

## **Chapter 6**

### **BUILDINGS AND STRUCTURES\***

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\* **Charter References:** Authority to regulate, Art. II, § 6.

**Cross References:** Use restrictions at or near airports, § 3-35; fire prevention regulations, § 8-20; substandard buildings and structures, § 8-50 et seq.; oil and gas rigs, etc., Ch. 18; requirements for issuance of building permits, App. A, § 18(18.02).

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**Art. I. In General, §§ 6-1--6-19**

**Art. II. Electrical, §§ 6-20--6-59**

**Art. III. Gas, §§ 6-60--6-69**

**Art. IV. Housing, §§ 6-70--6-79**

**Art. V. Plumbing, §§ 6-80--6-99**

**Art. VI. Reserved, §§ 6-100--6-110**

**Art. VII. Mechanical Code, §§ 6-111--6-120**

**Art. VIII. One- and Two-Family Dwelling Code, §§ 6-121--6-130**

**Art. IX. Uniform Code for Building Conservation, §§ 6-131--6-141**

**Art. X. Swimming Pools, §§ 6-142--6-151**

## **ARTICLE I.**

### **IN GENERAL**

#### **Sec. 6-1. Adoption of building code.**

The International Building Code, being particularly the 2003 International Building Code, and all revisions thereto, save and except such portions as may hereinafter be amended, of which code not less than two (2) copies have been and are now filed in the office of the public works department, are hereby adopted and incorporated as fully as if set forth at length herein, and from the date on which this section shall take effect, the provisions therein shall be controlling in the construction, alteration, repair, equipment, use and occupancy, location, maintenance, removal and demolition of all buildings and structures within the area of jurisdiction of the city.

(Ord. of 7-10-72, § 2.00; Ord. of 3-3-81, § 1; Ord. of 2-9-82, § 1; Ord. of 7-3-86, § 1(1); Ord. of 9-3-92, § 1; Ord. of 2-1-96, § 1; Ord. of 6-2-05, § 1)

#### **Sec. 6-1.1. Building code amendments.**

The 2003 International Building Code is hereby amended as follows:

*Part I.*  
*Building Plans, Applications and Permits*

An application for a building permit shall be accompanied by a site plan and floor plan for all one-and two-family dwellings, commercial building and apartments five thousand (5,000) square feet or less. Large commercial and apartment buildings over five thousand (5,000) square feet, will require a full set of plans, including plumbing, electrical, mechanical, structural, final topography, MEP site plans, and all architectural and engineering seals. Utility requirements should be noted on all plans.

Site plan will show:

- (1) Plan drawn to scale of not smaller than one" = 50' and labeled.
- (2) Plan must show dimension of all property lines.
- (3) All existing and proposed structures must be shown with building dimensions and distances from property lines.
- (4) Access must be shown with dimensions, shape and location.
- (5) All recorded public easements shall be shown and properly dimensioned.
- (6) Location and width of curbs, drainage ditches, sidewalks and right-of-ways.
- (7) Parking areas must be carefully shown and dimensioned.
- (8) Proposed finished floor elevation and top of curb elevation shall be noted.

The floor plan shall include the proposed utility requirements for the structure. Plan review will be completed within ten (10) working days after submission of plans on most applications. Larger projects may take longer. After review, individual permits will be issued for building, electrical, mechanical, plumbing, fire system and irrigation phases. Each individual contractor shall be responsible for inspection of his work. All plumbing, mechanical, fire system and irrigation contractors must show appropriate state license and proof of insurance. All electrical contractors shall have a current state license and all employees must have proper journeyman or apprentice license on job. All extensions, taps, permit fees or deposits shall be paid at the time the permit is issued.

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

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

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

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

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

(Ord. of 3-31-94, § I; Ord. of 6-2-05, § 2)

### **Sec. 6-2. Fire districts.**

(a) For the purpose of administering the building code there are hereby established two (2) fire districts, which shall be known as the first and second fire districts.

(b) There is hereby created a first district map. Such map shall delineate the boundaries of said fire districts, which map is and shall be considered a part of this section. The fire district map shall be kept in the office of the city secretary and one copy of said map in the office of the building inspector.

(c) It shall be the duty of the building inspector to keep current the fire district map and the copies thereof, herein provided for, by entering on such maps any and all changes which the governing body may from time to time order by amendments to this section.

(d) The city secretary shall affix a certificate identifying the map in his office as the official fire district map of the city. He shall likewise identify the copy directed to be kept by the building inspector. All amendments to this section shall be made immediately after their enactment and the date of the change shall be noted on the certificate.

(Ord. of 7-10-72, § 3.00)

**State Law References:** Authority to prescribe fire limits, V.T.C.S. art. 1175(25).

### **Sec. 6-3. Conflict of building code with other law.**

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

(b) In a case where a provision of the building code is found to be in conflict with a provision of a zoning, building, electrical, plumbing, fire, safety, health, water supply or sewage disposal law or ordinance, or regulation adopted pursuant thereto, or other local law, ordinance, code or regulation, the provision or

requirement which is more restrictive or establishes the higher standard shall prevail.  
(Ord. of 7-10-72, § 4.00)

#### **Sec. 6-4. Conformity with building code and other laws.**

(a) Installations, alterations, and repairs to residential premises, mobile homes and mobile home courts, and materials, assemblies, and equipment utilized in connection therewith, shall be reasonably safe to persons and property, and in conformity with applicable ordinances of the city and orders, rules and regulations issued by the authority thereof.

(b) Except as otherwise provided in this chapter, conformity of installations, alterations and repairs of residential premises, mobile home court buildings, and their accessory structures, and of materials, assemblies and equipment utilized in connection with such buildings and structures, with the applicable requirements of the building code shall be prima facie evidence that such work, material, assembly or equipment is reasonably safe to persons and property.  
(Ord. of 7-10-72, § 5.00)

#### **Sec. 6-5. Separability of provisions of building code.**

It is hereby declared that the several provisions of the building code are separable. If any court of competent jurisdiction shall judge any provision to be invalid, such judgment shall not affect any other provision not specifically included in said judgment. If any court of competent jurisdiction shall judge invalid the application of any such provision to a particular property, building, or other structure, such judgment shall not affect the application of said provision to any other property, building or structure not specifically included in said judgment.  
(Ord. of 7-10-72, § 7.00)

#### **Sec. 6-6. Penalties for violation of building code.**

(a) Any person who shall violate any of the provisions of the building code shall be deemed guilty of a misdemeanor and upon conviction shall be punished as provided in section 1-5 of this Code of Ordinances.

(b) Any person who allows or permits the use or occupancy of any building, structure or premises, of which he is the owner, that is in violation with any provision of the building code shall be deemed guilty of a misdemeanor and upon conviction shall be likewise punished.  
(Ord. of 7-10-72, § 8.00)

#### **Sec. 6-7. Relief.**

It is not the intent of this chapter to declare, and it does not so declare, anything to be a nuisance which is not such in fact. Any person to whom any order is directed or whose property is taken or proposed to be taken under the terms and provisions of this chapter shall have the right to appeal such order or action to any court having jurisdiction thereof.  
(Ord. of 7-10-72, § 6.00)

#### **Sec. 6-8. Reserved.**

**Editors Note:** Section 1 of an ordinance adopted Nov. 1, 1988, amended the Code by repealing § 6-8, which pertained to the

exemption of the city, county, state, or national governments and the Brenham Independent School District from paying any building permit fees, and was derived from § 4 of an ordinance adopted March 6, 1950.

**Secs. 6-9--6-19. Reserved.**

## **ARTICLE II.**

### **ELECTRICAL**

#### **Sec. 6-20. Definitions.**

For the purpose of this article the following terms shall have the respective meanings ascribed to them:

*Electrical inspector:* Any person duly qualified and appointed for the purpose of enforcing the provisions of this article.

*Electrical system:* All materials, devices, or appliances located for the purpose of conducting or safeguarding electrical current.

*Electrical wiring:* Electric wiring devices or material, construction and/or equipment.

*Electrical work:* Any act in connection with installing, altering, repairing, or maintaining an electrical system designed or capable of carrying an electromotive force, or used to furnish light, heat, or power, which act ordinarily requires the use of tools.

(Ord. of 4-22-47, § 1; Ord. of 7-13-70, § 1.00; Ord. of 7-10-72, § 1.00)

#### **Sec. 6-21. Electrical inspector--Appointment; qualifications; making required inspections and reports.**

A qualified electrical inspector and any designated assistants shall be appointed by the city manager, subject to the approval of the governing body. Such inspector shall be fully qualified from a professional standpoint; must be of good moral character and business integrity; and must be a resident and citizen of the city during his tenure of appointment. The electrical inspector is to make an inspection of all electric wiring as required by this article, and is to make a semiannual and annual written report to the city manager as of June thirtieth and December thirty-first.

(Ord. of 4-22-47, § 5, Art. 1)

#### **Sec. 6-22. Same--Conflicting interests prohibited.**

The electrical inspector during his tenure of office shall not be engaged in the business of electrical contracting or any branch of the electrical business either directly or indirectly or have such financial interest in such business within the city.

(Ord. of 4-22-47, § 5, Art. 3)

#### **Sec. 6-23. Same--Right of entry and disconnection of service.**

The electrical inspector or his duly authorized assistant shall have the right to enter any building during reasonable hours in the discharge of his official duties and shall have the authority to cause the disconnection of

any wiring or equipment, which such wiring or equipment in his judgment is dangerous to life or property, or may interfere with the work of the fire department.  
(Ord. of 4-22-47, § 5, Art. 4)

**Sec. 6-24. Same--Keeping records.**

The electrical inspector shall keep complete records of all permits issued and inspections made, and a complete statistical record of fees, and of accidents from electrical causes.  
(Ord. of 4-22-47, § 5, Art. 5)

**Sec. 6-25. Board of appeals--Composition; appointment; qualifications.**

The board of appeals shall consist of three (3) members appointed by the city manager, subject to the approval of the governing body, who, by experience and training, shall be qualified to pass upon the safety of installations and apparatus regulated by this article. Members of the board shall be appointed for each case as it arises. No member of the board of appeals shall sit in a case in which he is directly or indirectly interested, and in case of disqualification for such cause, or in case of his necessary absence, the city manager shall make temporary appointment of a substitute.  
(Ord. of 4-22-47, § 22, Art. 1)

**Sec. 6-26. Same--Calling meetings.**

The board of appeals shall met at the call of the city manager.  
(Ord. of 4-22-47, § 22, Art. 2)

**Sec. 6-27. Same--Reports and recommendations to governing body.**

It shall be the duty of the electrical inspector to submit to the governing body on or before the first of July and the first day of January each year a report giving a summary of all the decisions of the board of appeals, a list of equivalents consented to and a record of such other business as may have come before it, together with such recommendations as to desirable legislation pertaining to electrical installations in or about buildings as may to the board seem advisable.  
(Ord. of 4-22-47, § 22, Art. 6)

**Sec. 6-28. Appeals--To board of appeals; procedure; fee.**

Any electrician holding a permit, whose wiring or installations have been disapproved or rejected by the electrical inspector, and a controversy has arisen as to whether the work conforms to the ordinances and regulations, or a person who has been ordered by the inspector to incur an expense in the alteration, repair or construction of the electrical installation of any building, may, within fifteen (15) days thereafter appeal therefrom by giving to the inspector notice in writing of such an appeal; such notice or a certified copy thereof shall at once be transmitted by the inspector to the board of appeals. After notice to such persons as the board may direct, a hearing shall be had, and the board may by a majority vote affirm, annul or modify such action of the inspector. If the action of the inspector is affirmed, such action shall have full force and effect. If the action of the inspector is modified or annulled a permit shall be issued accordingly.

Any person appealing from the decision of the inspector shall attach to the written appeal a certified check for two dollars and fifty cents (\$2.50) made out to the city, and in case the appeal is lost, the amount of the check shall be retained by the city as a cost, but if the appeal is granted, the amount of the check shall be returned to the applicant.

(Ord. of 4-22-47, § 22, Arts. 3, 7)

#### **Sec. 6-29. Same--To governing body.**

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

(b) When the electrical inspector condemns all or part of any electrical system, the owner may, within five (5) days after receiving written notice to that effect from the electrical inspector, file a petition in writing for review of said action of the electrical inspector with the governing body, upon receipt of which, said governing body, or authorized, unbiased and qualified agent or agents, shall at once proceed to determine whether said electrical system complies with this article and within six (6) days it shall make a decision in accordance with its findings to the governing body for final action. No action shall be taken by the electrical inspector until the governing body has rendered its decision.

(Ord. of 4-22-47, §§ 11, 22, Art. 4)

#### **Sec. 6-30. Liability.**

The provisions of this article shall not be construed to relieve from or to lessen the responsibility of any person owning, operating, controlling or installing any electrical equipment for damage or injury to any person or property, nor shall it be construed to impose on the city any liability by reason of the inspection herein provided for or by reason of any certificate issued hereafter.

(Ord. of 4-22-47, § 3)

#### **Sec. 6-31. Examination and certification--License required.**

It shall be unlawful for any electrician to perform any electrical work within the city, such as the wiring of buildings, structures, machinery, appliances, etc., which may be connected to and receive power from current from the municipal light and power system, and which is covered by this article, without first obtaining a license from the city secretary to engage in electrical work, and practice.

(Ord. of 4-22-47, § 21, Art. 1)

#### **Sec. 6-32. Same--Exemption where maintenance personnel employed.**

In hotels, office buildings, mills, factories and any industrial building where qualified maintenance personnel are regularly employed, no license or bond will be required but they shall be registered with the electrical inspector. However, permits must be secured, work inspected, and fees paid for alterations, additions, and any new electrical construction work covered by this article.

(Ord. of 4-22-47, § 6, Art. 1(D))

#### **Sec. 6-33. Same--Exemption of owners doing own work.**

Nothing contained within this article shall ever be construed or operate to prevent any person from actually doing his own electrical work on his own property or premises provided the permit is paid for and obtained and that the material and equipment and the work be in strict accord with the rules and regulations of this article and that the electrical inspector's approval be obtained upon inspection in regular order. The property owner must actually perform the work and no person other than the actual owner shall do any part of the work unless the other person, is fully bonded and licensed in full compliance with all of the provisions of this article. (Ord. of 4-22-47, § 6, Art. 2)

#### **Sec. 6-34. Same--License application; issuance.**

In order to secure a license, any such electrician shall file with the public works department of the city an application setting forth all pertinent matters as to his residence, age, citizenship, business connections, and fully showing his qualifications, experience and ability to engage in electrical work in this city, and agreeing furthermore to do all such electrical work in full compliance with this article, and all other ordinances, rules, regulations, and notices which may be promulgated by the city, in connection with its municipal light and power system, and any further information desired, in connection therewith, and the governing body shall investigate fully such application and the applicant and if satisfied he is qualified shall direct the public works department of the city to issue his license, which will be valid and good for one (1) year from date of issuance, and can and shall be renewed annually, provided said applicant has complied with this article and all other ordinances affecting his work. Any person engaged in the business of an electrician in this city, who has had reasonable experience therein, and whose installation of electrical wiring has been or is acceptable to the electrical inspector, and in conformity with this article and all other such regulations, or any person in this county, engaged in REA electrical work, whose installations have been approved and accepted by the REA electrical inspector, shall be qualified and eligible to procure a license provided he has not violated any of the provisions of this article. Applicants shall pay a license fee, prior to the issuance of such license, as prescribed by the City of Brenham.

(Ord. of 4-22-47, § 21, Art. 2; Ord. of 1-19-82, § 1)

#### **Sec. 6-35. Same--Bond of applicant.**

Before receiving a license the applicant shall give bond in the sum of five thousand dollars (\$5,000.00), payable to the city, with corporate surety approved by the governing body, conditioned that such person will comply with all ordinances and regulations relating to electrical wiring and installations, and that he will pay all damages, costs, and expenses that may be caused to the city, the owner of the premises or any other person, injured by the negligence of him and/or persons in his employ, or occasioned by his or their failure to comply with said ordinances and regulations, in connection with his work of electrical wiring and installations.

(Ord. of 4-22-47, § 21, Art. 3; Ord. of 1-19-82, § 1)

#### **Sec. 6-36. Same--Revocation or suspension of license.**

In the event any electrician holding a license under this article, as above provided, should fail and refuse to abide by, conform to or comply with this article and all other ordinances and regulations pertaining to electrical wiring and installations in this city, he shall be subject to having his license suspended or revoked by the governing body, upon charges or complaint filed by the electrical inspector or any person injured or aggrieved as a result thereof. Such electrician so affected shall be notified in writing ten (10) days in advance of the charges preferred and the date of a hearing thereon, by the governing body, at which time he shall have the



right to appear and answer such charges and introduce testimony in support thereof. If found guilty of the charges, by the governing body at such hearing, his license may be suspended or revoked for any period during the calendar year issued.

(Ord. of 4-22-47, § 21, Art. 4)

#### **Sec. 6-37. Same--License period.**

All licenses first issued under this article shall be issued for the remainder of the calendar year, expiring on January first, following, and thereafter renewal shall be for the calendar year.

(Ord. of 4-22-47, § 21, Art. 5)

#### **Sec. 6-38. Permits--Required; exceptions.**

It shall be unlawful for any person to install, alter or change any electrical installation, electrical work or wiring either inside or outside of any building in the city without first making application and receiving a permit from the city secretary or electrical inspector for such construction, installation, repair, alteration, change or wiring; except as follows:

- (a) No permit shall be required for repairing portable apparatus or for minor repairs such as replacement of sockets, fuses, drop cords, snap switches, and the like.
- (b) No permit shall be required for the installation of electrical wiring, devices, or equipment to be installed as an integral part of any municipally owned or any privately owned utility, electric, telephone, or telegraph system, for use in the generation, transmission or sale of electric energy, or for the use of such agencies in the transmission of intelligence, where such utilities are owned by the city or operated under approved franchise agreements.

(Ord. of 4-22-47, § 6, Art. 1; Ord. of 7-13-70, § 2.00; Ord. of 7-10-72, § 2.00)

**Cross References:** Establishments employing maintenance personnel required to have permit, § 6-32; see also for owners doing own work, § 6-33.

#### **Sec. 6-39. Same--Entitlement to.**

No permit for the installation or alteration of any electrical wiring, devices or equipment shall be issued to any person unless such person is the holder of a license entitling such person to secure permits for and to execute the work described in the application for the permit, except as allowed under sections 6-32 and 6-33.

(Ord. of 4-22-47, § 6, Art. 3)

#### **Sec. 6-40. Same--Expiration.**

Any permit issued to any applicant shall be void, if unused after one hundred eighty (180) days from date of issue.

(Ord. of 4-22-47, § 6, Art. 4; Ord. of 1-19-82, § 1)

#### **Sec. 6-41. Same--Fees.**

Before any permit is granted for the installation or alteration of electric wiring, devices or equipment, the person making application for such permit shall pay to the public works department of the city a fee as

prescribed by the city.

(Ord. of 4-22-47, § 7, Art. 1; Ord. of 1-19-82, § 1)

#### **Sec. 6-42. Adoption of code and meter loop specifications.**

The National Electrical Code, being particularly the 2005 National Electrical Code, save and except such portions as may hereinafter be amended and the meter loop specifications of the Municipal Light and Power System of the City of Brenham, Texas, are hereby adopted and incorporated as fully as if set forth at length herein, and from the date on which this section shall take effect, the provisions therein shall be controlling for all electrical work within the area of jurisdiction of the city. Not less than two (2) copies of said National Electrical Code, and meter loop specifications of the Municipal Light and Power System of the city, shall be filed in the office of the electrical inspector of the city.

(Ord. of 4-22-47, § 19; Ord. of 7-13-70, §§ 7.00, 9.00; Ord. of 7-10-72, §§ 7.00, 9.00; Ord. of 3-3-81, § 1; Ord. of 7-3-86, § 1(5); Ord. of 9-3-92, § 5; Ord. of 2-1-96, § 2; Ord. of 6-2-05, § 3)

#### **Sec. 6-43. Modifications of code or meter loop specifications.**

Any requirement deemed by the inspector necessary for safeguarding the hazards from fire and to life in connection with any electrical installation not specially covered by this article shall be determined by the inspector, subject to appeal to the board of appeals in the manner prescribed in section 6-28.

(Ord. of 4-22-47, § 22, Art. 5)

#### **Sec. 6-44. Penalties for violating code or meter loop specifications.**

Any person who fails to comply with any of the provisions of the code or meter loop specifications shall, upon conviction thereof, be punished for each offense as provided in Section 1-5 of this Code of Ordinances, or have the license provided for in this article revoked, or both.

(Ord. of 4-22-47, § 20; Ord. of 7-13-70, § 8.00; Ord. of 7-10-72, § 8.00)

#### **Sec. 6-45. Severability of provisions of code and meter loop specifications.**

If any section, subsection, sentence, clause or phrase of this article is, for any reason, held to be invalid, such decision shall not affect the validity of the remaining portions of this article. The governing body hereby declares that it would have passed said provisions and each section, subsection, sentence, clause or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases be declared invalid.

(Ord. of 4-22-47, § 23)

#### **Sec. 6-46. Code supplemented.**

It is the purpose of this article to supplement the minimum safety regulations of the National Electrical Code relating to the installation of wiring and electrical equipment with such additional regulations of local application as are necessary for adequate protection of life and property.

(Ord. of 4-22-47, § 2)

#### **Sec. 6-47. Approved materials, devices, appliances, apparatus.**

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

(Ord. of 4-22-47, § 9)

**Sec. 6-48. Allowing use of or furnishing electric current without inspection and certificate of approval prohibited.**

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

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

(Ord. of 4-22-47, § 4)

**Sec. 6-49. Request for final inspection; issuance and revocation of certificate; temporary and preliminary certificates.**

Upon the completion of the installation of the electric wiring, devices and equipment which have been authorized by issuance of a permit, it shall be the duty of the person installing the same to so notify the electrical inspector, who shall inspect the installation promptly after such notice is given; and, if it is found to be fully in compliance with the provisions of this article, he shall issue to such person a final certificate of approval authorizing connection to the electric service, the turning on of the current and the use of the electrical system, and he shall send notice of such authorization to such utility as may be furnishing the electrical service. When a certificate is issued authorizing the connection and use of temporary work, such certificate shall be issued to expire at a stated time and shall be revocable by the electrical inspector at his discretion. A preliminary certificate may be issued authorizing the connection and use of certain specified portions of an uncompleted installation, which preliminary certificate shall be revocable at the discretion of the electrical inspector. No certificate of approval shall be issued unless the electric light, power, radio and heating installations are in strict conformity with the provisions of this article and the statutes of the state.

(Ord. of 4-22-47, §§ 8, 12, Art. 1)

**Sec. 6-50. Inspections prior to concealment.**

When any part of an electrical wiring is to be hidden from view by the permanent placement of parts of the building, the person installing the wiring shall so notify the electrical inspector and such parts of the wiring installation shall not be concealed until they have been inspected or approved or until twenty-four (24) hours (exclusive of Sundays and legal holidays) shall have elapsed from the time of such notification; provided that on large installations, where the concealment of parts of the electrical wiring proceeds continuously, the person

installing the wiring shall give the electrical inspector due notice and inspections shall be made periodically during the progress of the work.  
(Ord. of 4-22-47, § 8, Art. 3)

**Sec. 6-51. Notice of defects.**

If upon inspection the electrical system is not found to be fully in compliance with this article, the electrical inspector shall at once forward to the person installing the wiring, a notice stating the defects which have been found to exist.  
(Ord. of 4-22-47, § 8, Art. 2)

**Sec. 6-52. Periodic reinspections; correction of defective conditions.**

The electrical inspector shall make periodically a thorough reinspection of the installation of all electrical wiring, electrical devices and electric equipment now installed or that may hereafter be installed within the city, and within the scope of this article, except where permit is not required; and when the installation of any such electrical wiring, devices and/or equipment is found to be in a dangerous or unsafe condition, the persons owning, using, or operating the same shall be so notified in writing by the inspector and shall make the necessary repairs or change required to place such wiring, devices, and equipment in safe condition and have such work completed within fifteen (15) days or any longer period specified by the electrical inspector in said notice. The electrical inspector is hereby empowered to disconnect or order the discontinuance of electric service to such wiring, devices and/or equipment so found to be defectively or improperly installed until the installation of such wiring, devices and equipment have been made safe as directed by him.  
(Ord. of 4-22-47, § 10)

**Sec. 6-53. Reinspection and correction in certain knob and tube systems; protection of exterior switches and fuse cabinets.**

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

All switches or fuse cabinets mounted on the exterior of any buildings must be of an approved weatherproof type.  
(Ord. of 4-22-47, § 17)

**Sec. 6-54. Advertising on light and telephone poles and wires; wires under sheds, etc.**

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

(b) No wires used for telegraph, telephone, electric railways, electric light or power use shall be allowed under sheds, galleries or awnings of commercial buildings without first being inspected and found safe and approved by the electrical inspector.  
(Ord. of 4-22-47, § 18)

## **Sec. 6-55. Electric policy and construction standards.**

(a) *Adopted.* The following electric policy and construction standards is hereby adopted by reference as though it were copied herein fully; *Electric Policy and Construction Standards of the City of Brenham, Texas.*

(b) *Copy on file.* An official copy of the *Electric Policy and Construction Standards of the City of Brenham, Texas*, shall be kept on file in the office of the city secretary, which shall be available for the public to review.

(c) *Contrary provisions.* Any matters in the *Electric Policy and Construction Standards of the City of Brenham, Texas*, which are contrary to existing ordinances of the city shall prevail, and, to that extent, any existing ordinances to the contrary are hereby repealed in that respect only.

(d) *Duties of officials.* Within said electric policy and construction standards of the city, when reference is made to the duties of certain officials named therein, the designated official in the City of Brenham who has duties corresponding to those of the named official shall act insofar as the enforcement of the provisions of said policy and standards are concerned.  
(Ord. of 5-16-85, §§ 1--3)

**Editors Note:** Section 6-55 is derived from an ordinance enacted May 16, 1985. Since this ordinance did not provide for the specific manner of inclusion of its provisions into the code, it has been codified as § 6-55 at the discretion of the editor.

**Cross References:** Adoption of National Electric Code, § 6-42.

## **Secs. 6-56--6-59. Reserved.**

## **ARTICLE III.**

### **GAS**

## **Sec. 6-60. Adoption of code.**

The International Gas Code, being particularly the 2003 International Gas Code, save and except such portions as may hereinafter be amended, of which not less than two (2) copies have been made and are now filed in the office of the public works department, are hereby adopted and incorporated as fully as if set forth at length herein, and from the date on which this section shall take effect, the provisions therein shall be controlling in the installation, alteration, and maintenance of all gas piping systems within the area of jurisdiction of the city.

(Ord. of 7-10-72, § 2.00; Ord. of 3-3-81, § 1; Ord. of 2-9-82, § 1; Ord. of 7-3-86, § 1(3); Ord. of 9-3-92, § 3; Ord. of 2-1-96, § 3; Ord. of 6-2-05, § 4)

### **Sec. 6-60.1. Gas code amendments.**

The 2003 International Gas Code is hereby amended as follows:

- (1) All gas piping will be black pipe (to be recognized from galvanized water pipe). Building inspector does this inspection. Install 1" × 1" × 1/4" test ell.

- (2) Gas inspection must be at least twenty (20) psi with valves installed.
- (3) City must inspect all yard lines with test at ninety (90) psi with lockwing stop installed.
- (4) Gauges for gas test must be one hundred (100) pound type for yard line and thirty (30) pounds for inside piping test or ten (10) inches on mercury gauge on inside also.
- (5) Approved plastic pipe acceptable for underground lines. ASTM D 2513 PE Pipe.
- (6) All plastic lines must be welded.
- (7) Certification needed for plastic pipe fusion.
- (8) All appliance outlets must have a separate AGA-approved cutoff valve.
- (9) A person shall not engage in or work at the installation, extension, alteration of consumer's gas piping or certain gas appliances without a license and insurance.

(10) Yard lines must have at least eighteen-inch cover with tracer wire.  
(Ord. of 3-31-93, § III; Ord. of 6-2-05, § 5)

#### **Sec. 6-61. Conflict of code with other regulations.**

(a) The provisions of the gas code shall supersede local laws, ordinances, codes or regulations to the extent that such laws, ordinances, codes, or regulations are inconsistent with the provisions of the gas code; provided that nothing herein contained shall be construed to prevent the adoption and enforcement of a law, ordinance, or regulation which is more restrictive or establishes a higher standard than those provided in the gas code and such more restrictive requirement or higher standard shall govern during the period in which it is in effect.

(b) In cases where a provision of the gas code is found to be in conflict with a provision of a zoning, building, electrical, plumbing, fire, safety, health, water supply or sewage disposal law or ordinance, or regulation adopted pursuant thereto, or other local law, ordinance, code or regulation, the provision or requirement which is more restrictive or establishes the higher standard shall prevail.  
(Ord. of 7-10-72, § 3.00)

#### **Sec. 6-62. Severability of provisions of code.**

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

- (1) If any court of competent jurisdiction shall judge any provisions of the gas code to be invalid, such judgment shall not affect any other provision not specifically included in said judgment.
- (2) If any court of competent jurisdiction shall judge invalid the application of any provision of the

gas code to be a particular property, building or other structure, such judgment shall not affect the application of said provision to any other property, building or structure not specifically included in said judgment.

(Ord. of 7-10-72, § 6.00)

#### **Sec. 6-63. Penalties for violation of code.**

(a) Any person who shall violate any of the provisions of the gas code shall be deemed guilty of a misdemeanor and upon conviction shall be punished as provided in section 1-5 of the Code of Ordinances.

(b) Any person who allows or permits the use or occupancy of any building, structure or premises of which he is the owner, that is in violation of the provisions of the gas code, shall be deemed guilty of a misdemeanor and upon conviction shall be punished as provided in said section 1-5.

(Ord. of 7-10-72, § 7.00)

#### **Sec. 6-64. Conformity with other regulations.**

(a) Installations, alterations and repairs to residential premises, mobile homes and mobile home courts, and materials, assemblies, and equipment utilized in connection therewith, shall be reasonably safe to persons and property, and in conformity with applicable ordinances of the city, and orders, rules and regulations issued by the authority thereof.

(b) Except as otherwise provided in this article, conformity of installations, alterations and repairs of residential premises, mobile home court buildings and their accessory structures, and of materials, assemblies and equipment utilized in connection with such buildings and structures, with the applicable requirements of the building code adopted in section 6-1 shall be prima facie evidence that such work, material, assembly or equipment is reasonably safe to persons and property.

(Ord. of 7-10-72, § 4.00)

#### **Sec. 6-65. Cut-off valve.**

(a) All gas service lines on the customer's property will be required to be equipped, ahead of the gas meter assembly, with an approved type, flat ahead-lock pattern, cut-off valve to permit sealing of the valve by authorized city personnel in order to prevent any flow of gas or prevent opening of said valve by persons other than authorized city personnel.

(b) All gas piping on customer's premises where installed for connection of a range; water heater; space heater; and the like; will be required to be provided with an approved type cut-off valve, installed in the line and directly ahead of the above referred to appliances.

(Mo. of 11-27-72, §§ 1, 2)

#### **Sec. 6-66. Relief.**

It is not the intent of the gas code to declare, and it does not so declare, anything to be a nuisance which is not such in fact. Any person to whom any order is directed or against whose property is taken or proposed to be taken under the terms and provisions of the gas code shall have the right to appeal such order or action to any

court having jurisdiction thereof.  
(Ord. of 7-10-72, § 5.00)

**Secs. 6-67--6-69. Reserved.**

## **ARTICLE IV.**

### **HOUSING**

**Sec. 6-70. Code adopted.**

The Standard Housing Code, being particularly the 1994 Standard Housing Code, and all revisions thereto, save and except such portions as may hereinafter be amended, of which not less than three (3) copies have been and are now filed in the office of the city secretary, is hereby adopted and incorporated as fully as if set forth at length herein, and from the date on which this section shall take effect, the provisions therein shall be controlling in the use, maintenance and occupancy of all dwellings, dwelling units and/or structures within the area of jurisdiction of the city.

(Ord. of 4-28-69, § 1; Ord. of 3-3-81, § 1; Ord. of 2-9-82, § 1; Ord. of 3-7-96, § 1)

**Sec. 6-71. Severability of provisions of code.**

The invalidity of any section or provision of the housing code shall not invalidate other sections or provisions thereof.

(Ord. of 4-28-69, § 3)

**Sec. 6-72. Penalty for violating code.**

Conviction of violation of any part of the housing code shall be punishable as provided in Section 1-5 of the Code of Ordinances.

(Ord. of 4-28-69, § 5)

**Secs. 6-73--6-79. Reserved.**

## **ARTICLE V.**

### **PLUMBING**

**Sec. 6-80. Adoption of code.**

The International Plumbing Code, being particularly the 2003 International Plumbing Code, and all revisions thereto, save and except such portions as may hereinafter be amended, of which not less than two (2) copies have been and are now filed in the office of the public works department, are hereby adopted and incorporated as fully as if set forth at length herein, and from the date on which this section shall take effect, the provisions therein shall be controlling in the construction, installation, extension, or repair of all plumbing, plumbing fixtures and plumbing systems within the area of jurisdiction of the city.

(Ord. of 7-10-72, § 2.00; Ord. of 3-3-81, § 1; Ord. of 2-9-82, § 1; Ord. of 7-3-86, § 1(4); Ord. of 9-3-92, § 4;



Ord. of 2-1-96, § 4; Ord. of 6-2-05, § 6)

**Sec. 6-80.1. Plumbing code amendments.**

The 2003 International Plumbing Code is hereby amended as follows:

- (1) Contractors must register state license with the city prior to issuance of permit.
- (2) The house or building sewer horizontal main must be a minimum of four (4) inches in diameter. If plastic pipe is used, then nothing less than Schedule 40.
- (3) A minimum of four-inch horizontal sewer line to water closets. All minor fixtures, nothing less than two (2) inches horizontal branch. Air conditioning condensate drain requires a minimum of one-inch.
- (4) Copper water distribution lines are to be a minimum of Schedule L and must be sleeved with an eighty (80) psi poly flexible pipe continuous.
- (5) Yard sanitary sewer must have double clean out, within six (6) feet of house stub out, and a single clean out at connection of city tap. Yard sewer pipe will be a minimum of SDDR 26.
- (6) Automatic, wet and/or flat venting is not acceptable, unless written approval by the building official.
- (7) Maximum distance from centerline of fixture trap to vent is three (3) feet.
- (8) All horizontal sanitary sewer lines are to have long sweeps and long horizontal bends, as approved by the building official.
- (9) Schedule 40 all vents and drains.
- (10) All water piping to be protected from freezing.
- (11) All water pipe at fixtures to have air chambers and/or approved equal.
- (12) All horizontal house sewer branches less than four-inch diameter and greater than fifteen (15) feet require an exterior clean out, when possible.
- (13) Plumber is required to have one and one-half inch by eighteen inch (1 1/2" × 18") deep P/trap in an interior wall for evaporator condensate A/C drain and positive fall to within twelve (12) feet of evaporator coil.

(Ord. of 3-31-93, § II; Ord. of 6-2-05, § 7)

**Sec. 6-80.2. Cross-connection control program.**

- (a) *General.* No water service connection shall be made to any establishment where a potential or

actual contamination hazard exists unless the water supply is protected in accordance with the Texas Commission on Environmental Quality (TCEQ) Rules and Regulations for Public Water Systems (290 Rules) and this section. The water purveyor shall discontinue water service if a required backflow prevention assembly is not installed, maintained and tested in accordance with the 290 Rules and this section.

(b) *Backflow prevention assembly installation, testing and maintenance.*

- (1) All backflow prevention assemblies shall be tested upon installation by a licensed backflow prevention assembly tester and certified to be operating within specifications. Backflow prevention assemblies which are installed to provide protection against health hazards must also be tested and certified to be operating within specifications at least annually by a recognized backflow prevention assembly tester.
- (2) All backflow prevention assemblies shall be installed and tested in accordance with the manufacturer's instructions, the American Water Works Association's Recommended Practice for Backflow Prevention and Cross-Connection Control (Manual M14) or the University of Southern California Manual of Cross-Connection Control.
- (3) Assemblies shall be repaired, overhauled, or replaced at the expense of the customer whenever said assemblies are found to be defective. Original forms of such test, repairs, and overhaul shall be kept and submitted to the city within five (5) working days of the test, repair or overhaul of each backflow prevention assembly.
- (4) No backflow prevention assembly or device shall be removed from use, relocated, or other assembly or device substituted without the approval of the city. Whenever the existing assembly or device is moved from the present location or can not be repaired, the backflow assembly or device shall be replaced with a backflow prevention assembly or device that complies with this section, the American Water Works Association's Recommended Practice for Backflow Prevention and Cross-Connection Control (Manual M14), current addition, University of Southern California Manual of Cross-Connection Control, current addition, or the current plumbing code of the city, whichever is more stringent.
- (5) Test gauges used for backflow prevention assembly testing shall be tested for accuracy at least annually in accordance with the American Water Works Association's Recommended Practice for Backflow Prevention and Cross-Connection Control (Manual M14), current addition, or the University of Southern California's Manual of Cross-Connection Control, current addition. The original calibration form must be submitted to the city within five (5) working days after calibration.
- (6) A recognized backflow prevention assembly tester must hold a current endorsement from the Texas Natural Resource Conservation Commission (Commission).

(c) *Customer service inspections.*

- (1) A customer service inspection shall be completed prior to providing continuous water service to all new construction, on any existing service when the water purveyor has reason to believe that

cross-connections or other contaminant hazards exist, or after any material improvement, correction, or addition to the private water distribution facilities.

- (2) Only individuals with the following credentials shall be recognized as capable of conducting a customer service inspection:
  - a. Plumbing inspectors and water supply protection specialists that have been licensed by the Texas State Board of Plumbing Examiners.
  - b. Customer service inspectors that have been licensed by the Texas Commission on Environmental Quality (TCEQ).
- (3) The customer service inspection must certify that:
  - a. No direct connection between the public drinking water supply and a potential source of contamination is permitted. Potential sources of contamination shall be isolated from the public water system by a properly installed air gap or an appropriate backflow prevention assembly.
  - b. No cross-connection between the public water supply and a private water source exists. Where an actual properly installed air gap is not maintained between the public water supply and a private water supply, an approved reduced pressure-zone backflow prevention assembly is properly installed and a service agreement exists for annual inspection and testing by a recognized backflow prevention assembly tester.
  - c. No connection exists which allows water to be returned to the public drinking water supply is permitted.
  - d. No pipe or pipe fitting which contains more than eight (8) per cent lead may be used for the installation or repair of plumbing at any connection that provides water for human use.
  - e. No solder or flux which contains more than 0.2 per cent lead can be used for the installation or repair of plumbing at any connection that provides water for human use. A minimum of one (1) lead test shall be performed for each inspection.

(Ord. of 9-19-02, § 1)

**Cross References:** Health and sanitation, Ch. 12; utilities, Ch. 26.

## **Sec. 6-81. Conflict of code with other regulations.**

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

(b) In a case where a provision of the plumbing code is found to be in conflict with a provision of a zoning, building, electrical, plumbing, fire, safety, health, water supply or sewage disposal law or ordinance, or regulation adopted pursuant thereto, or other local law, ordinance, code or regulation, the provision or requirement which is more restrictive or establishes the higher standard shall prevail.  
(Ord. of 7-10-72, § 3.00)

#### **Sec. 6-82. Conformity with other regulations.**

(a) Installations, alterations and repairs to residential premises, mobile homes and mobile home courts, and materials, assemblies, and equipment utilized in connection therewith, shall be reasonably safe to persons and property, and in conformity with applicable ordinances of the city and orders, rules and regulations issued by the authority thereof.

(b) Except as otherwise provided in this article, conformity of installations, alterations and repairs of residential premises, mobile home court buildings and their accessory structures, and of materials, assemblies, and equipment utilized in connection with such buildings and structures, with the applicable requirements of the building code adopted in section 6-1, shall be prima facie evidence that such work, materials, assembly or equipment is reasonably safe to persons and property.  
(Ord. of 7-10-72, § 4.00)

#### **Sec. 6-83. Severability of provisions of code.**

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

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

(Ord. of 7-10-72, § 6.00)

#### **Sec. 6-84. Penalties for violations of code.**

(a) Any person who shall violate any of the provisions of the plumbing code shall be deemed guilty of a misdemeanor and upon conviction shall be punished as provided in section 1-5 of the Code of Ordinances.

(b) Any person who allows or permits the use or occupancy of any building, structure or premises of which he is the owner, that is in violation of any provision of the plumbing code shall be likewise punished.  
(Ord. of 7-10-72, § 7.00)

#### **Sec. 6-85. Relief.**

It is not the intent of the plumbing code to declare, and it does not so declare, anything to be a nuisance

which is not such in fact. Any person to whom any order is directed or against whose property is taken or proposed to be taken under the terms and provisions of the plumbing code shall have the right to appeal such order or action to any court having jurisdiction thereof.  
(Ord. of 7-10-72, § 5.00)

**Secs. 6-86--6-99. Reserved.**

## **ARTICLE VI.**

### **RESERVED\***

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\* **Editors Note:** Section 2 of an ordinance enacted Nov. 19, 1987, repealed Art. VI of Ch. 6. Said article, pertaining to the elimination or repair of unsafe buildings, substantive provisions of which consisted of § 6-100, was derived from an ordinance enacted June 7, 1984.

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**Secs. 6-100--6-110. Reserved.**

## **ARTICLE VII.**

### **MECHANICAL CODE\***

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\* **Editors Note:** Having not specifically amended the Code, the provisions of § 1 of an ordinance enacted Nov. 15, 1984, have been codified as Art. VII, § 6-111, at the editor's discretion. A copy of the Uniform Mechanical Code adopted above can be found on file for public inspection in the office of the city secretary.

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#### **Sec. 6-111. Adoption of code.**

The International Mechanical Code, 2003 Edition, with its amendments, is hereby adopted by reference as though copied fully herein.  
(Ord. of 11-15-84, § 1; Ord. of 7-3-86, § 1(2); Ord. of 9-3-92, § 2; Ord. of 2-1-96, § 5; Ord. of 6-2-05, § 8)

##### **Sec. 6-111.1. Mechanical code amendments.**

The 2003 International Mechanical Code is hereby amended as follows:

- (1) Contractor must be registered by the city and state licensed and furnish a certificate of insurance for property damage, public liability and workmen's compensation.
- (2) Attic heaters to have clear catwalk at least twenty-four (24) inches wide, with a thirty-inch-wide service platform the length of the heater and at least thirty (30) inches high.
- (3) All units to be AGA or UL listed, date plate on service side of equipment.
- (4) Main condensate drainage one inch ID run to useable trap or outside. Insulate main drain for ten (10) feet.

- (5) Make sure main drain has proper fall and does not have sags or pockets in same.
- (6) Main drain must have access if open site.
- (7) Emergency pan under any unit over a finished ceiling. Emergency pan drain not less than three-eighths inch ID and terminate in a readily observed place.
- (8) Duct board ducts to be UL Class 2 or better for residences.
- (9) Flex duct to be UL listed as above.

(Char. Amend. of 5-1-93, § V; Ord. of 6-2-05, § 9)

**Secs. 6-112--6-120. Reserved.**

## **ARTICLE VIII.**

### **ONE- AND TWO-FAMILY DWELLING CODE**

#### **Sec. 6-121. Adoption of code.**

The International Residential Dwelling Code, 2003 Edition, with its amendments, is hereby adopted by reference as though copied fully herein and not less than two (2) copies shall be on file in the office of the public works department.

(Ord. of 7-3-86, § 1(7); Ord. of 9-3-92, § 7; Ord. of 2-1-96, § 6; Ord. of 6-2-05, § 10)

**Secs. 6-122--6-130. Reserved.**

## **ARTICLE IX.**

### **UNIFORM CODE FOR BUILDING CONSERVATION**

#### **Sec. 6-131. Adoption of code.**

The Uniform Code for Building Conservation, 1985 Edition, with its amendments, is hereby adopted by reference as though copied fully herein and copies are on file in the office of the city secretary and the building inspection departments.

(Ord. of 7-3-86, § 1(8))

**Secs. 6-132--6-141. Reserved.**

## **ARTICLE X.**

### **SWIMMING POOLS\***

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\* **Cross References:** Health and sanitation, Ch. 12.

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**Sec. 6-142. Definition.**

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

(Ord. of 5-16-91, § 1)

**Sec. 6-143. Installation of new pools and compliance of existing pools.**

(a) It shall be unlawful for any person to construct, install or enlarge a swimming pool in the city limits not enclosed in a permanent building with self-closing, self-latching doors, except in accordance with the following regulations.

(b) It shall be unlawful for any person who owns an indoor swimming pool within the city limits on the effective date hereof to maintain such swimming pool without self-closing, self-latching doors leading directly to the pool area after September 1, 1991.

(c) It shall be unlawful for any person who owns an outdoor swimming pool within the city limits on the effective date hereof to maintain such swimming pool without fences as provided in section 6-146 after September 1, 1991.

(Ord. of 5-16-91, § 2)

**Sec. 6-144. Permit.**

It shall be unlawful for any person to construct, install, enlarge or alter any private swimming pool unless a building permit has first been obtained from the building inspector. The permit fee shall be paid per fee schedule. Application shall be on forms provided by the building inspector and shall be accompanied by plans drawn to scale showing the following:

- (1) Pool dimensions and volume of water in gallons;
- (2) Location and type of waste disposal system;
- (3) Location of pool on lot, distance from lot lines and distance from structure;
- (4) Fencing and landscape plan, or a combination thereof; and
- (5) Specifications on gate latching.

(Ord. of 5-16-91, § 3)

**Sec. 6-145. Construction requirements.**

- (a) No pool shall be located, erected, constructed or maintained closer to any side or rear lot line

than allowed by zoning ordinance for permitted accessory building uses, and in no case shall the water line of any pool be less than four (4) feet from any lot line.

(b) Any connection to the city's sewer system shall include a suitable gap or backflow prevention device to prevent contamination of the pool by the sewer.

(c) Gaseous chlorination system shall not be used as a disinfection method for pool waters. The building inspector shall recommend a proper disinfectant.

(d) Any connection to the city's potable water system shall be protected by a suitable air gap or approved backflow prevention device.

(Ord. of 5-16-91, § 4)

#### **Sec. 6-146. Fence.**

(a) Pools within the scope of this section or not enclosed within a permanent building shall be completely enclosed by a fence of sufficient strength to prevent access to the pool and shall not be less than four (4) feet in height, so constructed as not to have voids, holes or openings larger than four (4) inches in one dimension. Gates or doors shall be equipped with a self-closing and self-latching childproof device for keeping the gate or door securely closed at all times when not in actual use. Such latch shall be installed at a minimum height of four (4) feet or the top of the fence. Gates or doors may be disabled from use to the satisfaction of the city manager or his designee in lieu of a self-closing and self-latching device. The location of fencing required shall be subject to all other applicable ordinances. No fence shall be located, erected, constructed or maintained closer than three (3) feet to a pool. The wall of the house or building faced to a pool may be incorporated as a portion of such fence.

(b) Aboveground pools with self-provided fencing to prevent unguarded entry will be allowed without separate additional fencing, providing the self-provided fence is of four-foot required height and design as heretofore specified.

(c) Permanent access from grade to aboveground pools having stationary ladders, stairs or ramps shall have not less than equal safeguard fencing and gates.

(Ord. of 5-16-91, § 5; Ord. of 9-23-91, § 1; Ord. of 8-4-94, § 1)

#### **Sec. 6-147. Pool covers.**

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

(Ord. of 5-16-91, § 6)

#### **Sec. 6-148. Other regulations.**

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

(Ord. of 5-16-91, § 7)



**Sec. 6-149. Maintenance.**

A swimming pool or swimming pools shall be disinfected and maintained in a sanitary manner. The health inspector may inspect or cause to be inspected each private swimming pool maintained in the city.  
(Ord. of 5-16-91, § 8)

**Sec. 6-150. Pool safety equipment.**

Each pool shall maintain at least one floating throw-ring and rope and/or one rescue pole per pool. Such equipment shall be maintained in good working order.  
(Ord. of 5-16-91, § 9)

**Sec. 6-151. Penalty.**

Any person, firm or corporation violating any provision of this article shall be fined not less than one dollar (\$1.00) nor more than five hundred dollars (\$500.00) for each offense, and a separate offense shall be deemed committed on each day during or on which a violation occurs or continues.  
(Ord. of 5-16-91, § 10; Ord. of 9-23-91, § 2)