-fueled vehicles, shall be in accordance with Chapter 34 for flammable and combustible liquids or Chapter 38 for LP-gas.

**309.6 Repairs.** Repairs to fuel systems, electrical systems and repairs utilizing open flame or welding shall be done in approved locations outside of buildings or in areas specifically approved for that purpose.

### SECTION 310 SMOKING

**310.1 General.** The smoking or carrying of a lighted pipe, cigar, cigarette or any other type of smoking paraphernalia or material is prohibited in the areas indicated in this section.

**310.2 Prohibited areas.** Smoking shall be prohibited where conditions are such as to make smoking a hazard, and in spaces where flammable or combustible materials are stored or handled.

**310.3 "No Smoking" signs.** The fire code official is authorized to order the posting of "No Smoking" signs in a conspicuous location in each structure or location in which smoking is prohibited. The content, lettering, size, color and location of required "No Smoking" signs shall be approved.

**310.4 Removal of signs prohibited.** A posted "No Smoking" sign shall not be obscured, removed, defaced, mutilated or destroyed.

**310.5 Compliance with "No Smoking" signs.** Smoking shall not be permitted nor shall a person smoke, throw or deposit any lighted or smoldering substance in any place where "No Smoking" signs are posted.

**310.6 Ash trays.** Where smoking is permitted, suitable noncombustible ash trays or match receivers shall be provided on each table and at other appropriate locations.

**310.7 Burning objects.** Lighted matches, cigarettes, cigars or other burning object shall not be discarded in such a manner that could cause ignition of other combustible material.

**310.8 Hazardous environmental conditions.** When the fire code official determines that hazardous environmental conditions necessitate controlled use of smoking materials, the ignition or use of such materials in mountainous, brush-covered or forest-covered areas or other designated areas is prohibited except in approved designated smoking areas.

### SECTION 311 VACANT PREMISES

**311.1 General.** Temporarily unoccupied buildings, structures, premises or portions thereof, including tenant spaces, shall be safeguarded and maintained in accordance with this section.

**311.1.1 Abandoned premises.** Buildings, structures and premises for which an owner cannot be identified or located by dispatch of a certificate of mailing to the last known or registered address, which persistently or repeatedly becomes unprotected or unsecured, which have been occupied by unauthorized persons or for illegal purposes, or which present a danger of structural collapse or fire spread to adjacent properties shall be considered abandoned, declared unsafe and abated by demolition or rehabilitation in accordance with the *International Property Maintenance Code* and the *International Building Code*.

**311.1.2 Tenant spaces.** Storage and lease plans required by this code shall be revised and updated to reflect temporary or partial vacancies.

**311.2 Safeguarding vacant premises.** Temporarily unoccupied buildings, structures, premises or portions thereof shall be secured and protected in accordance with this section.

**311.2.1 Security.** Exterior openings and interior openings accessible to other tenants or unauthorized persons shall be boarded, locked, blocked or otherwise protected to prevent entry by unauthorized individuals.

**311.2.2 Fire protection.** Fire alarm, sprinkler and standpipe systems shall be maintained in an operable condition at all times.

#### Exceptions:

1. When the premises have been cleared of all combustible materials and debris and, in the opinion of the fire code official, the type of construction, fire separation distance and security of the premises do not create a fire hazard.

**SECTION 303  
EQUIPMENT AND APPLIANCE LOCATION**

**303.1 General.** Equipment and appliances shall be located as required by this section, specific requirements elsewhere in this code and the conditions of the equipment and appliance listing.

**303.2 Hazardous locations.** Appliances shall not be located in hazardous locations unless listed and approved for the specific location.

**303.3 Prohibited locations.** Fuel-fired appliances shall not be installed or obtain combustion air from any of the following locations:

- 1. Stairways.
- 2. Elevators.
- 3. Toilet rooms.
- 4. Bathrooms.
- 5. Closets.
- 6. Dressing rooms.

**Exception:** This section shall not apply to the following:

1. Appliances that obtain all combustion air directly from the outdoors.

2. Fuel-fired appliances, provided that the room is a finished space and the building is not of unusual light construction.

3. Appliances installed in a dedicated enclosure in which all combustion air is taken directly from the outdoors in accordance with Section 703. Access to the enclosure shall be through a solid door, constructed in accordance with the International Energy Conservation Code and equipped with an approved locking device.

**303.4 Mechanical damage.** Appliances shall not be installed where subject to mechanical damage unless approved by the authority having jurisdiction.

**303.5 Fuel-fired furnaces and boilers.** Fuel-fired furnaces and boilers shall be listed for such installation. In addition to the requirements of this section, a closet or alcove shall be provided for such appliances having a volume less than 12 times the volume of the boiler and furnace. Room volume shall be based on the gross floor area and the actual ceiling height of 8 feet (2438 mm).

**303.6 Appliances installed in other than finished spaces.** Appliances installed in other than finished spaces shall be listed and labeled for outdoor installation.

**303.7 Appliances installed in pits or excavations.** Appliances installed in pits or excavations shall be listed and labeled for such installation. The pit or excavation shall be held back a minimum of 12 inches from the appliance. When the depth of the pit or excavation is below adjacent grade, the walls shall be finished with concrete or masonry. The pit or excavation shall extend a minimum of 4 inches above the appliance and shall have sufficient lighting.

and load-bearing capacity to resist collapse. The appliance shall be protected from flooding in an approved manner.

**[B] 303.8 Elevator shafts.** Mechanical systems shall not be located in an elevator shaft.

**SECTION 304  
INSTALLATION**

**304.1 General.** Equipment and appliances shall be installed as required by the terms of their approval, in accordance with the conditions of the listing, the manufacturer's installation instructions and this code. Manufacturer's installation instructions shall be available on the job site at the time of inspection.

**304.2 Conflicts.** Where conflicts between this code and the conditions of listing or the manufacturer's installation instructions occur, the provisions of this code shall apply.

**Exception:** Where a code provision is less restrictive than the conditions of the listing of the equipment or appliance or the manufacturer's installation instructions, the conditions of the listing and the manufacturer's installation instructions shall apply.

**304.3 Elevation of ignition source.** Equipment and appliances having an ignition source and located in hazardous locations and public garages, private garages, repair garages, automotive motor-fuel-dispensing facilities and parking garages shall be elevated such that the source of ignition is not less than 18 inches (457 mm) above the floor surface on which the equipment or appliance rests. Such equipment and appliances shall not be installed in Group H occupancies or control areas where open use, handling or dispensing of combustible, flammable or explosive materials occurs. For the purpose of this section, rooms or spaces that are not part of the living space of a dwelling unit and that communicate directly with a private garage through openings shall be considered to be part of the private garage.

**304.3.1 Parking garages.** Connection of a parking garage with any room in which there is a fuel-fired appliance shall be by means of a vestibule providing a two-doorway separation, except that a single door is permitted where the sources of ignition in the appliance are elevated in accordance with Section 304.3.

**Exception:** This section shall not apply to appliance installations complying with Section 304.5.

**[FG] 304.4 Hydrogen-generating and refueling operations.** Ventilation shall be required in accordance with Section 304.4.1, 304.4.2 or 304.4.3 in public garages, private garages, repair garages, automotive service stations and parking garages that contain hydrogen-generating appliances or refueling systems. For the purpose of this section, rooms or spaces that are not part of the living space of a dwelling unit and that communicate directly with a private garage through openings shall be considered to be part of the private garage.

**[FG] 304.4.1 Natural ventilation.** Indoor locations intended for hydrogen-generating or refueling operations shall be limited to a maximum floor area of 850 square feet (79 m<sup>2</sup>) and shall communicate with the outdoors in accordance with Sections 304.4.1.1 through 304.4.1.2. The maxi-

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imum rated output capacity of hydrogen generating appliances shall not exceed 4 standard cubic feet per minute (0.00119 m<sup>3</sup>/s) of hydrogen for each 250 square feet (23.2 m<sup>2</sup>) of floor area in such spaces. The minimum cross-sectional dimension of air openings shall be 3 inches (76 mm). Where ducts are used, they shall be of the same cross-sectional area as the free area of the openings to which they connect. In such locations, equipment and appliances having an ignition source shall be located such that the source of ignition is not within 12 inches (305 mm) of the ceiling.

**[FG] 304.4.1.1 Two openings.** Two permanent openings shall be provided within the garage. The upper opening shall be located entirely within 12 inches (305 mm) of the ceiling of the garage. The lower opening shall be located entirely within 12 inches (305 mm) of the floor of the garage. Both openings shall be provided in the same exterior wall. The openings shall communicate directly with the outdoors, and shall have a minimum free area of 1/4 square foot per 1,000 cubic feet (1 m<sup>3</sup>/610 m<sup>3</sup>) of garage volume.

**[FG] 304.4.1.2 Louvers and grilles.** In calculating free area required by Section 304.4.1, the required size of opening shall be based on the net free area of each opening. If the free area through a design of louver or grille is known, it shall be used in calculating the size opening required to provide the free area specified. If the design and free area are not known, it shall be assumed that wood louvers will have 25 percent free area and metal louvers and grilles will have 75 percent free area. Louvers and grilles shall be fixed in the open position.

**[FG] 304.4.2 Mechanical ventilation.** Indoor locations intended for hydrogen-generating or refueling operations shall be ventilated in accordance with Section 502.16. In such locations, equipment and appliances having an ignition source shall be located such that the source of ignition is below the mechanical ventilation outlet(s).

**[FG] 304.4.3 Specialty engineered installations.** As an alternative to the provisions of Sections 304.4.1 and 304.4.2 the necessary supply of air for ventilation and dilution of flammable gases shall be provided by an approved engineered system.

**304.5 Public garages.** Appliances located in public garages, motor fueling dispensing facilities, repair garages or other areas frequented by motor vehicles, shall be installed a minimum of 8 feet (2438 mm) above the floor. Where motor vehicles exceed 6 feet (1829 mm) in height and are capable of passing under an appliance appliances shall be installed a minimum of 7 feet (610 mm) higher above the floor than the height of the tallest vehicle.

**Exception:** The requirements of this section shall not apply where the appliances are protected from motor vehicle impact and installed in accordance with Section 304.3 and NFPA 30A

**304.6 Private garages.** Appliances located in private garages and carports shall be installed with a minimum clearance of 6 feet (1829 mm) above the floor.

**Exception:** The requirements of this section shall not apply where the appliances are protected from motor vehicle impact and installed in accordance with Section 304.3.

**304.7 Construction and protection.** Boiler rooms and furnace rooms shall be protected as required by the *International Building Code*.

**304.8 Clearances to combustible construction.** Heat-producing equipment and appliances shall be installed to maintain the required clearances to combustible construction as specified in the listing and manufacturer's instructions. Such clearances shall be reduced only in accordance with Section 308. Clearances to combustibles shall include such considerations as door swing, drawer pull, overhead projections or shelving and window swing, shutters, coverings and drapes. Devices such as doornops or limits, closers, drapery ties or guards shall not be used to provide the required clearances.

**304.9 Clearances from grade.** Equipment and appliances installed at grade level shall be supported on a level concrete slab or other approved material extending above adjoining grade or shall be suspended a minimum of 6 inches (152 mm) above adjoining grade.

**[B] 304.10 Guards.** Guards shall be provided where appliances, equipment, fans or other components that require service and roof hatch openings are located within 10 feet (3048 mm) of a roof edge or open side of a walking surface and such edge or open side is located more than 30 inches (762 mm) above the floor, roof or grade below. The guard shall extend not less than 30 inches (762 mm) beyond each end of such appliances, equipment, fans, components and roof hatch openings and the top of the guard shall be located not less than 42 inches (1067 mm) above the elevated surface adjacent to the guard. The guard shall be constructed so as to prevent the passage of a 21-inch-diameter (533 mm) sphere and shall comply with the loading requirements for guards specified in the *International Building Code*.

**304.11 Area served.** Appliances serving different areas of a building other than where they are installed shall be permanently marked in an approved manner that uniquely identifies the appliance and the area it serves.

## SECTION 305 PIPING SUPPORT

**305.1 General.** All mechanical system piping shall be supported in accordance with this section.

**305.2 Materials.** Pipe hangers and supports shall have sufficient strength to withstand all anticipated static and specified dynamic loading conditions associated with the intended use. Pipe hangers and supports that are in direct contact with piping shall be of approved materials that are compatible with the piping and that will not promote galvanic action.

## CHAPTER 29 WATER SUPPLY AND DISTRIBUTION

### SECTION P2901 GENERAL

**P2901.1 Potable water required.** Dwelling units shall be supplied with potable water in the amounts and pressures specified in this chapter. In a building where both a potable and nonpotable water-distribution system are installed, each system shall be identified by color marking, metal tag or other appropriate method. Any nonpotable outlet that could inadvertently be used for drinking or domestic purposes shall be posted.

### SECTION P2902 PROTECTION OF POTABLE WATER SUPPLY

**P2902.1 General.** A potable water supply system shall be designed and installed as to prevent contamination from nonpotable liquids, solids or gases being introduced into the potable water supply. Connections shall not be made to a potable water supply in a manner that could contaminate the water supply or provide a cross-connection between the supply and a source of contamination unless an approved backflow-prevention device is provided. Cross-connections between an individual water supply and a potable public water supply shall be prohibited.

**P2902.2 Plumbing fixtures.** The supply lines and fittings for every plumbing fixture shall be installed to prevent backflow. Plumbing fixture fittings shall provide backflow protection in accordance with ASME A112.18.1.

**P2902.3 Backflow protection.** A means of protection against backflow shall be provided in accordance with Sections P2902.3.1 through P2902.3.6. Backflow prevention applications shall conform to Table P2902.3, except as specifically stated in Sections P2902.4 through P2902.5.3.

**P2902.3.1 Air gaps.** Air gaps shall comply with ASME A112.1.2 and air gap fittings shall comply with ASME A112.1.3. The minimum air gap shall be measured vertically from the lowest end of a water supply outlet to the flood level rim of the fixture or receptor into which such potable water outlets discharge. The minimum required air gap shall be twice the diameter of the effective opening of the outlet, but in no case less than the values specified in Table P2902.3.1. An air gap is required at the discharge point of a relief valve or piping. Air gap devices shall be incorporated in dishwashing and clothes washing appliances.

**P2902.3.2 Atmospheric-type vacuum breakers.** Pipe-applied atmospheric-type vacuum breakers shall conform to ASSE 1001 or CSA B64.1.1. Hose-connection vacuum breakers shall conform to ASSE 1011, ASSE 1019, ASSE 1033, ASSE 1052, CSA B64.2, CSA B64.2.1, CSA B64.2.1.1, CSA B64.2.2 or CSA B64.7. These devices shall operate under normal atmospheric pressure when the critical level is installed at the required height.

**P2902.3.3 Backflow preventer with intermediate atmospheric vent.** Backflow preventers with intermediate atmospheric vents shall conform to ASSE 1012 or CSA CAN/CSA B64.3. These devices shall be permitted to be installed where subject to continuous pressure conditions. The relief opening shall discharge by air gap and shall be prevented from being submerged.

**P2902.3.4 Pressure-type vacuum breakers.** Pressure-type vacuum breakers shall conform to ASSE 1020 or CSA B64.1.2 and spillproof vacuum breakers shall comply with ASSE 1056. These devices are designed for installation under continuous pressure conditions when the critical level is installed at the required height. Pressure-type vacuum breakers shall not be installed in locations where spillage could cause damage to the structure.

**P2902.3.5 Reduced pressure principle backflow preventers.** Reduced pressure principle backflow preventers shall conform to ASSE 1013, AWWA C511, CSA B64.4 or CSA B64.4.1. Reduced pressure detector assembly backflow preventers shall conform to ASSE 1047. These devices shall be permitted to be installed where subject to continuous pressure conditions. The relief opening shall discharge by air gap and shall be prevented from being submerged.

**P2902.3.6 Double check-valve assemblies.** Double check-valve assemblies shall conform to ASSE 1015, CSA B64.5, CSA B64.5.1 or AWWA C510. Double-detector check-valve assemblies shall conform to ASSE 1048. These devices shall be capable of operating under continuous pressure conditions.

**P2902.4 Protection of potable water outlets.** Potable water openings and outlets shall be protected by an air gap, reduced pressure principle backflow preventer with atmospheric vent, atmospheric-type vacuum breaker, pressure-type vacuum breaker or hose connection backflow preventer.

**P2902.4.1 Fill valves.** Flush tanks shall be equipped with an anti-siphon fill valve conforming to ASSE 1002 or CSA B125. The fill valve backflow preventer shall be located at least 1 inch (25 mm) above the full opening of the overflow pipe.

**P2902.4.2 Deck-mounted and integral vacuum breakers.** Approved deck-mounted vacuum breaker and faucets with integral atmospheric or spill-proof vacuum breakers shall be installed in accordance with the manufacturer's installation instructions and the requirements for labeling with the critical level not less than 1 inch (25 mm) above the flood level rim.

**P2902.4.3 Hose connection.** Silcocks, hose bibbs, wall hydrants and other openings with a hose connection shall be protected by an atmospheric-type or pressure-type vacuum breaker or a permanently attached hose connection vacuum breaker.



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**E3304.2 Interrupting rating.** Equipment intended to interrupt current at fault levels shall have a minimum interrupting rating of 10,000 amperes. Equipment intended to interrupt current at levels other than fault levels shall have an interrupting rating at nominal circuit voltage sufficient for the current that must be interrupted.

**E3304.3 Circuit characteristics.** The overcurrent protective devices, total impedance, component short-circuit current ratings and other characteristics of the circuit to be protected shall be so selected and coordinated as to permit the circuit protective devices that are used to clear a fault to do so without extensive damage to the electrical components of the circuit. This fault shall be assumed to be either between two or more of the circuit conductors or between any circuit conductor and the grounding conductor or enclosing metal raceway. Listed products applied in accordance with their listing shall be considered to meet the requirements of this section.

**E3304.4 Protection of equipment.** Equipment identified only as "dry locations," "Type 1," or "indoor use only" shall be protected against permanent damage from the weather during building construction.

**E3304.5 Unused openings.** Unused cable or raceway openings in boxes, cabinets, meter socket enclosures, equipment cases or housings shall be effectively closed to afford protection substantially equivalent to the wall of the equipment. Where metallic plugs or plates are used with nonmetallic enclosures they shall be recessed at least  $\frac{1}{4}$  inch (6 mm) from the outer surface of the enclosure.

**E3304.6 Integrity of electrical equipment.** Internal parts of electrical equipment, including busbars, wiring terminals, insulation and other surfaces, shall not be damaged or contaminated by foreign materials such as paint, plaster, cleaners or abrasives, and corrosive residues. There shall not be any damaged parts that might adversely affect safe operation or mechanical strength of the equipment such as parts that are broken; bent; cut; deteriorated by corrosion, chemical action, or overheating. Foreign debris shall be removed from equipment.

**E3304.7 Mounting.** Electrical equipment shall be firmly secured to the surface on which it is mounted. Wooden plugs driven into masonry, concrete, plaster, or similar materials shall not be used.

**E3304.8 Energized parts guarded against accidental contact.** Approved enclosures shall guard energized parts that are operating at 50 volts or more against accidental contact.

**E3304.9 Prevent physical damage.** In locations where electrical equipment is likely to be exposed to physical damage, enclosures or guards shall be so arranged and of such strength as to prevent such damage.

**E3304.10 Equipment identification.** The manufacturer's name, trademark or other descriptive marking by which the organization responsible for the product can be identified shall be placed on all electric equipment. Other markings shall be provided that indicate voltage, current, ratings or other ratings as specified elsewhere in Chapters 33 through 42. The marking shall have the durability to withstand the environment involved.

**E3304.11 Identification of disconnecting means.** Each disconnecting means shall be legibly marked to indicate its pur-

pose, except where located and arranged so that the purpose is evident. The marking shall have the durability to withstand the environment involved.

## SECTION E3305 EQUIPMENT LOCATION AND CLEARANCES

**E3305.1 Working space and clearances.** Sufficient working space and clearances shall be provided and maintained around electrical equipment to permit ready and safe operation and maintenance of such equipment in accordance with this section and Figure E3305.1.

**E3305.2 Working clearances for energized equipment.** Except as otherwise specified in Chapter 42, the dimension of the working space in the direction of access to panelboards and live parts likely to require operation, adjustment, servicing or maintenance while energized shall be not less than 36 inches (914 mm) in depth. Dimension shall be measured from the energized parts where such parts are exposed or from the enclosure front or opening where such parts are enclosed. In addition to the 36-inch dimension (914 mm), the work space shall not be less than 30 inches (762 mm) width in front of the electrical equipment and not less than the width of such equipment. The work space shall be clear and shall extend from the floor or platform to a height of 6.5 feet (1981 mm). In all cases, the work space shall allow at least a 90-degree opening of equipment doors or hinged panels. Equipment associated with the electrical installation located above or below the electrical equipment shall be permitted to extend not more than 18 inches (457 mm) beyond the front of the electrical equipment.

**E3305.3 Dedicated panelboard space.** The space equal to the width and depth of the panelboard and extending from the floor to a height of 6 feet (1829 mm) above the panelboard, or to the structural ceiling, whichever is lower, shall be dedicated to electrical installation. Piping, ducts, leak protection systems and other equipment foreign to the electrical installation shall not be installed in such dedicated space. The area above the dedicated space shall be permitted to contain foreign systems, provided that protection is installed to avoid damage to the electrical equipment from condensation, leaks and breaks in such foreign systems (see Figure E3305.1).

**Exception:** Suspended ceilings with removable panels shall be permitted within the 6-foot (1.8 m) dedicated space.

**E3305.4 Location of working spaces and equipment.** Required working space shall not be designated for storage. Panelboards and overcurrent protection devices shall not be located in clothes closets or bathrooms.

**E3305.5 Access and entrances to working space.** Access shall be provided to the required working space.

**E3305.6 Illumination.** Artificial illumination shall be provided for all working spaces for service equipment and panelboards installed indoors.

**E3305.7 Headroom.** The minimum headroom for working spaces for service equipment and panelboards shall be 6.5 feet (1981 mm).

(2) Installation in Nonmetallic Boxes. Isolated ground receptacles installed in nonmetallic boxes shall be covered with a nonmetallic faceplate.

*Exception:* Where an isolated ground receptacle is installed in a nonmetallic box, a metal faceplate shall be permitted if the box contains a feature or accessory that permits the effective grounding of the faceplate.

**406.3 General Installation Requirements.** Receptacle outlets shall be located in branch circuits in accordance with Part III of Article 210. General installation requirements shall be in accordance with 406.3(A) through (F).

(A) **Grounding Type.** Receptacles installed on 15- and 20-ampere branch circuits shall be of the grounding type. Grounding-type receptacles shall be installed only on circuits of the voltage class and current for which they are rated, except as provided in Table 210.21(B)(2) and Table 210.21(B)(3).

*Exception:* Nongrounding-type receptacles installed in accordance with 406.3(D).

(B) **To Be Grounded.** Receptacles and cord connectors that have equipment grounding conductor contacts shall have these contacts connected to an equipment grounding conductor.

*Exception No. 1:* Receptacles mounted on portable and vehicle-mounted generators in accordance with 250.34.

*Exception No. 2:* Replacement receptacles as permitted by 406.3(D).

(C) **Methods of Grounding.** The equipment grounding conductor contacts of receptacles and cord connectors shall be grounded by connection to the equipment grounding conductor of the circuit supplying the receptacle or cord connector.

*FPN:* For installation requirements for the reduction of electrical noise, see 250.146(D).

The branch-circuit wiring method shall include or provide an equipment grounding conductor to which the equipment grounding conductor contacts of the receptacle or cord connector are connected.

*FPN No. 1:* See 250.118 for acceptable grounding means.

*FPN No. 2:* For extensions of existing branch circuits, see 250.130.

(D) **Replacement.** Replacement of receptacles shall comply with 406.3(D)(1), (D)(2), and (D)(3) as applicable.

(1) **Grounding-Type Receptacles.** Where a grounding conductor exists in the receptacle enclosure or an equipment grounding conductor is installed in accordance with 250.130(C), grounding-type receptacles shall be used and

shall be connected to the equipment grounding conductor in accordance with 406.3(C) or 250.130(C).

(2) **Ground-Fault Circuit Interrupters.** Ground-fault circuit-interrupter protected receptacles shall be provided where replacements are made at receptacle outlets that are required to be so protected elsewhere in this Code.

(3) **Non-Grounding-Type Receptacles.** Where attachment to an equipment grounding conductor does not exist in the receptacle enclosure, the installation shall comply with (D)(3)(a), (D)(3)(b), or (D)(3)(c).

(a) A non-grounding-type receptacle(s) shall be permitted to be replaced with another non-grounding-type receptacle(s).

(b) A non-grounding-type receptacle(s) shall be permitted to be replaced with a ground-fault circuit interrupter-type of receptacle(s). These receptacles shall be marked "No Equipment Ground." An equipment grounding conductor shall not be connected from the ground-fault circuit-interrupter-type receptacle to any outlet supplied from the ground-fault circuit-interrupter receptacle.

(c) A non-grounding-type receptacle(s) shall be permitted to be replaced with a grounding-type receptacle(s) where supplied through a ground-fault circuit interrupter. Grounding-type receptacles supplied through the ground-fault circuit interrupter shall be marked "GFCI Protected" and "No Equipment Ground." An equipment grounding conductor shall not be connected between the grounding-type receptacles.

(E) **Cord-and-Plug-Connected Equipment.** The installation of grounding-type receptacles shall not be used as a requirement that all cord-and-plug-connected equipment be of the grounded type.

*FPN:* See 250.114 for types of cord-and-plug-connected equipment to be grounded.

(F) **Noninterchangeable Types.** Receptacles connected to circuits that have different voltages, frequencies, or types of current (ac or dc) on the same premises shall be of such design that the attachment plugs used on these circuits are not interchangeable.

**406.4 Receptacle Mounting.** Receptacles shall be mounted in boxes or assemblies designed for the purpose, and such boxes or assemblies shall be securely fastened in place unless otherwise permitted elsewhere in this Code.

(A) **Boxes That Are Set Back.** Receptacles mounted in boxes that are set back from the finished surface as permitted in 314.20 shall be installed such that the mounting yoke or strap of the receptacle is held rigidly at the finished surface.

(B) **Boxes That Are Flush.** Receptacles mounted in boxes that are flush with the finished surface or project therefrom

shall be installed such that the mounting yoke or strap of the receptacle is held rigidly against the box or box cover.

(C) **Receptacles Mounted on Covers.** Receptacles mounted to and supported by a cover shall be held rigidly against the cover by more than one screw or shall be a device assembly or box cover listed and identified for securing by a single screw.

(D) **Position of Receptacle Faces.** After installation, receptacle faces shall be flush with or project from faceplates of insulating material and shall project a minimum of 0.4 mm (0.015 in.) from metal faceplates.

*Exception: Listed kits or assemblies encompassing receptacles and nonmetallic faceplates that cover the receptacle face, where the plate cannot be installed on any other receptacle, shall be permitted.*

(E) **Receptacles in Countertops and Similar Work Surfaces in Dwelling Units.** Receptacles shall not be installed in a face-up position in countertops or similar work surfaces.

(F) **Exposed Terminals.** Receptacles shall be enclosed so that live wiring terminals are not exposed to contact.

(G) **Voltage Between Adjacent Devices.** A receptacle shall not be grouped or ganged in enclosures with other receptacles, snap switches, or similar devices, unless they are arranged so that the voltage between adjacent devices does not exceed 300 volts, or unless they are installed in enclosures equipped with identified, securely installed barriers between adjacent devices.

**406.5 Receptacle Faceplates (Cover Plates).** Receptacle faceplates shall be installed so as to completely cover the opening and seat against the mounting surface.

(A) **Thickness of Metal Faceplates.** Metal faceplates shall be of ferrous metal not less than 0.76 mm (0.030 in.) in thickness or of nonferrous metal not less than 1.02 mm (0.040 in.) in thickness.

(B) **Grounding.** Metal faceplates shall be grounded.

(C) **Faceplates of Insulating Material.** Faceplates of insulating material shall be noncombustible and not less than 2.54 mm (0.10 in.) in thickness but shall be permitted to be less than 2.54 mm (0.10 in.) in thickness if formed or reinforced to provide adequate mechanical strength.

**406.6 Attachment Plugs, Cord Connectors, and Flanged Surface Devices.** All attachment plugs, cord connectors, and flanged surface devices (inlets and outlets) shall be listed and marked with the manufacturer's name or identification and voltage and ampere ratings.

(A) **Construction of Attachment Plugs and Cord Connectors.** Attachment plugs and cord connectors shall be constructed so that there are no exposed current-carrying parts except the prongs, blades, or pins. The cover for wire terminations shall be a part that is essential for the operation of an attachment plug or connector (dead-front construction).

(B) **Connection of Attachment Plugs.** Attachment plugs shall be installed so that their prongs, blades, or pins are not energized unless inserted into an energized receptacle or cord connector. No receptacle shall be installed so as to require the insertion of an energized attachment plug as its source of supply.

(C) **Attachment Plug Ejector Mechanism.** Attachment plug ejector mechanisms shall not adversely affect engagement of the blades of the attachment plug with the contacts of the receptacle.

(D) **Flanged Surface Inlet.** A flanged surface inlet shall be installed such that the prongs, blades, or pins are not energized unless an energized cord connector is inserted into it.

**406.7 Noninterchangeability.** Receptacles, cord connectors, and attachment plugs shall be constructed such that receptacle or cord connectors do not accept an attachment plug with a different voltage or current rating from that for which the device is intended. However, a 20-ampere 1-pole receptacle or cord connector shall be permitted to accept a 15-ampere attachment plug of the same voltage rating. Non-grounding-type receptacles and connectors shall not accept grounding-type attachment plugs.

**406.8 Receptacles in Damp or Wet Locations.**

(A) **Damp Locations.** A receptacle installed outdoors in a location protected from the weather or in other damp locations shall have an enclosure for the receptacle that is weatherproof when the receptacle is covered (attachment plug cap not inserted and receptacle covers closed).

An installation suitable for wet locations shall also be considered suitable for damp locations.

A receptacle shall be considered to be in a location protected from the weather when located under roofed open porches, canopies, marquees, and the like, and will not be subjected to a beating rain or water runoff. All 15- and 20-ampere, 125- and 250-volt nonlocking receptacles shall be a listed weather-resistant type.

*NOTE: The types of receptacles covered by this requirement are identified as 5-15, 5-20, 6-15, and 6-20 in ANSI/NFPA 70-2012, National Electrical Code, National Electrical Manufacturers Association Standard for Description of Attachment Plug and Receptacles.*

(B) **Wet Locations.**

(1) **15- and 20-Ampere Receptacles in a Wet Location.** 15- and 20-ampere, 125- and 250-volt receptacles installed

**SECTION E3006  
PANELBOARDS**

**E3006.1 Panelboard rating.** All panelboards shall have a rating not less than that of the minimum service entrance or feeder capacity required for the calculated load.

**E3006.2 Panelboard circuit identification.** All circuits and circuit modifications shall be legibly identified as to their clear, evident, and specific purpose or use. The identification shall include sufficient detail to allow each circuit to be distinguished from all others. The identification shall be included in a circuit directory located on the face of the panelboard enclosure or inside the panel door.

**E3006.3 Panelboard overcurrent protection.** Panelboards shall be protected on the supply side by not more than two main circuit breakers or two sets of fuses having a combined rating not greater than that of the panelboard.

**Exception:** Individual protection for a panelboard shall not be required if the panelboard feeder has overcurrent protection not greater than the rating of the panelboard.

**E3006.4 Grounded conductor terminations.** Each grounded conductor shall terminate within the panelboard on an individual terminal that is not also used for another conductor, except that grounded conductors of circuits with parallel conductors shall be permitted to terminate on a single terminal where the terminal is identified for connection of more than one conductor.

**E3006.5 Back-fed devices.** Plug-in-type overcurrent protection devices or plug-in-type main lug assemblies that are back-fed and used to terminate field-installed ungrounded supply conductors shall be secured in place by an additional fastener that requires other than a pull to release the device from the mounting means on the panel.



**Sec. 33-8.1. - Location and screening of commercial containers.**

- (a) No owner, occupant, or person in control of property shall suffer or permit the placement of a commercial container, or other refuse storage facility in any of the following:
- (1) In the open space between a building face and adjoining public right-of-way extending across the entire width of a lot or tract [the area commonly called the front yard or side yard];
  - (2) On curbs or in the public right-of-way;
  - (3) In a fire lane;
  - (4) In a required parking space;
  - (5) In any location that blocks vehicular or pedestrian traffic;
  - (6) To obstruct drivers' sight lines at intersection of streets and driveways; or
  - (7) To interfere with utilities.
- (b) The owner, occupant, or person in control of property who suffers or permits the placement of a commercial container or other refuse storage facility, other than publicly accessible commercial container solely for collection of recyclable paper, shall screen the commercial container as follows:
- (1) *Enclosure.*
    - a. If the commercial container is located in front of a building line, in a location visible from view of a public street or an adjoining single-family or public property, then on three (3) sides with a wall constructed of masonry, brick, stone, 24-gauge prefinished architectural metal panel, cementitious fiberboard, or similar material and approved accent materials stated in section 52-35c; or
    - b. If the commercial container is located behind the building line or building, in a location visible from view of a public street or an adjoining single-family or public property, then on three (3) sides with a wall constructed of:
      1. Masonry, brick, stone, 24-gauge prefinished architectural metal panel, cementitious fiberboard, or similar material and approved accent materials stated in section 52-35c; or
      2. Stained cedar board-on-board fencing with six-inch-wide boards, three (3) runners, and a stained cedar cap rail. The fence shall be restained on a regular basis to maintain the original stained cedar color and the integrity of the cedar board; or
    - c. If the commercial container is on property that is zoned for retail uses and placed as far from the public street as practical and there is no physical location behind the building for the commercial container, then screening must be constructed in accordance with the requirements provided in subsection (b)(1)b.
    - d. If the commercial container is on property that is zoned for industrial uses and placed as far from the public street as practical, then screening is not required; however, any screening must be constructed in accordance with the requirements provided in subsection (b)(1)b.
    - e. If the commercial container is behind a building and in a location not visible from view of a public street or an adjoining single-family or public property, then screening is not required; however, any screening that is constructed must be in accordance with the requirements provided in subsection (b)(1)b.
  - (2) *Gate.*
    - a. If screening is required by subsection (b)(1)a, then on the fourth side with double swing, blind gates constructed of wood or metal with stop pins or rods and corresponding holes drilled into the approach and pad to keep the gates open during the emptying process and securely closed at all other times; or
    - b. If screening is required by subsection (b)(1)b and the fourth side is visible from view of a public street, then on the fourth side with double swing, blind gates constructed of wood or metal with stop pins or rods and corresponding holes drilled into the approach and pad to keep the gates open during the emptying process and securely closed at all other times.
  - (3) *Height.* Any screening wall and/or gate constructed in accordance with this subsection shall be at least one (1) foot higher than the commercial container it surrounds, but in no instance shall the screening wall and/or gate be shorter than four (4) feet or higher than nine (9) feet.
- (c) The owner, occupant, or person in control of property who suffers or permits the placement of publicly accessible commercial containers solely for collection of recyclable paper shall be limited to no more than two (2) bins per lot or parcel, placed as far from the public street as practical. If such property abuts a single-family residential property, the owner, occupant, or person in control of the property shall provide a screen as described in subsection (b)(1) on the side adjacent to the residential property.
- (d) The owner, occupant, or person in control of property shall provide and maintain a pad and approach for each commercial container that consists of five (5) inch, two thousand five hundred (2,500) P.S.I. concrete with #3

rebar on twenty-four-inch centers or six (6) inches by six (6) inch wire mesh reinforcement, or asphalt of comparable strength, or other approved paved surface.

(e) It is an affirmative defense to this section that:

- (1) The commercial container is located behind a building and is not visible from a public street or adjoining single-family or public property;
- (2) The commercial container is for the temporary purpose of disposing of waste generated during the time of an active building permit for the demolition or construction of improvements on the property upon which the commercial container is located;
- (3) The commercial container was placed by or upon written authority of the director of solid waste services on a temporary bases; or
- (4) The commercial container is a part of a City of Irving attended full service drop off recycling center.

(f) *Applicability.*

- (1) This section shall apply to all commercial containers in the city after the effective date.
- (2) All commercial containers currently in the city shall be moved to a location in compliance with this section no later than sixty (60) days after the effective date.
- (3) All commercial containers shall be screened in compliance with this section no later than December 31, 2011.

(g) *Modification procedures.*

- (1) A person may obtain a modification to this section only through an application to and written permission from the director of planning and inspections.
- (2) A modification to the provisions of this section may be granted in the following areas:
  - a. Setback regulations; and
  - b. Location requirements.
- (3) A modification shall not be granted to relieve a self-created or personal hardship, nor shall it be based solely on economic gain or loss. In order to grant a modification to the provisions of this section it must be determined that:
  - a. The requested modification does not violate the intent of this section;
  - b. The requested modification will not adversely affect surrounding properties;
  - c. The requested modification will not adversely affect public safety; and
  - d. Special conditions exist which are unique to this property which make compliance with the regulation extremely difficult.

(Ord. No. 2008-8992, § 3, 11-20-08; Ord. No. 2010-9215, §§ 1, 2, 10-21-10)