Revised 10/2016

Project Address:_____

Contact Person Name/Number:_____**Email**_____

CITY OF KATY

KATY MILLS COMMERCIAL PROJECT APPLICATION PROCESS

INTERIOR MALL BUILDOUTS MUST BE STAMPED APPROVED BY THE MILLS/A SIMON COMPANY MANAGEMENT 281-644-5000. CONSTRUCTION AROUND THE MALL & EXTERIOR SIGNAGE & LANDSCAPE MUST HAVE FINAL APPROVAL BY KEVIN BLACK WITH SIMON PROPERTIES-CONTACT 317-636-1600. IF THIS IS A FOOD ESTABLISHMENT, PLANS MUST BE APPROVED THROUGH HARRIS COUNTY HEALTH DEPARTMENT BEFORE BEING SUBMITTED TO THE CITY OF KATY. CONTACT 713-274-6300

I. **ZONING DEPARTMENT**, 901 Avenue C, Katy, Texas 77493 (281) 391-4800
Commercial Application for Certificate of Occupancy/Water Service to The City of Katy
ATTENTION: Anas Garfaoui Email: anas@cityofkaty.com

II. **ADMINISTRATION OFFICE**, 901 Avenue C, Katy, Texas 77493 (281) 391-4800
Step 1 City Planning & Zoning Commission Approval
Step 2 City Council Approval
Step 3 Signed & Recorded Plat on file in City Secretary's office
Step 4 Detention Pond or Drainage Impact Fee paid to City Secretary

III. **PERMITS DEPARTMENT**, 901 Avenue C, Katy, Texas 77493 (281) 391-4830

1. **Contractor Registration form** (Completed & Signed)
   a. **Copy of Texas Driver's License and State license (if applicable)**
   b. **Proof General Liability Insurance, minimum $300,000 showing City of Katy with our address as Certificate Holder**
   c. **Contractor Registration Fee of $100.00**

NOTE: Water Application and Deposit Required Prior To Permits Being Released.

APPLICATIONS:

____ 2. **Building Permit Application (Completed/Signed)**
THREE COMPLETE SETS OF PLANS PLUS ONE SET OF PLANS ON DISC-PDF FORMAT -AS BUILT SET ON DISC MUST BE SUBMITTED AT END OF PROJECT
SPECS TO INCLUDE:

_____ a. Foundation Plan Signed/Sealed by Texas-licensed engineer
_____ b. Site Plan showing all easements and location of dumpster pad/enclosure
_____ c. If building is sprinkled, fire sprinkler/fire alarm plans signed/sealed by Texas-licensed engineer/RME
_____ d. Compliance w/Texas Engineering/Texas Architects' Practice Acts
_____ e. If truss system, Engineered plans must be submitted prior to building permit being issued
_____ f. Energy Code Report
_____ g. Landscape Plans
_____ h. TDLR number or copy of on line application (If Project is $50k or over) ADA
_____ i. TCEQ (If septic/water well)
_____ j. Asbestos Report (If applicable; removing walls/demo)
_____ k. Must have final approval from Kevin Black/Simon Properties

_____ 3. **Flatwork Permit Application (Completed/Signed)**
_____ 4. **Water/Sewer Permit Applications – one application for each tap (Completed/Signed)**
_____ 5. **Curb Cut Application (if applicable) (Completed/Signed)**
_____ 6. **Dumpster Enclosure Application (Completed/Signed)**
_____ 7. **Floodplain Development Permit Application**

NOTE: Plan Check Fee (50% of project valuation) see reverse side of Building Application, must be paid at the time of submittal of all of the above forms.

The signature below is acknowledgement that ALL OF THE ABOVE has been submitted for approval. Should all forms not be included, plans will be held from plan review until all missing documents are submitted. (REVISED 7-28-15)

APPLICANT SIGNATURE _____**PRINT NAME**_____

COMMERCIAL

Revised 10/2016

Revised 10/2016

CITY OF KATY

Permits & Inspections
901 Avenue C, Katy, TX 77493
P.O. Box 617 Katy, TX 77492-0617
281-391-4830; Fax 281-391-4834

GUIDE TO COMMERCIAL BUILDING REQUIREMENTS

THE CITY OF KATY IS A ZONED CITY. Prior to the start of construction, the items listed in A through F must be submitted and approved, and all required fees paid.

A. BUILDING PERMIT APPLICATION

1. Three complete sets of plans. Sets of plans and specifications, to include:
   a. Three (3) foundation plans signed and sealed by a Texas licensed engineer.
   b. Three (3) site plans showing all easements and the location of dumpster pad and/or enclosure.
   c. If building is fire sprinkled, three (3) sets of fire sprinkler and/or fire alarm plans must be submitted and approved prior to building permit(s) being issued. Plans must be signed and sealed by a Texas licensed engineer of a R.M.E.
   d. Compliance with the Texas Engineering and/or the Texas Architects' Practice Acts.
   e. If a truss system is being used, engineered plans must be submitted prior to building permit(s) being issued.
   f. Building plan with ADA compliance
   g. Paperwork from a third-party, certified commercial energy code inspector, or from an architect or engineer, showing that plans have been reviewed and are in compliance with the 2012 International Energy Conservation Code. If reviewed by a certified, commercial energy code inspector, the paperwork must include the inspector's certification number. If reviewed by an architect or engineer, the plans must be signed and sealed. Builder is responsible for coordinating all energy code inspections with the third-party certified inspector and for submitting the final energy code report to the Permits Dept. prior to scheduling finals.
   h. Three (3) sets of landscape plans signed by the landscape designer per City Ordinance No. 2284 dated June 13, 2005 (copy enclosed). The plans must identify the landscape designer giving name, address and telephone number.
   i. ***For construction projects of $50,000 or more,*** proof that plans and specs have been submitted and/or approved by the Texas Department of Licensing and Regulation (TDLR) for compliance with the Texas Accessibility Standards. TDLR's Office is located in Austin, TX, telephone number (877) 278-0999. To apply online, go to **www.license.state.tx.us**; click Architectural Barriers on left menu, click "*Enter Your AB Project*".....on right menu and follow instructions.
   j. For renovations or demolition of public or commercial buildings, verification that an asbestos survey has been conducted is required prior to permit being issued (Senate Bill 509)
   k. Plumbing plan with riser diagram.

COMMERCIAL BUIDING REQUIREMENTS CONTINUED:

l. Electrical plan, including load and short-circuit analysis.
m. HVAC plan.
n. Fire suppression system (if required)
o. Off-street parking.

B. WATER/SEWER TAP APPLICATION-(1) application for each tap (including irrigation systems)

C. FLATWORK PERMIT – DRIVEWAY/SIDEWALK/PARKING/PAVING

D. CURB CUTTING APPLICATION (attach plot plan showing curb cut)

E. DUMPSTER SCREENING APPLICATON

F. FLOODPLAIN DEVELOPMENT PERMIT APPLICATION

Three separate checks are required for the payment of the water deposit & permit fees, payable to the City of Katy. The first check will be for the water deposit. You will need to contact 281-391-4800 to find out how much the deposit will be. One check covers the Water & Sewer Taps/Connections, and the third check covers the fees for all other permits issued.

Fees are payable upon issuance of permits EXCEPT for the plan check Fee, which is payable at the time of plan and application submittal. The plan check fee is equal to one-half of the Building Permit Fee and is in addition to the Building permit fee.

If a construction trailer is to be placed at the job site, a permit must be obtained **prior** to bringing it into the City. A site plan showing the location and setbacks of the construction trailer must be submitted for approval with the Building Permit application.
Permit Fee: $25.00 (double fees will be charged if trailer is brought into City without permit).

CONSTRUCTION CANNOT BEGIN UNTIL THE ABOVE PERMITS HAVE BEEN APPROVED AND ISSUED.

ADDITIONAL REQUIREMENTS:

- **ALL CONTRACTORS ARE RESPONSIBLE FOR BEING FAMILIAR WITH LOCAL AMENDMENTS COVERING CODE CHANGES OR MATERIALS NOT ALLOWED IN THE CITY OF KATY.**

- Building Permit must be displayed at job site.
- One set of City-approved blueprints must be available at job site.
- Porta-cans **must** be at job site prior to start of construction, preferably behind building.
- **Mark site with address number –** Address must be visible from street at all times.

COMMERCIAL BUILDING REQUIREMENTS CONTINUED:

- **Prior to foundation inspection**, and if applicable, **a form survey must be submitted and approved.** The survey, prepared by a Texas-licensed surveyor, must comply with the requirements listed in the enclosed **Survey Requirements.** You may sign an agreement with the city to provide engineer letters for the structural foundation (including pier holes, footings, grade beams) **within 10 days of the inspection.**

- Plumbing, Electrical, and A/C & Heating permit applications must be submitted and approved prior to work being performed.

- All contractors must provide the City of Katy with a Certificate of General Liability Insurance in the amount of $300,000.00 minimum. Certificate must be faxed directly from the insurance company to the City (281-391-4834) and must list as certificate holder the City of Katy, Permits Dept., P.O. Box 617 Katy,TX 77492. The original certificate must follow by mail.

- Effective September 1, 2005, all contractors applying for permits in the City of Katy must pay a yearly contractor registration fee of $100.00. The fee is payable on a calendar year basis and is not prorated. A contractor registration form is to be completed. A pre-construction meeting may be required.

- The appropriate contractor must be at the job site when the Building Inspector conducts an inspection. **ONLY** the permit holder is allowed to schedule inspections and to request final inspections.

- Ordinance No. 1104 requires a drainage impact fee of $2,500.00 per acre for any new development. If developer elects to install a detention pond instead of paying the drainage impact fee, plans for such pond must be drawn and sealed by a Texas-registered professional engineer. The City engineer must approve the plans and the detention pond will be inspected upon completion of project.

- **48 hours prior to scheduling final inspections**, all required paperwork must be submitted and approved by the Permits Department. All sub-contractors with permits will need to call the office and let them know they are ready for their finals. All finals are scheduled at the same time as the building final.

- At the end of project, an "as built" set of plans must be submitted on disc.

- **A Certificate of Occupancy must be issued by the City of Katy prior to any structure being occupied.** Occupancy of a structure without a Certificate of Occupancy constitutes a violation of City ordinance and will result in a citation being issued for each day such violations exist.

www.cityofkaty.com

APPLICATION FOR COMMERCIAL CERTIFICATE OF OCCUPANCY AND/ OR WATER SERVICE

This application is required to establish water service (If needed) at the commercial address. Water service will not begin until approval has been given from the Zoning, Building and Code Enforcement Departments. Please allow 7-10 business days for the approval process to be completed. Remodeling and/or construction will require permits issued by the City of Katy. For new construction, water meters will be set and service will begin during construction prior to the C of O being issued.

After the Certificate of Occupancy has been issued, a deposit for commercial water service will be collected based on the meter size and will remain with the account until applicant terminates service. A driver's license or photo ID **must** be presented at time of application or a copy may be sent if making application by mail or fax. Water service will not begin until the deposit and ID have been received.

Date of Application: _____ Anticipated Date for Business to Open: _____

Business Name: _____

Responsible Person: _____

Service Address: _____

Billing Address: _____

Business Phone: _____ Cell Phone: _____ Emergency Phone: _____

Email address: _____ Fax: _____

Check all that apply: ☐ C of O ☐ Water Service Application ☐ Zoning Verification ☐ New Construction-(provide survey/site plan)

Type of Business (please be specific and list all activities): _____

_____

Business/property use: ☐ Retail ☐ Wholesale ☐ Manufacturing ☐ Church ☐ Service ☐ Distribution ☐ Office ☐ Other

Is this Business relocating from another City of Katy location? No Yes- _____

Do you plan any changes? ☐ Structure ☐ Plumbing ☐ Electrical ☐ A/C ☐ Other _____

# of Employees _____ Hours of Operation: _____ Tax ID#: _____

Driver's License # of Responsible Person: _____ Expires: _____

☐ Own and/or Purchasing Property **OR** ☐ Renting Property

The owner of the property, at the time of opening, will be listed on the Certificate of Occupancy and must be provided below.

Property Owners Name _____

Address _____

Phone # _____

Commercial customers may contract for private garbage collection and pay no garbage fee to the City provided a copy of the private contract is provided to the City and the private contractor meets the requirements set out in the Code of Ordinances.

In accordance with the Texas Open Records Act, the City of Katy must comply with written requests for release of information regarding utility customer accounts.

I hereby certify that the above information is true and correct. _____

Applicant Signature

www.cityofkaty.com

APPLICATION FOR COMMERCIAL CERTIFICATE OF OCCUPANCY AND WATER SERVICE NOTICE:

2012 International Fire Code - Section 105.3.3, **Occupancy prohibited before approval**:

1. The building or structure shall not be occupied prior to the code official issuing a Certificate of Occupancy that indicates applicable provisions of this code have been met.
2. Occupy – To take up space within a building with people, furniture or storage.
3. Exception – Contract personnel, building material and equipment used in the construction process shall not be considered occupying the building.
4. Failure to comply may render you and the company you represent liable to penalties provided by law for such violation.
5. Upon completion of construction, it is the contractor's responsibility to notify the permanent tenant to establish the water/sewer/garbage account in their name.
6. Restaurant Applicants must contact Harris County Health Dept (713.439.6270) for a Pre-Opening Package and a final report must be submitted to City of Katy Code Enforcement Department.

If your occupancy or business does not involve the storage, sale or use of the following, check No; otherwise check Yes and all applicable items:

YES ☐ **NO** ☐

- ☐ Alcohol sales
- ☐ Alcoholic beverages
- ☐ Bales of lose combustible fibers
- ☐ Cellulose nitrate film
- ☐ Compressed gas
- ☐ Dry cleaning (flammable solvents)
- ☐ Dust producing process
- ☐ Explosives or ammunition
- ☐ Fireworks
- ☐ Flammable or combustible liquids (10+ gls)
- ☐ Floor drains in building
- ☐ Food and/or beverage processing, storage or sales
- ☐ Food products
- ☐ High piled stock (over 12' in height)
- ☐ Liquid propane gas
- ☐ Magnesium
- ☐ Other hazards (specify)
- ☐ Painting with flammables
- ☐ Poisonous or hazardous chemicals/acids
- ☐ Recycling waste
- ☐ Smoking
- ☐ vehicle repair or garage
- ☐ Vehicles in building
- ☐ Welding or cutting
- ☐ Woodworking
- ☐ x-ray development

A Certificate of Occupancy must be issued and posted before a building can be occupied. In order to obtain a Certificate of Occupancy, a walk-thru inspection must be conducted and approved. To schedule the inspection, please contact the Permit Department at 281.391.4830 or email at permits.inspections@cityofkaty.com

Signature _____ **Owner or Leasee (circle one)**

Print Name: _____

Application Received: ☐In Person ☐ By Mail

Water Acct Required? ☐**Yes** ☐**No** Deposit Amount: $ _____ Account # _____

Zoning Designation: R1 C1 C2 OKD M PDD: _____

Zoning Dept Approval: Yes No _____ By: _____ Date: _____

Building Dept Approval: Yes No _____ By: _____ Date: _____

Code Enforce Approval: Yes No _____ By: _____ Date: _____

Fire Marshall Approval: Yes No _____ By: _____ Date: _____

Shell Building approved for tenant build-out: Yes _____ By: _____ Date: _____

SERVICE AGREEMENT

I. PURPOSE. Per the City of Katy's Code of Ordinances *(Sec. 13.03.026 Cross Connections)*, the City is responsible for protecting the drinking water supply from contamination or pollution which could result from improper private water distribution system construction or configuration. The purpose of this service agreement is to notify each customer of the restrictions which are in place to provide this protection. The utility enforces these restrictions to ensure the public health and welfare. Each customer must sign this agreement before the City of Katy will begin service. In addition, when service to an existing connection has been suspended or terminated, the water system will not reestablish service unless it has a signed copy of this agreement.

II. RESTRICTIONS. The following unacceptable practices are prohibited by State regulations.

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 an air-gap or an appropriate backflow prevention device.

B. No cross-connection between the public drinking water supply and a private water system is permitted. These potential threats to the public drinking water supply shall be eliminated at the service connection by the installation of an air-gap or a reduced pressure-zone backflow prevention device.

C. No connection which allows water to be returned to the public drinking water supply is permitted.

D. No pipe or pipe fitting which contains more than .25% lead may be used for the installation or repair of plumbing at any connection which provides water for human use.

E. No solder or flux which contains more than 0.2 percent lead can be used for the installation or repair of plumbing at any connection which provides water for human use.

III. SERVICE AGREEMENT. The following are the terms of the service agreement between the City of Katy (the Water System) and Customer Named below.

A. The Water System will maintain a copy of this agreement as long as the Customer and/or the premises is connected to the Water System.

B. The Customer shall allow his property to be inspected for possible cross-connections and other potential contamination hazards. These inspections shall be conducted by the Water System or its designated agent prior to initiating new water service; when there is reason to believe that cross-connections or other potential contamination hazards exist; or after any major changes to the private water distribution facilities. The inspections shall be conducted during the Water System's normal business hours.

C. The Water System shall notify the Customer in writing of any cross-connection or other potential contamination hazard which has been identified during the initial inspection or the periodic re-inspection.

D. The Customer shall immediately remove or adequately isolate any potential cross-connections or other potential contamination hazards on his premises.

E. The Customer shall, at his expense, properly install, test, and maintain any backflow prevention device required by the Water System. Copies of all testing and maintenance records shall be provided to the Water System.

IV. ENFORCEMENT. If the Customer fails to comply with the terms of the Service Agreement, the Water System shall, at its option, either terminate service or properly install, test, and maintain an appropriate backflow prevention device at the service connection. Any expenses associated with the enforcement of this agreement shall be billed to the Customer.

Customer's Printed Name: _____ Signature: _____

Address: _____ Date: _____

CITY OF KATY

PERMITS & INSPECTIONS
901 AVE C **Katy, TX 77493**
Phone: 281.391.4830 **Fax: 281.391.4834**
Website: www.cityofkaty.com
Email: permits.inspections@cityofkaty.com

CONTRACTOR REGISTRATION FORM

******Registration Valid for One Calendar Year (Jan 1st Thru Dec 31st)-Must Renew Annually******

TYPE OF CONTRACTOR (*PLEASE CHECK ONE*):

General ☐	**Mechanical** ☐	**Plumbing** ☐	**Electrical** ☐	**Roofing** ☐
Irrigation ☐	**Sign** ☐	**Fire Alarm/Sprinkler** ☐	**Pool** ☐	**Other** ☐

PLEASE PROVIDE THE FOLLOWING (IF APPLICABLE):

1. **VALID TEXAS DRIVER'S LICENSE.**
2. **ORIGINAL STATE LICENSE FOR COPYING.**
3. **CERTIFICATE OF GENERAL LIABILITY, MINIMUM $300,000 SHOWING THE CITY OF KATY WITH OUR ADDRESS AS CERTIFICATE HOLDER.**
4. **$100.00 CONTRACTOR REGISTRATION FEE**
5. *****A PRE-CONSTRUCTION MEETING MAY BE REQUIRED IF YOU HAVE NEVER WORKED IN THE CITY OF KATY.**

PLEASE PRINT OR TYPE:

STATE LICENSE INDIVIDUAL:	***TDL#:***
HOME ADDRESS:	***PHONE:***
CITY: ***STATE:***	***ZIP CODE:***
STATE LICENSE #(IF APPLICABLE):	***EXPIRATION DATE:***
EMAIL ADDRESS:	

BUSINESS INFORMATION:

COMPANY NAME:	***OFFICE PHONE#:***
OWNER NAME:	***CELL PHONE#:***
MAILING ADDRESS:	***FAX #:***
CITY: ***STATE:*** ***ZIP CODE:***	***YOUR POSITION:***
EMAIL ADDRESS:	

LIST ALL PERSONS EMPLOYED WITH YOUR COMPANY, AUTHORIZED TO PURCHASE PERMITS UNDER YOUR REGISTRATION, AND CALL FOR INSPECTIONS.

1.	TDL#
2.	TDL#
3.	TDL#
4.	TDL#

Applicant's Printed Name **Date**

Applicant's Signature

Liability Insurance:

All contractors are required to maintain at least the minimum General Liability insurance coverage at all times to satisfy proof of financial responsibility. The insurance must be at least $300,000.00 per occurrence (combined for property damage and bodily injury).

PRE-CONSTRUCTION INFORMATION

GENERAL INFORMATION:

_____ The City of Katy is currently under the 2012 International Building Codes and the 2011 National Electric Code.

_____ **The address must be posted at the job site for the duration of the project.** If the address is not posted, the inspections will be put on hold until the address is posted and is visible from the street. The orange card or copy of the permit must be posted at the job site at all times.

_____ Do not differ from the plans that were submitted and approved by the City. All changes must be submitted to the city for approval.

_____ A Certificate of Occupancy is required for all new residential homes and all businesses **before the building can be occupied**. Do not move any furniture, fixtures, etc. into the building until the final inspections have passed.

_____ Aluminum wiring cannot be used for branch circuits.

_____ Pex piping with a material designation code of 5X06 or greater is allowed for plumbing only. X = any level of U.V. protection.

_____ All contractors must register with the City of Katy and provide proof of liability insurance listing City of Katy as certificate holder.

_____ **BEFORE ANY CONCRETE CAN BE POURED**, an inspection must be scheduled and receive a green tag. An approved washout area must be on site or trucks must have washout systems.

_____ Contractors must have licensed workers and placards on their vehicles.

INSPECTIONS:

_____ If an inspection is requested by 2:00, the inspection will be conducted the following business day, usually between 7:00 AM and 3:30 PM. The City of Katy does not perform same day inspections. If an inspection is requested after 2:00 PM, the inspection will be conducted in two (2) business days. No set time can be given for inspections except for finals. When you call the office to schedule an inspection, you will need the permit number, address and type of inspection. The only people that can call for inspections, are the ones that have been authorized by the company or license holder on the contractor registration form. If an inspection needs to be cancelled for any reason, the cancellation needs to be called in before 7:30 AM on the day of the inspection.

_____ The inspector will leave a tag at the job site to let you know the result of the inspection. If you receive a **green tag**, the inspection passed and you may proceed. If you receive a **yellow tag**, you must make the corrections and call the office for a re-inspection. You have **10 days** to call for a re-inspect. If you do not call within 10 days, a re-inspect fee will be assessed and you will need to pay the fee before you can reschedule. If you receive a **red tag**, a re-inspect fee will have to be paid prior to rescheduling the inspection.

_____ **FORM SURVEYS ARE REQUIRED BEFORE FOUNDATION INSPECTIONS WILL BE SCHEDULE. An elevation certificate will also be required if the property is within the flood zone.** We have 48 hours to approve form surveys and elevation certificates, so please remember to submit the form surveys and elevation certificates to our office at least 48 hours before you want the inspection for the foundation inspection.

_____ An inspection is required before **any concrete** can be poured.

_____ Please let us know if you will be using City inspections or Engineer letters for Pier holes, Foundation, Footing, or Grade beam inspections. A form survey is still required before concrete is poured. **(THIS IS FOR COMMERCIAL PROJECTS ONLY)**
*****PLUMBING AND ELECTRIC IN SLAB NEEDS CITY INSPECTIONS**

_____ It is the responsibility of the general contractor to obtain a third party certified energy code inspector to conduct all energy code inspections and finalize all reports. A signed final report stating it was inspected and approved will need to be submitted with the final paperwork.

FINALS:

_____ **Our office has 48 hours to review and approve the required final paperwork**. Please remember to submit your final paperwork to our office **at least 48 hours** before you want to schedule your final inspection. You will need to submit the following **original paperwork** to our office before final inspections can be scheduled:

Final survey, final elevation certificate (if applicable), post tension foundation cable report (if applicable), and the final energy code report (2012) – for commercial projects we will also need a copy of the sales tax certificate listing the address of the business located in Katy and a final "as-built" CD

_____ **All** sub-contractors that have a permit must call the office for their final inspection. Once all required inspections have passed, final paperwork is approved and all sub-contractors call for their final inspections, the general contractor must call the office to schedule the final inspection. **ALL FINALS WILL BE DONE AT ONE TIME.**

****

I have read and understand the above instructions. I acknowledge that I have received a copy of the local amendments and the list of required inspections. I understand that additional inspections may apply depending on the type of project.

_____ _____
SIGNATURE DATE

_____
PRINTED NAME

_____
COMPANY NAME

Revised 10/2016

SCHEDULING OF INSPECTIONS

This notice is to inform you that due to the volume of inspections being requested in our City, inspection scheduling will be as follows:

If an inspection is requested before 2:00 PM any given day, the inspection will be conducted the following business day between 7:00 AM and 3:30 PM, **SCHEDULE PERMITTING.**

If an inspection is requested after 2:00 PM any given day, the inspection will be conduct in two (2) business days between 7:00 AM and 3:30 PM.

We apologize in advance for any inconvenience, but we are no longer able to schedule AM or PM inspections. No set time can be given except for residential or commercial FINALS.

****If an inspection needs to be cancelled for any reason, the cancellation needs to be called in before 7:30 AM on the day of the scheduled inspection. If it is after hours, please call 281-391-4830 and leave a voice mail.**

If the inspector arrives at a job site and the work is not ready for inspection or incorrect it will be turned down. If a red tag is issued, a re-inspect fee will have to be paid (cash/check) **PRIOR** to rescheduling the same inspection. If the fee is paid before 2:00 PM the reinspection will be conducted the following business day. If the fee is paid after 2:00 PM, the reinspection will be conducted in two (2) business days. IT IS VERY IMPORTANT TO MAKE SURE YOU ARE GOING TO BE READY FOR THE INSPECTION BEFORE YOU SCHEDULE YOUR INSPECTIONS.

NOTE: Foundations and Final Inspections

BEFORE A FOUNDATION OR FINAL INSPECTION CAN BE SCHEDULED, ALL REQUIRED PAPERWORK MUST BE SUBMITTED FOR APPROVAL. THE INSPECTOR HAS 48 HOURS TO APPROVE PAPERWORK. ONCE THE PAPERWORK IS APPROVED, THE CONTRACTOR MUST SCHEDULE A DATE FOR THE INSPECTION WITH THE PERMIT CLERKS.

SIGNATURE	**PRINT NAME**
COMPANY NAME	**DATE**

CITY OF KATY
P. O. BOX 617
KATY, TX 77492

COMMERCIAL PERMITS

AGREEMENT WITH THE CITY OF KATY

I certify that I am the property owner at_____

and the following company:_____

will be acting as the General Contractor at the following address:_____

We both agree and understand the following:

No permits will be issued until the Civil Plans for the Fire Sprinkler have been submitted and approved, and the FDC must be within 40 feet of a Public Fire Hydrant.

Printed name of owner:_____

Signature of Property owner:_____Date_____

Printed name of General Contractor/Title:_____

Signature of General Contractor:_____Date_____

Revised 10/2016

FEES DOUBLE IF WORK IS PERFORMED WITHOUT PERMIT BEING ISSUED

NON -TRANSFERABLE
NO REFUNDS
EXPIRES IN 180 DAYS

Permits and Inspections Department
Website: www.cityofkaty.com
Email. permits.inspections@cityofkaty.com

APPLICATION FOR BUILDING PERMIT

BUILD_____REPAIR_____DEMOLITION_____MOVE_____OTHER_____

OCCUPANCY USE: RESIDENTIAL_____ COMMERCIAL_____

DATE OF APPLICATION: _____

PROJECT ADDRESS: _____

LOT: BLOCK: SUBDIVISION: COUNTY:

LEGAL PROPERTY OWNER: _____ Phone #_____

Owner's Address/City/State/Zip:

CONTRACTOR CO.: _____ **SUPERINTENDENT'S NAME**_____

Address/City/State/Zip: _____

Contractor's Office #: **CELL #:** **EMAIL/FAX:**

DESCRIPTION OF PROJECT:_____

New Construction_____ Addition_____ Strg Bldg_____ Patio Cover_____ Remodel____Other_____

Stories _____
Foundation _____
Exterior Walls _____
Interior Walls _____
Floor _____
Roof _____
Cars Garage _____
Attached/Detached _____

SQUARE FOOTAGE IMPROVEMENTS

Living Area: _____
Screen Porches: _____
Open Porches: _____
Garage: _____
Patio, Etc.: _____
TOTAL SQ. FT. _____

VALUE OF WORK: $_____

NOTE: For new construction-water application and deposit required prior to permit being released

NOTICE

Separate permits are required for electrical, plumbing, air conditioning & heating, flatwork, irrigation, etc. This permit becomes null and void if work or construction authorized is not commenced within six (6) months, of if construction or work is suspended or abandoned for a period of six (6) months at any time after work is commenced. I hereby certify that I have read and examined this application and know the same to be true and correct. All provisions of laws and ordinances governing this type of work will be complied with whether or not specified herein. The granting of a permit does not presume to give authority to violate or cancel the provisions of any other State or Local laws regulating construction or the performance of construction.

REINSPECT FEES:

YELLOW TAG NO FEE IF REINSPECTED IN 10 DAYS
AFTER 10 DAYS $15.00 FEE APPLIES

RED TAG $15.00 1ST CORRECTION, FEE INCREASES IN INCREMENTS OF $15.00 EACH ADD'L REINSPECTION
(Ordinance 2240 adopted 11/10/03)

SEE REVERSE SIDE FOR FEES

APPLICATION FEE **$ 10.00**

PLAN CHECK FEE **PERMIT FEE**
$_____ $_____

I HEREBY ACCEPT ALL CONDITIONS SET ABOVE AND CERTIFY THAT ALL STATEMENTS MADE HEREIN ARE TRUE. APPLICANT ACKNOWLEDGES THAT SIGNATURES TRANSMITTED ELECTRONICALLY OR BY FACSIMILE TRANSMISSION HAVE THE SAME LEGAL EFFECT AS ORIGINALS.

APPLICANT ORIGINAL SIGNATURE _____ Printed Name _____ Date_____

(BELOW FOR OFFICE USE ONLY):

APPROVED BY: INSPECTOR_____ DATE APPROVED:_____

Revised 10/2016

BUILDING PERMIT FEES & CALCULATIONS

RESIDENTIAL

Base Fee	=	$ 100.00
Total Sq. Ft._____x .08 sq. ft.	=	+_____
APPLICATION FEE	=	+ 10.00
TOTAL	=	$_____
Remodel of Existing Structure	=	$ 25.00
APPLICATION FEE	=	+ 10.00
TOTAL	=	$ 35.00
Room Addition/Garage < 500 sf	=	$ 50.00
Total Sq. Ft._____x .08 sq. ft.	=	+_____
APPLICATION FEE	=	+ 10.00
TOTAL	=	$_____
Room Addition/Garage > 500 sf	=	$ 100.00
Total Sq. Ft._____x .08 sq. ft.	=	+_____
APPLICATION FEE	=	+ 10.00
TOTAL	=	$_____
Storage Bldg < 120 sq. ft. (Wind load 105 mph)	=	$ 25.00
APPLICATION FEE	=	+ 10.00
TOTAL	=	$ 35.00
Storage Bldg 120' to 500 sq. ft. (Wind load 105 mph)	=	$ 50.00
APPLICATION FEE	=	+ 10.00
TOTAL	=	$ 60.00
Patio Covers w/no walls	=	$ 25.00
APPLICATION FEE	=	+ 10.00
TOTAL	=	$ 35.00
RESIDENTIAL Re-roof	=	$ 15.00
APPLICATION FEE	=	+ 10.00
TOTAL	=	$ 25.00
Moving House/Structure	=	$ 100.00
APPLICATION FEE	=	+ 10.00
TOTAL	=	$ 110.00
Demolition up to 100,000 cu ft	=	$ 50.00
>100,000 cu ft @ .50/1,000 cu ft	=	+_____
APPLICATION FEE	=	+ 10.00
TOTAL	=	$_____

COMMERCIAL

(PROJECT VALUATION DATA FEE)

LESS THAN $1,000.00	=	$15.00
$1,001.00 - $50,000.00	=	$15.00
PLUS $5.00 per $1,000.00 over $1,000.00/or fraction of a $1,000.00	=	+_____
TOTAL	=	$_____
$50,001.00 - $100,000.00	=	$260.00
PLUS $4.00 per $1,000.00 over $50,000.00/or fraction of a $1,000.00	=	+_____
TOTAL	=	$_____
$100,001.00 - $500,000.00	=	$ 460.00
PLUS $3.00 per $1,000.00 over $100,000.00/or fraction of a $1,000.00	=	+_____
TOTAL	=	$_____
$500,001.00 – UP	=	$1,660.00
PLUS $2.00 per $1,000.00 over $500,000.00/or fraction of a $1,000.00	=	+_____
TOTAL	=	$_____

**PLAN CHECK FEE=50% OF ABOVE VALUATION
(To be paid cash or check upon application)

PLAN CHECK FEE = $_____

BUILDING PERMIT FEES – ADD THE FOLLOWING:

TOTAL VALUATION FEE ABOVE	=	$_____
TOTAL PLAN CHECK FEE ABOVE	=	$_____
APPLICATION FEE	=	+ 10.00
TOTAL PERMIT FEE		$_____

DRAINAGE IMPACT FEE

_____ No. Acres x $2,500.00/acre = $_____
(FEE PAID TO CITY SECRETARY/ADMINSTRATION)

COMMERCIAL Re-roof		$ 50.00
APPLICATION FEE		+ 10.00
TOTAL		$ 60.00
Moving Building/Structure	=	$ 100.00
APPLICATION FEE	=	+ 10.00
TOTAL	=	$ 110.00
Demolition up to 100,000 cu ft	=	$ 50.00
>100,000 cu ft @ .50/1,000 cu ft	=	+_____
APPLICATION FEE		+ 10.00
TOTAL		$_____

REBATE PROGRAM – ORDINANCE NO. 418 WATER/SEWER:

_____ Ordinance No. 454 (Katy Hockley from Morton to Clay)
_____ Ordinance No. 658 (N. Elder E. along Morton to Heritage Park West)
_____ Ordinance No. 494 (Katy Medical Center Area)
_____ Ordinance No. 659 (Katy West Business Park)

Revised 10/2016

FEES DOUBLE IF WORK IS PERFORMED WITHOUR PERMIT BEING

NON-TRANSFERABLE NO REFUNDS EXPIRES IN 180 DAYS

Permits/Inspections Department
Website: www.cityofkaty.com
Email: permits.inspections@cityofkaty.com

APPLICATION FOR FLATWORK PERMIT

NEW INSTALL_____ REPLACEMENT _____

OCCUPANCY USE: **RESIDENTIAL** _____ **COMMERCIAL** _____

DATE OF APPLICATION: _____

PROJECT ADDRESS: _____

LOT: _____ BLOCK: _____ SUBDIVISION: _____ COUNTY: _____

LEGAL PROPERTY OWNER: _____

Owner'sAddress/City/State/Zip:_____

Owner's Phone #:_____

CONTRACTOR'S NAME:_____

Address/City/State/Zip:_____

Contractor's Phone #:_____ **EMAIL:**_____

DESCRIPTION OF PROJECT:_____

NOTE: DRAINAGE AND UTILITY EASEMENTS MUST BE SHOWN ON SITE PLAN OR APPLICANT MUST PROVIDE SURVEY PRIOR TO PERMIT APPROVAL

SCHEDULE OF FEES:

*First Driveway @ $8.00		$ _____
*Sidewalk and/or Walkway (1st 100 lin. ft.) @ $15.00		_____
*Each Additional 100 lin. ft. @ $3.00	**Total LF=**_____	_____
*Additional Driveway @ $4.50 each		_____
*Approach ONLY @ $8.00		_____
*Parking/Paving up to 500 sf @ $15.00 or	**Total square feet**_____	_____
*Parking/Paving 500 - 1000 sf @ $30.00		_____
*Each Additional 1,000 sf @ $1.50		_____
APPLICATION FEE	**$ 10.00**	
TOTAL PERMIT FEE.....	**$**_____	

*See Katy City Code, Chapter 3, Section 11, Exhibit A(11) for specifications

REINSPECTION FEES: (If required)

Reinspection fee is $15.00 for the first reinspection, and the fee increases in increments of $15.00 for each subsequent reinspection. (Ordinance 2240 adopted 11/10/03)

I HEREBY ACCEPT ALL CONDITIONS SET ABOVE AND CERTIFY THAT ALL STATEMENTS MADE HEREIN ARE TRUE.

_____

APPLICANT ORIGINAL SIGNATURE **PRINTED NAME** **DATE**

****

Approved By: _____ **Date:**_____

NOTE: Inspections called in before 2:00pm will be scheduled for next business day, after 2:00 pm will be schedule for two (2) business days. (revised 8-5-16)

STANDARDS FOR CONCRETE & STEEL (RESIDENTIAL & COMMERCIAL)

RESIDENTIAL

1) **PUBLIC SIDEWALKS:** 4ft. wide, 4in. thick minimum concrete at 2500 PSI reinforced with #3 rebar, 18" OCEW supported, dowels @ 18" OC
2) **WALKWAYS:** Minimum 2ft wide, 3 ½ in. thick minimum concrete at 2500 PSI reinforce with # 6 wire mesh or #3 rebar on 18 in. centers, dowels @ 18in. OC.
3) **DRIVEWAYS:** 3 ½" thick minimum concrete at 2500 PSI reinforced with minimum #6 wire mesh or #3 rebar on 18in. centers, dowels @ 18in. OC
4) **RADIUS:** 2ft to 5ft
5) **PATIO SLABS:** 4in. thick slab shall be reinforced with #3 rebar on 16in. centers. If attaching to existing concrete, add dowels @ 18in. OC
6) **APPROACH:** 6in. thick minimum concrete at 2500 PSI to property line
   a) #3 rebar at 18in. OCEW and supported
   b) Sleeve dowels at existing concrete street (unless street is asphalt) and attach two each #3 rebar running parallel to the street and tied to the dowels

****MUST COMPLY WITH ALL NOTES****

COMMERCIAL

1) **COMMON DRIVE AREA SPECIFICATIONS:** 6in. thick minimum concrete at 3000 PSI, #3 rebar at 18in OCEW, dowels at 18in OC
2) **PARKING AREA SPECIFICATIONS:** 5in. thick minimum concrete at 2500 PSI, #3 rebar at 24in. OCEW, dowels @ 18in. OC
3) **RADIUS:** 5ft to 10ft
4) **APPROACH:** 6in. thick minimum concrete at 3000 PSI to property line
   a) #3 rebar at 18 OCEW and supported
   b) Sleeve dowels at existing concrete street (unless street is asphalt) and attach two (2) each #3 rebar running parallel to the street and tied to the dowels.

****MUST COMPLY WITH ALL NOTES****

NOTES

A. **FULL EXPANSION JOINTS:** Pressure treated or sound heart redwood ¾" thick with OA 90 asphalt joint seal
   1. 10ft OC
   2. 12in. dowels, 18in. OC
   3. 6in. into existing slabs and epoxyed
   4. Sleeve exposed sides of dowels
B. **PARTIAL EXPANSION JOINTS:** 1in x 2in expansion joint -pressure treated or sound heart redwood with steel running continuously underneath (no dowels needed)
   1. 10ft OC
C. **CONTROL JOINTS:** Saw cut between every expansion joint 1/2in x 1/2in.
D. **DOWELS:** (load transmission devices) #3 rebar, 12in long, 18in OC
   1. 6in into existing slabs and epoxyed
   2. Sleeve exposed sides
E. **PROPER STEEL SUPPORT & PLACEMENT:**
   1. 2in. from earth (dirt)
   2. 1/2in from all form boards
   3. All steel tied
   4. Only non-corrosive steel supporting steel, or must use approved chairs, **concrete** bricks, or other approved material

Revised 10/2016

FEES DOUBLE IF WORK IS PERFORMED WITHOUT PERMIT BEING ISSUED

NON -TRANSFERABLE
NO REFUNDS
EXPIRES IN 180 DAYS

Email: permits.inspections@cityofkaty.com

FOR OFFICE USE ONLY

ROAD BORE: Yes _____ No _____How Many Ft._____Initial _____

TAPS EXISTING ON LOCATION: Yes _____ No _____Initial _____

APPLICATION FOR WATER TAPS/CONNECTIONS

A SEPARATE APPLICATION IS REQUIRED FOR EACH TAP

The undersigned hereby applies for water tap/connections to the following described property in accordance with the water and plumbing codes and ordinances of the City of Katy, Texas. All provisions of the Code or other governing ordinances shall apply whether or not herein specified.

APPLICANT'S NAME _____
BILLING NAME_____
BILLING ADDRESS _____
_____TELEPHONE _____

PROJECT ADDRESS _____
LOT _____ BLOCK _____ SUBDIVISION _____

WATER TAP SIZE _____ **TAP FEE:** **$** _____

ROAD BORE/CUT (If Applicable): FOOTAGE_____ x RATE_____ = **$** _____

NOTE: (REACTIVATION FEE OF $75.00 IF DORMANT FOR 1 YEAR) **$** _____

TOTAL APPLICATION FEE **$** _____

RESIDENTIAL TAP FEES

TYPE OF SERVICE: (MARK ONE – AN APPLICATION IS REQUIRED FOR EACH TAP)

DOMESTIC USE_____ **IRRIGATION**_____

Charges for connection to the existing city water system inside the city limits shall be paid by the property owner in advance in accordance with the following schedule:

- **5/8" x 3/4" Meter (20 Gallons Per Minute)** **$ 250.00**
- **3/4" x 3/4" Meter (30 Gallons Per Minute)** **$ 250.00**
- **1" Meter (50 Gallons Per Minute)** **$ 750.00**
- **1 1/2" Meter (100 Gallons Per Minute)** **$ 1,000.00**
- **2" Turbo Meter (160 Gallons Per Minute)** **$ 1,500.00**
  Turbo Meter for high flow, i.e.: Irrigation

BASE CHARGE FOR RESIDENTIAL DOMESTIC & IRRIGATION METERS: There is a base charge for domestic and irrigation meters, even when there is no usage. The base charge for a residential meter 5/8" x ¾" or ¾" x ¾" is $7.60 for 0-3,000 gallons of water. The base charge for a 1" residential meter is $25.35 for 0-14,000 gallons of water. Rate schedules for residential usage over the minimum amounts are available at city hall.

RESIDENTIAL CONTINUED:

ROAD BORE/ROAD CUT: (IF APPLICABLE)

If a road bore/road cut is required to get a meter to the project address listed above, additional charges would apply as follows:

- **3/4" or 1" road bore.....$ 7.50 per foot**
- **1 1/2" or 2" road bore.....$12.50 per foot**
- **Road cut cost based on man hours & equipment.....To be determined**
  (Approved by city council on January 25, 1996)

WATER EXTENSIONS:

Charges for extension of the city water system to serve a customer inside the city limits shall be paid in advance by the property owner based on the actual total cost of the extension as established by the City's bidding process and the Texas Local Government Code, Sub-chapter B, Section252.021

COMMERCIAL WATER TAP FEES

TYPE OF SERVICE: (MARK ONE – AN APPLICATION IS REQUIRED FOR EACH TAP)

DOMESTIC_____IRRIGATION_____FIRE LINE_____

Contractor is responsible for making commercial taps and setting meters. An insured licensed master plumber must make the taps.

$250.00 FEE PER TAP-CITY INSPECTION ONLY

NOTE: The permits & Inspections Department must be called at 281-391-4830 for inspection on each installation. Failure to comply will delay issuance of the Certificate of Occupancy.

BASE CHARGE FOR COMMERCIAL DOMESTIC & IRRIGATION METERS: There is a base charge for domestic and irrigation meter, even when there is no usage. The base rate for a ¾ inch meter is $9.75 for 0-3,000 gallons of water, for a 1" meter it is $32.50 for 0-15,000 gallons of water, for a 1 ½" meter it is $65.00 for 0-32,000 gallons of water, for a 2" meter it is $130.00 for 0-66,000 of water, for a 3" meter it is $292.50 for 0-152,000 gallons of water, for a 4" meter it is $487.50 for 0-255,000 gallons of water and for a 6" meter it is $1,137.50 for 0-599,000 gallons of water. Rate schedules for commercial usage over the minimum amounts are available at city hall.

I HEREBY ACCEPT ALL CONDITIONS MENTIONED ABOVE, AND CERTIFY THAT ALL STATEMENTS HEREIN RECORDED BY ME ARE TRUE. APPLICANT ACKNOWLEDGES THAT SIGNATURES TRANSMITTED ELECTRONICALLY OR BE FACSIMILE TRANSMISSION HAVE THE SAME LEGAL EFFECT AS ORIGINALS.

_____ _____

APPLICANT'S SIGNATURE DATE SIGNED

OFFICE USE ONLY

_____

Signature of Approval **Date**

_____

Work Order No. **Date**

RADIO READ METER INFORMATION

SUPPLIER: **Aqua Metric Sales Co.**
Schertz, Texas
210-967-6300

WATER METER

5/8" X 3/4" INVENSYS SR WATER METER W/TR/PL REGISTER 1000X
3/4" INVENSYS SR WATER METER W/TR/PL REGISTER 1000X
1" INVENSYS SR WATER METER W/TR/PL REGISTER 1000X
1 1/2" INVENSYS SR WATER METER W/TR/PL REGISTER 1000X
2" INVENSYS SR WATER METER W/TR/PL REGISTER 1000X

HARDWARE

1-METER TRANSCEIVER UNIT (MXU) DUAL PORT #520R
(ORDER ONE OF THE ABOVE FOR EACH METER)
MULTI-READ 2-CHANNEL SPLITTER
MULTI-READ ENCLOSURE (SPLITTER ENCLOSURE)

LARGER METERS

W160 2" ECR/WP 1000G TURBO METER
W350 3" ECR/WP 1000G TURBO METER
W1000 4" ECR/WP 1000G METER
W2000 6" ECR/WP USG 1000G
SRH 2" COMPOUND ECR/WP 1000G
SRH 3" ECR/WP 1000G FLG CMPD
SRH 4" ECR/WP 1000G FLG CMPD
SRH 6" ECR/WP 1000G FLG CMPD
2" BRONZE METER STRAINER
3" FLG BRONZE STRAINER
4" BRONZE STRAINER
6" SENSUS BRONZE STRAINER

*****NOTE*****

WHEN ORDERING ANY OF THESE METERS, SPECIFY 1000 GALLON REGISTERS FOR KATY AND INCLUDE A MXU 520R WHICH IS REQUIRED FOR EACH METER.

CITY OF KATY

901 Avenue C, P.O. Box 617 Katy, TX 77492
281-391-4830: FAX 281-391-4834

REQUIREMENTS FOR WATER & SEWER TAPS

WATER TAPS

1. Mueller tap sleeve
2. Mueller valves
3. MJ (mechanical joint) fittings
4. Sensus Meter
   If 2" or larger, meter type must be as follows:
   A. **Turbine (TXK):** For small irrigation systems & houses
   B. **Turbine (SR):** For large irrigation systems or where large amounts of water are required
   C. **Compound:** For all commercial buildings, restaurants, schools office buildings, etc.
5. Vault required for 3" or larger water meter

SEWER TAPS

1. Commercial sewer taps must be 6" or larger
2. If lateral line is two-thirds the size of the main, use a "T" with push-on fittings
3. If tap is less than two-thirds the size of the main, use a 90 degree tapping saddle.

NOTE:

COMMERCIAL CONTRACTORS MUST PAY A $250.00 INSPECTION FEE FOR EACH TAP AT THE TIME OF APPLICATION. THE PERMITS AND INSPECTIONS DEPARTMENT MUST BE CALLED AT 281-391-4830 FOR INSPECTION OF EACH INSTALLATION. FAILURE TO DO SO WILL DELAY ISSUANCE OF THE CERTIFICATE OF OCCUPANCY.

ALL COMMERCIAL TAPS MUST BE PERFORMED BY A LICENSED AND INSURED MASTER PLUMBER.

SUPPLIES FOR INSTALLING 3/4" TO 1" TAPS

1 – Mueller or Smith Blair tapping saddle with CC threads (AWWA approved)
1 – Brass corporation stop (Mueller) #H-15000 or #H-15008
1 – Brass curb stop (Mueller) Flare to FIP #B25168 or Compression to FIP #B25170
2 – Brass nipples (Mueller) #H-10896
Copper (any brand) must be soft K copper

PROCEDURE FOR INSTALLING 2" TAPS FOR CITY OF KATY

- **Install saddle onto water main with stainless steel band or bands that must be level**
- **Install 6" brass nipple into saddle**
- **Install 2" Mueller gate valve #A2360 with square wrench nut in other end of 6" brass nipple (make sure you put blocks under 2" gate valve if needed)**
- **You must flush line, fully opening valve for full flow before you install meter**
- **Use CI circular, adjustable valve box with PVC riser 4" or 6" on 2" Mueller gate valve**
- **All fittings need to be Mueller 110 conductive compression connection for CTS O.D. Tubing**

SUPPLIES FOR 2" TAPS

1 – Type K soft copper
1 – 6" brass nipple
1 – 2" Mueller gate valve (FIP x FIP) right hand turn to close
1 – 2" Mueller ball valve curb stop #B-24335 Compression
1 – 2" concrete meter box with meter reader lid
1 – 2" Mueller straight coupling (compression + MIP Thread) #H-15428
2" turbo Sensus water meter for irrigation system only

All restaurants, churches or large buildings with high and low usage will be required to install Compound Sensus water meters. The City of Katy <u>must inspect</u> the installation, and <u>must be provided</u> with the location and meter of all meters installed, including irrigation systems. Failure to do so will delay the issuance of a certificate of occupancy.

FEES DOUBLE IF WORK IS PERFORMED WITHOUT PERMIT BEING ISSUED

Revised 10/2016

NON - TRANSFERABLE NO REFUNDS EXPIRES IN 180 DAYS

FOR OFFICE USE ONLY

ROAD BORE: Yes ____ No _____ How Many Ft. _____ Initials_____
TAPS EXISTING ON LOCATION: Yes_____ No _____ Initial _____

Email: permits.inspections@cityofkaty.com

APPLICATION FOR SEWER TAPS/CONNECTIONS

A SEPARATE APPLICATION IS REQUIRED FOR EACH TAP

The undersigned hereby applies for sewer tap/connections to the following described property in accordance with the sewer and plumbing codes and ordinances of the City of Katy, Texas. All provisions of the Code or other governing ordinances shall apply whether or not herein specified.

APPLICANT'S NAME _____

BILLING NAME_____

BILLING ADDRESS _____

EMAIL:_____TELEPHONE _____

PROJECT ADDRESS _____

LOT _____ BLOCK _____ SUBDIVISION _____

SEWER TAP SIZE _____ **TAP FEE: $** _____

ROAD BORE (If Applicable): FOOTAGE_____ x RATE_____ = **$** _____

NOTE: REACTIVATION FEE OF $50.00 IF DORMANT FOR 1 YEAR **$** _____

TOTAL APPLICATION FEE $ _____

CHECK ONE BELOW:
****COMMERCIAL**_____ **RESIDENTIAL** _____

DOMESTIC USE_____

SEWER SYSTEM CONNECTIONS:

RESIDENTIAL:

Charges for connection to the existing city sewer system inside the city limits shall be paid by the property owner in advance in accordance with the following schedule:

- **4" Service/Sewer Tap Size** **$ 250.00**
- **6" Service/Sewer Tap Size** **$ 750.00**

LARGER SIZES:

NOTE: Larger sizes actual cost (labor, materials and road bore, if applicable), plus 20%. (Ordinance No. 1012 August 27, 1992)

ROAD BORE: (If applicable)

If a road bore is required, additional charges would apply as follows:

- **4" Sewer; Road Bore..... $ 15.00 per foot**
- **6" Sewer; Road Bore..... $ 20.00 per foot**

(APPROVED BY CITY COUNCIL ON January 25, 1996)

SEWER EXTENSIONS:

Charges for extension of the city sewer system to serve a customer inside the city limits shall be paid in advance by the property owner based on the actual total cost of the extension as established by the City's bidding process and the Texas Local Government Code, Sub-chapter B, Section 252.021. (Ordinance No. 1037, Section I, June 10, 1993).

4" to 6" road bores are normally contracted. The City's boring machine is not accurate enough for a bore of this size if any distance is involved. The contract price will be passed on to the customer.

For the extension of sanitary sewer service to commercial users outside the city limits of Katy, refer to City Ordinance No. 1063.

** COMMERCIAL TAPS:

General Contractor is responsible for having commercial taps made. **Taps must be made by an insured licensed plumber.**

NOTE: Contractors must pay a $250.00 tap/inspection fee for each tap at the time of application. The Permits & Inspections Department must be called at 281-391-4830 for inspection on each installation. Failure to comply will delay issuance of the Certificate of Occupancy.

I HEREBY ACCEPT ALL CONDITIONS MENTIONED ABOVE, AND CERTIFY THAT ALL STATEMENTS HEREIN RECORDED BY ME ARE TRUE. APPLICANT ACKNOWLEDGES THAT SIGNATURES TRANSMITTED ELECTRONICALLY OR BY FACSIMILE TRANSMISSION HAVE THE SAME LEGAL EFFECT AS ORIGINALS. (revised 1-8-15)

APPLICANT'S SIGNATURE **DATE SIGNED**

OFFICE USE ONLY

Signature of Approval **Date**

Work Order No. **Date**

FEES DOUBLE IF WORK IS PERFORMED WITHOUT PERMIT BEING ISSUED

NON -TRANSFERABLE
NO REFUNDS
EXPIRES IN 180 DAYS

Permits and Inspections Department
Email: permits.inspections@cityofkaty.com

APPLICATION FOR CURB CUTTING PERMIT

PROJECT ADDRESS:_____

LOT:_____ **BLOCK:**_____ **SUBDIVISION:**_____

The undersigned hereby applies for a permit to remove City curb and place ramp on City property at the above address _____ feet. A PLOT PLAN IS REQUIRED. All construction of concrete driveways, ramps, drainage outlets and curb replacements located within City property or street easement shall be done in accordance with standard specifications of the City and shall meet the approval of the Public Works Department, Street Supervisor and/or Building Inspector.

UPON JOB COMPLETION, IT IS ALSO REQUIRED THAT THE OWNER/CONTRACTOR CALL THE PERMIT DEPARTMENT FOR FINAL INSPECTION.

I HEREBY ACCEPT ALL CONDITIONS SET ABOVE AND CERTIFY THAT ALL STATEMENTS MADE HEREIN ARE TRUE. APPLICANT ACKNOWLEDGES THAT SIGNATURES TRANSMITTED ELECTRONICALLY OR BY FACSIMILE TRANSMISSION HAVE THE SAME LEGAL EFFECT AS ORIGINALS.

_____ _____

Property Owner **Address**

_____ _____

Contractor **(Phone)** **Address/Email**

_____ _____

Applicant's Signature_____**Date:**_____

Approved by: Inspector_____ **Date:**_____

FEES DOUBLE IF WORK IS PERFORMED WITHOUT PERMIT BEING ISSUED

NON - TRANSFERABLE NO REFUNDS EXPIRES IN 180 DAYS

Revised 10/2016

Permits and Inspections Department
Email: permits.inspections@cityofkaty.com

APPLICATION FOR CULVERT PERMIT

NEW INSTALL_____ REPLACEMENT _____

OCCUPANCY USE: **RESIDENTIAL** _____ **COMMERCIAL** _____

DATE OF APPLICATION: _____

PROJECT ADDRESS: _____
LOT: _____ BLOCK: _____ SUBDIVISION: _____ COUNTY: _____

LEGAL PROPERTY OWNER: _____
Owner'sAddress/City/State/Zip:_____
Owner's Phone #:_____

CONTRACTOR'S NAME:_____
Address/City/State/Zip:_____
Contractor's Phone #:_____ **EMAIL:**_____

DESCRIPTION OF PROJECT:_____
TILE SIZE: 18"_____ 24"_____ OTHER (Specify) _____

Two Inspections Required:

1) Site Inspection: Prior to the start of construction.
2) Final Inspection: Tile must be in place, but not covered.

REINSPECTION FEES: (If required)
Reinspection fee is $15.00 for the first reinspection, and the fee increases in increments of $15.00 for each subsequent reinspection. (Ordinance 2240 adopted 11/10/03)

I HEREBY ACCEPT ALL CONDITIONS SET ABOVE AND CERTIFY THAT ALL STATEMENTS MADE HEREIN ARE TRUE. APPLICANT ACKNOWLEDGES THAT SIGNATURES TRANSMITTED ELECTRONICALLY OR BY FACSIMILE TRANSMISSION HAVE THE SAME LEGAL EFFECT AS ORIGINALS.

_____
APPLICANT ORIGINAL SIGNATURE **PRINTED NAME** **DATE**

Approved By: Inspector _____ **Date:**_____

After acquiring your Culvert permit:

1. *How to Begin*

   A. *Place surveyor stakes (4 feet high) at each end of where you are requesting the placement of the culvert.*

   B. *The Public Works Director or his designee will inspect the requested location. If acceptable, a flow line grade stake will be placed and the size culvert will be established, along with any other condition that may need consideration.*

   C. *You may come by the Public Works office, 910 Ave C, to obtain this written information.*

2. *Call the Permit office 281.391.4830 for inspection before any asphalt or concrete is poured.*

   Note: Please call by 2pm for next day inspection.

3. *Final cover may be of most types of aggregates. Final drive surface shall comply with off street paving requirements.*

4. *Minimum diameter-----Twenty-four (24") inches; eighteen (18") inches for pipe serving one (1) inlet.*

5. *Minimum slope----Storm sewers: 0.1%. Culverts shorter than one hundred (100') feet: 0.1 foot.*

6. *Material----*

   a. *Class III reinforced concrete pipe.*

   b. *High Density Polyethylene (HDPE) Corrugated Smooth Lined thermoplastic pipe may be used when approved by the city engineer.*

   c. *Texas Highway Department standard box culverts and headwalls.*

7. *Joints----*

   a. *Class III Reinforced Concrete pipe – Bell and spigot joints with "O" ring type gaskets.*

   b. *High Density Polyethylene Pipe – Bell and spigot joints with "O" ring type gaskets.*

   c. *Box Culverts – "Ram-Nek" type asphaltic sealer or approved equal with joints to meet Texas Department of Highways specification.*

8. *Bedding----All storm sewer is to be bedded with one and one half (1 ½) sack per cubic yard of cement stabilized sand, compacted to twelve (12") inches thickness, minimum.*

9. *Backfill----All storm sewer piping shall be backfilled to a minimum of twelve (12") inches over the top of the pipe with one and one half (1 ½) sack per cubic yard cement stabilized sand, compacted by mechanical means. When using HDPE pipe, caution shall be taken to insure proper bedding and backfill to meet the manufacturer's recommendations to provide the structural support necessary.*

Revised 10/2016

FEES DOUBLE IF WORK IS PERFORMED WITHOUT PERMIT BEING ISSUED

NON -TRANSFERABLE
NO REFUNDS
EXPIRES IN 180 DAYS

Permits and Inspections Department
Email: permits.inspections@cityofkaty.com

APPLICATION FOR DUMPSTER PERMIT

DATE OF APPLICATION: _____

PROJECT ADDRESS: _____

LEGAL PROPERTY OWNER: _____

Owner's Address/City/State/Zip: _____

Owner's Home Phone_____ Business #_____

CONTRACTOR NAME: _____

Address/City/State/Zip: _____

Contractor's Phone #:_____ **Email:**_____

NUMBER OF RECEPTACLES:_____

NAME OF COLLECTION COMPANY: _____

****

SCREENED AREA AND PAD
PERMIT FEE $ 25.00

****

I HEREBY ACCEPT ALL CONDITIONS SET ABOVE AND CERTIFY THAT ALL STATEMENTS MADE HEREIN ARE TRUE. APPLICANT ACKNOWLEDGES THAT SIGNATURES TRANSMITTED ELECTRONICALLY OR BY FACSIMILE TRANSMISSION HAVE THE SAME LEGAL EFFECT AS ORIGINALS. (revised 1-8-15)

APPLICANT ORIGINAL SIGNATURE _____Printed Name _____Date_____

APPROVED BY: INSPECTOR_____ DATE APPROVED:_____

Revised 10/2016

Sec. 13.02.008 Screening, pad, access and sanitation requirements for commercial operations

(a) Supervision of receptacles and surrounding area. The owner of a commercial operation and/or the owner of the property on which a commercial operation is located shall maintain constant supervision and surveillance over the garbage, trash and refuse receptacles servicing the commercial operation and the area surrounding the receptacles and shall sanitize the receptacles at least weekly and not allow any garbage, trash or refuse to collect outside the receptacles. (1999 Code, sec.11.408)

(b) Pad; screening and gates; setback; access.

(1) The owner of a commercial operation and/or the owner of the property on which a commercial operation is already located on the effective date of this section shall provide a level all-weather surface or pad on which all garbage, trash and refuse receptacles servicing the commercial operation shall be placed. A level pad and screening from public view shall always be required. The term "pad" as used herein shall mean an all-weather surface designed to withstand ten thousand (10,000) pound single wheel loads. The pad and access shall be of sufficient size to allow placement of a receptacle or receptacles, construction of screening, and allow access from the owner's or operator's driveway or parking lot to a private hauler. A fence no less than 6 feet tall but at least 12 inches taller than the tallest dumpster inside, through which no light may pass, shall surround such area. Such fence shall be sight-obscuring with a gate with a latch, to secure the doors when closed, and to allow the placement of garbage, trash and refuse in said receptacles as well as access for a private hauler. Such gates shall be closed and latched at all times except when opened to provide access to the receptacles. Gates may be left opened during regular business hours on each regularly scheduled collection day.

(2) If the location is such that access must be directly from a public right-of-way or roadway, the receptacle must be placed in a location no closer than fifteen feet (15') to the curb of a paved curb and gutter street. The owner and operator must provide a curb cut with lay-down driveway access to the pad. If the location is such that access must be directly from a public right-of-way or roadway, the receptacle must be placed in a location no closer than twenty feet (20') to the edge of the paved traveled portion of a street which is not a curb and gutter street. It shall be unlawful for any truck or other vehicle to cross over a curb for purposes of picking up garbage, trash or refuse. The driver or operator of any vehicle found guilty of violating this provision shall be subject to the fines set out in subsection (i) of this section.

(c) Establishments using city collection service. If the commercial operation is not using a private garbage collector and is relying on the city for garbage collection, such pad and fenced area shall be located as above set out in subsection (b)(1) and shall provide easy access for removal of the receptacles to the curbside for municipal pickup. No receptacles shall be allowed at the curbside before 6:00 a.m. on the day of pickup or later than 8:00 p.m. on the day of pickup. It shall be an offense for any owner or operator of a commercial operation or the owner of any property on which a commercial operation is located to place or allow to be placed garbage, trash or any garbage or trash receptacle at the curb for pickup on any day except on regularly scheduled or specially scheduled pickup days within the hours specified herein.

(1999 Code, sec. 11.408; Ordinance adopting Code)

(d) Food service establishments. No portion of this section shall relieve the owner or operator of a restaurant or other food service business of the requirement found elsewhere in the city code that all garbage, trash and refuse shall be collected by a private garbage collector.

(e) Compliance. The owner of a commercial operation and/or the owner of the property on which a commercial operation is located at the time of the passage of this section shall bring such property in total compliance with this screening requirement within four (4) months of the effective date of this section. For purposes of this section, the effective date of this section shall be July 5, 1999. All new commercial construction shall be required to include drawings showing screening compliance prior to the issuance of a building permit. Fees for permits for new construction will be charged in accordance with the city permit fee schedule. No fee shall be charged for permits issued to owners and/or operators of a commercial operation in existence on the effective date of this section provided application for the permit is made within the time allotted for compliance.

(f) Variances. Any owner of a commercial operation and/or the owner of the property on which a commercial operation is located whose property, because of unusual conditions on the property which prevent strict

Revised 10/2016

compliance with this section, may seek a variance from this section by presenting to the building and standards commission an alternate plan which accomplishes the purpose of this section, mainly the maintenance of a clean and sanitary storage area, screening from public view and proper access and setback from public roads and rights-of-way.

(g) Applicability. The term "commercial operation" shall mean a building or use of property which is not a single-family residence or a multiple-family dwelling containing no more than two dwelling units. Commercial operation includes but is not limited to all governmental buildings and property, private businesses, apartment buildings, condominiums, motels and hotels, shopping centers, townhouse developments, private and public schools, and mobile home parks on a tract of land divided into rental spaces under common ownership or management for the purpose of locating two or more HUD-code manufactured homes. Recycling bins for collection of waste paper, owned or operated by a public school district or other governmental entity shall not be included in the definition of "commercial operation"; however, such recycling bins shall be maintained on a concrete pad as described in subsection (b) hereof.

(h) Receptacles stored inside closed building. The screening requirements and requirements for construction of a concrete pad shall not apply to those commercial operations storing all trash receptacles inside a closed building except when placed curbside on collection day. In such cases, no receptacle shall be placed curbside before 6:00 a.m. on the day of collection and must be removed by 8:00 p.m. on the day of collection. No receptacles shall be placed or allowed to remain at curbside except on the collection day or days between the hours herein specified.

(i) Penalty. The city council has adopted this section requiring screening of garbage receptacles and related matters in order to protect health, life, and property and to preserve the good government, order and security of the city and its residents. Any owner in violation of the provisions of this section shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined in accordance with the general penalty provision found in section 1.01.009 of this code. The establishment of a fine for the enforcement of this section is provided in the Local Government Code section 54.001.

(1999 Code, sec. 11.408)

Revised 10/2016

Sec. 1.01.009 General penalty for violations of code; continuing violations

(a) Whenever in this code or in any ordinance of the city, an act is prohibited or is made or declared to be unlawful or an offense or a misdemeanor, or wherever in such code or ordinance the doing of an act is required or the failure to do any act is declared to be unlawful, and no specific penalty is provided therefor, the violation of any such provision of this code or any such ordinance shall be punished by a fine not exceeding five hundred dollars ($500.00), except for:

(1) Violations of municipal ordinances that govern fire, safety, zoning, public health and sanitation, including the dumping of refuse, vegetation and litter violations, save and except the matters set out in subsection (2) of this section, shall be punishable by a fine not to exceed two thousand dollars ($2,000.00).

(2) Violations of municipal ordinances and codes that control the construction, modification, repair and replacement of residential and commercial buildings, in particular the codes and appendixes and local amendments identified inarticle 3.02 and article 5.04 of the City of Katy Code of Ordinances, are punishable by a fine not less than five hundred dollars ($500.00) nor more than two thousand dollars ($2,000.00).

(3) Violations of traffic laws and ordinances which are punishable as a Class C misdemeanor shall be punished by a fine not to exceed two hundred dollars ($200.00).

However, no penalty shall be greater or less than the penalty provided for the same or similar offense under the laws of the state.

(b) Each day any violation of this code or of any ordinance shall continue shall constitute a separate offense. Any violation of any provisions of this Code of Ordinances which constitutes an immediate danger to the health, safety, and welfare of the public may be enjoined in a suit brought by the city for such purposes.

(Ordinance 2634 adopted 4/28/14)

State law references—Penalties for violations, V.T.C.A., Local Government Code, sec. 54.001; penalty for class C misdemeanor, V.T.C.A., Penal Code, sec. 12.23; requirement of culpability, V.T.C.A., Penal Code, sec. 6.02

CITY OF KATY

P.O. BOX 617
KATY, TX 77492
281-391-4830

REQUEST FOR TEMPORARY UTILITES

DATE_____ PROJECT #:_____

PROJECT ADDRESS:_____

We, the general contractor and electrical contractor, request the use of the temporary utilities for construction and the testing of equipment. We understand that the issuance of a permit for temporary utilities in no way grants permission to occupy or use any building, or portion thereof, unless all inspections for the building have been approved and a Certificate of Occupancy has been issued. We further understand that the temporary utilities may be disconnected for any violation of the Building Code. The general contractor and owner assume the responsibility for any violation of any city ordinance by a sub-contractor.

The temporary electrical permit will be in force for three (3) months (90 days). If more time is required to complete the building, a new application and fee shall be submitted by the electrical contractor.

If the Certificate of Occupancy has not been issued within 90 days of the Temporary Cut In, electrical service will be disconnected.

The undersigned hereby agrees to indemnify and hold forever harmless the City of Katy, its officers and employees from any and all claims or causes of action alleged to have been caused directly or indirectly by the temporary use of utilities for which this application is made.

NOTE

A FINE OF UP TO $200 PER DAY MAY BE ASSESSED IF A STRUCTURE IS OCCUPIED PRIOR TO THE ISSUANCE OF A CERTIFICATE OF OCCUPANCY BY THE CITY OF KATY.

GENERAL CONTRACTOR	MASTER ELECTRICIAN
_____	_____
Signature	Signature
_____	_____
Print Name	Print Name
_____	_____
Date	Date

CITY OF KATY'S

Floodplain Development Permit Application

SECTION 1: General Provisions (APPLICANT to read and sign):

1. No work of any kind may start until a permit is issued.
2. The permit may be revoked if any false statements are made herein.
3. If revoked, all work must cease until permit is re-issued.
4. Development shall not be used or occupied until a Certificate of Occupancy is issued.
5. The permit will expire if no work is commenced within six months of issuance.
6. Applicant is hereby informed that other permits may be required to fulfill local, state and federal regulatory requirements.
7. Applicant hereby gives consent to the Local Administrator or his/her representative to make reasonable inspections required to verify compliance.
8. THE APPLICANT, CERTIFY THAT ALL STATEMENTS HEREIN AND IN ATTACHMENTS TO THIS APPLICATION ARE, TO THE BEST OF MY KNOWLEDGE, TRUE AND ACCURATE.

(APPLICANT'S SIGNATURE)_____ DATE _____

SECTION 2: Proposed Development (To be completed by APPLICANT):

NAME	ADDRESS	TELEPHONE
APPLICANT		
BUILDER		
ENGINEER		

PROJECT LOCATION

To avoid delay in processing the application, please provide enough information to easily identify the project location. Provide the street address, lot number or legal description (attach) and, outside urban areas, the distance to the nearest intersecting road or well-known landmark. A sketch attached to this application showing the project location would be helpful.

Floodplain Development Permit Application
(CONTINUED)

DESCRIPTION OF WORK (Check all applicable boxes):

A. STRUCTURAL DEVELOPMENT

ACTIVITY

___ New Structure
___ Addition
___ Alteration
___ Relocation
___ Demolition
___ Replacement

STRUCTURE TYPE

___ Residential (1-4 Family)
___ Residential (More than 4 Family)
___ Non-residential (Flood proofing? Yes)
___ Combined Use (Residential & Commercial)
___ Manufactured (Mobile) Home (In Manufactured Home Park? Yes)

ESTIMATED COST OF PROJECT $_____

OTHER DEVELOPMENT ACTIVITIES

___Clearing ___Fill ___Mining ___Drilling ___Grading
___ Excavation (Except for Structural Development Checked Above)
___ Watercourse Alteration (Including Dredging and Channel Modifications)
___ Drainage Improvements (Including Culvert Work)
___ Road, Street or Bridge Construction
___ Subdivision (New or Expansion)
___ Individual Water or Sewer System
___ Other (Please specify)_____

After completing SECTION 2, APPLICANT should submit form to the Local Administrator for review.

SECTION 3: Floodplain Determination (To be completed by THE ADMINISTRATOR):

The proposed development is located on FIRM Panel No._____. Dated _____

The Proposed Development:

___ Is NOT located in a Special Flood Hazard Area (Notify the applicant that the application review is complete and NO FLOODPLAIN DEVELOPMENT PERMIT IS REQUIRED).

___ Is partially located in the SFHA, but building/development is not.

___ Is located in a Special Flood Hazard Area
FIRM zone designation is _____.
"100-Year" flood elevation at the site is: _____ ft. NGVD (MSL)
Unavailable

___ is located in the floodway.

FBFM Panel No. _____. Dated _____
(If different from the FIRM panel and date)

___ See Section 4 for additional instructions.

Floodplain Administrator_____ DATE_____

Floodplain Development Permit Application
(CONTINUED)

SECTION 4: Additional Information Required (To be completed by Local Administrator):
The applicant must submit the documents checked below before the application can be processed:

____ A site plan showing the location of all existing structures, water bodies, adjacent roads, lot dimensions and proposed development.

____ Development plans, drawn to scale, and specifications, including where applicable: details for anchoring structures, proposed elevation of lowest floor (including basement), types of water-resistant materials used below the first floor, details of flood proofing of utilities located below the first floor, and details of enclosures below the first floor.

Also,_____

____ Subdivision or other development plans. (If the subdivision or other development exceeds 50 lots or 5 acres, whichever is the lesser, the applicant MUST provide "100-year" flood elevations if they are not otherwise available).

____ Plans showing the extent of watercourse relocation and/or landform alterations.

____ Change in water elevation (in feet) _____ Meets ordinance limits on elevation increases
_____YES _____NO

____ Top of new compacted fill elevation _____ ft. NGVD (MSL).

____ Flood proofing protection level (non-residential only) _____ ft. NGVD (MSL). For flood proofed structures, applicant must attach certification from registered engineer or architect.

____ Certification from a registered engineer that the proposed activity in a regulatory floodway will not result in any increase in the height of the "100-year" flood. A copy of all data and hydraulic/hydrologic calculations supporting this finding must also be submitted.

Other_____
_____
_____

SECTION 5: PERMIT DETERMINATION (To be completed by LOCAL ADMINISTRATOR):

I have determined that the proposed activity: A._____IS B._____IS NOT

In conformance with provisions of Local Law #_____, 19_____. The permit is issued subject to the conditions attached to and made part of this permit.

SIGNED_____DATE_____

If Box A is checked, the Local Administrator may issue a Development Permit upon payment of designated fee.
If Box B is checked, the Local Administrator will provide a written summary of deficiencies. Applicant may revise and resubmit an application to the Local Administrator or may request a hearing from Board of Appeals.

Floodplain Development Permit Application
(CONTINUED)

APPEALS: Appealed to Board of Appeals? YES NO
Hearing date:_____
Appeals Board Decision – Approved? YES NO

Reasons/Conditions:_____

_____

_____

Section 6: AS-BUILT ELEVATIONS (To be submitted by APPLICANT before Certification of Compliance is issued):

The following information must be provided for structures that are part of this application. This section must be completed by a registered professional engineer or a licensed land surveyor (or attach a certification to this application). Complete 1 and 2 below.

1. Actual (As-Built) Elevation of the top of the lowest floor, including basement (in Coastal High Hazard Areas, bottom of lowest horizontal structural member of the lowest floor, excluding piling(s) and columns) is:_____ft. NGVD (MSL).

2. Actual (As-Built) Elevation of flood proofing protection is _____ft. NGVD (MSL).

SECTION 7: COMPLIANCE ACTION (To be completed by LOCAL ADMINISTRATOR):

The LOCAL ADMINISTRATOR will complete this section as applicable based on inspection of the project to ensure compliance with the community's local law for flood damage prevention.

INSPECTIONS					
	DATE:_____	BY _____	DEFICIENCIES?	YES	NO
	DATE:_____	BY _____	DEFICIENCIES?	YES	NO
	DATE:_____	BY _____	DEFICIENCIES?	YES	NO

SECTION 8: CERTIFICATE OF COMPLIANCE (To be completed by LOCAL ADMINISTRATOR):

Certificate of Compliance issued: DATE_____ BY_____

(281) 391-4830
(281) 391-4834

PERMITS & INSPECTIONS DEPARTMENT

Incorporated in 1945

City of Katy
P.O. Box 617
901 Avenue C
Katy, TX 77492

Date:_____

Project Address:_____

I _____ choose to,

☐ Have the foundation design Engineer inspect and approve any and all building structural foundations [piers, footings, grade beams and finished floor foundation]. Lab results, concrete slump test results and third party inspection results [if applicable] must be submitted with the approval document. The signed and stamped document from the foundation design Engineer, stating that the piers, footings, grade beams and the finished floor foundation was constructed per the city approved plans.

☐ Have the City of Katy Inspector inspect the pier holes and foundation.

By selecting the option to have the foundation design Engineer inspect and approve any and all structural foundations [piers, footings, grade beams and the finished floor foundation], **I understand that the post approval document must be submitted to the City of Katy Permits Department and approved within 10 working days from the day the piers and/or the foundation was poured.**

FAILURE TO COMPLY WILL RESULT IN A STOP WORK ORDER BEING PLACED ON THE ENTIRE PROJECT UNTIL SUCH APPROVAL DOCUMENT HAS BEEN SUBMITTED AND APPROVED.

I UNDERSTAND THAT A FOUNDATION FORM SURVEY MUST BE SUBMITTED AND APPROVED BEFORE THE FOUNDATION [FINISHED FLOOR] IS POURED.

TITLE:_____

SIGNATURE:_____

COMPANY NAME:_____

COMPANY ADDRESS:_____

_____

www.cityofkaty.com

Application for Bulk Water/Fire Hydrant Meters

WATER IS NOT ALLOWED TO BE TAKEN OUTSIDE OF THE CITY LIMITS OF KATY

For companies needing bulk water for work done inside the city limits of Katy, **this application must be submitted with $925 cash or check to the Utility Billing Department.**

$275 – Water usage deposit (deposit will be applied to final water bill and remainder refunded to customer)
$600 – Meter damage deposit (full amount will be refunded if meter is not damaged)
$50 – Non-refundable processing fee

A driver's license or photo ID **must** be presented at time of application. Service will not begin until the deposit and ID have been received. Upon posting the above deposits, the City will place a fire hydrant meter for your use. The base rate is $130 for 66,000 gallons of water. When work is complete, please call the Utility Billing Department at 281.391.4801 to have the meter picked up. Upon finalizing the water billing account, the $275 deposit will be applied to the final bill and the remaining amount of deposits will be refunded to the address listed below.

Date *(Fecha)* : _____

Hydrant Service Address: _____
(Direccion de Servicio)

Project Name: _____
(Direccion de Projecto)

Responsible Party: _____
(Partido Responsible)

Billing Address: _____
(Direccion de Envio)

Cell Phone: _____ Work Phone: _____
(Telefono)

Driver's Lic #/State : _____ Expires: _____
(No. de Licencia de Conducir) *(Expiracion)*

WATER IS NOT ALLOWED TO BE TAKEN OUTSIDE OF THE CITY LIMITS OF KATY

I hereby certify that the above information is true and correct.

_____
Applicant Signature

Deposit Amount: $ _____ Account # _____

CITY OF KATY
P. O. BOX 617
KATY, TX 77492

BULK WATER

If your company will be doing work **inside** the city limits of Katy and you desire to obtain bulk water, an application for a water billing account must be completed and the following deposits paid:

- $275.00 water usage deposit posted with the City of Katy Utility Billing Department
- $600.00 meter damage deposit plus $50.00 non-refundable processing fee posted with the Utility Billing Department

Upon paying the above deposits, the City will designate a location for the placement of a fire hydrant meter for your use. Upon finalizing the Water Billing account, the remaining amount of deposits will be refunded.

Should you have any questions, please feel free to contact the utility billing office at 281-391-4800.

CONSTRUCTION CODES

Sec. 3.101 Adoption of International, Standard and National Codes

The following codes and appendixes thereto and subsequent amendments and additions are hereby adopted by reference as though they were copied here work for word:

International Building Code – 2012 edition

International Energy Conservation Code – 2012 Edition

International Existing Building Code – 2012 Edition

International Fire Code – 2012 Edition

International Fuel and Gas Code – 2012 Edition

International Mechanical Code – 2012 Edition

International Plumbing code – 2012 Edition

International Property Maintenance Code – 2012 Edition

International Residential Code – 2012 Edition

International Swimming Pool & Spa Code – 2012 Edition

NFPA 101 Life Safety Code – 2012 Edition

National Electrical Code – 2011 Edition

(Ordinance 2587, adopted 9/23/13)

(281) 391-4830
(281) 391-4834

PERMITS & INSPECTIONS DEPARTMENT

Incorporated in 1945

City of Katy
P.O. Box 617
901 Avenue C
Katy, TX 77492

TO: BUILDING CONTRACTORS

RE: SCHEDULING OF FINAL INSPECTIONS

In order to facilitate the scheduling of final inspections, the City of Katy will require 48 hours notice effective immediately.

The general contractor and all subcontractors must call the Permit Department to schedule their finals 48 hours prior to the requested date and time. All finals will be scheduled at the same time as the building final. The City will have **48 hours** to approve all final paperwork. **All final paperwork must be approved <u>before</u> you can schedule a final inspection.** We will accept either the original or an email in PDF format. The required paperwork includes:

1. Final Survey
2. Post Tension Foundation Cable Report (if applicable)
3. Elevation Certificate (if applicable)
4. Final Energy Code Report
5. Sales Tax Certificate listing the address of the business in the City of Katy (if applicable)
6. Final "As-Built" CD for commercial projects

Also note that any outstanding reinspection fees, invoices or water bills for the property must be paid prior to the final inspections being scheduled.

Failure to comply with the above will delay the timely scheduling of finals and issuance of the Certificate of Occupancy.

Thank you for your cooperation.

Roy Frankum

Roy Frankum
Building Official
City of Katy

BUILDING INSPECTIONS REQUIRED FOR THE CITY OF KATY

ALL INSPECTIONS MAY NOT BE INCLUDED

1. **ADDRESS VERIFICATION INSPECTION** – THE PHYSICAL ADDRESS HAS TO BE POSTED AND INSPECTED PRIOR TO RELEASE OF BUILDING PERMIT. LETTERS MUST BE MINIMUM 4" TALL. THE ADDRESS MUST BE VISIBLE FROM THE STREET, AND IT SHALL REMAIN POSTED FOR THE DURATION OF THE CONSTRUCTION PROJECT. AT ANYTIME THE ADDRESS IS REMOVED, INSPECTIONS WILL BE PUT ON HOLD UNTIL ADDRESS IS MADE VISIBLE.
2. **PIER HOLE INSPECTIONS** – CAGES MUST BE SET AND SUSPENDED OFF OF THE BOTTOM AND OFF OF THE SIDES
3. **FOUNDATION INSPECTION** – ***BEFORE A FOUNDATION CAN BE SCHEDULED***, THE PLUMBING IN-GROUND HAS TO BE APPROVED, AND **THE FORM SURVEY AND ELEVATION CERTIFICATE MUST BE SUBMITTED AND APPROVED**. ON COMMERCIAL PROJECTS ONLY – YOU MAY SIGN AN AGREEMENT TO PROVIDE ENGINEER LETTERS FOR THE STRUCTURAL FOUNDATION (INCLUDING PIER HOLES, FOOTINGS, GRADE BEAMS) WITHIN 10 DAYS OF THE INSPECTION.
4. **COVER INSPECTION FOR PORCHES & POSTS BEFORE COVERING**
5. **BRICK TIE/LATHE INSPECTION** – THIS INSPECTION CAN BE CALLED IN BEFORE OR AFTER FRAME INSPECTION. ALSO, IF STRUCTURE IS TWO STORY, THE BRICK TIE OR LATHE INSPECTION CAN BE REQUESTED SEPARATELY FOR EACH STORY. EACH STORY HAS TO BE COMPLETED AT TIME OF INSPECTION REQUEST.
6. **ANCHOR BOLTS – CAN BE CALLED IN BEFORE OR AT TIME OF FRAME INSPECTION**
7. **FRAME INSPECTION** – BEFORE FRAME INSPECTION IS REQUESTED, THE FOLLOWING INSPECTIONS HAVE TO BE APPROVED: PLUMBING TOP OUT, MECHANICAL ROUGH-IN, AND ELECTRICAL ROUGH-IN. FRAMING INSPECTION WILL NOT BE CONDUCTED IF INSULATION IS INSTALLED PRIOR TO FRAME INSPECTION AND APPROVAL. IT WILL BE REQUIRED FOR INSULATION TO BE REMOVED IF INSTALLED PRIOR TO FRAME APPROVAL.
8. **STRUCTURAL STEEL FRAMING** – ALL STRUCTURAL STEEL FRAMING WILL REQUIRE A 3RD PARTY ENGINEER OR CERTIFIED STRUCTURAL STEEL INSPECTOR TO INSPECT FRAMING.
9. **SHEETROCK SCREWS** – FOR ALL MULTI-LAYERED FIRE RATED WALL ASSEMBLIES
10. **FLATWORK INSPECTIONS** – ALL DRIVEWAYS, APPROACHES, WALKWAYS, SIDEWALKS AND PATIOS, OR ANY CONCRETE WORK MUST BE INSPECTED AND APPROVED BEFORE CONCRETE IS POURED
11. **FIRE SPRINKLER SYSTEM**-REQUIRES AN INSPECTION FOR CEILING COVER AND A FINAL INSPECTION
12. **FIRE ALARM** –
13. **BUILDING FINAL** – **BEFORE A BUILDING FINAL CAN BE SCHEDULED**, ALL SUB-CONTRACTORS MUST REQUEST THEIR FINAL INSPECTION, ELECTRICAL SERVICE INSTALLED, GAS METER INSTALLED AND THE FOLLOWING PAPER WORK HAS TO BE SUBMITTED AND APPROVED: POST TENSION REPORT FROM ENGINEER, FINAL ENERGY CODE INSPECTION FROM A CERTIFIED ENERGY CODE INSPECTOR, ORIGINAL FINAL SURVEY AND ELEVATION CERTIFICATE. FOR COMMERCIAL JOBS A FINAL AS-BUILT DISK-PDF AND A COPY OF THE SALES TAX CERTIFICATE MUST ALSO BE SUBMITTED. THE WATER BILL MUST BE CURRENT.

ELECTRICAL INSPECTIONS REQUIRED:

1. **TEMPORARY POLE INSPECTION**
2. **ELECTRICAL UNDERGROUND IN SLAB** – INSPECTION REQUEST ONLY NECESSARY WHEN ELECTRICAL IS BEING PLACED IN FOUNDATION
3. **ELECTRICAL ROUGH-IN / COMMERCIAL – WALL AND CEILING COVERS**
4. **ELECTRICAL UNDERGROUND INSPECTION-** PRIOR TO TCI OR CAN BE INSPECTED AT THE SAME TIME OF TCI – CONDUIT EXPOSED AND CAUTION TAPE, MINIMUM 12 INCHES ABOVE CONDUIT.
5. **TEMPORARY CUT IN (TCI) – RESIDENTIAL** - BEFORE A TCI INSPECTION CAN BE REQUESTED; ALL RECEPTACLES, SWITCHES, AND FIXTURES HAVE TO BE INSTALLED. IF ALL FIXTURES ARE NOT INSTALLED, THE WIRES HAVE TO BE DEAD ENDED AND MADE SAFE, AND A BLANK PLATE INSTALLED OVER BOX **COMMERCIAL-** POWER ONLY IF DISCONNECT CAN BE LOCKED
6. **ELECTRICAL FINAL**

MECHANICAL INSPECTIONS REQUIRED:

1. **MECHANICAL ROUGH IN / CEILING COVER**
2. **MECHANICAL FINAL**

PLUMBING INSPECTIONS REQUIRED:

1. **PLUMBING IN-GROUND** (DWV REQUIRED TO HAVE 10 FOOT HEAD OF WATER) COPPER WATER LINES TO BE SLEEVED WITH POLY TUBING.
2. **WATER SERVICE LINE INSPECTION**
3. **SEWER LINE INSPECTION**
4. **PLUMBING TOP OUT INSPECTION** – DWV TO BE FILLED WITH WATER AND GAS LINE TEST REQUIRED TO BE HOLDING 25 PSI, WATER LINES TO BE UNDER WORKING PRESSURE
5. **SHOWER PANS/LINERS**
6. **GTO (GAS TURN ON) INSPECTION FOR INSTALLATION OF GAS METER** – ALL APPLIANCES WITH VENTS MUST BE INSTALLED, SUCH AS WATER HEATERS & FURNACES. IF WATER HEATER IS IN GARAGE, VENT MUST BE INSTALLED AT TOP OUT
7. **PLUMBING FINAL INSPECTION** – WATER METER BOX WILL ALSO BE INSPECTED; WATER METER BOX HAS TO BE AT GRADE LEVEL AND NOT DAMAGED OR BROKEN. VALVE IS REQUIRED AT WATER METER ON CUSTOMER SIDE OF WATER METER.

IRRIGATION INSPECTION REQUIRED

Revised 10/2016

1. **IRRIGATION FINAL** – CONNECTION TO CITY WATER SUPPLY WILL BE INSPECTED –PRESSURE VACUUM BREAKER MUST BE INSULATED AND SUPPORTED, MUST BE PVB-NOT ANTI-SIPHON OR CHECK VALVE –A VALVE IS REQUIRED WHERE IRRIGATION TEES INTO THE WATER SERVICE. **PVB MUST BE CERTIFIED BY A LICENSED TESTER AND THE ORIGINAL CERTIFICATION TEST REPORT PROVIDED TO THE CITY FOR FINAL INSPECTION**

ADDITIONAL INSPECTIONS MAY APPLY DEPENDING ON THE JOB. PLEASE CONTACT THE CITY IF YOU HAVE ANY QUESTIONS / 281-391-4830

CITY OF KATY

COMMERCIAL SURVEY REQUIREMENTS

ALL FORM AND FINAL SURVEYS MUST INCUDE THE FOLLOWING:

1. BOUNDARY SURVEY:
   A. LOT
   B. BLOCK
   C. SECTION
   D. SUBDIVISION
   E. COUNTY RECORDING INFORMATION
   F. OWNER INFORMATION
2. PROPERTY ADDRESS
3. PLAT:
   A. BUILDING SETBACK LINES FOR FRONT, SIDES AND REAR.
   B. FOOTPRINT OF STRUCTURE(S) WITH DIMENSIONS TO PROPERTY LINES SHOWN FOR ALL BUILDINGS LOCATED ON PROPERTY, I.E., HOUSE, DETACHED GARAGE, GAZEBO, STORAGE/GARDEN SHED, COVERED PATIO, POOL, ETC.
   C. LOCATION OF DRIVEWAYS, PATIOS AND SIDEWALKS
   D. LOCATION OF ALL EASEMENTS, I.E., DRAINAGE, UTILITY, AERIAL ETC.
   E. FLOOR ELEVATIONS:
   ALL NON-RESIDENTIAL NEW CONSTRUCTION OR SUBSTANTIAL IMPROVEMENT OF ANY COMMERCIAL NON RESIDENTIAL BUILDING WHERE THERE IS A CONCRETE SLAB AND THE PROPERTY IS LOCATED IN THE FLOOD PLAIN, FLOOR ELEVATION ON FORM SURVEY, AND FINISHED FLOOR ELEVATION ON FINAL SURVEY MUST BE 12 INCHES ABOVE THE BASE FLOOD PLAIN ELEVATION. FLOOR ELEVATIONS MUST BE NOTED ON FORM AND FINAL SURVEYS.
4. ALL RECORDED EASEMENT REFERENCES
5. FOOTPRINT MUST BE DIMENSIONALLY CORRECT AND MUST SHOW MEASUREMENTS AS WELL AS FORM AND FINISHED FLOOR ELEVATONS.
6. NAME OF SURVEYING COMPANY, SURVEYOR'S SEAL & SIGNATURE

FIRM (FLOOD INSURANCE RATE MAP) INFORMATION:

7. FORM SURVEY AND FINAL SURVEY MUST REFERENCE THE DETERMINED FLOOD ZONE AND FIRM REFERENCE AS FOLLOWS:

   (1) IF PROPERTY IS LOCATED IN WALLER OR HARRIS COUNTY USE FIRM MAP NUMBER 48473C0375E, PANEL NUMBER 0375 AND MAP DATED 2/18/09 FOR FLOOD PLAIN DETERMINATION
   (2) IF PROPERTY IS LOCATED IN FORT BEND COUNTY USE FIRM MAP NUMBER 48157C0040L, PANEL NUMBER 0040 AND MAP DATED 4/2/14 FOR FLOOD PLAIN DETERMINATION
   (3) ZONE IS TO BE DETERMINED BY SURVEYOR

8. IF PROPERTY DOES NOT LIE WITHIN THE 100- YEAR FLOOD PLAIN, SURVEY MUST SO INDICATE.

ORDINANCE NO. 2462

AN ORDINANCE AMENDING ARTICLE 3.600 OF THE CITY OF KATY CODE OF ORDINANCES BY CHANGING THE LANGUAGE OF SECTION 3.618 (2) TO REQUIRE THE FLOOR ELEVATION ON ALL NON RESIDENTIAL NEW CONSTRUCTION OR SUBSTANTIAL IMPROVEMENT OF ANY COMMERCIAL NON RESIDENTIAL BUILDING WHERE THERE IS A CONCRETE SLAB, TO BE 12 INCHES ABOVE THE BASE FLOODPLAIN ELEVATION.

BE IT ORDAINED BY THE CITY OF KATY, TEXAS, THAT:

I.

Article 3.618 (2) of the City of Katy Code of Ordinances is hereby amended to read as follows:

> (2) Nonresidential Construction - new construction and substantial improvements of any commercial, industrial or other nonresidential structure shall have a survey by a surveyor licensed by the State of Texas, requiring all construction and shall be based on free board and must include a finished floor elevation of 12 inches above the base floodplain elevation. A registered professional engineer or architect shall develop and/or review structural design, specifications and plans for the construction and shall certify that the design and methods of construction are in accordance with accepted standards of practice as outlined in this sub-section. A record of such certification which includes the specific elevation (in relation to mean sea level) to which such structures are flood proofed shall be maintained by the Floodplain Administrator.

II.

The amendment hereby made shall become effective immediately on adoption of this ordinance.

PASSED AND APPROVED on this 11th day of January, 2010.

CITY OF KATY, TEXAS

By: Don Elder Jr.
Don Elder Jr., Mayor

ATTEST:

Melissa A. Bunch
Melissa A. Bunch, City Secretary

APPROVED:

Joe Hegar, City Attorney

Revised 10/2016

City of Katy

CITY OF KATY WATER/SEWER/GARBAGE RATES

Effective 1/1/2016

Single Family Residential

Meter Size	Base Rate	Base Rate GLs	Additional GLs	Rate/1,000 GLs	WHCRWA Chg/1000 GLs(*) (No base amount)	BBWD Chg/1000 GLs(**) (No base amount)
5/8" to 3/4"	7.60	0-3,000			1.23	0.025
			3,001 - 8,000	1.56	1.23	0.025
			8,001 - 12,000	1.63	1.23	0.025
			12,001 - 15,000	1.69	1.23	0.025
			Over 15,001	1.89	1.23	0.025
1"	25.35	0 - 14,000	Over 14,001	1.89	1.23	0.025
1-1/2"	50.70	0 - 27,000	Over 27,001	1.89	1.23	0.025
2"	101.40	0 - 54,000	over 54,001	1.89	1.23	0.025
3"	227.50	0 - 121,000	over 121,001	1.89	1.23	0.025
4"	379.60	0 - 201,000	over 201,001	1.89	1.23	0.025
6" & greater	887.25	0 - 470,000	over 470,001	1.89	1.23	0.025

Multi Family Residential

Meter Size	Base Rate	Base Rate GLs	Additional GLs	Rate/1,000 GLs	WHCRWA Chg/1000 GLs(*) (No base amount)	BBWD Chg/1000 GLs(**) (No base amount)
3/4"	9.36	0 - 3,000	over 3,001	1.89	1.23	0.025
1"	31.20	0 - 14,000	over 14,001	1.89	1.23	0.025
1-12"	62.40	0 - 31,000	over 31,001	1.89	1.23	0.025
2"	124.80	0 - 64,000	over 64,001	1.89	1.23	0.025
3"	280.80	0 - 146,000	over 146,001	1.89	1.23	0.025
4"	468.00	0 - 245,000	over 245,001	1.89	1.23	0.025
6" & greater	1092.00	0 - 575,000	over 575,001	1.89	1.23	0.025

Commercial

Meter Size	Base Rate	Base Rate GLs	Additional GLs	Rate/1,000 GLs	WHCRWA Chg/1000 GLs(*) (No base amount)	BBWD Chg/1000 GLs(**) (No base amount)
3/4"	9.75	0 - 3,000	over 3,001	1.89	1.23	0.025
1"	32.50	0 - 15,000	over 15,001	1.89	1.23	0.025
1-1/2"	65.00	0 - 32,000	over 32,001	1.89	1.23	0.025
2"	130.00	0 - 66,000	over 66,001	1.89	1.23	0.025
3"	292.50	0 - 152,000	over 152,001	1.89	1.23	0.025
4"	487.50	0 - 255,000	over 255,001	1.89	1.23	0.025
6" & greater	1137.50	0 - 599,000	over 599,001	1.89	1.23	0.025

SEWER RATES

GLs Per Month	Single-Family	Multi-Family	Commercial
0 - 3,000	5.98	5.07	5.46
3,001 - 8,000	1.23	1.69	1.82
8,001 - 12,000	1.17	1.69	1.82
12,001 - 15,000	1.11	1.69	1.82
Over 15,001	1.04	1.69	1.82

GARBAGE RATES *

Single Family	Multi-Family	Commercial
$13.76	$13.76/unit	$21.07

* WHCWA rate increase $.12 from $1.11 to $1.23/1000 gallons effective 2/2016 billing

Revised 10/2016

Division 2. Building Code and Residential Code

Sec. 3.02.051 Building code adopted

The International Building Code, 2012 edition, and appendixes thereto, and subsequent amendments and additions, is hereby adopted by reference as though it were copied herein word for word except for the local amendments provided for in section 3.02.053. (Ordinance 2587, sec. I(3.101(A)), adopted 9/23/13)

Sec. 3.02.052 Residential code adopted

The International Residential Code, 2012 edition, and appendixes thereto, and subsequent amendments and additions, is hereby adopted by reference as though it were copied herein word for word except for the local amendments provided for in sections 3.02.053 and 3.02.054. (Ordinance 2587, sec. I(3.101(I)), adopted 9/23/13)

Sec. 3.02.053 Amendments to building code or residential code

The International Building Code or International Residential Code is amended to provide the following:

(1) A survey by a surveyor licensed by the state is required on all residential construction when a concrete slab is involved and shall be based on actual forms and must include a finished floor elevation of 12 inches above the centerline of the front street, or 18 inches above the curb or 12 inches above the base floodplain elevation, whichever is higher. A form survey is not required where there is an existing survey with absolute reference points. This exception shall not apply to projects located within the 100-year floodplain.

(2) Surveys required hereunder shall show all municipal and private easements.

(3) A final "as built" survey shall be submitted prior to receipt of certificate of occupancy and shall show the owner's name. The permit department shall submit notice of the certificate of occupancy to the water department and no service shall be extended to the construction without such notice.

(4) Smoke and/or heat detectors shall be required in all attics in addition to all other required locations. Each unit shall operate on 110 volt electric service, have battery backup and be interconnected in such a way that should any detector sound an alarm, all detectors will sound an alarm.

(5) Any and all mobile homes located within the city or its extraterritorial jurisdiction shall within 6 months after adoption of this article comply with HUD requirements for anchoring and be skirted with a nonflammable material.

(6) In any garage attached to a residence, all walls and ceilings adjacent to the residence shall be covered with 5/8" sheetrock.

(7) Section 105.2 Notes 1.6 of the International Building Code are not adopted.

(Ordinance 2587, sec. IV(3.104(a)), adopted 9/23/13)

Sec. 3.02.054 Amendments to residential code

The International Residential Code is amended to provide the following:

(1) Chapter 4, section R401.1-Application, shall be amended to provide:

(A) All concrete slabs up to 4" thick shall be reinforced with minimum #3 rebar on 16" centers.

(B) All deformed bars (rebar) shall conform to ASTM A-615, A-616, A-617. Bar mats shall conform to ASTM A184. Welded wire fabric shall conform to ASTM A-185 or A-497.

(C) All flat work shall be reinforced with #6 wire mesh or #3 rebar on 18" centers.

Revised 10/2016

(D) All reinforcement shall be elevated as required in ACI 318 and ACI 302.

(E) Wood shingles on new construction are prohibited except when the new construction is an addition to an existing wood shingle roof or is placed on a decorative structure such as a gazebo, by way of example only, which is located more than ten feet (10') from the main structure.

(2) Section R105.2 notes 1, 5 & 10 of the International Residential Code are not adopted.

(Ordinance 2587, sec. IV(3.104(c)), adopted 9/23/13)

(3) PEX piping with a material designation code of 5X06 or greater is allowed for plumbing only. (Ordinance 2620 adopted 3/10/14)

Secs. 3.02.055–3.02.100 Reserved

Division 3. Existing Buildings Code

Sec. 3.02.101 Adopted

The International Existing Buildings Code, 2012 edition, and appendixes thereto, and subsequent amendments and additions, is hereby adopted by reference as though it were copied herein word for word except for the local amendments provided for in section 3.02.102. (Ordinance 2587, sec. I(3.101(C)), adopted 9/23/13)

Sec. 3.02.102 Amendments

The International Existing Building Code is amended to provide the following:

(1) Section 105.2 Note 1 of the International Existing Building Code is not adopted.

(Ordinance 2587, sec. IV(3.104(f)), adopted 9/23/13)

Secs. 3.02.103–3.02.150 Reserved

Division 4. Property Maintenance Code

Sec. 3.02.151 Adopted

The International Property Maintenance Code, 2012 edition, and appendixes thereto, and subsequent amendments and additions, is hereby adopted by reference as though it were copied herein word for word. (Ordinance 2587, sec. I(3.101(H)), adopted 9/23/13)

Secs. 3.02.152–3.02.200 Reserved

Division 5. Plumbing Code*

Sec. 3.02.201 Adopted

The International Plumbing Code, 2012 edition, and appendixes thereto, and subsequent amendments and additions, is hereby adopted by reference as though it were copied herein word for word except for the local amendments provided for in section 3.02.202. (Ordinance 2587, sec. I(3.101(G)), adopted 9/23/13)

Sec. 3.02.202 Amendments

The International Plumbing Code is amended to provide the following:

(1) Natural draft appliances shall have 3 feet minimum vertical height or as much as would be

required for clearance from combustibles and the vertical to horizontal requirements. Revised 10/2016

(2) Water piping under a slab on grade shall be sleeved with a continuous piece of tubing .025 inches thick, terminating a minimum of 6" above the finished floor, per loop.

(3) Drain, waste and vent piping under slab on grade or structure shall be schedule 40 material minimum. Coextruded PVC plastic piping is not allowed.

(4) Building sewers and fittings shall be schedule 40 material and a minimum of 4" in size. Coextruded PVC plastic piping is not allowed.

(5) Roof jacks shall comply with Compliance Report #94151. If lead jacks are used they shall be 4 lbs. minimum lead unless incompatible with roofing system being installed.

(6) Yard sprinkler systems shall be piped with schedule 40 PVC for all pressure lines. All field lines, not under pressure, may be Class 160 PVC piping minimum.

(7) All drain, waste and vent passing through concrete shall be coated with a minimum of 1/8 in. of mastic sealer.

(8) No person shall install, nor shall any landowner or person in control of real property within the city, install a lawn sprinkler or irrigation piping system, as that term is defined or used in the International Plumbing Code, without first applying for and obtaining a permit for its installation. No person, landowner or person in control of real property shall install a faucet or hose bib attached to a lawn sprinkler system or irrigation piping system when such system is attached to a water meter which allows water usage without charge for sanitary sewer service. It shall be unlawful for any person to install, use or maintain a lawn sprinkler or irrigation piping system for any purpose other than the irrigation of vegetation when such system is attached to a separate water meter which allows water usage free of sanitary sewer usage fees.

(Ordinance 2587, sec. IV(3.104(b)), adopted 9/23/13)

(9) PEX piping with a material designation code of 5X06 or greater is allowed for plumbing only. (Ordinance 2620 adopted 3/10/14)

Secs. 3.02.203–3.02.250 Reserved

Division 6. Fuel Gas Code

Sec. 3.02.251 Adopted

The International Fuel Gas Code, 2012 edition, and appendixes thereto, and subsequent amendments and additions, is hereby adopted by reference as though it were copied herein word for word. (Ordinance 2587, sec. I(3.101(E)), adopted 9/23/13)

Secs. 3.02.252–3.02.300 Reserved

Division 7. Electricity*

Part I. In General

Sec. 3.02.301 Definitions

Electric wiring and apparatus. Includes all materials, devices, machinery, appliances, appurtenances, or conductors used in connection with the production of electric lights, heat, or power, or the transmission of electrical signals.

Revised 10/2016

Journeyman electrician, maintenance or apprentice electrician. Any person, other than a master electrician, who is engaged in the practical installation, alteration or changing of electric wiring and apparatus.

Maintenance electrician. An electrician regularly employed on a permanent basis, by any reason [person], and who performs work only in the confines of the building or buildings in or on the premises where he/she is regularly employed on a permanent basis, who does electrical maintenance work, or shall be known as maintenance work [sic], shall be known as a maintenance electrician. (Maintenance shall mean the keeping in safe repair of any and all electrical installations, apparatus and equipment on the premises of the place of permanent employment but does not include the installation of new and additional electrical work, electrical equipment, or electrical apparatus.) Such electrician shall be a qualified master electrician.

Master electrician. Any person skilled in the planning, supervision, installation, alteration or changing of electric wiring and apparatus, and familiar with the rules, laws and regulations governing the same.

Temporary cut-in (TCI). Temporary electrical service up to ninety days; at the expiration of the 90-day time period, service will become permanent unless electrical service is terminated by the chief electrical inspector or his/her designate in writing to Houston Lighting and Power.

(1999 Code, sec. 3.406; Ordinance adopting Code)

Sec. 3.02.302 General wiring installation standards

(a) Wires to be strong and properly supported. Every corporation, partnership, association, or individual owning or operating a line of wires over streets, alleys, or buildings in this city shall use only wires that are suitable and strong, shall suitably and safely attach them to strong and sufficient supports and insulate them at all points of attachment and shall remove all wires when abandoned for use.

(b) Wires not to interfere with fire department. No wire or wires shall be installed, operated or maintained over any street, alley, sidewalk, or building in this city which shall be liable to seriously interfere with the work of the fire department in the use of ladders or other apparatus, or which shall obstruct or render hazardous the use of fire escapes, and on complaint of the fire chief said obstructing, interfering or hazardous wires shall be removed or properly rearranged.

(c) Signal wires. Wherever possible and expedient, signal wires shall not be carried on the same pole with or in dangerous proximity to high potential electric light or power wires, and where a joint occupancy pole line composed of these two (2) classes of system is necessary, or where the routes traversed by these systems cross each other, the high potential electric light or power wires shall be placed and maintained not less than forty inches (40") above every signal wire, and where it is impossible to provide for such a separation it shall be the duty of the electrical inspector to arrange and enforce an equitable and safe alternative plan.

(1999 Code, sec. 3.403)

Secs. 3.02.303–3.02.330 Reserved

Part II. Electrical Code

Sec. 3.02.331 Adopted

(a) There is hereby adopted by the city for the purpose of establishing rules and regulations for the construction, alteration, removal and maintenance of electric wiring and apparatus, including permits and penalties, that certain electric code known as the National Electrical Code of the National Fire Protection Association, being particularly the 2011 edition of the National Electrical Code except such portions as are hereinafter deleted, modified or amended, of which not less than one (1) copy has been and now is filed in the office of the city secretary and the same is hereby adopted and incorporated as fully as if set out at length herein, and from the date on which this section shall take effect, the provisions thereof shall be controlling in the construction, alteration, maintenance or removal of all electric wiring and apparatus within the corporate limits of the city. (Ordinance 2587, sec. I(3.401), adopted 9/23/13)

(b) The National Electrical Code, 2011 edition, and appendixes thereto, and subsequent amendments and additions, is hereby adopted by reference as though it were copied herein word for word except for the local amendments provided for in section 3.02.332. (Ordinance 2587, sec. I(3.101(L)), adopted 9/23/13)

Sec. 3.02.332 Amendments

When any of the following provisions of this division conflict with any provision contained in the National Electrical Code referenced above, the provisions of this division shall be controlling.

(1) General standards for materials, fixtures and equipment. No electrical materials, apparatus, devices, appliances, fixtures, or equipment shall be sold or installed in the city unless they are in conformity with the provisions of this division, the statutes of the state and the rules and regulations issued by the Industrial Commission of the State of Texas under authority of the state statutes. The maker's name, trademark, or other identification symbol shall be placed on all electrical materials, apparatus, devices, appliances, fixtures and equipment used or installed under this division.

(2) Wiring or wiring systems allowable. In general, any type of wiring or wiring system may be used in the city as approved in the National Codes adopted in this division, except where specifically prohibited herein.

(1999 Code, sec. 3.402)

(3) Reserved. (Ordinance 2723 adopted 10/26/15)

(4) Placement of meters. The electric public service company shall never require the placing of meters on the front or street side of a building without the written consent of the owner, and where not practical in the opinion of the chief electrical inspector to place metering devices on the exterior of the building said location shall be at a point or points convenient to the electric public service company's service as determined by the chief electrical inspector.

(5) When separate circuits required. In all dwellings, there shall be a separate circuit for automatic washing machines, disposals, and dishwashers, in addition to the regular kitchen and dining room appliance circuit. Such circuits are to be 12 AWG conductors, copper, 20 ampere automatic protective elements.

(6) Service conduit requirements. When a permit is issued for addition or alteration to the electrical system of a residence, apartment, or rooming house wiring, service conduit for any occupancy shall be not less than one inch (1") in size. No fewer than three (3) independent conductors of number 4 AWG copper conductors or larger shall be used to effect a change of service and/or meter loop in any residence, apartment, apartment house, commercial building or other building of whatsoever character now existing or to be constructed within the city.

(7) Electrical appliances to be serviced by separate circuits. All window air conditioning units, whole house fans, electric dryers, electric water heaters and similar electrical appliances and related devices installed within the city shall be serviced by an independent branch circuit rated at a minimum of 30 amps or nameplate rating, whichever is the largest. This provision shall not apply to existing structures with existing branch circuits, provided that the existing circuits meet the latest NEC standards.

(8) Use of NM or AC cable prohibited in city buildings. All buildings and structures, i.e., gazebos, covered picnic areas, restrooms, sports fields, offices, storage facilities, or libraries, that are within the city limits and are owned or operated by the city shall be prohibited from the use of NM cable and AC cable.

(9) Use of NM or AC cable prohibited in commercial buildings and installations. AC cable (BX) or NM cable (Romex) are prohibited from use in or on any commercial buildings or installation.

(1999 Code, sec. 3.402)

(10) Aluminum wiring. Aluminum wiring cannot be used for branch circuits. (Ordinance 2587, sec. I(3.402), adopted 9/23/13)

Secs. 3.02.333–3.02.350 Reserved

Part III. Permits and Inspections

Sec. 3.02.351 Electrical inspector

(a) Position established; appointment and removal; qualifications. The position of chief electrical inspector and deputy electrical inspectors in and for the city is hereby created, and said positions or so many as he deems necessary shall be filled by appointment by the mayor and council. Any person so appointed may be removed at any time, with cause, by the mayor and council. Said electrical inspectors shall be well versed in all the ordinances, rules and requirements of the city governing electrical matters.

(b) Powers and duties.

(1) Enforcement of regulations. It shall be the duty of the chief electrical inspector and the deputy electrical inspector to enforce the provisions of this division or any ordinance or regulations now in force or which may hereafter be adopted concerning electric wiring or apparatus.

(2) Right of entry. The chief electrical inspector and/or any deputy electrical inspector shall have the right during reasonable hours to enter any building, manhole, or subway in the discharge of his official duties and/or for the purpose of inspecting the electrical apparatus or appliances therein contained, and for that purpose he shall be given prompt access to all buildings, private or public, and to all manholes and subways, on application to the company, firm, or individual owning or in charge or control of same.

(3) Notification to violators. Where wires or apparatus are found in a dangerous or unsafe condition, or are deemed to be an interference with the work of the fire department, inspectors shall notify the person, firm or company owning, using, or operating them to place them in a safe, secure and non-interfering condition. Any corporation, copartnership, association, or individual or agent thereof failing, neglecting, or refusing within a reasonable time to make the necessary repairs or changes, and have the necessary work completed within a reasonable time after the receipt of said notice, shall be deemed guilty of violation of this division.

(4) Authority of deputy inspectors. Each deputy electrical inspector shall in every case be known to be competent to discharge the duties of the chief electrical inspector, and the rights and privileges conferred upon the chief electrical inspector are hereby conferred upon each deputy electrical inspector when properly appointed.

(5) Concealment of work. The chief electrical inspector and/or any deputy electrical inspector is hereby authorized and directed to remove any flooring, lathing or plaster, sheetmetal or any other material which may conceal any electrical wiring or apparatus contrary to the provisions of this division. On completion of the inspection of any electric wiring or apparatus designed to be concealed and found to be in full compliance with the provisions of this division, it shall be the duty of an electrical inspector to post a notice to that effect at the main disconnecting means, or other conspicuous place, and said notice shall be considered as an express permission to conceal said electric wiring and apparatus, but no concealment shall take place until such notice has been posted by an electrical inspector.

(6) Authority to remove wires or turn off current. The fire marshal or an electrical inspector or a competent person delegated by them or either of them shall have the power to at once cause the removal of all wires, or the turning off of all electric current, where the circuits interfere with the work of the fire department during the progress of a fire. An electrical inspector is hereby authorized and empowered to cause the turning off of electric current from all conductors or apparatus which are deemed by him/her to be in an unsafe condition, or which have not been installed in conformity with the provisions of this division.

(7) Decisions on questions. The chief electrical inspector shall decide all questions not provided for in this division pertaining to the installation, operation, or maintenance of electric wiring and apparatus.

(1999 Code, secs. 3.404, 3.405)

Sec. 3.02.352 Permit required

No alteration or change shall be made in the electric wiring or apparatus nor shall any such electric wiring or apparatus be installed in any building without first securing from an electrical inspector a permit, nor shall any change be made in any wiring or apparatus after inspection without notifying an electrical inspector and securing a new permit. (1999 Code, sec. 3.410)

Sec. 3.02.353 Application for permit; issuance

Before issuing a permit for the installation of any electric wiring or apparatus, or for the alteration of or change in any electric wiring or apparatus, as provided in the preceding section, an application shall be filed with the chief electrical inspector describing such installation, alteration or change to be made, including the apparatus and material to be used. No permit shall be issued until such application shall have been paid [made] to the permit clerk of the city. Permits shall be issued only when the application bears the true signature of the master electrician, except, when the applicant is physically incapacitated or expects to be absent from the county and the application so states under oath, special permission may be granted by the building and standards commission. No deviation shall be made in the details for wiring of apparatus as shown on any application unless a new application is filed and a new permit granted, for which a permit fee shall be charged and collected as though it were a new permit. (1999 Code, sec. 3.411)

Sec. 3.02.354 Certificate of satisfactory inspection

Upon completion of the installation or of any alteration or change of electric wires and apparatus in any building, it shall be the duty of the corporation, copartnership, association or individual doing the same to notify an electrical inspector, who shall inspect the same within a reasonable time, and if in accordance with the ordinances, rules and regulations of the city shall issue a certificate of satisfactory inspection which shall contain the date of inspection and an outline of the results [and no certificate shall be issued] unless all apparatus, wires, etc., connected therewith are in strict conformity with the rules and regulations herein set forth; nor shall current be turned on any wiring apparatus until a certificate of satisfactory inspection is issued. All electrical construction, all material and all apparatus used in connection with electric work and the operation of all electrical apparatus shall be in conformity with this division. (1999 Code, sec. 3.412)

Sec. 3.02.355 Exceptions to permit requirement

No permit shall be required for the installation, maintenance, or alteration of wiring, apparatus, devices, appliances or equipment for telegraph, telephone, signal service or central stations protective service used in conveying signals or intelligence, except where electrical work is done on the primary side of the source of power at a voltage over 50 volts and of more than 500 watts. No permit shall be required for poles and guy anchors for the installation, maintenance, or alteration of electric wiring, apparatus, devices, appliances, or equipment to be installed by an electric public service company for the use of such company in the generation, transmission, distribution, sale or utilization of electrical energy. However, an electric public service company shall not do any wiring on a customer's premises other than wiring which is a part of the company's distribution system, including metering equipment wherever located and transformer vaults in which company's transformers are located, nor shall any of its employees do any work other than that done for said company as hereinbefore provided for by virtue of this exemption. (1999 Code, sec. 3.413)

Sec. 3.02.356 Permit fees

Electrical permit fees shall be collected by the city as provided for in the fee schedule found in appendix A of this code. (1999 Code, sec. 3.414)

Sec. 3.02.357 Interference with inspectors

No corporation, copartnership, association, or individual or agent thereof shall interfere with the chief electrical inspector or any person or persons deputized to assist him/her as hereinbefore provided while in the performance of duty, and each such interference shall be deemed to constitute a separate offense within the intent and meaning of this division. (1999 Code, sec. 3.416)

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Sec. 3.02.358 Concealing work prior to inspection

No corporation, copartnership, association, or individual or agent thereof shall hereafter conceal or cause to be concealed any electric wiring or apparatus mentioned in this division except with the express permission of an electrical inspector. (1999 Code, sec. 3.419)

Sec. 3.02.359 Liability for damages

This division shall not be construed to relieve or loosen the responsibility of any party owning, operating or controlling any electric wiring, apparatus, devices, appliances, fixtures or equipment for damages to person or property caused by any defect therein, nor shall the city be held as assuming by this division any such liability by reason of the inspection authorized herein, or the certificates of approval issued as herein provided, or otherwise. (1999 Code, sec. 3.420)

Secs. 3.02.360–3.02.400 Reserved

Division 8. Mechanical Code*

Sec. 3.02.401 Adopted

The International Mechanical Code, 2012 edition, and appendixes thereto, and subsequent amendments and additions, is hereby adopted by reference as though it were copied herein word for word. (Ordinance 2587, sec. I(3.101(F)), adopted 9/23/13)

Secs. 3.02.402–3.02.450 Reserved

Division 9. Energy Conservation Code*

Sec. 3.02.451 Adopted

(a) The International Energy Conservation Code, 2012 edition, as published by the International Code Council (code) is hereby adopted for the regulation of design, construction, quality of materials, erection, installation, alteration, repair, location, relocation, replacement, addition to, use or maintenance of the building envelope and mechanical, lighting and power systems in the city. No local amendment shall impose any regulation less stringent than published in the code. (Ordinance 2587, sec. I(3.1100), adopted 9/23/13)

(b) The International Energy Conservation Code, 2012 edition, and appendixes thereto, and subsequent amendments and additions, is hereby adopted by reference as though it were copied herein word for word. (Ordinance 2587, sec. I(3.101(B)), adopted 9/23/13)

Secs. 3.02.452–3.02.500 Reserved

Division 10. Swimming Pool and Spa Code

Sec. 3.02.501 Adopted

The International Swimming Pool and Spa Code, 2012 edition and appendixes thereto, and subsequent amendments and additions, is hereby adopted by reference as though it were copied herein word for word. (Ordinance 2587, sec. I(3.101(J)), adopted 9/23/13)

Revised 10/2016

ARTICLE 3.01 GENERAL PROVISIONS

Sec. 3.01.001 Registration of contractors

(a) Definitions.

Contractor. In the aggregate, refers to electrical contractor, fire alarm/sprinkler contractor, general contractor, HVAC contractor, irrigation contractor, plumbing contractor, roofing contractor, sign contractor, subcontractor, and swimming pool contractor as those terms are defined in this section.

Electrical contractor. Any person who installs, alters, or repairs any electrical appliance, wiring, fixtures or conduits used to supply electricity to or within any building, structure or other facility.

Fire alarm/sprinkler contractor. Any person engaged in leasing, selling, maintaining, servicing, repairing, altering, replacing, or relocating fire alarm systems or causing such to be sold, leased, maintained, serviced, repaired, altered, or moved within any building, structure or other facility.

General contractor. Any person engaged in the construction, alteration or repair of buildings or other structures, driveways, sidewalks, or street pavement.

HVAC contractor. Any person engaged in a business related to heating, ventilation, or air conditioning (HVAC), including the installation of heat pumps, refrigeration equipment, air handlers or other equipment or devices used to remove heat from any building, structure or other facility or equipment used to heat any building, structure or other facility.

Irrigation contractor. Any person who installs, repairs or maintains any system designed to spray, soak or sprinkle water on lawns, gardens, shrubbery or other landscape vegetation located on any property or surrounding any building, structure or other facility.

Plumbing contractor. Any person who engages in the activity or business of constructing, installing, altering, or repairing any plumbing or sanitary sewer system in or connected to any building, structure or other facility.

Roofing contractor. Any person who installs, repairs or replaces roofs or roofing material on any building, structure or other facility.

Sign contractor. Any person who erects, constructs, maintains or repairs any structure designed to be used in connection with advertising, promoting or disseminating information generally referred to as a "sign," whether freestanding or attached to a building, structure or other facility, and including any sign which incorporates any electrical or lighted components.

Subcontractor. Any person who is engaged to perform work under the direction of a contractor as that term is herein defined.

Swimming pool contractor. Any person who constructs or replaces or performs any structural repair on any in-ground or above-ground swimming pool, whether made of concrete, gunite, metal, plastic or other material.

(b) Registration required. Any person who engages in business as a contractor in the city shall register with the city prior to performing any work or obtaining a building or other construction or sign permit.

(c) Engaging in business without registering. It shall be unlawful for any person to engage in business in the city as a contractor who has not registered as a contractor.

(d) Information required.

(1) Anyone wishing to register as a contractor shall complete an application in the public works department of the city.

(2) Anyone wishing to register shall provide the following information:

(A) Original of any license/registration required by the state (copy to be made by the public works department at time of application).

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(B) Full name of the contractor applicant.

(C) Physical and mailing address of the applicant.

(D) Applicant's personal and business telephone numbers.

(E) Applicant's original driver's license for copying by the city.

(F) Proof of motor vehicle and comprehensive liability insurance with $300,000.00 minimum, listing the city as certificate holder.

(1999 Code, sec. 3.105)

(e) Annual fee; expiration. The annual fee for contractor registration is in the amount established in appendix A to this code per year or any part thereof. Each application for contractor registration and each renewal application shall be accompanied by an application fee in the amount established in appendix A to this code. Registration, initial or renewal, shall expire on December 31. (1999 Code, sec. 3.105; Ordinance adopting Code)

(f) Compliance with applicable regulations. It shall be the duty of each contractor doing business in the city to comply with all ordinances relating to building and construction in the city or any other ordinance pertaining to the activities of the contractor.

(g) Comprehensive liability and motor vehicle insurance. All contractors shall have in force at the time of registration:

(1) General comprehensive liability insurance in the minimum amount of $300,000.00 showing the city as certificate holder; and

(2) Liability insurance for each motor vehicle used in the contractor's business.

(h) Revocation. Any contractor registration may be revoked by the public works director for failure to comply with the terms of this section or any other ordinance of the city relating to the contractor's business or for repeated violation of the ordinances of the city.

(i) Worker's compensation insurance. Any contractor performing work for the city must, in addition to the other requirements herein, show proof that such contractor has worker's compensation insurance.

(j) Penalty. In addition to any other penalty provision contained herein and in addition to a penalty for any other violation of the ordinances of the city, any person who violates this section shall, upon conviction, be guilty of a misdemeanor and may be fined in accordance with the general penalty provision found in section 1.01.009 of this code for each day such violation continues.

(1999 Code, sec. 3.105)

Revised 10/2016

ARTICLE 5.04 FIRE CODES

Sec. 5.04.001 Fire code

(a) There is hereby adopted by the city, for the purpose of prescribing regulations governing conditions hazardous to life and property from fire or explosion, that certain code known as the International Fire Code, being particularly the 2012 edition thereof, and the whole thereof, save and except such portions as are hereinafter deleted, modified or amended, of which code not less than one (1) copy has been and now is filed in the office of the city secretary, and the same is hereby adopted and incorporated as fully as if set out at length herein, and from the date on which this article shall take effect, the provisions thereof shall be controlling within the limits of the city. (Ordinance 2587, sec. II(5.101), adopted 9/23/13)

(b) The International Fire Code, 2012 edition, and appendixes thereto, and subsequent amendments and additions, is hereby adopted by reference as though it were copied herein word for word except for the local amendments provided for insection 5.04.002. (Ordinance 2587, sec. I(3.101(D)), adopted 9/23/13)

Sec. 5.04.002 Life safety code

The NFPA 101 Life Safety Code, 2012 edition, and appendixes thereto, and subsequent amendments and additions, is hereby adopted by reference as though it were copied herein word for word. (Ordinance 2587, sec. I(3.101(K)), adopted 9/23/13)

Sec. 5.04.003 Amendments to the fire code

The International Fire Code 2012 edition, chapter 3, section 308.3, is amended by adding the following language:

(1) The construction, erection, maintenance or use of a barbecue pit or the burning of any combustible material within 10 feet of any wall of a multifamily residential building, or on or beneath any balcony, porch, roof overhang or a veranda of a multifamily residential building constitutes a fire hazard which endangers life and threatens property.

(A) No person shall construct, erect, install, maintain or use any barbecue pit or burn any combustible material within 10 feet of any wall of a multifamily residential building, or on or beneath a balcony, porch, roof overhang or a veranda of a multifamily residential building.

(B) It is unlawful for any person to construct, erect, install, maintain or use any barbecue pit or burn any combustible material within 10 feet of any wall of a multifamily residential building, or on or beneath a balcony, porch, roof overhang or a veranda of a multifamily residential building.

(C) Electric barbecue pits are excepted from this section provided they have no open flame and are equipped with, and there is present, a noncombustible metal lid, with a handle, fitting over the entire cooking surface.

(D) For purposes of this section:

(i) *Barbecue pit*. Shall mean any kind of device used for cooking food by exposing such food directly to red heat or open flames from heated briquettes, charcoal, natural gas, propane, compressed gas, wood or paper.

(ii) *Multifamily residential building*. Shall mean a building containing more than one residential unit including apartment complexes, duplexes, fourplexes, condominiums or any other structure where more than one family may reside in a residential unit.

(iii) *Burn*. Shall mean to light a fire, which produces heat or light, resulting in the combustion of any material including wood, natural gas, liquid petroleum gas, charcoal, briquettes or paper.

(Ordinance 2587, sec. IV(3.104(e)), adopted 9/23/13)

Sec. 5.04.004 Permit fees

Fire prevention permit fees shall be as provided for in the fee schedule found in appendix A of this code. (1999 Code, sec. 5.102)

Revised 10/2016

ARTICLE 5.05 SMOKE DETECTORS

Division 1. Generally

Sec. 5.05.001 Commercial buildings

Owners of any building constructed after the date of this article and used for commercial purposes or assembly of any kind, who are not otherwise required to install smoke detectors by any other ordinance or statute, shall install a smoke detector in accordance with the following conditions:

(1) If the building contains a heat-producing source, then:

(A) At least one smoke detector shall be placed inside each hallway or passageway within forty (40) feet of the heat-producing source.

(B) In buildings with no hallways or passageways, one smoke detector shall be placed on the ceiling one-half (1/2) the distance from the heat-producing source to the farthest exit.

(2) Such smoke detectors must:

(A) Be designed to detect both the visible and invisible products of combustion;

(B) Be designed to produce a sound audible for at least twenty (20) feet;

(C) Be powered by battery or alternating current;

(D) Be tested and approved for use as a smoke detector by Underwriters' Laboratories Factory Mutual Research Corporation or United States Testing Company, Inc.

(E) Be installed according to the manufacturer's instructions on a ceiling or wall and maintained in good working order.

(3) For purposes of this section, a heat-producing source shall be defined as:

(A) A permanent or temporary device using natural gas, liquid petroleum gas, oil, or any other liquid hydrocarbon to make a flame capable of producing 30,000 or more BTUs.

(B) Any permanent or temporary electrical device with a rated output of 1,250 or more watts.

(C) Any permanent or temporary device using wood or coal to make a flame.

(1999 Code, art. 3.800)

Secs. 5.05.002–5.05.030 Reserved

Division 2. Dwelling Units*

Sec. 5.05.031 Definitions

In this division:

Bedroom. Any room which is designed with the intent that it be used for sleeping purposes.

Corridor. A passage which connects parts of the dwelling unit.

Dwelling unit. A home, mobile home, duplex unit, apartment unit, condominium unit or any dwelling unit in a multi-

unit residential structure. It also shall mean one (1) or more rooms which are subject to a single rental agreement and which are rented to a tenant or tenants for use by persons as a permanent residence.

Landlord. The owner, lessor or sublessor of a dwelling unit. A managing agent or leasing agent, whether residing or officing on-site or off-site, shall be considered the agent of the landlord for purposes of notice and other communications required or allowed under this division. Otherwise, a manager or agent of the landlord shall be considered a landlord under this act only if the manager or agent purports to be the owner, lessor or sublessor in the rental agreement.

Smoke detector. A device which is:

(1) Designed to detect visible or invisible products of combustion;

(2) Designed with an alarm audible to the bedrooms it serves;

(3) Powered by either battery, alternating current, or other power source;

(4) Tested and listed for use as a smoke detector by Underwriters' Laboratories, Inc., Factory Mutual Research Corporation, or United States Testing Company, Inc.; and

(5) In good working order.

Tenant. Any person who is entitled to occupy a dwelling unit to the exclusion of others and who is obligated to pay rent for the dwelling unit under a written or oral rental agreement.

Test of smoke detector. The performance of the act or acts which the manufacturer of a smoke detector recommends for that particular model of smoke detector as a simple test of whether or not the smoke detector is in good working order.

Units constructed after September 1, 1981. Any unit for which a building permit was issued after September 1, 1981, or, if no building permit is issued, any unit which is occupied as a residence for the first time after September 1, 1981.

Units constructed on or before September 1, 1981. Any unit for which a building permit was issued on or before September 1, 1981, or which was occupied as a residence for the first time on or before such date.

(1999 Code, sec. 3.701)

Sec. 5.05.032 Penalty

Any landlord as herein defined violating any provision of this division shall be deemed guilty of a misdemeanor and upon conviction thereof shall be punishable by a fine as provided for in the general penalty provision found in section 1.01.009 of this code. Each separate day or any portion thereof during which any violation of this division occurs or continues shall be deemed to constitute a separate offense, and upon conviction thereof shall be punishable as herein provided. The issuance or granting of a permit or approval of plans and specifications shall not be deemed or construed to be a permit for, or an approval of, any violation of any of the provisions of this division. (1999 Code, sec. 3.708)

Sec. 5.05.033 Exemptions

This division shall not apply to dwelling units which are owner-occupied and not rented or leased to a tenant, in whole or in part, or nursing and convalescent homes licensed by the department of state health services and certified to meet the Life Safety Code under federal law. (1999 Code, sec. 3.706)

Sec. 5.05.034 Waiver of requirements

The landlord's duty of installation of smoke detectors under this division may not be waived. (1999 Code, sec. 3.707)

Sec. 5.05.035 Installation in new dwelling units

Revised 10/2016

(a) For all dwelling units constructed after the adoption of this division, at least one (1) smoke detector shall be installed by the landlord outside of each separate bedroom in the immediate vicinity of the bedroom, except that:

(1) Where the dwelling unit is designed with the intent that a single multi-purpose room be used for dining, living, and sleeping purposes, the smoke detector shall be located inside the room rather than outside:

(2) Where the bedrooms are served by the same corridor, at least one (1) smoke detector shall be installed in the corridor in the immediate vicinity of the bedrooms; and

(3) Where one (1) or more bedrooms are located on a level above the cooking and living area, the smoke detector shall be placed at the center of the ceiling directly above the top of the stairway.

(b) A smoke detector required by this division shall be installed prior to commencement of possession of the dwelling unit by the tenant in accordance with the manufacturer's recommended procedures, subject to the following:

(1) A smoke detector shall be installed on a ceiling or wall;

(2) If installed on a ceiling, the smoke alarm shall be installed no closer than six inches (6") to a wall;

(3) If installed on a wall, the smoke detector shall be installed no closer than six inches (6") to the ceiling and no further than twelve inches (12") from the ceiling;

(4) A smoke detector may be located elsewhere if permitted by ordinance or by a local, city, county, or state fire marshal; and

(5) If a smoke detector is electrically operated rather than battery operated, the power system and installation procedures for the smoke detector shall comply with applicable local ordinances.

(1999 Code, sec. 3.702)

Sec. 5.05.036 Installation in existing dwelling units

(a) For all dwelling units constructed before the adoption of this division, at least one (1) smoke detector shall be installed by the landlord in accordance with section 5.05.035 on or before September 1, 1984. A smoke detector required by this section shall be installed in accordance with the location and installation procedure requirements of section 5.05.035. Installation of smoke detectors prior to September 1, 1984, shall be at the discretion of the landlord or tenant.

(b) Prior to September 1, 1984, a tenant may install a battery-operated smoke detector in a unit covered by subsection (a) of this section without prior consent of the landlord, provided the smoke detector is installed in accordance with the location and installation procedure requirements of section 5.05.035.

(c) At the end of the rental period or the renewal or extension of the rental period, the tenant may remove a smoke detector installed by the tenant, but the tenant shall be liable to the landlord for any unnecessary damages to the dwelling unit in removing the smoke detector.

(1999 Code, sec. 3.703)

Sec. 5.05.037 Testing, inspection and repair

(a) Upon commencement of a tenant's possession of a dwelling unit containing a smoke detector, the landlord shall have a duty to test the smoke detector to verify that it is in good working order. Upon installation of a smoke detector by a landlord after commencement of the tenant's possession of a dwelling unit, the landlord shall have a duty to test the smoke detector at that time to verify that it is in good working order.

(b) During the term of the rental agreement or any renewal or extension thereof, the landlord shall have a duty to inspect and repair a smoke detector only if the tenant has given notice to the landlord of malfunction or made a request to the landlord for inspection or repair. The notice to the landlord need not be in writing unless written notice is required in the written rental agreement. The landlord shall comply with the tenant's request for

inspection and repair within a reasonable time, considering the availability of material, labor, and utilities.

(c) A landlord shall not have a duty to inspect or repair a smoke detector if the damage or malfunction is caused by the tenant or the tenant's family, guests, or invitees during the term of the rental agreement or any renewal or extension period of the rental agreement. Provided, however, a landlord shall have a duty to repair or replace a smoke detector covered by this section if the tenant pays in advance for the reasonable cost of the repair or replacement, including labor, materials, taxes, and overhead.

(d) A landlord shall have satisfied his duty to inspect or repair a damaged or malfunctioning smoke detector if, after a test of the smoke detector, the test indicates that the smoke detector is in good working order.

(1999 Code, sec. 3.704)

Sec. 5.05.038 Replacement of batteries

After commencement of possession by the tenant of a dwelling unit, the landlord shall have no duty to provide replacement batteries for a battery-operated smoke detector which was in good working order according to a test of the smoke detector at the time of commencement of possession by the tenant. (1999 Code, sec. 3.705)

City of Katy Policy Statement Concerning Construction of Pretreatment Systems

Any Person responsible for discharges requiring a Trap Shall at his own expense and as required by the Approving Authority, provide equipment and facilities of a type and capacity approved by the Approving Authority; locate the Trap in a manner that provides ready and easy accessibility for cleaning and inspection and maintain the Trap in effective operating condition. Regardless the size from any source information indicating less than 1000 gallon, a minimum 1000 gallon Interceptor will be required. If the calculated capacity from any source exceeds 2,500 gallons, multiple units in series shall be installed.

The equipment or facilities installed to control oil, grease, food waste, sand, lint, and soil, must be designed in accordance with International Plumbing Code and all applicable City guidelines. Underground equipment shall be tightly sealed to prevent inflow of rainwater and easily accessible to allow regular maintenance.

(A) Grease Interceptors:

All Food Preparation Establishments (FPE's) that engage in activities of preparing, serving, or otherwise making available for consumption foodstuffs and that use one or more of the following preparation activities: cooking by frying (all methods), baking (all methods), grilling, sautéing, rotisserie cooking, broiling (all methods), boiling, blanching, roasting, toasting, or poaching. Also included are infrared heating, searing, barbecuing, and any other food preparation activity that produces a hot, non-drinkable food product in or on a receptacle that requires washing, will be required to install an Approved Grease Interceptor. FPE's that do not engage in these activities and primarily engaged in the preparation of precooked foodstuffs that do not include any form of cooking may not be required to install a Grease Interceptor.

(B) Oil Separators, Combination Sand, Soil and Oil Interceptors:

All car washes, truck washes, garages, service stations and other sources of sand, soil, and oil shall install effective sand, soil, and oil interceptors. These interceptors will be sized to effectively remove sand, soil, and oil at the expected flow rates. These interceptors will be cleaned on a regular basis to prevent impact upon the wastewater collection and treatment system. Owners or operators of washing facilities will prevent the inflow of rainwater into the sanitary sewers.

(C) Lint Interceptors:

All laundries, hair and nail salons, and no matter what type of business, which has a trap shall be equipped with an interceptor with a wire basket or similar device, removable for cleaning, that prevents passage into the sewer system of solids ½ inch or larger in size such as, strings, rags, buttons, or other solids

detrimental to the system. These interceptors will be sized to effectively remove solids at the expected flow rates. These interceptors will be cleaned on a regular basis to prevent impact upon the wastewater collection and treatment system.

Any Person responsible for discharges through a Building Sewer carrying Industrial Wastes Shall, at his own expense and as required by the Approving Authority:

(1) Install an accessible and safely located Control Manhole.

(2) Install meters and other appurtenances to facilitate observation sampling and measurement of the Waste.

(3) Install a prescribed Sample Well to allow Sampling and Testing of the discharge. All sample wells shall conform to the following specifications:

(A) Sample wells must have a minimum diameter of 15 inches.

(B) Sample wells must include all discharges from the process stream.

(C) The sample well design must be equivalent to a PW Eagle WAC-15 or CSC-15, Schier Foglifter, or a Park Equipment Co. SWB-15. Please see the specification sheets included in the guidance document for more information.

(D) Bricks shall not be used to raise the sample well cover to grade.

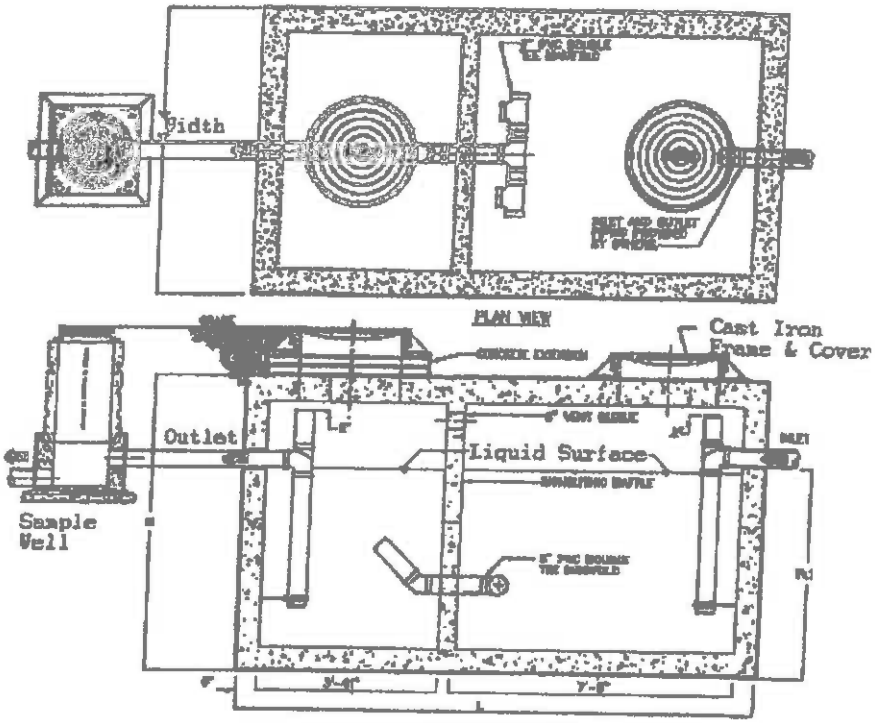
(E) The sample well and its cover shall be of a load bearing capacity in the event the sample well is installed in a location that may accept vehicle traffic. Sample well covers shall meet or exceed American Association of State Highways and Transportation Officials standard M-306 for load bearing.

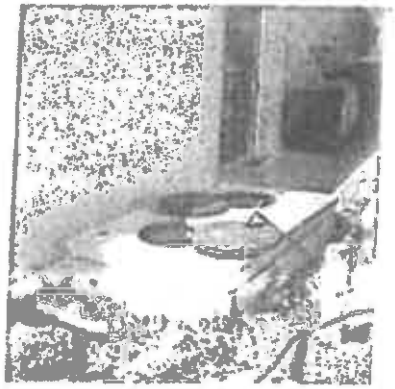
(F) Sample wells shall not be installed in a location that will allow them to become obstructed by vehicles, dumpsters, or any other object at any time.

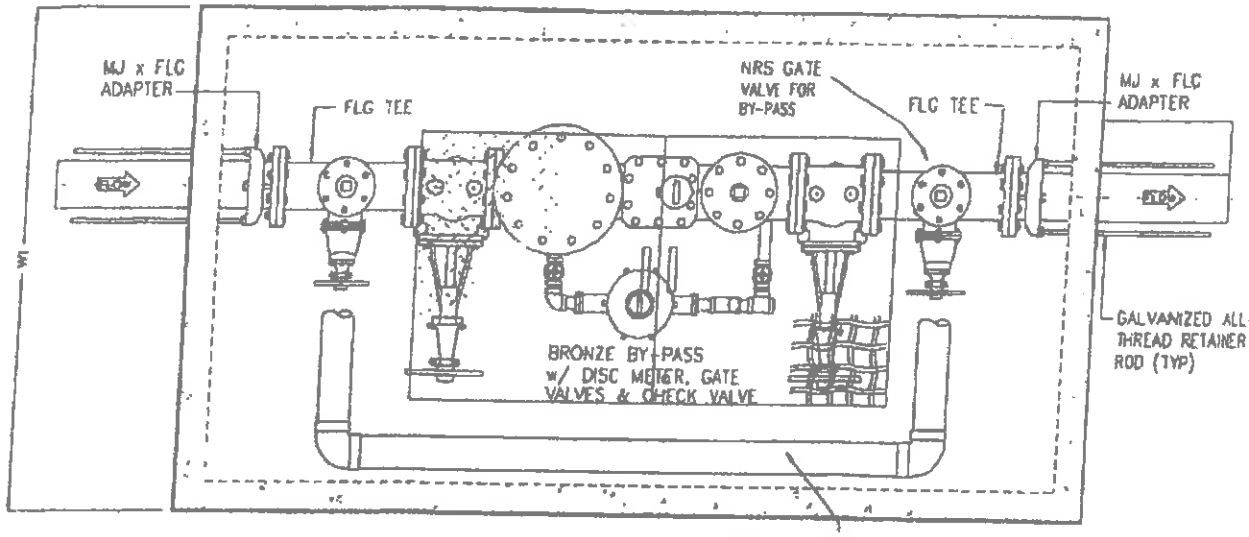
NOTE: Alternative placement of sample wells (in areas where they may become obstructed) due to space constraints may be approved by the Authority on a case by case basis. Users with sample wells that do not meet the above requirements may be required to replace or modify their sample well to meet the above requirements in any one of the following circumstances:

1. Change in ownership of the facility.
2. Change in use of the facility.
3. Violation of any provision of the Industrial Waste & Water Pollution Control Ordinance.
4. When the sample well no longer functions properly.

GUIDANCE DOCUMENT FOR SIZING AND INSTALLATION OF GREASE TRAPS AND INTERCEPTORS



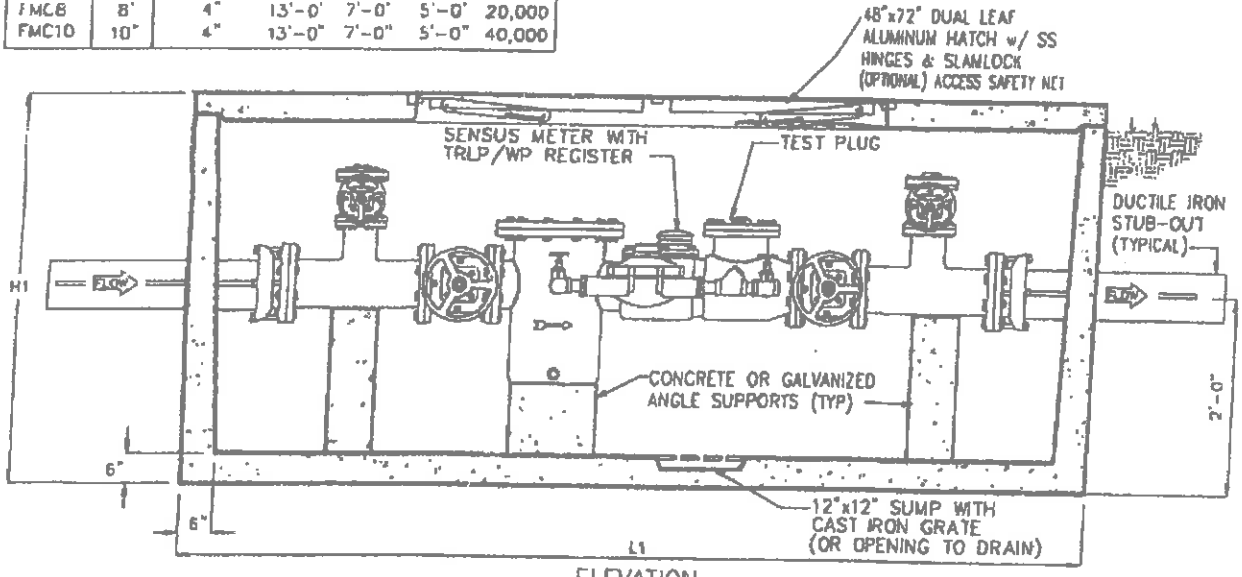




PLAN VIEW

INSTALL PIPING FOR BYPASS, IF CITY OF KATY NEEDS TO BYPASS, PIPING IS ALREADY IN PLACE. PIPING TO BE ON EITHER SIDE, NOT PIPED OVER THE METER, AS THIS WILL RESTRICT ACCESS TO VAULT AND BLOCKAGE TO THE METER.

MODEL	SIZE	BY-PASS SIZE	L1	W1	H1	WEIGHT LBS
FMC4	4"	2"	11'-8"	6'-0"	4'-9"	18,000
FMC6	6"	3"	11'-6"	6'-0"	4'-9"	18,000
FMC8	8"	4"	13'-0"	7'-0"	5'-0"	20,000
FMC10	10"	4"	13'-0"	7'-0"	5'-0"	40,000



ELEVATION

© Park 2002

Specifications

CONCRETE: Class 1 concrete with design strength of 4500 PSI at 28 days. Unit is of monolithic construction at floor and first stage of wall with sectional riser to required depth.

REINFORCEMENT: Grade 60 reinforced. Steel rebar conforming to ASTM A615 on required centers or equal.

[illegible] extruded aluminum frame. Hatch to be furnished with 316 stainless steel snap lock hinges.

Engineering Data

The meter assembly shall be factory assembled in vault & hydrostatically tested prior to delivery. Field excavation & preparation shall be complete prior to delivery. Pipe, valves and fittings of the assembly shall be approved by one or more of the following associations:

AWWA FM

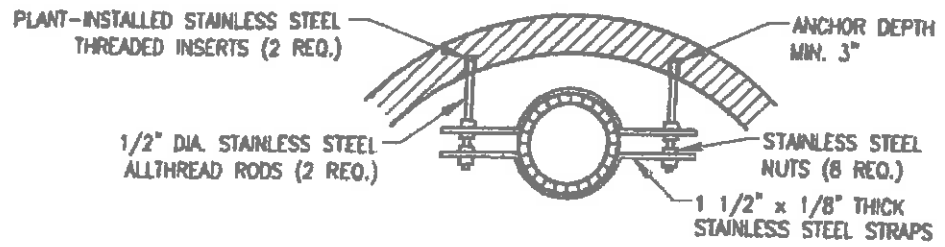
PROJECT :
CUSTOMER :
ARCHITECT :
ENGINEER :
ORDER # :
DATE :

PARK ENVIRONMENTAL EQUIPMENT
800-256-8041
www.park-USA.com

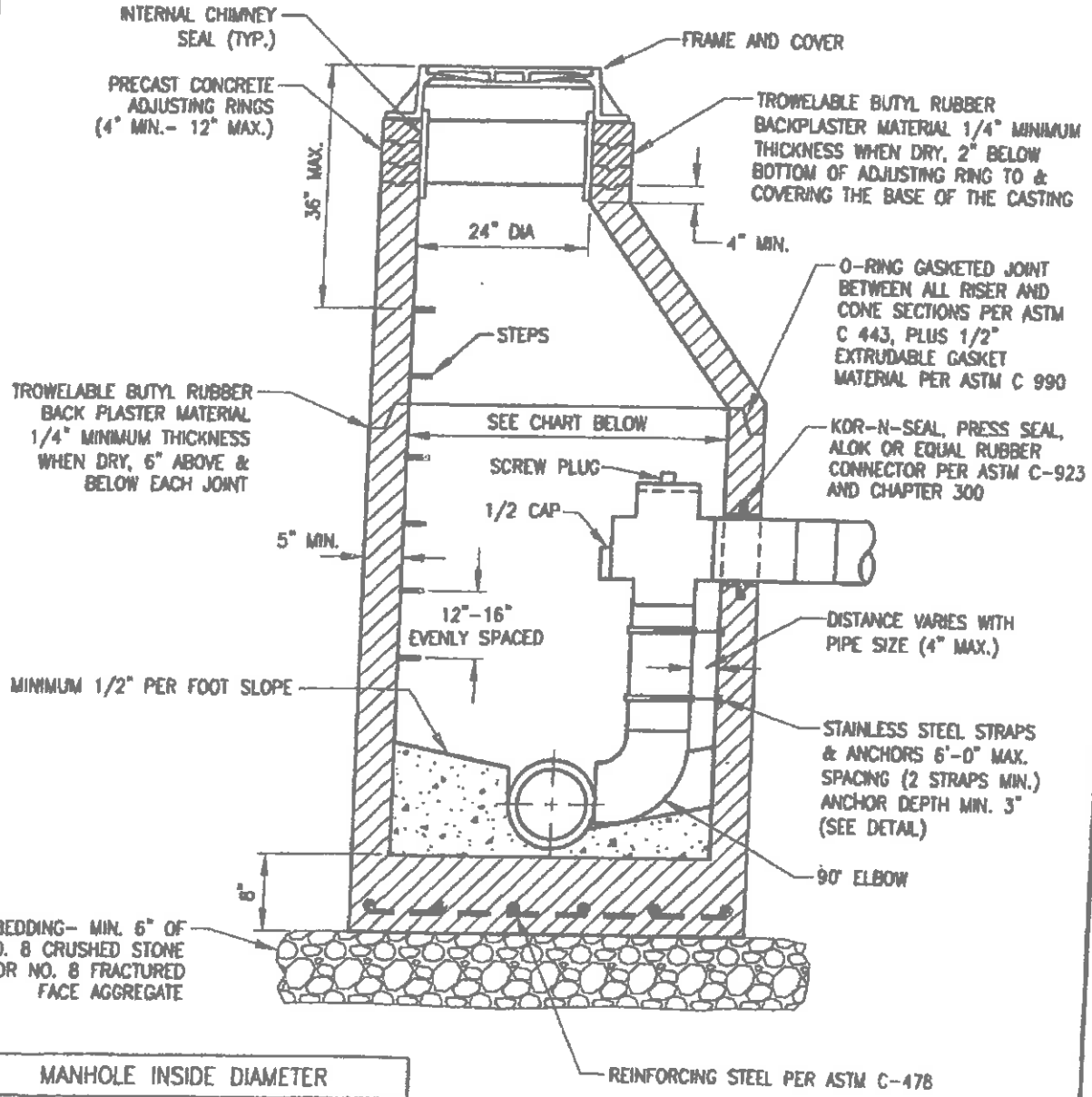
"Expect the Best"

COMBINATION FIRE & DOMESTIC WATER METER ASSEMBLY

SCALE	DWG NO	REV.
NONE	FMC-1	A
DATE 06/06		



DROP PIPE ANCHOR DETAIL
TOP VIEW



MANHOLE INSIDE DIAMETER		
TOTAL NUMBER OF DROP LINES	PIPE SIZE	INSIDE MANHOLE DIAMETER
1	8"-12"	60"
2 OR 3	8"-12"	72"

NOT TO SCALE

INTERNAL DROP MANHOLE

FIGURE 300.04

Revised 10/2016

Sec. 3.02.001 Enforcement

Any direction in any of the codes hereby adopted delegating duties of enforcement to a certain official named within said code shall be amended to read that such official is the designated official named by the city who has duties corresponding to those of the named official in said code. Said official shall be the responsible official for purposes of enforcing the provisions of the codes adopted. (1999 Code, art. 3.500)

Revised 10/2016

Division 9. Energy Conservation Code*

Sec. 3.02.451 Adopted

(a) The International Energy Conservation Code, 2012 edition, as published by the International Code Council (code) is hereby adopted for the regulation of design, construction, quality of materials, erection, installation, alteration, repair, location, relocation, replacement, addition to, use or maintenance of the building envelope and mechanical, lighting and power systems in the city. No local amendment shall impose any regulation less stringent than published in the code. (Ordinance 2587, sec. I(3.1100), adopted 9/23/13)

(b) The International Energy Conservation Code, 2012 edition, and appendixes thereto, and subsequent amendments and additions, is hereby adopted by reference as though it were copied herein word for word. (Ordinance 2587, sec. I(3.101(B)), adopted 9/23/13)

Revised 10/2016

ARTICLE 3.07 DRAINAGE STRUCTURES

Sec. 3.07.001 Permit required; inspection; specifications

No person, corporation, partnership, business entity, or combination thereof shall place in, over, or across any city easement, road, ditch, right-of-way, or alley a bridge, concrete pipe, pipe, conduit for drainage of water, or any other structure which may directly or indirectly control, impede, direct, or otherwise affect the flow of stormwater drainage without first complying with the following:

(1) Filing for and obtaining a permit for such installation. Such application shall state the location and purpose of such installation, the owner of the property adjoining the installation, and a description of installation required.

(2) Specifications of the director of public works or his designee relating to the size of any openings or pipes through which stormwater or runoff will pass and designation of grade elevation and manner of installation.

(3) Inspection of the installation site by the director of public works or his designee before commencement of construction.

(4) Final inspection, which shall be done prior to covering the installation with pavement, dirt, or any other material, to determine whether the installation complies with specifications pursuant to subsection (2) above, such inspection to be by the director of public works or his designee.

(5) Each application shall be accompanied by a fee as provided for in the fee schedule found in appendix A of this code.

(1999 Code, sec. 3.901)

Sec. 3.07.002 Failure to obtain permit

Any bridge, pipe, culvert or other structure placed within any city right-of-way, easement, ditch, street or alley after the date of this article without a permit for same having been first obtained may be removed by the director of public works or his designee. (1999 Code, sec. 3.902)

Sec. 3.07.003 Surface material

Any parking area or other area of similar use requiring a surface material other than soil crossing any drainway or ditch within any city right-of-way, easement, street or alley shall be constructed only of asphalt or loose gravel, limestone or other road building aggregate. (1999 Code, sec. 3.903)

Revised 10/2016

ARTICLE 3.08 COMMERCIAL SITE DEVELOPMENT

Sec. 3.08.001 Site plan required

No person, corporation, partnership, business entity or combination thereof shall develop for any commercial purpose, including any building designed to house four (4) or more families, any property, tract or other site without first submitting to the building inspector a site plan prepared by a registered engineer in the following form and containing the items hereinafter set out:

Items 1 through 18 shown in exhibit A at the end of this article.

(1999 Code, sec. 3.1001)

Sec. 3.08.002 Applicability of other ordinances

The requirements hereof shall be in addition to standards and requirements of other city ordinances, including but not limited to chapter 10, article 10.05. (1999 Code, sec. 3.1002)

Sec. 3.08.003 Approval of site plan

No permit for construction shall be issued nor water or sewer service connected to any improvement constructed on a site after passage of this article for which a site plan has not been approved. Any site plan shall be approved or rejected by the building inspector within thirty (30) days after filing such site plan and all required attachments with the building inspector. A site plan shall not be deemed delivered until all required documents and attachments have been filed. The building inspector shall notify anyone filing such plan of any lacking documents or deficiencies within ten (10) days after delivery of the site plan to the office of the building inspector. (1999 Code, sec. 3.1003)

Sec. 3.08.004 Appeals

Any person, corporation, partnership, business entity or combination thereof contemplating commercial development of a site whose site plan has not been approved by the building inspector may appeal such decision to the city council. In disapproving a site plan, the building inspector shall set out in writing the basis for such disapproval. Appeal must be made to the city council by filing written request with the city secretary within fifteen (15) days following the date of the building inspector's written rejection. Such appeal shall be set for hearing by the city council within thirty (30) days after such filing of written appeal. (1999 Code, sec. 3.1004)

Exhibit A. Guidelines for Review of Commercial Site Plans

FORM, CONTENT AND REQUIREMENTS FOR SITE PLAN:

1. Scale: Graphic and written forms are required.

2. North arrow.

3. Name, address and telephone number of contractor, record owner, engineer and/or architect.

4. The location, widths and names of all existing or platted streets, alleys or other public ways within or adjacent to the tract, existing buildings, public areas, railroad rights-of-way, easements, topographic contours and other important features such as section lines, political subdivision or corporate lines on all sides for a distance of not less than one hundred feet (100').

5. Topographic information: Show elevation shots and contours with intervals of one foot (1') referred to mean sea level (U.S.G.S. or City of Katy Standard Datum) as required to show at least two (2) contours within the site to clearly show outfall drainage. Identify basis of control and temporary benchmark set within the site.

6. Show all existing sanitary sewer, storm sewer and culverts, water mains, pipelines or other underground structures and other public utilities within the tract and immediately adjacent thereto with pipe sizes, depths, grades and location indicated.

7. Site plan is to be designed and sealed by a professional engineer of the State of Texas, if required by the City of Katy building inspector.

8. Sanitary Sewer System:

a. Minimum diameter of service: Six inches (6");

b. Minimum depth of cover: Four feet (4') is recommended unless the city main is less than four feet (4') deep;

c. Material:

(1) SDR 26 PVC or schedule 40 sanitary sewer pipe;

(2) Cleanouts and/or manholes are required at all bends in sanitary sewer line and to be placed no further than one hundred feet (100') apart on a straight section;

(3) City of Katy will require sampling wells and grease traps to be installed on individual sanitary sewer service if restaurants or other type establishments are being planned. Requirement will be based upon the Uniform Plumbing Code and Environmental Protection Agency guidelines. City of Katy will not maintain private sanitary sewer service lines, but reserves the right to require the owner to eliminate excessive infiltration into the public sanitary sewer system if the need arises.

9. Water System:

a. Minimum fire hydrant spacing: Three hundred feet (300') apart for commercial sites. If existing fire hydrant spacing exceeds 300 feet adjacent to the site, additional fire hydrants may be required by the City of Katy. Final decision as to the need for additional fire hydrants will be made by the City Fire Marshal, based upon the National Fire Code and Standard Fire Code. They shall be installed and paid for by the developer.

b. The City of Katy will approve all valves, size of meters and size of service lines in accordance with the project's needs.

10. Drainage:

a. Minimum size storm sewer in private parking area shall be ten inches (10");

b. Minimum size entrance culvert along public road ditch shall be eighteen inches (18"). Size will be determined by the city.

c. Material:

(1) Class III Reinforced Concrete Pipe, ASTM C-76

(2) High Density Polyethylene Thermoplastic Pipe

(3) SDR 26 PVC

Note–Added SDR 26 to give a rigid type of pipe with bells and gaskets that can be installed in bores beneath streets.

Bedding and backfill to be approved by the City of Katy.

d. Sheet flow draining into street [or] road ditches and/or drainage ditches will not be permitted unless approved by the City of Katy building inspector. Drainage from parking areas and buildings shall be collected with inlets on-site and drained through storm sewer system to an adequate outfall facility.

11. Parking and Common Drive Area:

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a. Parking area specifications:

(1) Subgrade shall be compacted to ninety percent (90%) of Standard Proctor density and approved by the City of Katy building inspector prior to placement of parking area. Density tests will be paid for by the contractor;

(2) Minimum concrete paving specification: Five inch (5") thickness, four and one-half (1/2) [sic] sacks cement per cubic yard, 2500 psi compressive strength, reinforcing steel - No. 3 bars at twenty-four inch (24") centers each way (or approved equal steel reinforcing);

(3) Alternate to concrete paving: Six inches (6") compacted flexible base (material to be approved by the City of Katy), one and one-half inches (1-1/2") hot-mix, hot-laid asphalt (type D modified).

b. Common drive area specifications:

(1) Subgrade shall be compacted to ninety percent (90%) of Standard Proctor density and approved by the City of Katy building inspector prior to placement of drive. Density tests will be paid for by contractor;

(2) Minimum concrete paving specification: Six inch (6") thickness, 3000 psi at 28 days compressive strength, reinforcing steel - No. 3 bars at eighteen inches (18") center to center each way, minimum;

(3) Alternate to concrete paving: Eight inches (8") compacted flexible base (material to be approved by the City of Katy building inspector), two inches (2") hot-mix, hot-laid asphalt (type D modified);

c. Normal parking spaces to be nine feet (9') by eighteen feet (18') minimum, and provide handicapped parking spaces at twelve feet (12') by eighteen feet (18'). The parking spaces and location shall be shown and shall conform to the City of Katy zoning ordinances;

d. Finished paving elevation shall be shown on the plans with direction of drainage pattern for parking area.

12. Building lines shall be shown and conform to the City of Katy zoning and subdivision regulations. Proposed building locations shall be shown and be dimensionally tied to property lines.

13. Finished floor elevations shall be shown.

14. Permits for an access drive and/or drainage onto a state highway system will be required from the Texas Department of Transportation, if applicable.

15. The City of Katy may require adjacent public roadways with open ditches to be concrete curb and gutter if deemed necessary.

16. Sidewalks will be required adjacent to street rights-of-way.

17. Project engineer to verify and certify on the plans that natural drainage from lands adjacent to the site shall not be impeded by the proposed construction of parking areas and/or buildings.

18. Additional right-of-way for major thoroughfare, collector streets and/or drainage easements may be required prior to issuance of building permits to conform with the City of Katy comprehensive plan, if deemed necessary or applicable.

(1999 Code, art. 3.1000, exhibit A)

ORDINANCE NO. 2546

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF KATY, TEXAS, AMENDING THE CITY OF KATY ZONING ORDINANCE NO. 621; AMENDING SUBSECTION 18.4 "MINIMUM OFF-STREET PARKING", BY REDUCING MINIMUM PARKING REQUIREMENTS FOR WAREHOUSE AND ENCLOSED STORAGE, WHOLESALE OR MANUFACTURING OPERATION AND ADDING MINIMUM OVERFLOW PARKING REQUIREMENTS FOR OFFICE WAREHOUSE STORAGE AND MINI-STORAGE AND SELF-STORAGE; AMENDING SUBSECTION 18.5-1 MINIMUM OVERFLOW PARKING REQUIREMENTS; PROVIDING FOR AN EFFECTIVE DATE; REPEALING ALL ORDINANCES AND PARTS OF ORDINANCES IN CONFLICT HEREWITH; PROVIDING FOR SEVERABILITY AND PROVIDING FOR A PENALTY.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF KATY, TEXAS:

I.

Section 18.4 of the City of Katy's Zoning Ordinance No. 621 is amended as set forth below:

ADDITIONS ~~DELETIONS~~

18.4 Schedule of Minimum Off-Street Parking for Specified Uses

	Number of Parking Use	Required Spaces for Each
STORAGE, WHOLESALE AND MANUFACTURING USES		
~~Warehouse and Enclosed Storage, Wholesale or Manufacturing Operation~~	~~2~~	

Use	Number of Parking Spaces	Required for Each
STORAGE, WHOLESALE AND MANUFACTURING USES		
Under 25,000 sq. ft.	1	2,000 sq. ft. + 1 each employee
25,000 - 50,000 sq. ft.	1	3,000 sq. ft. + 1 each employee
Over 50,000 - 100,000 sq. ft.	1	4,000 sq. ft. + 1 each employee
Over 100,000 sq. ft.	1	5,000 sq. ft. + 1 each employee
Office Warehouse Storage	1	2,000 sq. ft. warehouse + 1; 400 sq. ft. office
Mini-storage-self-storage	1	12,000 sq. ft.

II.

Section 18.5 of the City of Katy's Zoning Ordinance No. 621 is amended as set forth below:

ADDITIONS ~~DELETIONS~~

18.5 General Provisions

18.5-1 An off-street parking space shall be a striped area of not less than one hundred sixty-two (162) square feet, measuring approximately nine (9) feet by eighteen (18) feet not located on a public street or alley. Such parking space, aisles and maneuvering areas shall have an all-weather surfacing, enclosed or unenclosed, and shall be connected by an all-weather surfaced driveway to a street or alley. Head-in or indented parking adjacent to a public street or alley wherein the maneuvering of the vehicle in parking or leaving a parking space is done on a public street or alley shall not be classified as off-street parking in computing any parking requirements herein specified, except in the "Old Katy District". All additional parking provided for the use ("overflow parking") must be constructed of asphalt or concrete.

III.

In the event any clause phrase, provision, sentence, or part of this Ordinance or the application of the same to any person or circumstances shall for any reason be adjudged invalid or held unconstitutional by a court of competent jurisdiction, it shall not affect, impair, or invalidate this Ordinance as a whole or any part or provision hereof other than the part declared to be invalid or unconstitutional; and the City Council of the City of Katy, Texas, declares that it would have passed each and every part of the same notwithstanding the omission of any such part thus declared to be invalid or unconstitutional, whether there be one or more parts.

IV.

All ordinances or parts of ordinances inconsistent or in conflict herewith are, to the extent of such inconsistency or conflict, hereby repealed.

V.

Any person who shall intentionally, knowingly, recklessly, or with criminal negligence, violate any provision of this Ordinance shall be deemed guilty of a misdemeanor and, upon conviction, shall be fined in accordance with the applicable penalty provided for in Section 1.106 of the City of Katy Code of Ordinances. Each day of violation shall constitute a separate offense.

VI.

The City Secretary is authorized to publish a summary or the caption of this Ordinance as required by law and this ordinance takes effect in accordance with the laws of the State of Texas.

PASSED AND APPROVED this the 24th day of September, 2012.

CITY OF KATY, TEXAS

Don Elder Jr.

Don Elder Jr., Mayor

ATTEST:

Melissa A. Bunch

Melissa A. Bunch, City Secretary

APPROVED:

Art Pertile, III, City Attorney

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SECTION 18. MINIMUM OFF-STREET PARKING.

18.1 To secure safety from fire, panic and other dangers; to lessen congestion in the streets; to facilitate adequate transportation; to conserve the value of buildings; and to encourage the most appropriate use of land, minimum off-street parking shall be provided as set forth in the following schedules and provisions.

18.2 Schedule of minimum off-street parking for single-family, two-family and multiple-family dwellings residential district:

	R-1 Single-Family Dwelling District	**R-2 Multiple-Family Dwelling District**
Single-Family Dwelling (Detached)	2	2
Single-Family Dwelling (Attached)	2	2
Two-Family Dwelling Spaces per Dwelling Unit	R-1 and R-2 the same 2.5 per dwelling unit or 1 per bedroom, whichever is greater.	
Multiple-Family Dwelling Spaces per Dwelling Unit	R-1 and R-2 the same 2.5 per dwelling unit or 1 per bedroom, whichever is greater.	

18.3 Schedule of minimum off-street parking for single-family, two-family and multiple-family dwellings - nonresidential districts. Minimum off-street parking for single-family, two-family and multiple-family dwellings in nonresidential districts is hereby established as follows: 2.5 spaces per dwelling unit or one (1) space per bedroom, whichever is greater.

(Ordinance 664 adopted 3/22/84)

18.4 Schedule of Minimum Off-Street Parking for Specified Uses.

Use	**Number of Parking Spaces**	**Required for Each**
INSTITUTIONAL USES		
Boarding or Rooming House	1-1/2	Dwelling or rooming unit
Mobile Home or House Trailer	3	Lot, plot, tract, or stand.
Hotel, Motel or Tourist Court	1	Guest room or residence unit
College, University or Private School	2	for 3 day students + 1 for each staff and faculty
Church	1	3 seats in sanctuary
Public, Community, Health, or Welfare Center	1	100 sq. ft. floor area
Day Camp, Kindergarten or Day Nursery	1	5 pupils
Fraternity or Sorority	2	3 members or residents
Institute for Alcoholic, Narcotic or Psychiatric Patients	1	2 employees or attendants employees [sic]
Hospital, General	3	Each bed + 1 for each staff physician

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Acute Care		
Hospital, Chronic Care	1	3 beds
Institution, Religious Charitable or Philanthropic	1	10 residents 2 employees
Nursing or Convalescent Home	1	3 beds
Institutional Home for Aged	1	3 residence units
Residence Home for the Aged	1	Dwelling Unit
Place of Public Assembly	1	3 seats
Elementary School	1	20 Students + 1 per staff or faculty member
Junior High School	1	15 students + 1 per staff or faculty member
Senior High School	1	3 students + 1 per staff or faculty member
Lodge of [or] Fraternal Organization	1	100 sq. ft. floor area
FOOD AND BEVERAGE SERVICE USES		
Eating or Drinking Place Service	12 minimum	
to Auto	+ 1	50 sq. ft. floor area
Eating or Drinking Place No Service to Auto	1	50 sq. ft. dining area floor space
OFFICE, PROFESSIONAL OR FINANCIAL USES		
Bank or Savings and Loan	1	400 sq. ft. floor area
Clinic or Doctor's Office	1	400 sq. ft. floor area
Office, General	1	400 sq. ft. floor area
Dance, Display, Drama or Music Studio	1	200 sq. ft. floor area
Veterinarian Office or Clinic	1	300 sq. ft. area
School, Business, Trade, or Craft	1	4 day students + 1 for each faculty or staff member
PERSONAL SERVICE AND RETAIL USES		
Personal Service Shop or Establishment	1	200 sq. ft. floor area
Retail Stores or Shops in Buildings	1	200 sq. ft. floor area
Open Retail Stores	1	600 sq. ft. site area exclusive of buildings
RECREATION, SOCIAL AND ENTERTAINMENT USES		

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Commercial Amusements	1	For 3 guests, or each 100 sq. ft. floor area, whichever is greater
Bowling Alley	6	Per lane
Private Club or Nightclub	1	50 sq. ft. floor area
Theater	1	For each 3 seats
MOTOR VEHICLE AND MACHINERY USES		
Auto Laundry, Attended	1	500 sq. ft. floor area
Auto Laundry, Self Service	4	For each stall
Auto Repair, Garage or Shop	1	500 sq. ft. floor area
Vehicle or Machinery Sales - Indoor	1	500 sq. ft. floor area
Auto Parts and Accessory Sales - Indoor	1	200 sq. ft. floor area
Auto Parts and Accessory Sales - Outdoor	1	1,000 sq. ft. floor area
Vehicle or Machinery Sales - Outdoor	1	1,000 sq. ft. site area
Recreational Vehicle or Travel Trailer Sales	1	300 sq. ft. air-conditioned floor area
STORAGE, WHOLESALE AND MANUFACTURING USES		
Brick or Lumber Yard or Similar Area	1	1,000 sq. ft. site area
Open Storage Sand, Gravel, or Petroleum Products, Etc.	1	2,000 sq. ft. site area
Under 25,000 sq. ft.	1	2,000 sq. ft. + 1 each employee
25,000 - 50,000 sq. ft.	1	3,000 sq. ft. + 1 each employee
Over 50,000 - 100,000 sq. ft.	1	4,000 sq. ft. + 1 each employee
Over 100,000 sq. ft.	1	5,000 sq. ft. + 1 each employee
Office Warehouse Storage	1	2,000 sq. ft. warehouse + 1: 400 sq. ft. office
Mini-storage-self-storage	1	12,000 sq. ft.

(Ordinance 621 adopted 3/24/83; Ordinance 1141 adopted 7/8/96; Ordinance 2546, sec. I, adopted 9/24/12; Ordinance 2714 adopted 8/10/15)

18.5 General Provisions.

18.5-1 An off-street parking space shall be a striped area of not less than one hundred sixty-two (162) square feet, measuring approximately nine (9) feet by eighteen (18) feet not located on a public street or alley. Such parking space, aisles and maneuvering areas shall have an all-weather surfacing,

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enclosed or unenclosed, and shall be connected by an all-weather surfaced driveway to a street or alley. Head-in or indented parking adjacent to a public street or alley wherein the maneuvering of the vehicle in parking or leaving a parking space is done on a public street or alley shall not be classified as off-street parking in computing any parking requirements herein specified, except in the "Old Katy District." All additional parking provided for the use ("overflow parking") must be constructed of asphalt or concrete. (Ordinance 621 adopted 3/24/83; Ordinance 1141 adopted 7/8/96; Ordinance 2546, sec. II, adopted 9/24/12)

18.5-1a The driveway, as required in Section 18.5-1, if for a single-family residence on one acre of land and larger and in excess of 150 feet from the street to the required off-street parking area, may be any material that is normally used for road construction. The drive shall be a minimum of ten (10) feet wide and graded to not hold water. The driveway shall be all-weather surface from the street or alley to the property line. (Ordinance 1141 adopted 7/8/96)

18.5-2 In determining the required number of parking spaces, fractional spaces shall be counted to the nearest whole space. Parking spaces located in buildings used for repair garages or carwashes shall not be counted as meeting the required minimum parking.

18.5-3 Where a lot or tract of land is used for a combination of uses, the off-street parking requirements shall be the composite or sum of the requirements of each type of use and no off-street parking space provided for one type of use or building shall be included in calculations of off-street parking requirements for any other uses of buildings.

18.5-4 Floor area of structures devoted to off-street parking of vehicles shall be excluded in computing the floor area for off-street parking requirements.

18.5-5 In all districts, except the "C-2" District, the required off-street parking for all permitted uses, except institutional uses shall be available to customers, employees, tenants, clients, and occupants of a use on a prearranged basis, other than an hourly or fee basis, as free or contract parking in accordance with the minimum parking ratio prescribed for the various districts and uses in the preceding schedule.

18.5-6 Except for institutional uses, required off-street parking for permitted uses in single-family, two-family and multiple-family districts shall be provided on the lot or tract occupied by the main use. For institutional uses in residential districts and for permitted uses in all other districts, off-street parking shall be provided on the lot or tract occupied by the main use or upon a tract dedicated to parking use by an instrument filed for record and consolidated under a single certificate of occupancy with the main use. Such parking facility shall be located in the same zoning district as the main use or in any other district which permits a commercial parking lot or garage; and all or any part of such facility shall be located within a distance (including streets and alleys) of three hundred (300) feet of the property upon which the main use is located.

18.5-7 No parking shall be permitted within six (6) feet of an adjoining lot located in Districts "R-1" to "R-2" inclusive. Any lights used to illuminate said parking areas shall be so arranged as to direct light away from any adjoining premises located in Districts "R-1" to "R" inclusive. Where such parking area is located in an "R" District, no fee shall be charged for parking thereon, and no signs of any kind shall be erected except those necessary for the parking thereon.

18.6 Special Off-Street Parking Provisions Nonresidential Districts.

18.6-1 In all nonresidential districts, surface parking may extend to the front property line.

(Ordinance 621 adopted 3/24/83)

18.6-2 In the "C-2" District, additional off-street parking space for all uses, other than single-family, two-family and multiple-family usage, shall be provided at the ratio of one (1) space for each one thousand (1,000) square feet of floor area exceeding two thousand (2,000) square feet. (Ordinance 1079 adopted 12/13/94)

18.7 Minimum Off-Street Loading

Off-street facilities shall be provided and maintained for receiving and loading merchandise, supplies and

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materials within a building or on the lot or tract adjacent thereto. Such off-street loading space shall be adjacent to a public alley or private service drive or may consist of a truck berth within the structure. No portion of the loading space shall extend into the public right-of-way. Such space or berth shall be provided in accordance with the following schedules:

a. For all retail, commercial and industrial uses.

Square Feet of Gross Floor Area in Structure	Minimum Required Spaces or Berths
0 - 10,000	1
10,001 to 50,000	2
50,001 to 100,000	3
Each 100,000	1 additional

b. For all hotels, office buildings and similar establishments.

Square Feet of Gross Floor Area in Structure	Minimum Required Spaces or Berths
1 - 50,000	None
50,001 to 150,000	1
150,001 to 300,000	2
300,001 to 500,000	3
500,001 to 1,000,000	4
Each additional 500,000	1 additional

ORDINANCE NO. 2284

AN ORDINANCE AMENDING THE KATY CODE OF ORDINANCES AND ESTABLISHING REQUIREMENTS FOR LANDSCAPING ON SITES OF NEW CONSTRUCTION OR DEVELOPMENT, OR ON SITES OF SUBSTANTIAL RENOVATION OR RECONSTRUCTION; PROVIDING FOR PROTECTION OF TREES IN THE PUBLIC RIGHT OF WAY AND REPLACEMENT OF TREES REMOVED TO ACCOMMODATE CONSTRUCTION; PROVIDING A PENALTY OF NOT MORE THAN $200.00 PER DAY FOR EACH DAY OF VIOLATION; AND CREATING A LANDSCAPE APPEAL BOARD TO CONSIDER APPEALS.

WHEREAS, City Council finds that landscaping improves the appearance of commercial properties when viewed from the street, and

WHEREAS, City Council finds that landscaping safeguards and enhances property values and protects public and private investments, and

WHEREAS, City Council finds that landscaping screens the unattractive aspects of commercial properties, and

WHEREAS, City Council finds that landscaping reduces the negative environmental effects of development while protecting and enhancing the value of developed properties and the surrounding area, and

WHEREAS, City Council finds that landscaping promotes and protects the health, safety and welfare of the citizens of the City of Katy by creating an urban environment that is aesthetically pleasing and that promotes economic development through an enhanced quality of life,

WHEREAS, City Council has determined that trees enhance the quality of life and are beneficial to the health, safety and welfare of the citizens of the City of Katy, NOW THEREFORE,

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF KATY, TEXAS, THAT:

I.

The matters in the preamble are found to be true and correct and are incorporated herein as part of this Ordinance.

II.

The Katy Code of Ordinances, Chapter 3, is amended by adding thereto a new article, Article 3.1300 LANDSCAPING, to read as follows:

ARTICLE 3.1300 LANDSCAPING

Sec. 3.1301 Purpose. The purpose of this article is:

1. To improve the appearance of commercial properties when viewed from the street.

2. To safeguard and enhance property values and protect public and private investments.

3. To screen the unattractive aspects of commercial properties.

4. To reduce the negative environmental effects of development while protecting and enhancing the value of developed properties and the surrounding area.

5. To promote and protect the health, safety and welfare of the citizens by creating an urban environment that is aesthetically pleasing and that promotes economic development through an enhanced quality of life.

Sec. 3.1302 Scope and Application.

1. This article shall apply to the street yard of all building sites where any of the following conditions is present, except as provided in subsection 2 below:

a. There is new construction of a building for which a building permit is required.

b. There is an enlargement exceeding five hundred (500) square feet or ten (10%) percent in area of the exterior dimensions of an existing building for which a building permit is required.

c. There is construction of a new parking lot or expansion of an existing parking lot within the street yard by more than one thousand (1,000) square feet or ten (10%) percent in area.

2. When a building or parking lot is enlarged, the requirements of this article shall be applied incrementally such that landscaping shall be required in proportion of the enlarged building area or off-street parking area to the existing

development, i.e., a ten (10%) percent increase requires ten (10%) percent of the required landscaping.

3. This article shall not apply to the following situations:

a. Residential uses with four (4) or less dwelling units per lot.

b. The reconstruction of an existing building when destroyed or ruined by flooding, fire, windstorm or act of God, only when reconstruction of that building will not result in an increase in building size or paving area of the parking facilities to be provided.

c. Interior finish work or remodeling in a portion of a building unless the work results in an increase in the paving area of the parking facilities within the street yard or in an enlargement of the exterior dimensions of an existing building.

4. A building located within the street yard of another building shall be considered as a separate building site unless it has previously been included within an approved landscape plan.

Sec. 3.1303 Landscape Plan.

1. The person, corporation, partnership, developer, entity as owner of property ("Landowner") to which this article

applies shall, at the time of applying for a permit and prior to commencement of any work on the site, submit a landscape plan to the Permits Department.

2. No permit shall be issued for work on any property to which this article applies until a Landscape Plan has been submitted and approved by the Director of Public Works or assigns ("Building Official").

3. The landscape plan submitted for approval shall:

a. Identify the project and location,

b. Show a North arrow,

c. Be drawn to scale and identify the scale,

d. Identify the landscape designer giving name address and telephone number,

e. Show structure location,

f. Show parking locations,

g. Show set back lines,

h. Identify plant types,

i. Show plant quantity,

j. Show plant size,

k. Show street front locations of trees,

l. Show parking space tree locations, and

m. Show location, type and size of existing trees.

Sec. 3.1304 Landscaping Requirements.

1. For all areas outside The Old Katy District

a. Landscaping shall consist of required trees, and a choice of plant material including but not limited to planted grass, shrubs and ground cover. A minimum of all of the adjacent right of way as well as an additional ten (10%) percent of the lot area not covered by structure shall be utilized for landscaping.

b. On the front street and side street, a buffer shall be created between the developed area and the curb line no less than fifteen (15') feet in width. For each 50 lineal feet or less of buffer, two (2) hardwood trees, three (3) shrubs of three gallons or larger, and grass/groundcover shall be planted. Easements and rights of way may be considered as part of the required buffer, however no required trees/plants shall be planted in an easement or right of way.

c. In addition to the trees along the street, any parking area containing fifteen (15) or fewer spaces shall provide landscape area for the planting of one tree and three shrubs. Larger parking areas shall be landscaped with one tree and three shrubs for every 15 spaces or part thereof.

d. All trees shall be a minimum of one and one half (1.5") inch caliper as measured twelve (12") inches above grade. Grade shall be measured from the top of the ball or the top of the soil level inside a containerized tree.

e. All existing trees with a 3-inch or greater caliper measured at twelve (12") inches above grade that are salvaged and protected during construction shall be counted toward the satisfaction of this requirement regardless of the location on the property.

f. If living trees must be removed as part of the development or enlargement process, two (2) trees, as described in Sec. 3.1304,1,d, shall be planted as a replacement for each tree removed.

g. Required plants/trees must be maintained in a healthy condition at all times. The property owner is responsible for regular weeding, mowing of grass, irrigating, fertilizing, pruning, and other maintenance of all plantings as needed. Any plant/tree that dies must be replaced with another living plant that is compatible with the approved landscape plan within sixty (60) days after notification by the Building Official. The Building Official may extend this time period up to an additional thirty (30) days due to weather considerations. If the

plants/trees have not been replaced after appropriate notification and/or extension, the Landowner shall be in violation of this Ordinance.

h. Any damage to utility lines resulting from the negligence of the Landowner or the Landowner's agents or employees in the installation and maintenance of required landscaping in a utility easement is the responsibility of the Landowner. If a public utility disturbs plants/trees within a utility easement, it shall make every reasonable effort to preserve the plants/trees and return them to their prior locations after the utility work. If, nonetheless, plants/trees subsequently die, it is the obligation of the Landowner to replace them.

i. If an irrigation system is not installed, a hose bib shall be provided within fifty (50') feet of all landscape areas.

2. **For areas within The Old Katy District**

a. The Old Katy District is as defined in the City of Katy Zoning Ordinance Section 9.2-7, being located West of the East right of way line of Avenue A; West of the East right of way line of Avenue D; South of the South right of way line of George Bush Drive (6th Street); and North of the North right of way line of First Street between Avenue A

and Avenue B and North of the railroad right of way between Avenue B and Avenue D.

b. At the time of applying for a building permit, any Landowner proposing to expand or enlarge an existing structure within the Old Katy District or construct any new facility within The Old Katy District must also present to the Permits Department, a landscape plan incorporating trees or shrubs and/or grass/groundcover into the construction plan. If the Landowner is unable to incorporate any such plantings the Landowner shall explain the reason for failure to incorporate such plantings. If the Building Official determines that good cause exists for not incorporating such a plan, the Building Official may waive the landscape requirements. If the Building Official determines that reasonable grounds exist for requiring landscape plantings the permit may be denied.

Sec. 3.1305 Landscape Visibility Requirements.

No tree or shrub shall be planted so as to create a traffic hazard or interfere with driver visibility.

Section 3.1306 Compliance.

1. All requirements of this article shall be completed prior to the time a certificate of occupancy or approval of a parking area is issued or given.

2. The obligations to create and maintain landscape areas shall apply to the Landowner, their successors and assigns.

Section 3.1307 Tree preservation.

No living tree shall be removed from any public right of way or easement without authorization from the Building Official.

Section 3.1308 Appeal.

1. There is hereby created a Landscape Appeal Board (The Board) to hear appeals arising from the enforcement of this Ordinance. The Board shall consist of five (5) persons, to-wit: one (1) councilmember, one (1) Keep Katy Beautiful board member, and three (3) members of the public to be appointed by the Mayor and approved by the City Council. No hearing shall be conducted unless three members are present for the hearing. Members shall be appointed to two-year terms to run concurrently with the office of the Mayor.

2. Any person who is denied a building permit and such denial is based solely on non-compliance with the Landscape Ordinance (The Ordinance) may file notice of appeal with The Board. Such appeal must be made within 15 working days following the date of the denial of a permit. The notice of appeal shall contain a statement of the grounds of the denial and the name of the person who denied the permit (The Notice.) The original

notice shall be sent to the Board by mailing to the City Secretary of the City of Katy, P. O. Box 617, Katy, Texas 77492, and a copy to the Building Official in care of the Permit Department of the City of Katy Public Works Department (The Department). Within 10 working days after receipt of The Notice, the Building Official shall deliver to The Board copies of all documents and papers filed with The Department relative to the permit denial (The Documents). Only papers and documents relating to landscaping need be submitted. The Building Official shall also state in writing the grounds for the denial.

3. Upon receipt of The Notice, The Documents and statements from The Department, The Board shall call a hearing where it shall consider the action taken and hear oral statements and argument from the aggrieved party and the City of Katy who shall be represented by the City Administrator.

4. The Board shall hear and decide all appeals of a permit denial. The Board may, by majority vote, uphold the decision of The Department or reverse the decision of The Department and order the issuance of a permit as requested.

5. As an alternative to upholding or reversing the decision of The Department, The Board may grant a variance to The Ordinance based upon an alternate plan presented by the permit applicant. In granting a variance The Board must find

that the variance is within keeping of the general goals of The Ordinance, will not affect the value or aesthetics of adjoining property, is not based solely on economic grounds, or is not necessitated by any conduct or action by the applicant.

6. Any decision of The Board or variance granted by The Board shall be in writing and a copy mailed by certified mail, return receipt requested, to the Landowner at the address shown on the permit application. The decision shall be mailed within three (3) working days following the date The Board has rendered its decision.

7. Any Landowner aggrieved by a decision of The Board may appeal such Board decision by filing a petition for the same in a court of competent jurisdiction specifying the grounds of such appeal. Such petition shall be filed with fifteen (15) working days following the date The Board has rendered its decision and not thereafter.

Section 3.1309 Penalty.

Any person found to have violated this article shall upon a finding of guilty be guilty of a misdemeanor and subject to a fine of no more than $200.00 for each day a violation exists.

III.

This Ordinance shall become effective after its publication as required by the Katy City Charter. The City Secretary is authorized to publish only the caption of this Ordinance.

PASSED AND APPROVED this the 13 day of June, 2005.

CITY OF KATY, TEXAS

By: _____
DOYLE G. CALLENDER, Mayor

ATTEST:

_____
Virginia Herrington, City Secretary

APPROVED:

_____
Joe Hegar, City Attorney

CITY OF KATY

FIRE MARSHAL'S OFFICE

FIRE PREVENTION DIVISION

PRE-DEVELOPMENT INFORMATIONAL PACKET

AFFECTING

NEW COMMERCIAL DEVELOPMENT & CONSTRUCTION

901 AVENUE C

KATY, TX 77492

OFFICE: 281-391-4830 FAX 281-391-4834

EMAIL: permits.inspections@cityofkaty.com

CITY OF KATY FIRE PREVENTION DIVISION

FIRE CODE REQUIREMENT SUMMARY

Warner Preston, Fire Marshal
Office: 281-391-4080
Fax: 281-391-6515
E-mail: wpreston@cityofkaty.com

Roy Frankum, Building Official
Office: 281-391-4830
Fax: 281-391-4834
E-mail: rfrankum@cityofkaty.com

CODE INFORMATION

Current Codes used by City of Katy:	International Fire Code 2012 NFPA 101 Life Safety Code 2012 Edition
Local Amendments:	Yes
Plan Submittals:	3 sets and 1 on disc, submitted to Building Official Fire Marshal will be issued one of these sets
Plan review time frame: After receipt by Fire Marshal Office	Building Plans: Average 10 working days, large buildings up to 30 working days. Sprinkler systems: Average 10 working days Pre-engineered Fire Protection & Fire Alarm 7 working days.
Street Widths:	Minimum 26 ft in width
Driveway, Fire Lanes Width:	Minimum 25 ft clear space hard surface Fire Lanes must be posted signs, as approved by TX DOT, and curb painting, (RED) with 6 inch white lettering (FIRE LANE).
Turning radii; streets, parking lots, Fire lanes:	28 ft inside----------50 ft outside
Road surface Elevation change	Not over 10 degrees

Building fire vehicle access:	Two side if building is over 100 ft long. Access road not to exceed 15 ft. distance from building wall and be 25 ft. wide, clear space; Buildings over 300 ft. long or greater, 4 sides plus building must be fire sprinkled regardless of occupancy.
Fire Apparatus turn around:	Required on dead end streets, driveways, and every business by means of cul-de-sac, t-bone, or hammerhead hard surface roadway
Fire Hydrants:	Spaced not over 300 ft. on the water main & not over 400 ft, 600 ft. if sprinkled, from the furthest part of building. Within 40 ft. of fire sprinkler/standpipe FDC.
Fire Flow:	3500 GPMs from 2 nodes (fire hydrants). System flow calculations required, at the furthest hydrant to be submitted to FM for approval.
Plan Submittals, Fire Protection systems:	3 sets, submitted to the Building Official, one for distribution to FM. One approval set will be returned. Pick up approved plans on notification at permits' office
Fire Sprinkler Systems:	REQUIRED in all buildings over 12,000 sq.ft. or more. Assembly buildings 300 or more occupant load. Other occupancies as identified in code. Exterior entry door riser room required. FDC & PIV installed in vault at a point determined by Fire Marshal-not over 40 ft. from a fire hydrant. Double check valve REQ'D. Monitored flow and tamper, 2 phone lines, and one dedicated
Fire Alarm:	As required by code. Full coverage, open air detection, pull stations and audio/visual devices in all occupied spaces as identified in code. Monitored, 2 phone lines, one dedicated. AC shut down on alarm activation.
Pre-engineered Fire Protection system:	As required by code. Type 1 hood & exhaust system.

KNOX BOX INFORMATION

For those fire departments that chose to streamline their ordering process, a blanket order authorization document and samples of the new order forms are available at your request. Please call (800) 522-5669 to request an order option packet.

Key Control: The security and integrity of master key control will remain in place. Keys will only be shipped to fire departments after the Knox Company has received a written request signed by authorized fire personnel.

Characteristics of Blanket Authorization

- Property owners contact Knox directly to order products
- Property owners can order online at www.knoxbox.com or call 866-625-4565
- Instant email notification to the fire department when an order is placed online
- Order form administration is reduced for fire personnel
- Firefighters drop off forms during routine inspections
- The ordering process is simplified for property owners
- KNOX BOX installation on local buildings expedited
- Volunteer firefighter distribute Knox forms at their convenience
- Optional monthly installation address reports are available

KNOX BOX REQUIREMENTS:

5 FEET IN HEIGHT FROM GRADE AND NEAR FRONT DOOR

Permits Required:	Yes-fire sprinkler, alarm, pre-engineered systems underground fire line, temp fuel storage
KNOX BOX	REQUIRED at front door and riser entry room
Roof Ladder Access:	Outside or in fire sprinkler riser room
Address Posting:	Front and rear door, minimum 4 inch x ¾ wide numerals in contrasting colors to background
Address posting Monument Signs	6 inch high x 1 inch wide numerals in contrasting colors to background
Rear exit doors:	Required in all buildings 50 ft deep or more. Security bars must be approved by the Fire Marshal. ALL exit doors-exception being front exit doors-to have posted signs reading-"This Door To Remain Unlocked When Building is Occupied"
Gated Streets & driveways:	NOT ALLOWED

CODE REQUIREMENT EXPLANATION

1. Public Water Mains: International Fire Code, section Appendix B show directions of all public water main lines, line size and easement boundaries. Fire Flow required, minimum 3,500 gpm. Total source can be from 2 available nodes...(fire hydrants)
2. Fire Hydrants: International Fire Code, section Appendix "C" Fire Hydrant. Fire Hydrants to be spaced every 300 ft. on the line or as directed by the Fire Marshall. Streets over 60 feet wide require hydrants on both sides of the street. Streets constructed with median separation must have hydrants located on both sides of the street.

3. Fire Department Building Access Roads: International Fire Code, section Appendix "D". Including minimum roadway width, two means of entry access roads, cul-de-sacs, and fire department turn around on dead end streets

    + Driveway radii curves to be a minimum 28 ft & 50 ft outside
    + Access roads to be a minimum of 25 ft. wide. Drivable alleys and driveways to be a minimum 20 ft. clear space
    + Overhead clear space to be a minimum 13 ft 6 in.
    + Required to extend to within 15 ft. of the building entry
    + Cul-de-sacs to be a minimum 120ft in diameter in residential areas and 200 ft in diameter in commercial and industrial areas, and a maximum 600 ft. in length-Katy City Ordinance
    + Fire Department access roads shall not exceed 10 percent grade change.

4. Fire Lanes: International Fire Code, Section 502-503
    + Create and mark fire lanes as directed by fire marshal. Fire lanes to be minimum 20 ft. wide and posted with approved signage and red curb painting with white, 6 in. lettering ("FIRE LANE-NO PARKING")

5. Emergency Responder Radio Coverage Section 510

6. Building Access-(FD): International Fire Code, Section 903

    Provide exterior door to the fire sprinkler riser room
    If building is equipped with a fire sprinkler system, provide (KNOX BOX) key system, on exterior wall, adjacent to fire sprinkler room access door. If building is not equipped with a fire sprinkler system, provide (KNOX BOX) key system adjacent to the front door.

7. Additional exit doors required/Rear exit door required: International Fire Code, Section 504

    + All occupancies greater than 50 ft. in depth shall have a rear exit door
    + Numeric Addressing: International Fire Code, Section 505
    + Place building numerical number on property monument sign, if applicable, minimum 6 in. high x 1 in. wide of contrasting color to background.
    + Place building numerical numbers on front and rear doors, Minimum 4 in. high X ¾ in. wide. Contrasting color to background.
    + PLACE BUILDING NAME ON REAR DOOR, MINIMUM 2 in. high x ¾ in. wide

8. Panic Hardware: International Fire Code, Section 1008.1.10

+ REQUIRED ON ALL DESIGNATED EXIT DOORS (exception – main exterior front exterior front door)
+ Security bar systems across exit doors are not acceptable. For additional Security, thumb latch dead bolts are approved – one movement of the hand

9. Door Signage: International Fire Code, Section 1008.1.9.3

+ Install placard sign on all designated emergency exit doors, equipped with dead bolts rather than panic hardware, reading in ¾ inch lettering in contrasting color to the background, "This Door Must Remain Unlocked During Normal Business Hours."

10. Fire Sprinkler, Post Indicator Valve & Fire Department Connection:

+ International Fire Code, Section 903 & NFPA Life Safety Code 101, Permit Application and Permit Fee to be submitted for review by Fire Marshal. Provide detailed drawings, cut-sheets and hydraulic calculations for approval.
+ Full coverage fire sprinkler system required. Partial systems are not acceptable.
+ Fire sprinkler post indicator valve (PIV) and Fire Department connection (FDC) are required to be in a valve pit, located not more than (5) ft. away from the curb line of the public roadway, driveway, fire lane or service alley at a point designated by the Fire Marshal.
+ Show location and size of the underground fire line and valve box.

11. Fire Alarm and Fire Detection System: International Fire Code Chapter 9

+ Monitored Fire Alarm and Fire Detection system required throughout every commercial establishment.
+ Two phone lines are required for monitoring. The primary line must be a dedicated line. The secondary line may be a service line for a fax, computer Modem or other auxiliary phone line.

12. Heating & A/C Systems: International Fire Code Chapter 9

+ Activation of the Fire Alarm system shall shut down all return air systems.

13. Emergency Lighting and Exit Signs: International Fire Code: Section 1006

+ All exit doors and other locations as directed by code, shall have a lighted EXIT sign and Emergency Lighting equipped with an approved battery or auxiliary back-up system. Exit signs shall be designed to provide 1 foot candlepower at the floor below the sign and exit ways from all occupied spaces shall provide 1 foot candle of light from an approved battery back-up or emergency lighting system.
+ All mechanical rooms, electrical rooms, fire sprinkler riser rooms, and boiler rooms as specified to have emergency lighting.

14. Fixed Automatic Fire Extinguishing Systems & Kitchen Hood and Exhaust Systems International Fire Code 904 & International Mechanical Code Section 506:

+ Provide detailed plans with cut-sheets with electrical and gas service drawings involved with the system.
+ Automatic gas shut-off valves that provide gas to the appliance must be located below the ceiling line.
+ All electrical systems under the hood to shut down upon activation on fire protection system activation.
+ Type 1 hood vent piping and approved grease extraction system required.

15. Portable Fire Extinguishers: International Fire Code: Section 906

+ All occupancies shall be provided with at least (1) fire extinguisher per (30) feet of travel distance. Extinguishers shall be a minimum of 2A-10 BC in size.
+ Establishments with cooking facilities shall be equipped with (1) "K" fire extinguisher in the cooking area. Fire Extinguishers shall be wall mounted by means of a bracket or cabinet.

16. Opening in protected corridors: International Fire Code: Chapter 7

+ Door closures required on all doors providing passage though a rated separation or leading to a rated exit way. Magnetic door releases that interwired with the fire alarm system are approved as hold open devices.

17. Elevator recall/Control Systems: International Fire Code: Section 607

    + Required on all buildings 25 ft. or more above the grade level main floor

18. Floor, Wall and Ceiling-covering Rating: International Fire Code: Sections 803-804, Life Safety Code, Section 10.

    + All floor finishes in corridors and exit ways to have to have a minimum of class 11-flame and smoke rating.
    + All wall and ceiling finishes in rooms, corridors and exit ways to have a minimum Class B flame and smoke rating

19. Flammable/Combustible Liquid Protection: International Fire Code, Chapter 57

20. Hazardous Material Protection International Fire code, Chapter 50

21. Posting the permit, Section 105.3.5

ORDINANCE NO. 2071

AN ORDINANCE AMENDING THE CITY OF KATY CODE OF ORDINANCES CHAPTER 10, SECTION 4, BY ESTABLISHING NEW SCREENING AND CLEANLINESS REQUIREMENTS FOR DUMPSTERS AND GARBAGE, TRASH AND REFUSE RECEPTACLES USED IN CONNECTION WITH ALL COMMERCIAL OPERATIONS; REQUIRING ALL EXISTING DUMPSTERS AND RECEPTACLES BE BROUGHT IN COMPLIANCE WITHIN A CERTAIN TIME LIMIT AND FINDING THAT SCREENING REQUIREMENTS ARE NECESSARY FOR THE PROTECTION OF HEALTH, LIFE AND PROPERTY WITHIN THE CITY, AND ESTABLISHING A $2,000.00 FINE FOR THE VIOLATION OF THE SCREENING AND OTHER REQUIREMENTS; REPEALING ORIDNANCE NO. 2047.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF KATY, TEXAS, THAT:

I.

Ordinance No. 2047 is repealed.

II.

Chapter 10, Section 4, of the Code of Ordinances, City of Katy, Texas, is hereby amended by adding thereto a new section as Section H which shall contain the following language:

H. SCREENING REQUIRED

(1) The owner of a commercial operation and/or the owner of the property on which a commercial operation is located shall maintain constant supervision and surveillance over the garbage, trash and refuse receptacles servicing the commercial operation and the area surrounding the receptacles and shall sanitize the receptacles at least weekly and not allow any garbage, trash or refuse to collect outside the receptacles.

(2) a. The owner of a commercial operation and/or the owner of the property on which a commercial operation is to be located after the effective date of this ordinance shall provide a level all weather surface or pad on which all garbage, trash and refuse receptacles servicing the commercial operation shall be placed. A level pad and screening from public view shall always be required. The term "pad" as used herein shall mean an all weather surface

designed to withstand ten thousand (10,000) pound single wheel loads. The pad and access shall be of sufficient size to allow placement of a receptacle or receptacles, construction of screening, and allow access from the owner's or operator's driveway or parking lot to a private hauler. Access shall not be directly to a Public Street or alley. A fence at least eight (8') feet tall through which no light may pass shall surround such area. Such fence shall be sight obscuring with a self-closing access gate to allow the placement of garbage, trash and refuse in said receptacles as well as access for a private hauler. Such gates shall be closed at all times except when opened to provide access to the receptacles.

b. The owner of a commercial operation and/or the owner of the property on which a commercial operation is already located on the effective date of this ordinance shall provide a level all weather surface or pad on which all garbage, trash and refuse receptacles servicing the commercial operation shall be placed. A level pad and screening from public view shall always be required. The term "pad" as used herein shall mean an all weather surface designed to withstand ten thousand (10,000) pound single wheel loads. The pad and access shall be of sufficient size to allow placement of a receptacle or receptacles, construction of screening, and allow access from the owner's or operator's driveway or parking lot to a private hauler. A fence at least eight (8') feet tall through which no light may pass shall surround such area. Such fence shall be sight obscuring with a self-closing access gate to allow the placement of garbage, trash and refuse in said receptacles as well as access for a private hauler. Such gates shall be closed at all times except when opened to provide access to the receptacles.

If the location is such that access must be directly from a public right-of-way or roadway the receptacle must be placed in a location no closer than fifteen (15') feet to the curb of a paved curb and gutter street. The owner and operator must provide a curb cut with lay down driveway access to the pad. If the location is such that access must be directly from a public right of way or roadway which is not a curb and gutter street the receptacle must be placed in a location no closer than twenty (20') feet to the edge of the paved traveled portion of the street or roadway which has no curb and gutter. It shall be unlawful for any truck or other vehicle to cross over a curb or

leave the pave portion of a non curb and gutter street to enter property for purposes of picking up garbage, trash refuse or refuse where there is no lay down curb or drive way entrance and surface as required herein. The driver or operator of any vehicle found guilty of violating this provision shall be subject to the fines set out in Paragraph 9 of this section.

(3) If the commercial operation is not using a private garbage collector and is relying on the City of Katy for garbage collection such pad and fenced area shall be located as above set out in Paragraphs (2) a or (2) b and shall provide easy access for removal of the receptacles to the curbside for municipal pick up. No receptacles shall be allowed at the curbside before 6:00 a.m. on the day of pickup or later than 8:00 p.m. on the day of pick up. It shall be an offense for any owner or operator of a commercial operation or the owner of any property on which a commercial operation is located to place or allow to be placed, garbage, trash or any garbage or trash receptacle at the curb for pick up on any day except on regularly scheduled or specially scheduled pick up days within the hours specified herein.

(4) No portion of this ordinance shall relieve the owner or operator of a restaurant of other food service business of the requirement found elsewhere in the Katy City Code that all garbage, trash and refuse shall be collected by a private garbage collector.

(5) The owner of a commercial operation and/or the owner of the property on which a commercial operation is located at the time of the passage of this Ordinance shall bring such property in total compliance with this screening requirement within four (4) months of the effective date of this ordinance. For purposes of this ordinance the effective date of this ordinance shall be July 5, 1999. All new commercial construction shall be required to include drawings showing screening compliance prior to the issuance of a building permit. Fees for permits for new construction will be charged in accordance with the City of Katy permit fee schedule. No fee shall be charged for permits issued to owners and/or operators of a commercial operation in existence on the effective date of this ordinance provided application for the permit is made within the time allotted for compliance.

(6) Any owner of a commercial operation and/or the owner of the property on which a commercial operation is located whose

property, because of unusual conditions on the property which prevent strict compliance with this section, may seek a variance from this Ordinance by presenting to the Building and Standards Commission an alternate plan which accomplishes the purpose of this ordinance, mainly the maintenance of a clean and sanitary storage area, screening from public view and proper access and set back from public roads and rights-of-way.

(7) The term "commercial operation" shall mean a building or use of property which is not a single-family residence or a multiple family dwelling containing no more than two dwelling units. Commercial operation includes but is not limited to all governmental buildings and property, private businesses, apartment buildings, condominiums, motels and hotels, shopping centers, townhouse developments, private and public schools, and mobile home parks on a tract of land divided into rental spaces under common ownership or management for the purpose of locating two or more HUD-Code manufactured homes. Recycling bins for collection of waste paper, owned or operated by a public school district or other governmental entity shall not be included in the definition of "Commercial Operation," however, such recycling bins shall be maintained on a concrete pad as described in Paragraph (2) hereof.

(8) The screening requirements and requirements for construction of a concrete pad shall not apply to those commercial operations storing all trash receptacles inside a closed building except when placed curbside on collection day. In such cases, no receptacle shall be placed curbside before 6:00 A.M. on the day of collection and must be removed by 8:00 P.M. on the day of collection. No receptacles shall be placed or allowed to remain at curbside except on collection day or days between the hours herein specified.

(9) The City Council has adopted this Ordinance requiring screening of garbage receptacles and related matters in order to protect health, life, and property and to preserve the good government, order and security of the City of Katy and its residents. Any owner in violation of the provisions of this Ordinance shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in a sum not less than $100.00 nor more than $2,000.00 for each day a violation has been found to occur. The establishment of a fine for the enforcement of this ordinance is provided in the Local Government Code Section 54.001.

III.

This Ordinance shall become effective upon its publication as required by the Katy City Charter. The City Secretary is authorized to publish only the caption of this ordinance.

PASSED AND APPROVED in Katy, Texas, this 14 day of June, 1999.

CITY OF KATY, TEXAS

By: Hank Schmidt
M. H. (Hank) Schmidt, Jr.
Mayor

ATTEST:

Virginia Herrington
Virginia Herrington
City Secretary

APPROVED:

Joe Hegar
City Attorney

ORDINANCE NO. 2460

AN ORDINANCE AMENDING THE CITY OF KATY CODE OF ORDINANCES SECTIONS 4 AND 21 BY ALLOWING THE USE OF LIGHT EMITTING DIODES ("LED") LIGHTING IN THOSE SIGNS WHICH ARE SHIELDED FROM VIEW BY A COVERED SIGN FACE; PROHIBITING LED SIGNS WITHIN 500 FEET OF A RESIDENTIAL ZONE; SUCH CHANGES TO BECOME EFFECTIVE UPON THEIR ADOPTION.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF KATY, TEXAS, THAT:

I.

Article 4.603 (3) **Spectacular Sign** is hereby amended to read as follows:

"Spectacular Sign shall mean any sign which has automatically changing advertising or which is equipped with glaring or rotating strobe or spotlights or which has any moving message whatsoever. A changing or moving message that does not change or move more than once every four (4) hours, shall not be considered "automatically changing advertising."

II.

Article 4.610 (D) is hereby amended by adding the following sub-section:

(iv) From and after the date of adoption of this sub-section, any sign using light emitting diodes shall be permitted only if shielded from view by a covered sign face. CEVMS are prohibited in all areas.

III.

Article 21.1-1 **R-1 and R-2 Districts**, is hereby amended to read as follows:

"21.1-1 R-1 and R-2 Districts: Only temporary on-premise ground signs are permitted on tracts occupied by dwellings. Other locations where dwellings are not located only on-premise ground signs are permitted. Portable signs and CEVMS are prohibited."

IV.

Article 21.1-3 **C-1, C-2 and M Districts**, is hereby amended to read as follows:

"Article 21.1-3 C-1, C-2 and M Districts: No off-premise signs, or CEVMS are permitted whether temporary or permanent, shall be located in the Old Katy District or within five hundred (500') feet of a single family residential zone."

V.

Article 21.3-10 Spectacular Sign is hereby amended to read as follows:

"Spectacular Sign shall mean any sign which has automatically changing advertising or which is equipped with glaring or rotating strobe or spotlights or which has any moving message whatsoever. A changing or moving message that does not change or move more than once every four (4) hours, shall not be considered "automatically changing advertising."

VI.

Article 21 Sign Regulations is amended by adding thereto a new subsection 21.5-1-2 to read as follows:

"21.5-1-2 Prohibition of CVMS and Light Emitting Diodes From and after the date of adoption of this subsection, no CEVMS or any sign using light emitting diodes not shielded from view shall be permitted or allowed within the City of Katy or its extra territorial jurisdiction."

VII.

This ordinance shall become effective upon its adoption.

PASSED AND APPROVED in Katy, Texas, this 14th day of December, 2009.

CITY OF KATY, TEXAS

By: Don Elder Jr.
Don Elder Jr., Mayor

ATTEST:

Melissa A. Bunch
Melissa A. Bunch, City Secretary

APPROVED:

Joe Hegar, City Attorney

Revised 10/2016

ARTICLE 3.06 SIGNS*

Division 1. Generally

Sec. 3.06.001 Scope

The provisions of this article shall apply to all signs, as that term is defined herein, within the city limits. (1999 Code, sec. 4.601)

Sec. 3.06.002 Definitions

The following definitions shall apply to this article:

Advertising. To seek the attraction of or to direct the attention of the public to any goods, services, or merchandise whatsoever.

Business purposes. The erection or use of any property, building, or structure, permanent or temporary, for the primary purpose of conducting in said building or structure or on said property a legitimate commercial enterprise in compliance with all ordinances and regulations of the city governing such activity; business purpose shall not include any property, building, or structure erected or used for the primary purpose of securing a permit to erect a sign.

Changeable electronic variable message sign (CEVMS). A sign which permits light to be turned on or off intermittently, or which is operated in a way whereby light is turned on or off intermittently, including any illuminated sign on which such illumination is not kept stationary or constant in intensity and color at all times when such sign is in use, including an LED (light-emitting diode) or digital sign, and which varies in intensity and color. A CEVMS does not include a sign located within the right-of-way that functions as a traffic-control device (MUTCD) approved by the Federal Highway Administration as the National Standard.

Curbline. An imaginary line drawn along the edge of the pavement on either side of a public street.

Federal primary system. The interstate and freeway primary system and the non-freeway primary system.

Interstate and freeway primary system. That portion of the national system of interstate and defense highways located within Texas which are now or hereafter may be officially designated the "Interstate System" by the state transportation commission and approved pursuant to title 23, United States Code section 131, as amended.

Non-freeway primary system. That portion of the connective main highways located within Texas which now or hereafter may be designated the "Primary System" by the state transportation commission and approved pursuant to title 23, United States Code section 131, as amended.

Person. An individual, company, corporation, partnership, association, or any other entity.

Public right-of-way. Any part of a right-of-way not privately owned or controlled, and which is the responsibility of the city or other similar public agency to maintain.

Public street. The entire width between property lines of any road, street, way, alley, bridge, or other similar thoroughfare, not privately owned or controlled, when any part thereof is open to the public for vehicular traffic, is the responsibility of the city or other similar public agency to maintain, and over which the city has legislative jurisdiction under its police power.

Residential purposes. Property devoted to use as a single-family or multifamily residence. Residential purposes shall include, but not be limited to, property used for houses, duplexes, condominiums, townhouses, townhomes, patio homes, and apartments; property used for hotels, motels, and boarding houses shall not be considered as used for residential purposes. Property devoted to both residential and nonresidential use shall be considered as used for residential purposes.

Right-of-way. The property fronting on, immediately adjacent to, and on either side of a public street or a nonpublic street.

Sign. Any outdoor display, design, pictorial, or other representation which shall be so constructed, placed, attached, painted, erected, fastened, or manufactured in any manner whatsoever so that the same shall be used for advertising. The term "sign" shall include the sign structure. Every sign shall be classified and conform to the requirements of each of such classifications set forth in this article.

Sign structure. Any structure which supports or is capable of supporting any sign. A sign structure may be a single pole and may or may not be an integral part of a building.

Total front footage. The total length of the footage of property fronting on both sides of a public street.

(1999 Code, sec. 4.602)

Sec. 3.06.003 Classifications

(a) On-premises and off-premises signs. For the purpose of this article and the regulations and provisions thereof, a sign shall be first classified as either an "on-premises" sign or an "off-premises" sign:

(1) On-premises sign shall mean any sign identifying or advertising the business, person, activity, goods, products or services primarily sold or offered for sale on the premises where the sign is installed and maintained when such premises are used for business purposes; and

(2) Off-premises sign shall mean any sign advertising a business, person, activity, goods, product or service not usually located on the premises where the sign is installed and maintained, or which directs persons to any location not on the premises.

(b) Types of signs. All signs shall further be classified into one of the following type signs:

(1) Ground sign shall consist of one or two sign faces and a support structure. Each pair of identical faces on a ground, pole or projecting sign structure shall constitute a separate sign;

(2) Marquee sign shall mean a projecting sign attached to or hung from a canopy or covered structure projecting from and supported by a frame or pipe support extending beyond a building;

(3) Projecting sign shall mean any sign which is affixed to any building wall or structure and extends beyond the building wall or structure more than twelve inches (12");

(4) Roof sign shall mean any sign erected, constructed or maintained above the roof of any building;

(5) Wall sign shall mean any sign affixed to or painted upon the wall of any building; or

(6) Ancillary sign shall be one which conveys information regarding a service or facility subsidiary to the main or principal business use of a property, such as telephone signs, restroom signs, credit card signs, etc. Ancillary signs shall not exceed four (4) square feet in size.

(c) Special function signs. Any on-premises or off-premises sign of any type may also be included within one or more of the following additional classifications, according to special functions:

(1) Electrical sign shall mean any sign containing electrical wiring or utilizing electrical current, but not including signs illuminated by an exterior light source.

(2) Portable sign shall mean any sign designed or constructed to be easily moved from one location to another, including signs mounted upon or designed to be mounted upon a trailer, bench, wheeled carrier or other nonmotorized mobile structure; a portable sign which has its wheels removed shall still be considered a portable sign hereunder. For the purpose of this article, trailer signs and signs on benches are "portable signs."

(3) Spectacular sign shall mean any sign which has automatically changing advertising or which is equipped with glaring or rotating strobe or spot lights or which has any moving message whatsoever. A changing or moving message that does not change or move more than once every four (4) hours shall not be considered "automatically changing advertising."

(4) Temporary sign shall mean any sign constructed of cloth, canvas, light fabric, cardboard,

wallboard, or other light material not to exceed one hundred (100) square feet in size. A portable sign shall not be considered a temporary sign.

(5) Vendors variable message sign shall be a ground sign that incorporates within its design and construction the ability for the vendor to easily alter the wording of the sign message. This sign shall conform to all structural requirements of ground signs, subsection (b)(1) of this section.

(1999 Code, sec. 4.603)

Sec. 3.06.004 Sign administrator; enforcement

(a) Sign administrator designated. The director of public works shall administer and enforce the terms and conditions of this article and all other provisions of laws relating to signs. The director of public works, hereinafter called "signadministrator," is empowered to delegate the duties and powers granted to and imposed upon him by this article to other persons serving under him. The sign administrator is directed to enforce and carry out all provisions of this article.

(b) Enforcement responsibility. The duties of the sign administrator shall include not only the issuance of permits as required by this article, but also the responsibility of insuring that all signs comply with this article and any other applicable law, and that all signs for which a permit is required do in fact have a permit. The sign administrator shall make such inspections as may be necessary to initiate appropriate action to bring about compliance with this article and other applicable law if such inspection discloses any instance of noncompliance. The sign administrator shall investigate thoroughly any complaints of alleged violations of this article.

(c) Powers of sign administrator. The sign administrator shall have the power and authority to administer and enforce the conditions of this article and all other laws relating to signs. Included among such powers are the following specific powers:

(1) Every sign for which a permit is required shall be subject to the inspection and approval of the sign administrator. When deemed advisable by the sign administrator, a sign may be inspected at the point of manufacture if such point is within or adjacent to the city limits;

(2) Upon notice and issuance of a stop order from the sign administrator, work on any sign that is being conducted in a manner contrary to the provisions of this article or is being conducted in a dangerous or unsafe manner shall be immediately stopped. Such notice and order shall be in writing and shall be given to the owner of the property, or to his agent, or to the person doing the work, and shall state the conditions under which work may be resumed. Where an emergency exists, written notice shall not be required to be given by the sign administrator. Following the issuance of a stop order, the sign administrator shall initiate proceedings to revoke any permit issued for the work covered by such stop order, consistent with subsection (3) below, unless the cause of the stop order is resolved to the sign administrator's satisfaction;

(3) The sign administrator shall have, and is hereby granted, the power and authority to revoke any and all licenses or permits authorized by this article for violation of the terms and provisions of this article; provided that the signadministrator shall conduct a hearing prior to the revocation of any license or permit authorized under this article to determine the facts incident to the pending revocation. The person whose license or permit is under consideration shall be given at least ten (10) calendar days' written notice of the hearing and shall be permitted to present relevant facts and legal argument regarding the pending revocation. Following such hearing, the sign administrator shall consider the merits of the case and shall present a written opinion prior to any act. Provided further, however, that if in the opinion of the sign administrator the health, safety or welfare of the citizens of the city is endangered by any violation of this article, the sign administrator may immediately revoke any or all licenses or permits authorized by this article and shall conduct the necessary hearing as soon as possible thereafter, but in no case later than three (3) business days after the effective date of the revocation unless the affected licensee or permittee shall request, in writing, a later date;

(4) The sign administrator shall have the authority to adopt regulations required to implement the provisions of this article; and

(5) Pursuant to and in accordance with any agreement between the city and the state or the United

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States government, the sign administrator is hereby authorized to enforce any applicable terms and provisions of the Texas Highway Beautification Act, V.T.C.A., Transportation Code, chapter 391, the Agreement for Carrying Out National Policy Relative to Control of Outdoor Advertising, entered into between the United States of America and the state by instrument dated May 2, 1972, any supplements or amendments to that agreement, and any rules or regulations promulgated by the state and/or the state department of transportation pursuant to said act or agreements with regard to signs.

(d) Penalty. Any person who shall violate any provision of this article shall be guilty of a misdemeanor and shall, upon conviction thereof, be punished by a fine as provided for in the general penalty provision found in section 1.01.009 of this code. Each day in which any violation shall occur shall constitute a separate offense. In addition, the city attorney is hereby authorized to take all actions, both legal and equitable, necessary to assure compliance with this article.

(e) Appeals. Any person wishing to appeal a decision of the sign administrator on the grounds that the decision misconstrues or wrongly interprets this article may within thirty (30) days after the decision appeal the same to the city council pursuant to its rules and regulations, provided that the appealing party shall give notice of appeal in writing to the city secretary no less than ten (10) days following the decision appealed from, and provided further that the appealing party shall comply with the sign administrator's decision pending appeal unless the sign administrator shall direct otherwise.

(1999 Code, sec. 4.604)

Sec. 3.06.005 Permits

(a) Permit required. No person shall hereafter maintain, erect, construct, reconstruct, alter or use a sign without first having secured a written permit from the sign administrator of the city to do so, subject to the exceptions set forth in subsection (b) below.

(b) Exceptions. No permit shall be required under this article for on-premises signs of the following descriptions, unless any such sign is a spectacular sign or a portable sign. Any sign listed hereunder shall be erected and maintained in a safe condition in conformity with section 3.06.007 of this article and other ordinances of the city.

(1) Signs painted on glass surfaces or windows or doors;

(2) Wall signs on the wall of a building relating to the ownership or occupancy of the building;

(3) Signs erected by the city, the state (including its political subdivisions, such as counties and school districts), or the federal government and the lessees of such governmental entities;

(4) Railroad signs;

(5) Legal notices and house numbers;

(6) A sign not over forty (40) square feet in area setting forth information concerning a building or other structure under repair or construction or advertising the sale or rental of the premises;

(7) A non-electrical ground sign of not over thirty (30) square feet in area, no closer than two feet (2') to the curbline, and no higher than eight feet (8'), setting forth the address, the name of the owner, and the name of business, provided there shall be no more than one (1) such sign;

(8) Temporary signs, provided the number of such signs on any premises does not exceed two (2) in number, and provided such signs are displayed on consecutive days, and for only a maximum of seven (7) days in any thirty (30) day period;

(9) Signs otherwise required by federal, state or local laws;

(10) On-premises signs setting forth the location of or directions to parking or buildings located on the premises, or regulating the flow of on-premises traffic. Such directional signs may be lighted, consistent with the other requirements for electrical signs in this article and with the requirements of the city code;

(11) Signs displayed, designed or used for or upon motor vehicles;

(12) Signs designed and used for display upon or with lighter- or heavier-than-air craft;

(13) Signs which are mounted on the face of a building no higher than the roof line or form an integral part of a canopy or marquee entrance and state only the street number, the name of the proprietor and name of the premises therein; provided that the number of such signs shall not exceed the number of entrances for such premises;

(14) Flags and banners used on premises where only one business is located and flags and banners erected by landlords in integrated business developments (shopping centers) to advertise vacant space for lease; and/or

(15) Three (3) or fewer ancillary signs at any business location.

(c) Application procedure.

(1) The application for a permit shall be submitted in such form as the sign administrator may prescribe and shall be accompanied by drawings and descriptive data to verify compliance with the provisions of this article. Construction permit applications for new ground signs, when erected or constructed to heights exceeding thirty feet (30') above roof level, shall be accompanied by a drawing of the sign structure and the sign prepared by and certified by a professional engineer registered in the state; the sign administrator, at his option, may also require similar certification by a registered professional engineer where any unusual structural provisions of a proposed sign indicate such certification is necessary in the interest of public safety.

(2) Every application shall be executed and verified under oath by both the owner of the premises upon which the sign is to be or has been constructed, or the authorized lessee of such premises, and the sign company if the sign is an off-premises sign, that the sign is authorized to be erected or to be thereafter maintained on the premises, and shall contain the sworn affidavit of the owner or lessee and the sign company that the sign does not violate any applicable deed restriction or other similar restrictions on the premises.

(3) If the location, plans and specifications set forth in any application for permit conform to all of the requirements of this article and other applicable provisions of the building code, the sign administrator shall issue the permit.

(d) Duration of operating permit; renewal. Each operating permit issued shall be effective for a period of three (3) years. Not less than thirty (30) days nor more than sixty (60) days prior to the conclusion of each three (3) year period, applications may be made for a three (3) year extension of the permit. Such application shall be submitted in such form as the sign administrator may prescribe, accompanied by payment of applicable fees, and shall be executed, verified and contain the sworn affidavit described in subsection (c)(2) above. If the application for extension of permit fully meets the requirements of applicable law in effect at the time of such application, the sign administrator shall issue a renewal permit for an additional three (3) year period or such other time as may be required by law.

(e) Operating permits for existing signs.

(1) After the date of passage of this article, all signs then existing must receive operating permits according to the following schedule:

(A) All portable signs, by ninety (90) days after the date of passage of this article; and

(B) All other signs, by one hundred eighty (180) days after the date of passage of this article.

(2) In order to receive operating permits, all signs existing on the date of passage of this article must conform to the requirements of section 3.06.007 and sections 3.06.041 through 3.06.052 when an operating permit is issued; with reference to the remainder of this article, all signs existing on the date of passage of this article must conform to the requirements of this article as follows:

(A) Existing portable signs must conform when an operating permit is issued;

(B) Existing spectacular signs must conform with the provisions of section 3.06.008(m)(1) when an operating permit is issued; otherwise, existing spectacular signs must conform six (6)

years after the date of passage of this article;

(C) Existing signs, unless portable signs or spectacular signs, or property exempt from having a permit, must conform with the provisions of division 3 of this article when an operating permit is issued following six (6) years after the date of passage of this article; and/or

(D) The provisions of this article requiring signs to comply with the construction standards of sections 3.06.041 through 3.06.052 shall not apply to portable signs and shall not apply to wall signs existing on February 25, 1982, unless such sign is replaced or is more than fifty percent (50%) damaged, in which case the new sign or repaired or replaced sign must comply with sections 3.06.041 through 3.06.052.

(3) When any sign, or a substantial part thereof, is blown down or otherwise destroyed, or taken down or removed for any purpose other than maintenance operations or for changing the letters, symbols or other matter on such sign, it shall not be re-erected, reconstructed or rebuilt except in full conformance with this article.

(f) Permits secured through subterfuge. Any permit secured before or after the effective date of this article which, in the opinion of the sign administrator, has been secured through subterfuge and not in full compliance with the provisions of this article, shall be revoked by the sign administrator; provided that such revocation shall conform with the provisions of section 3.06.004(c)(3) regarding notice and hearing.

(g) Identification of signs. Every sign for which a permit is required shall be plainly marked with the name of the owner, lessee or the sign company erecting and maintaining the sign and shall have affixed on the front thereof, or on some other location so as to be conspicuous and easily identifiable from an adjacent public street, an individually numbered sticker, tag or token provided by the city.

(h) Expiration of construction permit. Any permit for construction of a sign shall become null and void unless construction of the sign is completed within one hundred eighty (180) days, or the permit is renewed for an additional one hundred eighty (180) days, in which case an additional fee shall be payable equal to one-half (1/2) the original fee paid and the proposed sign shall meet all of the requirements of this article on the date of renewal.

(i) Fee schedules.

(1) Building permit. Fees for building permits shall be as provided for in the fee schedule found in appendix A of this code.

(2) Operating permit. Each application for an operating permit shall be accompanied by a fee as provided for in the fee schedule found in appendix A of this code for each sign for which a permit is sought.

(j) Refund of fees if permit is revoked. The applicant for a permit or holder of a permit shall not be entitled to a refund of any fee paid in case the permit is revoked.

(k) Deposit or bond. When any work on a sign or sign structure is to be done beyond the curbline or on or above public property which may cause the city to sustain loss, damage or injury to public property, or to be put to expense in correcting conditions resulting therefrom, the sign administrator shall require the person proposing to do such work to furnish a bond in the amount of twenty-five thousand dollars ($25,000.00), in the form determined by the city legal department, or to post a deposit of a like amount, to indemnify the city against any cost that may be incurred or any loss, damage or injury that may be sustained by the city because of such work, and as a guarantee of compliance with this and other applicable laws and ordinances. Such required bond or deposit shall be furnished or posted before any permit is issued to work.

(l) Electrical signs. Any electrical signs shall conform fully to the requirements of the electrical code of the city.

(1999 Code, sec. 4.605)

Sec. 3.06.006 Installation of electrical signs

Each person constructing, repairing, or replacing or removing any sign that in any manner includes the use of electricity shall adhere to the requirements of chapter 3 of the city code and shall pass such examinations and

tests required to qualify for an electrician's license. (1999 Code, sec. 4.606)

Sec. 3.06.007 Maintenance and removal

(a) Maintenance. All signs shall be kept in good repair and, unless of galvanized or noncorroding metal or treated with appropriate wood preservative, shall be thoroughly painted as often as is necessary consistent with good maintenance. All braces, bolts, clips, supporting frame and fastenings shall be free from deterioration, termite infestation, rot, or loosening. All signs shall be able to withstand safely at all times the wind pressures specified elsewhere in this article. In case any sign is not so maintained, the sign administrator shall give written notice to the owner or lessee thereof to so maintain the sign, or to remove the sign.

(b) Unsafe signs. Should any sign, in the opinion of the sign administrator, become insecure or in danger of falling or otherwise unsafe, the sign administrator shall give written notice of the condition of the sign to the person owning, leasing, or responsible for the sign. Said person so notified shall correct the unsafe condition of the sign in a manner to be approved by the sign administrator in conformity with the provisions of this article.

(c) Unlawful signs. In case any sign shall be installed, erected, constructed, or maintained in violation of any of the terms of this article, the sign administrator shall give written notice to the owner, lessee, or person responsible for said sign ordering said owner, lessee or person to alter the sign so as to comply with this article, or to remove the sign.

(d) Failure to comply with notice. Any written notice to alter or to remove a sign shall be given by the sign administrator by certified mail or written notice served personally upon the owner, lessee, or person responsible for the sign, or the owner's agent. If such order is not complied with within ten (10) days, the sign administrator shall initiate proceedings under section 3.06.004(c)(3) herein to revoke the permit and remove the sign at the expense of the owner, lessee, or person responsible therefor.

(1999 Code, sec. 4.607)

Sec. 3.06.008 Miscellaneous provisions

(a) Christmas displays and similar temporary displays. Christmas displays and similar temporary displays erected without advertising shall not be subject to the provisions of this article, but shall be subject to the fire prevention code and rules and regulations for fire safety promulgated by the fire marshal.

(b) Political signs. No permit shall be required under this article for a sign erected solely for and relating to a public election for a period commencing sixty (60) days prior to and for ten (10) days following such public election, provided that such unpermitted sign shall be located on private property only, shall be constructed of lightweight material, and shall not exceed fifty (50) square feet in size.

(c) Signs on public property.

(1) With the exception of signs approved by the city council or exempt signs erected prior to the passage of this article, it shall be unlawful to place a sign upon a public street, public sidewalk, public alley, public right-of-way, public curb or other public improvement in any public street or grounds, on any public bridge or part of same, or on any public building or structure of any kind belonging to the city, or in any public place or on any public improvement, unless express consent thereof shall have been first granted by the city council. However, coin-operated devices used to display and vend newspapers may be so placed, so long as they are not placed to impede vehicular or pedestrian traffic. This section does not apply to public property leased for private business purposes.

(1999 Code, sec. 4.608)

(2) Any unlawful sign found within a public right-of-way of a public street, public sidewalk or public alley shall be seized, and removal thereof is hereby authorized. The sign administrator, employees of the police department, and the department of public works are hereby authorized to impound any signs found on a public street, public sidewalk, or public alley and transport or cause the same to be transported to a location to be designated by the sign administrator for storage. The sign administrator shall maintain records of where such signs were located when they were so impounded and the date on which they were so impounded and shall hold the same in the storage area for a period of not more than thirty (30) days. Any sign so held may be redeemed by the owner thereof upon the payment of a

fee to the city through the sign administrator, as provided for in the fee schedule in appendix A to this code. Such fee shall be in addition to and not in lieu of any fine imposed upon such owner for violation of this article. Any sign impounded and stored and not redeemed by the owner thereof within thirty (30) days may be sold at public auction in the same manner as surplus or abandoned property of the city. (1999 Code, sec. 4.608; Ordinance adopting Code)

(d) Consent for signs on private property. No person shall place a sign on private property without the written consent of the owner or agent for the owner of said private property.

(e) Signs resembling official signs. No sign shall be constructed which resembles any official marker erected by the city, state, or any governmental agency, or which by reason of position, shape, or color would conflict with the proper functioning of any traffic sign or signal or which by its shape or color would conflict with or be confused with emergency vehicle lights, especially blinking lights. Use of words such as "stop," "look," "danger," or any other word, phrase, symbol or character in such a manner as to interfere with, mislead, or confuse traffic is prohibited.

(f) Signs on traffic islands. Signs are prohibited on traffic islands or any area having a minimum distance of less than fifty feet (50') between the curblines of any street or streets.

(g) Signs obstructing egress, light or ventilation.

(1) No sign shall be erected, constructed, or maintained so as to obstruct any means of egress, or any opening necessary for required light, ventilation, or firefighting or for escape from the premises, or so as to prevent free passage from one part of a roof to any other part thereof.

(2) No sign shall be attached to any exterior stairway, fire escape, fire tower balcony or balcony serving as a horizontal exit.

(3) No sign shall be erected, constructed, or maintained so as to interfere with the free operation of a counterbalanced section of a fire escape, and no projecting sign shall be erected, constructed, or maintained without a minimum of seven feet (7') of clearance over any such counterbalanced section.

(4) No sign shall obstruct the free use of any window above the first story.

(h) Signs employing motion picture machine. No sign shall employ a stereopticon or motion picture machine.

(i) Sign permit does not create permanent easement. No permit for a sign extending beyond private property onto a public street, public sidewalk, or public alley shall constitute a permanent easement, and every such permit shall be revocable at any time by action of the city council and the city shall not be liable for any damages to the owner by reason of such revocation.

(j) Change of ornamental features, electric wiring or advertising display. No sign permit is required for the change of any of the ornamental features, electric wiring or devices, or the advertising display of a sign previously permitted. This provision shall not apply to spectacular signs with respect to advertising display, nor shall it release a person from complying with all other applicable permitting requirements of the city.

(k) Signs obscuring or interfering with view of drivers. Signs may not be located or illuminated in such a manner as to obscure or otherwise interfere with the effectiveness of an official traffic sign, signal or device, or so as to obstruct or interfere with the view of a driver of approaching, emerging or intersecting traffic, or so as to prevent any traveler on any street from obtaining a clear view of approaching vehicles for a distance of two hundred fifty feet (250') along the street.

(l) Lighted signs interfering with view of drivers. Signs containing lights which are not effectively shielded as to prevent beams or rays of light from being directed at any portion of the traveled way from which the sign is primarily viewed and which are of such intensity or brilliance as to cause glare or to impair the vision of the driver of any motor vehicle, or which otherwise interfere with any driver's operation of a motor vehicle, are prohibited.

(m) Spectacular signs. Spectacular signs shall be subject to the following restrictions:

(1) Spectacular signs with glaring strobe or spot lights or rotating strobe or spot lights are prohibited.

(2) All other spectacular signs shall be prohibited, with the exception that moving or intermittent

lights may be used to give time, date, temperature, weather or stock market reports only.

(1999 Code, sec. 4.608)

Secs. 3.06.009–3.06.040 Reserved

Division 2. Structural Requirements

Sec. 3.06.041 Design standards

(a) General standards.

(1) All signs and sign structures shall be designed and constructed to resist wind forces as specified in this article. All bracing systems shall be designed and constructed to transfer lateral forces to the foundations. For signs on buildings, the dead and lateral loads shall be transmitted through the structural frame of the building to the ground in such manner as not to overstress any of the elements thereof.

(2) The overturning moment produced from lateral forces shall in no case exceed two-thirds (2/3) of the dead-load resisting moment for all signs. Uplift due to overturning shall be adequately resisted by proper anchorage to the ground or to the structural frame of the building for all signs. The weight of earth superimposed over footings may be used in determining the dead-load resisting moment. Such earth shall be carefully placed and thoroughly compacted.

(3) The allowable stresses in wire ropes and steel guy rods and their fastenings shall not exceed one-fourth (1/4) of their rated tensile strength.

(b) Wind loads. All signs and sign structures shall be designed to resist wind loads as follows:

Wind Load Pressures in Pounds per Square Foot for All Signs

Height Above Ground* (ft.)	Pressure (lbs./ft.)
0 - 30	20
31 - 50	25
51 - 99	35
100 - 199	45
200 - 299	50
300 - 399	55
400 - 500	60
501 - 800	70
Over 800	77

*Measured above the average level of the ground adjacent to the structure.

(1999 Code, sec. 4.609(a))

Sec. 3.06.042 Supports; materials

(a) Supports. The supports for all signs or sign structures shall be erected in conformance with the requirements of the city building code.

(b) Materials. Materials for construction of all signs and sign structures shall be of the quality and grade as specified for buildings in the city code.

(1999 Code, sec. 4.609(b))

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Sec. 3.06.043 Electrical requirements

All electrical fixtures, equipment and appurtenances installed in conjunction with a sign shall be designed and installed in accordance with the city code. (1999 Code, sec. 4.609(c))

Sec. 3.06.044 Use of plastic materials

(a) For the purposes of this section, the following definitions shall apply:

(1) *Display surface* shall mean the entire surface of a sign, on one side, devoted to exhibiting or contrasting exhibits of advertising. The display surface shall generally include the entire sign surface except for the sign frame and incidental supports thereto.

(2) *Sign facing or facing* shall mean a separate and distinguishable portion of the overall display surface.

(b) Notwithstanding any other provisions of this article, plastic materials which burn at a maximum rate of two and one-half inches (2-1/2") per minute in sheets of 0.060 thickness when tested in accordance with "Test for Flammability of Rigid Plastics Over 0.050 Inches in Thickness," ASTM D635-1974, shall be deemed "approved plastics" for the purposes of this article, and may be used as the display surface material and for the letters, decorations and facings on signs, provided that the structure of the sign in which the plastic is mounted or installed is noncombustible.

(c) Individual plastic facings of electrical signs shall not exceed two hundred (200) square feet in area. If the area of a display surface exceeds two hundred (200) square feet, the area occupied or covered by approved plastics shall be limited to two hundred (200) square feet plus fifty percent (50%) of the difference between two hundred (200) square feet and the total square footage area of the sign.

(d) The area of plastic on a display surface shall not in any case exceed five hundred fifty (550) square feet.

(e) Letters and decorations mounted upon an approved plastic facing or display surface shall be made of approved plastics.

(1999 Code, sec. 4.609(d))

Sec. 3.06.045 Height limitations and requirements

Except as stated herein, no ground sign shall be established, constructed or erected which exceeds an overall height of forty-two and one-half feet (42-1/2'), including cutouts extending above the rectangular border, measured from the highest point on the sign to the grade level of the ground surface in which the sign supports are placed. A roof sign having a tight or solid surface shall not at any point exceed twenty-four feet (24') above the roof level. Open roof signs in which the uniform open area is not less than forty percent (40%) of total gross area may be erected to a height of forty feet (40') above the roof level. Projecting signs shall be a minimum of fourteen feet (14') in height above grade. These height limitations shall not apply to on-premises signs lawfully permitted or lawfully erected prior to the date of passage of this article. (1999 Code, sec. 4.609(e))

Sec. 3.06.046 Size limitation

Except as stated herein, no on-premises sign other than an on-premises wall sign shall be established, constructed, or erected which has a face area exceeding three hundred (300) square feet, including cutouts, but excluding uprights, or which has face dimensions that exceed fifteen feet (15') in height or thirty feet (30') in width. No off-premises sign shall be established, constructed, or erected which has a face area exceeding six hundred seventy-two (672) square feet, including cutouts, but excluding uprights. No double-faced off-premises sign shall be established, constructed, or erected unless each face is seventy-five (75) square feet or less and the faces are abutting on one edge. These size limitations shall not apply to on-premises signs lawfully permitted or lawfully erected prior to the date of passage of this article. (1999 Code, sec. 4.609(f))

Sec. 3.06.047 Method of determining area of sign

In determining the area of any sign, the dimensions of the rectangle enclosing the signboard, excluding the supporting structure, shall be used. If the sign includes cutouts or facings extending beyond the dimensions of the rectangular signboard, the measurement of sign area shall include the actual area of the cutout or extended facings. For signs of a double-faced, back-to-back, or V-type nature, each face shall be considered a separate sign in computing the face area. (1999 Code, sec. 4.609(g))

Sec. 3.06.048 Clearances

(a) Clearance from high voltage power lines. Signs shall be located a minimum distance of six feet (6') measured horizontally and twelve feet (12') measured vertically from overhead electric conductors which are energized in excess of seven hundred fifty (750) volts. The term "overhead conductors" as used in this section means any electrical conductor, either bare or insulated, installed above the ground.

(b) Signs projecting into alley. No portion of a sign or sign structure shall project into any public alley unless said portion is a minimum of fourteen feet (14') in height above grade.

(1999 Code, sec. 4.609(h))

Sec. 3.06.049 Fire prevention requirements

(a) For the purpose of this article, the following definitions shall apply:

(1) *Noncombustible material* shall mean material no less flammable than steel, iron, or other similar metal, or as the term shall be otherwise defined by the fire prevention or building codes of the city, or by the sign administrator; noncombustible material shall include incombustible material.

(2) *Combustible material* shall mean material more flammable than metal, but no more flammable than wood or approved plastic, as that term is defined in section 3.06.044(b) herein; no material more flammable than wood or approved plastic shall be used in any sign.

(b) When signs are required herein to be constructed of noncombustible material, all parts of such signs, including the sign structure, shall be of noncombustible material, except that the following parts made out of combustible material shall be permitted:

(1) Small ornamental moldings, battens, cappings, and nailing strips;

(2) Individual letters, symbols, figures, and insignia supported by or within a noncombustible frame or a permitted combustible facing as permitted in section 3.06.044.

(3) Portions of each face of a sign, up to but not exceeding one hundred (100) square feet of facing, as long as the total area of facing for such sign does not exceed two hundred (200) square feet;

(4) Wood posts and braces for signs whose surface is no more than ten feet, six inches (10'6") in height when such signs are determined to be nonhazardous by the sign administrator based on health and safety considerations, including but not limited to their location, their proximity to other flammable materials, their proximity to occupied structures, and their proximity to necessary firefighting equipment.

(c) Subject to the specific exceptions stated in subsection (b) of this section, or as otherwise stated in this article, all roof signs, projecting signs, and marquee signs shall be constructed of noncombustible materials.

(d) Subject to the specific exceptions stated in subsection (b) of this section, or as otherwise stated in this article, all ground signs and wall signs in Fire Zones 1 and 2, as said fire zones are now or hereafter established by city ordinance, shall be constructed of noncombustible materials. Ground signs and wall signs in other fire zones may be constructed of combustible materials.

(1999 Code, sec. 4.609(i))

Sec. 3.06.050 Ground signs

(a) Lighting reflectors on ground signs may project beyond the face of the sign.

(b) Every ground sign shall provide rigid construction to withstand wind action in all directions.

(c) Any person, including the owner, lessee, or other person, using any vacant lot or premises for the location of a ground sign shall keep such premises clean, sanitary, inoffensive, and free and clear of all obnoxious substances and unsightly conditions on the ground in the vicinity of such ground sign.

(1999 Code, sec. 4.609(j))

Sec. 3.06.051 Wall signs

(a) Wall signs attached to exterior walls of solid masonry, concrete or stone shall be safely and securely attached to the same by means of metal anchors, bolts, or expansion screws of not less than three-eighths inch (3/8") in diameter and shall be embedded at least five inches (5"). Wood blocks shall not be used for anchorage, except in the case of wall signs attached to buildings with walls of wood. A wall sign shall not be supported by anchorages secured to an unbraced parapet wall.

(b) The surface face of all signs must be of sheetmetal, but in areas other than Fire Zones 1 and 2 the ornamental molding surrounding same may be of wood construction.

(1999 Code, sec. 4.609(k))

Sec. 3.06.052 Roof signs

(a) All roof signs shall be so constructed as to leave a clear space of not less than six feet (6') between the roof level and the lowest part of the sign and shall have at least five feet (5') clearance between the vertical supports thereof; provided, however, no portion of any roof sign structure shall project beyond an exterior wall.

(b) Every roof sign shall be constructed entirely of steel, including the upright supports and braces, except that in areas other than Fire Zones 1 and 2 the ornamental molding and battens behind the steel facing and the decorative lattice work may be of wood construction.

(c) The bearing plates of all roof signs shall distribute the load directly to or upon masonry walls, steel roof girders, columns or beams. The building shall be designed to avoid overstress of these members.

(d) All roof signs shall be thoroughly secured to the building upon which they are installed, erected or constructed by iron, metal anchors, bolts, supports, chains, stranded cables, steel rods, or braces, and they shall be maintained in good condition as set forth in section 3.06.007(a).

(1999 Code, sec. 4.609(l))

Sec. 3.06.053 Projecting signs

(a) All projecting signs shall be constructed entirely of metal or other noncombustible material and securely attached to a building or structure by metal supports such as bolts, anchors, supports, chains, guys or steel rods. Staples or nails shall not be used to secure any projecting sign to any building or structure.

(b) The dead load of projecting signs, not parallel to the building or structure, and the load due to wind pressure, shall be supported with chains, guys, or steel rods having a net cross-sectional dimension of not less than three-eighths inch (3/8") in diameter. Such supports shall be erected or maintained at an angle of at least forty-five (45) degrees with the horizontal to resist the dead load and at an angle of forty-five (45) degrees or more with the face of the sign to resist the specified wind pressure. If such projecting sign exceeds thirty (30) square feet in one facial area, there shall be provided at least two (2) such supports on each side of the sign not more than eight feet (8') apart to resist the wind pressure.

(c) All supports shall be secured by an expansion shield to a bolt or expansion screw of such size that will develop the strength of the supporting chain, guys, or steel rod, with a minimum five-eighths inch (5/8") bolt or lag screw. Turnbuckles shall be placed in all chains, guys, or steel rods supporting projecting signs.

(d) Chains, cables, guys, or steel rods used to support the live or dead load of projecting signs may be fastened to solid masonry walls with expansion bolts or by machine screws in iron supports, but such supports shall not be attached to an unbraced parapet wall. Where the supports must be fastened to walls made of wood, the

supporting anchor bolts must go through the wall and be plated and fastened on the wall in a secure manner.

(e) A projecting sign shall not be erected on the wall of any building so as to project above the roof or cornice wall or above the roof level where there is no cornice wall; except that a sign erected at a right angle to the building, the horizontal width of which sign perpendicular to such wall does not exceed eighteen inches (18"), may be erected to a height not exceeding two feet (2') above the roof or cornice wall or above the roof level where there is no cornice wall. A sign attached to a corner of a building and parallel to the vertical line of such corner shall be deemed to be erected at a right angle to the building wall.

(1999 Code, sec. 4.609(m))

Sec. 3.06.054 Marquee signs

Marquee signs shall be constructed entirely of metal or noncombustible material and may be attached to or hung from a marquee. The lowest point of a sign hung from a marquee shall be at least eight feet (8') above the sidewalk or ground level, and, further, such signs shall not extend or project beyond the corners of the marquee. Marquee signs may be attached to the sides and front of a marquee, and a sign may extend the entire length and width of said marquee, provided that no sign shall extend more than six feet (6') above nor one foot (1') below such marquee, nor have a vertical dimension greater than eight feet (8'). (1999 Code, sec. 4.609(n))

Sec. 3.06.055 Portable signs

(a) Every portable sign shall be equipped with a trailer hitch and locking device approved by the sign administrator to hold the trailer in a securely locked position during transport. All such hitching equipment shall also comply with all applicable federal, state and local laws regulating same.

(b) Every portable sign not in transit shall be securely anchored to the ground by cables, ground supports, or other means acceptable to the sign administrator to prevent overturning in high winds.

(c) Portable signs shall, for the purposes of this article, be considered non-mobile, non-portable ground signs and thereby subject to all provisions of this article, including the structural requirements, spacing requirements, permitting and fee requirements, on-premises and off-premises provisions, and all other provisions of this article applicable to ground signs, unless a provision which applies by its terms to portable signs is in conflict with a provision applying to ground signs, in which case the provision applying specifically to portable signs would control.

(d) No on-premises portable sign may be illuminated unless it meets the city electrical code and is located near (within two feet (2')) of an accessory outdoor outlet. No illuminated portable sign shall be operated off of an extension cord of any type.

(e) All portable signs shall have wheels removed and shall be skirted around the base with wood or metal decorative material. This material shall extend from the base of the sign to the ground, covering the legs of the sign and all open space in between. The skirting shall be painted and maintained in good condition.

(f) All signs for which a valid permit has been obtained existing on the effective date of this amendment, December 12, 1985, shall be brought into compliance with subsections (d) and (e) above no later than six (6) months following the effective date of this amendment.

(1999 Code, sec. 4.609(o))

Sec. 3.06.056 Signs of V-type or back-to-back construction

(a) The angle between the faces of V-type signs shall be no greater than forty-five degrees (45°) measured back-to-back, and if the area of each face is three hundred (300) square feet or less, the maximum distance at the nearest point between the two (2) backs, as measured at the apex, shall not exceed one and one-half feet (1-1/2'); if the area of either face exceeds three hundred (300) square feet, then the maximum distance between the two (2) backs, as measured at the apex, shall not exceed three and one-half feet (3-1/2').

(b) Back-to-back signs must be on common supports, and if the area of each is three hundred (300) square feet or less, then the nearest point between the two (2) backs shall not exceed five feet (5') plus the diameter of the intervening upright or support.

(1999 Code, sec. 4.609(p))

Secs. 3.06.057–3.06.090 Reserved

Division 3. Off-Premises Signs

Sec. 3.06.091 Applicability

The provisions of this division shall apply only to off-premises signs, as that term is defined in section 3.06.003 of this article, within the city limits. (1999 Code, sec. 4.610)

Sec. 3.06.092 Definitions

The following definitions shall apply to this division:

Commercial or industrial activity. Property that is devoted to use for commercial or industrial purposes, and not for residential purposes. "Commercial or industrial activity" shall not include the following:

(1) Signs;

(2) Agricultural, forestry, ranching, grazing, farming and related activities, including, but not limited to, temporary wayside fresh produce stands;

(3) Activities not housed in a permanent building or structure;

(4) Activities not visible from the traffic lanes of the main traveled way;

(5) Activities conducted in a building primarily used as a residence; and

(6) Railroad right-of-way.

Primarily residential area. The right-of-way (and adjoining property area) between two (2) intersecting public streets in which a majority of the total front footage is used for residential purposes.

(1999 Code, sec. 4.610(1))

Sec. 3.06.093 New off-premises signs prohibited

Effective the date of passage of this section, no new construction permits shall be issued for off-premises signs within the city limits and no additional off-premises signs shall be erected within the city limits. This prohibition shall apply to all classifications of signs, types of signs and special function signs, and all other signs used as off-premises signs, including portable signs, with the exception that off-premises signs which advertise the sale or rental of real property or direct persons to the location of real property for sale or rental, which signs shall be limited to forty (40) square feet in area, shall continue to be permitted for a single three-year term. (1999 Code, sec. 4.610(2))

Sec. 3.06.094 Location

(a) All off-premises signs shall be located within eight hundred feet (800') of a commercial or industrial activity.

(b) No off-premises sign shall be located in a primarily residential area.

(c) No off-premises sign shall be erected, constructed or established such that the face of the structure may be viewed from a scenic or historical right-of-way or district.

(d) All off-premises signs other than those located on the interstate and freeway primary system shall be subject to the following spacing requirements from other off-premises signs on the same side of the public right-of-way (see also "Spacing of Off-Premises Signs" below):

(1) No off-premises sign having a face area in excess of three hundred (300) square feet shall be located within four hundred feet (400') of another off-premises sign;

(2) No off-premises sign having a face area of from one hundred (100) to three hundred (300) square feet shall be located within two hundred feet (200') of another off-premises sign; and

(3) No off-premises sign having a face area up to one hundred (100) square feet shall be located within one hundred feet (100') of another off-premises sign.

Spacing of Off-Premises Signs

Face Area of Sign	Distance to Other Signs in Feet		
	Area 300 - 900	Area 100 - 300	Area Less Than 100
In excess of 300 square feet	400	400	400
100 - 300 square feet	400	200	200
Less than 100 square feet	400	200	100
All signs on interstate and freeway primary system	500	500	500

(4) From and after the date of adoption of this subsection, any sign using light-emitting diodes shall be permitted only if shielded from view by a covered sign face. CEVMS are prohibited in all areas.

(e) The spacing provisions stated in this article relating to the location of off-premises signs shall not apply to the following signs:

(1) Signs lawfully erected and lawfully existing on the date of final passage of this section which are on the federal primary system and subject to regulation under the provisions of the Texas Highway Beautification Act, V.T.C.A., Transportation Code, chapter 391, including all amendments (the Texas act), or are subject to regulation under the Federal Highway Beautification Act, 23 U.S.C.A. section 131 et seq., including all amendments (the federal act). Location and spacing of signs subject to the Texas act and federal act shall be regulated by the city only to the extent required by and in accordance with the directives of the appropriate state and federal agencies regulating such signs. Signs governed by the Texas act or the federal act with respect to location and spacing shall be subject to the remaining provisions of this article unless specifically excluded therefrom by the Texas act or the federal act or by the rules and regulations of the state and federal agencies implementing such acts;

(2) Signs separated by buildings, natural surroundings or other obstructions in such a manner that only one (1) sign located within the above space distances is visible from the highway or street at any one time; and

(3) Signs at street intersections which are located so that each is to be viewed primarily from a separate street; in no instance, however, shall any off-premises sign be located less than twenty-five feet (25') from any other off-premises sign when located on street corner intersections.

(f) Each double-faced, back-to-back, or V-type sign shall be considered as a single off-premises sign for spacing purposes. The largest face on a double-faced, back-to-back, or V-type sign will govern spacing requirements.

(g) In computing the distance between off-premises signs, all measurements shall be made parallel to the edge of the street and on the same side of the street. In measuring the distance from back-to-back and V-type signs, the measurements shall be made from the street end of the nearest sign on the back-to-back or V-type structure.

(1999 Code, sec. 4.610(3))

Sec. 3.06.095 Placement on property

All off-premises signs and sign structures shall be within the deeded front building line, or, if no such line exists,

within the property line, but in no event closer than twenty feet (20') to the curbline of any public street. (1999 Code, sec. 4.610(4))

Revised 10/2016

Sec. 3.06.096 Supports

All off-premises sign structures which are not located on the interstate and freeway primary system shall be supported by not more than three (3) steel columns or three (3) columns of material that is of strength equal to or stronger than steel, if the face area of the sign is over three hundred (300) square feet or less [sic], the structure shall be supported by not more than two (2) steel columns or two (2) columns of material that is of strength equal to or stronger than steel. (1999 Code, sec. 4.610(5))

Sec. 3.06.097 Visibility triangle at intersections

Within forty-five feet (45') of an intersection, no part of the face of an off-premises sign shall be lower than a height of eight feet (8') above the grade level of the nearest street. (1999 Code, sec. 4.610(6))

Sec. 3.06.098 Abandonment

Any off-premises sign structure lawfully erected and maintained which has no copy, transcript, reproduction, model, likeness, image, advertisement or written material for a period of one hundred twenty (120) consecutive days is hereby declared to be a violation of this division, and as such shall be restored to use or removed by the owner or permittee within thirty (30) days after notice by the sign administrator of such violation. If the owner or permittee fails to restore the off-premises sign structure to use or move the abandoned off-premises sign structure within the specified thirty (30) days, the sign company which received a permit for the sign shall be deemed to have forfeited any required bond and the sign administrator shall use the proceeds to remove the abandoned off-premises sign structure. (1999 Code, sec. 4.610(7); Ordinance adopting Code)

Revised 10/2016

SECTION 21. SIGN REGULATIONS

No person, unless otherwise permitted by this ordinance, shall erect, construct, reconstruct, structurally alter or relocate any sign within the city which does not comply with the requirements of this section and without first satisfying the permitting requirements and complying with the construction and size standards otherwise adopted by the City of Katy. (Ordinance 1021 adopted 10/22/92; Ordinance 1042 adopted 8/12/93)

21.1 Permitted Sign Use.

21.1-1 R-1 and R-2 Districts: Only temporary on-premises ground signs are permitted on tracts occupied by dwellings. Other locations where dwellings are not located only on-premises ground signs are permitted. Portable signs and CEVMS are prohibited. (Ordinance 2460, sec. III, adopted 12/14/09)

[21.1-2 Reserved. Deleted and reserved by Ordinance 2378, section VI, adopted May 12, 2008.]

21.1-3 C-1, C-2 and M Districts: No off-premises signs, or CEVMS are permitted whether temporary or permanent, shall be located in the Old Katy District or within five hundred (500) feet of a single-family residential zone. (Ordinance 2460, sec. IV, adopted 12/14/09)

21.2 Classification and Definitions.

21.2-1 Advertising. To seek the attraction of or to direct the attention of the public to any goods, services, or merchandise whatsoever.

21.2-2 Business. Includes any activity with a business purpose, any activity not involving a residential purpose.

21.2-3 Business Purpose. The use of any property or structure for the purpose of conducting a commercial enterprise or church as herein defined. The definition shall, in any R-1 area as defined in the City of Katy Zoning Ordinance, include any nonresidential use or purpose.

21.2-4 Church. Those organizations identified and defined as religious organizations in the Internal Revenue Code (IRC) and those activities conducted by those organizations granted exempt status under IRC Sec. 501 when such activities are conducted on the same premises as the religious organization.

21.2-5 Curbline. An imaginary line drawn along the edge of the pavement on either side of a public street.

21.2-6 General Right-of-Way. A right-of-way which is not classified as a predominantly residential right-of-way or scenic or historical right-of-way or district and which is owned, leased or otherwise legally controlled by the person placing a sign thereon.

21.2-7 Nonresidential Purpose. Use or activity which is not a residential purpose, including but not limited to businesses, nonprofit organizations and churches.

21.2-8 Off-Premise Sign. Any sign advertising a business, person, activity, goods, product or service not usually located on the premises where the sign is installed and maintained, or which directs persons to any location not on the premises.

21.2-9 On-Premise Sign. Any sign identifying or advertising the business[,] person, activity, goods, products or services primarily sold or offered for sale on the premises where the sign is installed and maintained when such premise is used for business purposes; and

21.2-10 Person. An individual, company, corporation, partnership, association, or any other entity.

21.2-11 Predominantly Residential Right-of-Way. A public right-of-way between two (2) intersecting public streets in which a majority of the total front footage is used for residential purposes.

21.2-12 Public Right-of-Way. Any part of a right-of-way not privately owned or controlled, and which is the responsibility of the city or other similar public agency to maintain.

21.2-13 Public Street. The entire width between property lines of any road, street, way, alley, bridge, or other similar thoroughfare not privately owned or controlled, when any part thereof is open to the public for vehicular traffic, is the responsibility of the city or other similar public agency to maintain, and over which the city has legislative jurisdiction under its police power.

21.2-14 Residential Purposes. The use of property in an R-1, R-2, or R-3 district devoted to occupancy by persons of a dwelling. Property devoted to both residential and nonresidential use shall be considered as used for residential purposes.

21.2-15 Right-of-Way. The property fronting on, immediately adjacent to, and on either side of a public street or a nonpublic street.

21.2-16 Sign. Any outdoor display, design, pictorial, or other representation, which shall be so constructed, placed, attached, painted, erected, fastened, or manufactured in any manner whatsoever so that the same shall be used for advertising. The term "sign" shall include the sign structure. Every sign shall be classified and conform to the requirements of each of such classifications set forth in this section.

21.2-17 Sign Structure. Any structure which supports or is capable of supporting any sign. A sign structure may be a single pole and may or may not be an integral part of a building.

21.2-18 Total Front Footage. The total length of the footage of property fronting on both sides of a public street.

21.3 Types of Signs

All signs shall further be classified into one of the following type signs:

21.3-1 Ground Sign. Shall consist of one (1) or two (2) sign faces and a support structure. Each pair of identical faces on a ground, pole or projecting sign structure shall constitute a separate sign.

21.3-2 Marquee Sign. A projecting sign attached to or hung from a canopy or covered structure projecting from and supported by a frame or pipe support extending beyond a building.

21.3-3 Projecting Sign. Any sign which is affixed to any building wall or structure and extends beyond the building wall or structure more than twelve (12) inches.

21.3-4 Roof Sign. Any sign erected, constructed or maintained above the roof of any building.

21.3-5 Wall Sign. Any sign affixed to or painted upon the wall of any building.

21.3-6 Ancillary Sign. One which conveys information regarding a service or facility subsidiary to the main or principal business use of a property, such as telephone signs, restroom signs, credit card signs, etc. Ancillary signs shall not exceed four (4) square feet in size.

21.3-7 Special Function Signs. Any on-premise or off-premise sign of any type which may include electrical sign, portable sign, and spectacular sign or combination, according to special functions.

21.3-8 Electrical Sign. Any sign containing electrical wiring or utilizing electrical current, but not including signs illuminated by an exterior light source[.]

21.3-9 Portable Sign. Any sign assigned or constructed to be easily moved from one location to another, including signs mounted upon or designed to be mounted upon a trailer, bench, wheeled carrier or other non-motorized mobile structure; a portable sign which has its wheels removed shall still be considered a portable sign hereunder. For the purpose of this section, trailer signs and signs on benches are "portable signs."

(Ordinance 1021 adopted 10/22/92; Ordinance 1042 adopted 8/12/93)

21.3-10 Spectacular Sign shall mean any sign which has automatically changing advertising or which is equipped with glaring or rotating strobe or spotlights or which has any moving message whatsoever. A changing or moving message that does not change or move more than once every four

(4) hours, shall not be considered "automatically changing advertising." (Ordinance 2460, sec. V, adopted 12/14/09)

21-3.11 Temporary Sign. Any sign constructed of cloth, canvas, light fabric, cardboard, wallboard, or other light material not to exceed one hundred (100) square feet in size. A portable sign shall not be considered a temporary sign.

21-3.12 Vendors Variable Message Sign. A ground sign that incorporates within its design and construction the ability for the vendor to easily alter the wording of the sign message. This sign shall conform to all structural requirements of ground signs, Subsection 1 of this section.

(Ordinance 1021 adopted 10/22/92; Ordinance 1042 adopted 8/12/93)

21.3-13 Changeable Electronic Variable Message Sign (CEVMS) shall mean a sign which permits light to be turned on or off intermittently, or which is operated in a way whereby light is turned on or off intermittently, including any illuminated sign on which such illumination is not kept stationary or constant in intensity and color at all times when such sign is in use including an LED (light emitting diode) or digital sign, and which varies in intensity and color. A CEVMS does not include a sign located within the right-of-way that functions as a traffic-control device (MUTCD) approved by the Federal Highway Administration as the National Standard. (Ordinance 2378, sec. IX, adopted 5/12/08)

21.3-14 Inflatable Sign. Shall mean a sign or form of advertisement in the form of or attached to a balloon or other inflatable or floating device. (Ordinance 2499 adopted 5/23/11)

21.4 On-Premise Sign Provisions.

21.4-1 Signs on General Rights-of-Way.

a. Property on which only one (1) nonresidential purpose activity is located:

(1) No nonresidential activity (activity) shall have more than a total of five (5) on-premise signs; provided, however, that each activity may select any combination of the signs described below in this subsection to reach that total:

(i) Each (activity) shall place no more than two (2) on-premise ground signs;

(ii) Each (activity) shall place no more than three (3) on-premise wall signs, which shall not occupy more than fifty (50) percent of the total wall surface;

(iii) Each (activity) shall place no more than three (3) on-premise roof or wall signs, designed to be architecturally compatible with the building;

(iv) Each (activity) shall place no more than three (3) on-premise projecting signs, which shall not extend above the uppermost portion of the building to which it is attached unless otherwise such extension is excepted;

(v) Each (activity) shall place no more than three (3) on-premise marquee signs.

(2) With the exception of on-premise signs lawfully permitted or erected prior to the passage of this section, all on-premise signs and sign structures shall be contained wholly within the premises upon which they are located and shall not extend onto the public right-of-way; provided that on-premise projecting signs may extend up to ten feet (10') outward from the building to which they are attached as long as such extension is not closer than two (2) feet behind the curbline.

(3) Spectacular signs are to be prohibited.

(Ordinance 1021 adopted 10/22/92; Ordinance 1042 adopted 8/12/93)

b. Integrated business developments (defined for purposes of this section as shopping centers, strip centers, or any tract of land on which more than one (1) business or nonresidential activity is located).

(1) No business shall have more than three (3) signs which include no more than two (2) wall signs, only one (1) of which shall be at the main entrance and one (1) on a freestanding community sign.

(Ordinance 1141 adopted 7/8/96)

(2) Wall signs are permitted for each business within the integrated business development with an allowable total sign area of one and one-half (1-1/2) square feet for each linear foot of the building frontage. The wall sign shall not project above the roof line and must be located on the portion of the building at the site where the goods or services are offered.

(3) One (1) freestanding community sign shall be permitted for integrated developments of two (2) or more separate businesses. The total area for all freestanding community signs shall not exceed one (1) square foot for each five (5) linear feet of lot frontage up to a maximum size of one hundred (100) square feet. No community sign shall be smaller than fifty (50) square feet. A community sign shall not exceed twenty (20) feet in height. The lowest point of the sign's facing shall be no lower than eighteen (18) inches above the adjacent grade.

(4) Temporary or portable signs are prohibited in integrated business developments. Temporary or portable signs located in integrated business developments in violation of this provision upon the effective date of this amendment, December 12, 1985, shall be removed no later than six (6) months after the effective date of this amendment. Such six (6) month "grace" period shall not apply to any sign for which a permit has not been obtained.

(5) One vendor's variable message sign, or [for] every one hundred fifty (150) linear frontage feet or portion thereof shall be permitted for integrated developments. The maximum display surface area for each vendor's variable message sign shall not exceed forty (40) square feet per side. A vendor's variable message sign shall not exceed twenty (20) feet in height. The lowest point of the display area shall be no lower than five (5) feet above adjacent grade. All vendor's variable message signs shall be subject to permit fees.

c. Notwithstanding any other provision of this section, a new tenant in an integrated business development may place a portable sign on the premises of said development for a period not to exceed the first thirty (30) days of tenant's conducting business in such development. A permit shall be required.

d. It shall be the responsibility of the integrated business development owner to advise his tenants of, and monitor compliance with, the sign ordinance.

(Ordinance 1021 adopted 10/22/92; Ordinance 1042 adopted 8/12/93)

21.4-1-1 Service Stations.

It shall be permissible for retail business offering motor fuel and oil to motor vehicles to place signs furnished by petroleum company suppliers identifying the brand of motor fuel and oil on overhead canopies provided the signshall contain only the name and/or logo of the supplier and there is only one sign on each canopy face. (Ordinance 1141 adopted 7/8/96)

21.4-2 Residential Rights-of-Way.

All on-premise signs on residential rights-of-way shall conform in all respects to the requirements set forth herein for general rights-of-way, and shall be subject to the following additional restrictions.

a. Ground signs shall not exceed twelve (12) feet in height or seventy-five (75) square feet in size;

b. Spectacular signs shall be prohibited; and

c. Electrical signs shall be limited to not more than ten (10) bulbs of one hundred (100) watts or less, shall be limited to one hundred twenty (120) volts in the lighting circuit, and may be

illuminated only indirectly.

Revised 10/2016

21.4-3 On-Premise Activity Required.

An on-premise sign must be erected in connection with an activity or purpose in connection with the activity being conducted on the premises or it shall be considered an off-premise sign.

21.4-4 Visibility Triangle

Within forty-five (45) feet of an intersection, no part of the face of an on-premise sign shall be lower than a height of eight (8) feet above the grade level of the nearest street[.]

21.5 Off-Premise Sign Provisions.

21.5-1 Prohibition of New Off-Premise Signs.

Effective the date of passage of this subsection. No new off-premise signs shall be constructed within the city limits of the City of Katy and no additional off-premise signs shall be erected within the city limits of the City of Katy. This prohibition shall apply to all classifications of signs, types of signs and special function signs, and all other signs used as off-premise signs, including portable signs, with the exception of off-premise signs which advertise the sale or rental of real property or direct persons to the location of real property for sale or rental.

(Ordinance 1021 adopted 10/22/92; Ordinance 1042 adopted 8/12/93)

21.5-1-2 Prohibition of CVMS [CEVMS] and Light Emitting Diodes

From and after the date of adoption of this subsection, no CEVMS or any sign using light emitting diodes not shielded from view shall be permitted or allowed within the City of Katy or its extraterritorial jurisdiction.

(Ordinance 2460, sec. VI, adopted 12/14/09)

21.5-1-3 Prohibition of Inflatable Signs

All inflatable signs are prohibited.

(Ordinance 2499 adopted 5/23/11)

21.5-2 Other Regulations

Signs lawfully erected and lawfully existing on the date of final passage of this subsection which are subject to regulation under provisions of the Texas Highway Beautification Act, or are subject to regulation under the Federal Highway Beautification Act, except for the prohibition contained herein forbidding new off-premise signs, prohibiting CEVMS, and general construction standards adopted by the City, shall be regulated by the City only to the extent of the exceptions and to the extent required by and in accordance with the directives of the appropriate state and federal agencies regulating such signs. (Ordinance 2378, sec. XI, adopted 5/12/08)

21.5-3 Visibility Triangle

Within forty-five (45) feet of an intersection, no part of the face of an off-premise sign shall be lower than a height of eight (8) feet above the grade level of the nearest street.

21.5-4 Abandonment of Off-Premise Sign Structures.

Any off-premise sign structure lawfully erected and maintained which has no copy, transcript, reproduction, model, likeness, image, advertisement or written material for a period of one hundred twenty (120) consecutive days is hereby declared to be a violation of

this subsection, and as such shall be restored to use or removed by the owner or permitted [permittee] within thirty (30) days after notice by the sign administrator of such violation. If the owner or permittee fails to restore the off-premise sign structure to use or move the abandoned off-premise sign structure within the specified thirty (30) days, the owner or person in possession of the sign shall be deemed in violation of this ordinance and each day shall constitute a separate violation. No sign shall be restored after the expiration of the thirty (30) day notice period.

21.6 Exceptions.

21.6-1 If allowed in the use district where it is to be located, no permit shall be required under this section for on-premise signs of the following descriptions, unless any such sign is a spectacular sign or a portable sign. Any sign listed hereunder shall be erected and maintained in compliance with the other provisions of the Zoning Ordinance and this subsection, and in a safe condition in the conformity with the construction and maintenance standards adopted by the City of Katy.

a. Signs painted on glass surfaces or windows or doors:[;]

b. Wall signs on the wall of a building relating to the ownership or occupancy of the building;

c. Signs erected by the city, State of Texas (including its political subdivisions, such as counties and school districts), or the federal government and the lessees of such governmental entities:[;]

d. Railroad signs;

e. Legal notices and house numbers;

f. A sign not over forty (40) square feet in area setting forth information concerning a building or other structure under repair or construction or advertising the sale or rental of the premises;

g. A non-electrical ground sign of not over thirty-two (32) square feet in area no closer than two (2) feet to the curbline, no higher than eight (8) feet, setting forth the address, name of owner, and the name of business, provided there shall be no more than one (1) such sign;

h. Temporary signs, provided the number of such signs on any premise does not exceed two (2) in number, and provided such signs are displayed on consecutive days, and for only a maximum of seven (7) days in any thirty (30) day period;

i. Signs otherwise required by federal, state or local laws;

j. On-premise signs setting forth the location of or directions to parking or buildings located on the premises, or regulating the flow of on-premise traffic. Such directional signs may be lighted, consistent with the other requirements for electrical signs in this section and with the requirements of the Katy City Code;

k. Signs displayed, designed or used for or upon motor vehicles;

l. Signs designed and used for display upon or with lighter or heavier-than-air craft;

m. Signs which are mounted on the face of a building no higher than the roof line or form an integral part of a canopy or marquee entrance and state only the street number, name of the proprietor and name of the premises therein; provided, that the number of such signs shall not exceed the number of entrances for such premises;

n. Flags and banners used on premises where only one (1) business is located and flags and banners erected by landlords in integrated business developments (shopping centers) to advertise vacant space for lease; and/or

o. Three (3) or fewer ancillary signs at any business location.

p. Holiday displays and similar temporary displays erected without advertising, provided such displays comply with the Fire Prevention Code and rules and regulations for fire safety

Revised 10/2016

promulgated by the fire marshal.

q. Signs erected solely for and relating to a public election for a period commencing sixty (60) days prior to and for ten (10) days following such public election, provided that such unpermitted signs shall be located on private property only, shall be constructed of lightweight material, and shall not exceed fifty (50) square feet in size.

21.6-2 Informational signs indicating the presence of fraternal organizations, civic organizations and/or religious denominations or churches within the City of Katy may be erected pursuant to the regulations of set out in this section, provided, however, that such signs shall:

a. Be limited to the name and/or symbol of such fraternal or civic organization, or the name and address of the religious denomination or church being identified as present within the city, and further listing the time and place of regular meetings of the religious organization, and the name of the Minister of Religion or Practitioner with whom contact may be made and the telephone number of such person;

(Ordinance 1021 adopted 10/22/92; Ordinance 1042 adopted 8/12/93)

b. Contain information identifying more than two (2) such civic or fraternal organizations and more than two (2) such religious denominations or churches, it being the intent of this subsection to prohibit separate signs for each organization or denomination; and

c. Be located only within two thousand feet (2,000') of the city limits and adjacent to U.S. Highway 90 where it traverses the city.

21.6-3 Informational signs announcing special events for nonprofit organizations and service groups may be posted up to twenty-one (21) days after the event. Such signs do, however, require registration with the city prior to erection and shall otherwise conform to the ordinances of the City of Katy. No such signs shall be posted upon public property unless the event is being sponsored by an organization partially or wholly funded by public funds or a governmental agency or being sponsored by a group or organization using publicly owned facilities. No such signs shall be allowed on a public street. These signs shall not exceed forty (40) square feet. Street banners shall be allowed, but must be approved in writing by the city administrator.

21.7 Pre-Existing Signs.

Every person, business, church, group, organization or other entity which has a sign on the effective date of this section shall, within one (1) year, identify each sign located on the premises and shall furnish a list of such sign or signs to the City of Katy. All signs must meet the construction and spacing standards contained in the Code of Ordinances of the City of Katy. All signs located in districts where such signs are permitted shall be deemed conforming signs. All signs located in use districts where such signs are not allowed shall be deemed nonconforming signs and shall be governed by Section 19 of this Zoning Ordinance.

21.8 Variance.

Where such variance will not be against the public interest and to avoid unnecessary hardship, the owner of a tract of land wishing to place a sign thereon or remove a sign therefrom, may obtain a variance from the Board of Adjustment. The Board of Adjustment however is authorized only to grant a variance relating to height, size or time allowed to remove a sign. The Board of Adjustment is not authorized to grant a variance permitting the placement of a sign in a district where such sign is not allowed. The procedure for obtaining a variance before the Board of Adjustment shall be as set out in Section 22 of this Zoning Ordinance.

(Ordinance 1021 adopted 10/22/92)

State law reference–Authority of municipality to regulate signs, V.T.C.A., Local Government Code, ch. 216.

ORDINANCE NO. 2306

AN ORDINANCE AMENDING THE CITY OF KATY CODE OF ORDINANCES SECTION 9.504 SETTING MINIMUM STANDARDS FOR EXTENSION OF WATER SYSTEMS IN THE CITY OF KATY BY REQUIRING TRACER WIRES TO BE INSTALLED ON TOP OF EVERY PIPE; AUTHORIZING COMPRESSION FITTINGS ON CORPORATION STOPS AND CURB STOPS; REQUIRING STAINLESS STEEL BANDS AND BOLTS ON TAPS AND SLEEVES; REQUIRING INSTALLATION OF SENSUS RADIO READ METERS.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF KATY, TEXAS, THAT:

I.

The Katy Code of Ordinances Chapter 9, Section; 9.504 is amended to read as set out on Exhibit A attached hereto and made a part hereof.

II.

This Ordinance shall become effective upon the adoption of this ordinance.

PASSED AND APPROVED in Katy, Texas, this 8 day of May 2006.

CITY OF KATY, TEXAS

By: Doyle G. Callender
Doyle G. Callender, Mayor

ATTEST:

Virginia Herrington
Virginia Herrington, City Secretary

APPROVED:

Joe Hegar, City Attorney

Exhibit A

Sec. 9.504 Water System

The following minimum standards apply to water system extensions within the City of Katy:

(1) Main Lines.

(A) Minimum diameter ------ Six (6") inches.

(B) Depth ------ Three (3') feet, six (6") inches of cover below final grade.

(C) Material ------ C-900 PVC DR 18.

(D) Location ------ As per Figure I. Mains shall be looped, with no dead ends serving more than four (4) lots.

(E) Mains shall be looped with no dead ends serving more than 4 lots.

(F) Tracer wire shall be laid (continuous) on top of pipe and up through every valve box.

(2) Valves.

(A) Locations ------ At tees: Two (2) valves. At crosses: Three (3) valves. At each connection to existing water system: One (1) valve.

(B) Type ------ Nonrising stem, O-ring seals, Mueller or Clow brand. Counter - clockwise opening, mechanical joint.

(3) Fire Hydrants.

(A) Locations ------ At each street intersection and cul-de-sac end. Single family residential areas: six hundred (600') foot intervals, maximum. Commercial, including reserves: three hundred (300') foot intervals, minimum.

(B) Type ------ Mueller brand, 3 way 51/4" barrel with 41/2" steamer (pumper) nozzle and two (2) - 21/2 inch hose nozzles. Counter-clockwise opening, mechanical joint. Each fire hydrant is to have an individual gate valve (with adjustable riser box) located within 4 ft. of the fire hydrant.

(4) Fittings.

(A) Material ------ Cast Iron, cement lined, mechanical joint. All fittings are to be thrust blocked with concrete. All fittings are to be wrapped with plastic or similar materials to prevent concrete from adhering to the mechanical joint connection components.

(B) Pressure rating ------ 250 psi.

(5) Services.

(A) Corporation stop ------ Mueller H-15000 *(flare) or H-15008 (compression).*

(B) Curb stop ------ *Mueller B25168 (flare) or B25170 (compression),* ending in an approved concreted or plastic meter box. (All boxes in new development are to be of the same material.)

(C) Meter nipple required ------ *Mueller H 10896.*

(D) Pipe material ------ Soft copper.

(E) Size ------ 1", one per each residential lot.

(F) Concrete or plastic meter box of appropriate size is required.

(G) All curbs are to be marked to indicate the location of the water services for each individual lot.

(H) Tap & Sleeve, Muller or Smith & Blair (stainless steel band and bolts, epoxy coated saddle).

(I) Sensus Radio read meters with MXU Assembly.

(6) Backfill.

(A) Under streets ------ Wrap water line with 6" layer of bank sand remainder of trench to be filled with 1.0 sack (100 psi) per cubic yard cement stabilized sand, compacted to 95% Proctor.

(B) Other locations ------ Wrap water line with a 6" layer of bank sand, remainder of trench to be filled using compacted native soil. Sandy soil must be water jetted; other soils may be compacted by rolling with a "caterpillar" tractor or similar method.

(C) All trenches are to be compacted to 95% Standard Proctor.

Stormwater Regulations for Construction Activities

CHAPTER 3 – ARTICLE 3.11 STORMWATER DISCHARGE FROM CONSTRUCTION SITES

Sec. 3.11.001 State permit rules adopted

The rules and regulations set forth in Texas Pollutant Discharge Elimination System (TPDES) General Permit No. TXR150000 relating to construction sites that discharge stormwater associated with construction activity located in the state and adopted by the state commission on environmental quality and effective March 5, 2013, are hereby adopted by the city and incorporated herein by reference thereto as if set forth in full herein, and shall govern and regulate stormwater discharges associated with construction activity within the city.

A copy of Texas Pollutant Discharge Elimination System (TPDES) General Permit No. TXR150000 is attached as exhibit A and incorporated herein for all purposes.

Sec. 3.11.002 Definitions

Unless the context indicates otherwise, words and phrases contained in this article shall be as set forth in TPDES General Permit No. TXR150000. In addition, the following words and phrases shall have the following meanings as used in this article:

TCEQ. The state commission on environmental quality, including all of its departments and divisions, or its successor agency.

TPDES General Permit No. TXR150000. That general permit to discharge wastes under the provisions of section 402 of the Clean Water Act and chapter 26 of the Texas Water Code TCEQ Docket No. 2012-0677-MIS, reissued February 19, 2013, and effective March 5, 2013.

Sec. 3.11.003 Stormwater pollution prevention plan required

No person shall commence construction activities on land located within the city that may result in disturbing an area equal to or greater than one (1) acre or less than one (1) acre as part of a larger common plan of development of land prior to preparing and obtaining approval of a stormwater prevention plan (the "plan") in compliance with part III of TPDES General Permit No. TXR150000 or obtaining a waiver of such requirement from TCEQ. As part of the plan, the public works director or designee may require a construction site waste management plan to identify the waste to be generated on the construction site and provide responsibility for its timely removal and disposition.

Stormwater Regulations for Construction Activities

Sec. 3.11.004 Post-construction stormwater management requirements

(a) New development and redevelopment projects that disturb an area greater than or equal to one acre of land, including projects less than one (1) acre that are part of a larger common plan of development or sale, and discharge stormwater into the city's MS4, shall implement structural and/or non-structural best management practices ("BMP") to minimize impacts to water quality.

(b) BMP published by the stormwater joint task force or by Environmental Protection Agency (EPA) guidance documents may be utilized to comply with this section.

(c) The owner of the construction site described in subsection (a) of this section shall submit a post-construction stormwater management plan that incorporates the BMP to minimize water quality impacts prior to issuance of any permits.

(d) All BMP shall be submitted to the public works director or her duly authorized representative for review and approval for construction sites on property located within the jurisdiction of the city, prior to the utilization of the proposed BMP.

Sec. 3.11.005 Operation and maintenance of post-construction best management practices

(a) The owner of the construction site described in section 3.11.004 shall operate and maintain, and shall be solely responsible for the operation and maintenance of, the structural and/or non-structural BMP on the owner's construction site as the BMP were designed and approved.

(b) The public works director, or such other city employee as may be designated by the public works director, shall have the authority to require the issuance of a performance bond, payable to the city, if it is deemed necessary to achieve compliance with this article.

(c) The public works director, or other city employee as may be designated by the public works director, shall have the authority to require the owner or operator of a construction site, development, or redevelopment, to provide proof that the owner has obtained financial assurances sufficient to operate and maintain the structural and/or non-structural BMP previously approved by the public works director for the length of time that the structural and/or non-structural BMP will be utilized at the construction site.

Stormwater Regulations for Construction Activities

Sec. 3.11.006 Notification of violation

(a) The public works director, or other city employee as may be designated by the public works director, shall have the authority to serve a written notice of violation upon any person who is found to have violated, or who continues to violate, any provision of this article, or any order issued hereunder.

(b) Not later than seven (7) days after the issuance of a notice of violation served pursuant to this section, the person served with the notice of violation shall submit to the city authority issuing the notice of violation an explanation of the circumstances that resulted in the described violation and a plan for the satisfactory correction and prevention of reoccurrence of the described violation, which explanation shall include specific actions to be taken by the alleged violator.

(c) If the recipient of a notice of violation denies that any violation of this article has occurred or contends that no corrective action is necessary, such person shall submit to the public works director a written explanation of the basis of any such denial or contention not later than seven (7) days following issuance of the notice of violation.

(d) Submission of a written plan or explanation as provided in subsection (b) shall not be a defense to any alleged liability for any violations occurring before or after receipt of the notice of violation.

(e) Nothing in this section shall limit the authority of the city to take any action, including emergency action or any other enforcement action, prior to issuing a notice of violation.

Sec. 3.11.007 Stop work order

(a) The public works director, or such other city employee as may be designated by the public works director, shall have the authority to issue a stop work order to the owner and/or operator of a construction site upon finding that the owner or operator has violated, or continues to violate, any provision of this article, which stop work order shall be posted at the construction site.

(b) Unless written exception is made by the public works director, a stop work order issued pursuant to subsection (a) shall prohibit any further construction activity and shall bar any further inspection or approval by the city associated with a building permit, grading permit, subdivision plat approval, site development plan approval, or any other city approval necessary to commence or continue construction or to assume occupancy at the construction site, new development, or redevelopment.

Stormwater Regulations for Construction Activities

Sec. 3.11.007 Stop work order (continued)

(c) The issuance of a stop work order pursuant to this section shall not preclude nor serve as a prerequisite for taking any other action against the recipient of the stop work order.

(d) A stop work order issued pursuant to this section may be rescinded only by the public works director, or other city employee designated by the public works director, provided that the owner or operator of the construction site to which the stop work order applies has:

(1) Paid a reinspection fee to the city in accordance with the current fee schedule of the city;

(2) Provided written documentation indicating that all violations set forth in the stop work order have been corrected; and

(3) Received from the city, following reinspection, written acknowledgement that all violations have in fact been corrected.

Sec. 3.11.008 Penalty

(a) Any person, firm or corporation violating any of the provisions or terms of this article shall, upon conviction, be punished by a fine not to exceed the sum of two thousand and no/100 dollars ($2,000.00) for each offense and each and every day such violation shall continue shall be deemed to constitute a separate offense.

(b) The city may institute any appropriate actions or proceeding in a court of competent jurisdiction to enjoin the violation of this article. Nothing in this article shall preclude the city from seeking any and all injunctive or other relief allowed by state law even if a criminal complaint has been filed based on the same incident or event.

Sec. 3.11.009 Applicability of stricter regulations

In the event stricter rules or regulations are set forth elsewhere in this code or are otherwise promulgated by the TCEQ or the EPA regarding the same subject matter affected by this article, then the more stringent regulations shall apply.

Sec. 3.11.010 Priority of conflicting regulations

In the event any other provision of this code relating to stormwater pollution or discharge from a construction site irreconcilably conflicts with the provisions of this article, the provisions of this article shall be controlling.

(Ordinance 2613 adopted 1/27/14)

Stormwater Regulations for Construction Activities

Exhibit – A

TPDES General Permit No. TXR150000

Texas Commission on Environmental Quality

P.O. Box 13087, Austin, Texas 78711-3087

GENERAL PERMIT TO DISCHARGE UNDER THE

TEXAS POLLUTANT DISCHARGE ELIMINATION SYSTEM

under provisions of
Section 402 of the Clean Water Act
and Chapter 26 of the Texas Water Code

This permit supersedes and replaces
TPDES General Permit No. TXR150000, issued March 5, 2008

Construction sites that discharge stormwater associated with construction activity

located in the state of Texas

may discharge to surface water in the state

only according to monitoring requirements and other conditions set forth in this general permit, as well as the rules of the Texas Commission on Environmental Quality (TCEQ or Commission), the laws of the State of Texas, and other orders of the Commission of the TCEQ. The issuance of this general permit does not grant to the permittee the right to use private or public property for conveyance of stormwater and certain non-stormwater discharges along the discharge route. This includes property belonging to but not limited to any individual, partnership, corporation or other entity. Neither does this general permit authorize any invasion of personal rights nor any violation of federal, state, or local laws or regulations. It is the responsibility of the permittee to acquire property rights as may be necessary to use the discharge route.

This general permit and the authorization contained herein shall expire at midnight, five years from the permit effective date.

EFFECTIVE DATE: March 5, 2013

ISSUED DATE: FEB 19 2013

Bryan W. Shaw

For the Commission

TPDES GENERAL PERMIT NUMBER TXR150000 RELATING TO STORMWATER DISCHARGES ASSOCIATED WITH CONSTRUCTION ACTIVITIES

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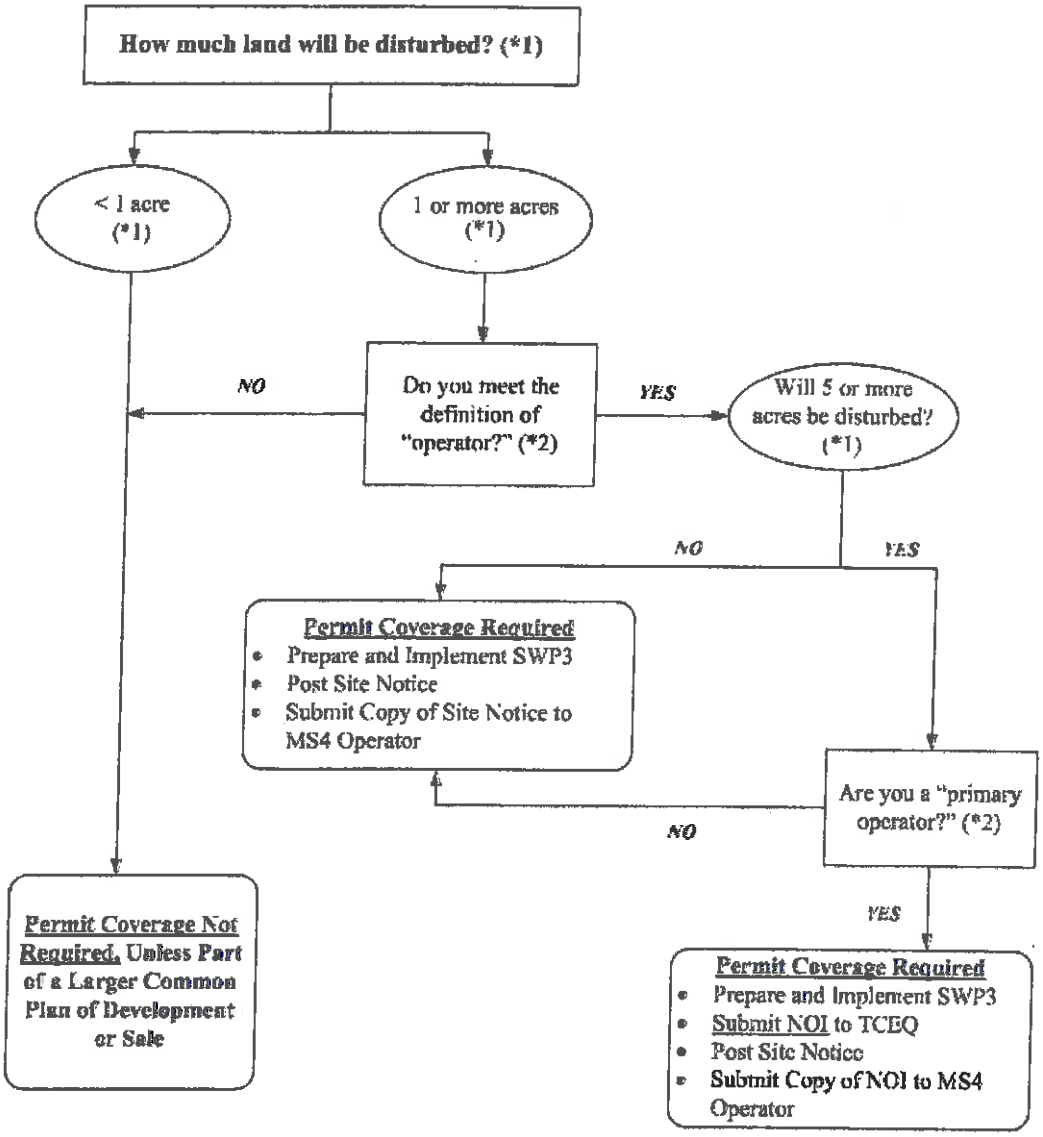
Part I. Flow Chart and Definitions

Section A. Flow Chart to Determine Whether Coverage is Required



(*1) ***To determine the size of the construction project, use the size of the entire area to be disturbed, and include the size of the larger common plan of development or sale, if the project is part of a larger project (refer to Part I.B., "Definitions," for an explanation of "common plan of development or sale").***

(*2) ***Refer to the definitions for "operator," "primary operator," and "secondary operator" in Part I., Section B. of this permit.***

Section B. Definitions

Arid Areas - Areas with an average annual rainfall of 0 to 10 inches.

Best Management Practices (BMPs) - Schedules of activities, prohibitions of practices, maintenance procedures, structural controls, local ordinances, and other management practices to prevent or reduce the discharge of pollutants. BMPs also include treatment requirements, operating procedures, and practices to control construction site runoff, spills or leaks, waste disposal, or drainage from raw material storage areas.

Commencement of Construction - The initial disturbance of soils associated with clearing, grading, or excavation activities, as well as other construction-related activities (e.g., stockpiling of fill material, demolition).

Common Plan of Development - A construction activity that is completed in separate stages, separate phases, or in combination with other construction activities. A common plan of development (also known as a "common plan of development or sale") is identified by the documentation for the construction project that identifies the scope of the project, and may include plats, blueprints, marketing plans, contracts, building permits, a public notice or hearing, zoning requests, or other similar documentation and activities. A common plan of development does not necessarily include all construction projects within the jurisdiction of a public entity (e.g., a city or university). Construction of roads or buildings in different parts of the jurisdiction would be considered separate "common plans," with only the interconnected parts of a project being considered part of a "common plan" (e.g., a building and its associated parking lot and driveways, airport runway and associated taxiways, a building complex, etc.). Where discrete construction projects occur within a larger common plan of development or sale but are located ¼ mile or more apart, and the area between the projects is not being disturbed, each individual project can be treated as a separate plan of development or sale, provided that any interconnecting road, pipeline or utility project that is part of the same "common plan" is not included in the area to be disturbed.

Construction Activity - Includes soil disturbance activities, including clearing, grading, and excavating; and does not include routine maintenance that is performed to maintain the original line and grade, hydraulic capacity, or original purpose of the site (e.g., the routine grading of existing dirt roads, asphalt overlays of existing roads, the routine clearing of existing right-of-ways, and similar maintenance activities). Regulated construction activity is defined in terms of small and large construction activity.

Dewatering – The act of draining rainwater or groundwater from building foundations, vaults, and trenches.

Discharge – For the purposes of this permit, the drainage, release, or disposal of pollutants in stormwater and certain non-stormwater from areas where soil disturbing activities (e.g., clearing, grading, excavation, stockpiling of fill material, and demolition), construction materials or equipment storage or maintenance (e.g., fill piles, borrow area, concrete truck wash out, fueling), or other industrial stormwater directly related to the construction process (e.g., concrete or asphalt batch plants) are located.

Drought-Stricken Area – For the purposes of this permit, an area in which the National Oceanic and Atmospheric Administration's U.S. Seasonal Drought Outlook indicates for the period during which the construction will occur that any of the following conditions are likely: (1) "Drought to persist or intensify", (2) "Drought ongoing, some improvement", (3) "Drought likely to improve, impacts ease", or (4) "Drought development likely". See http://www.cpc.ncep.noaa.gov/products/expert_assessment/seasonal_drought.html.

Edwards Aquifer - As defined under Texas Administrative Code (TAC) § 213.3 of this title (relating to the Edwards Aquifer), that portion of an arcuate belt of porous, water-bearing, predominantly carbonate rocks known as the Edwards and Associated Limestones in the Balcones Fault Zone trending from west to east to northeast in Kinney, Uvalde, Medina, Bexar, Comal, Hays, Travis, and Williamson Counties; and composed of the Salmon Peak

Limestone, McKnight Formation, West Nueces Formation, Devil's River Limestone, Person Formation, Kainer Formation, Edwards Formation, and Georgetown Formation. The permeable aquifer units generally overlie the less-permeable Glen Rose Formation to the south, overlie the less-permeable Comanche Peak and Walnut Formations north of the Colorado River, and underlie the less-permeable Del Rio Clay regionally.

Edwards Aquifer Recharge Zone - Generally, that area where the stratigraphic units constituting the Edwards Aquifer crop out, including the outcrops of other geologic formations in proximity to the Edwards Aquifer, where caves, sinkholes, faults, fractures, or other permeable features would create a potential for recharge of surface waters into the Edwards Aquifer. The recharge zone is identified as that area designated as such on official maps located in the offices of the Texas Commission on Environmental Quality (TCEQ) and the appropriate regional office. The Edwards Aquifer Map Viewer, located at http://www.tceq.texas.gov/compliance/field_ops/eapp/mapdisclaimer.html, can be used to determine where the recharge zone is located.

Edwards Aquifer Contributing Zone - The area or watershed where runoff from precipitation flows downgradient to the recharge zone of the Edwards Aquifer. The contributing zone is located upstream (upgradient) and generally north and northwest of the recharge zone for the following counties: all areas within Kinney County, except the area within the watershed draining to Segment No. 2304 of the Rio Grande Basin; all areas within Uvalde, Medina, Bexar, and Comal Counties; all areas within Hays and Travis Counties, except the area within the watersheds draining to the Colorado River above a point 1.3 miles upstream from Tom Miller Dam, Lake Austin at the confluence of Barrow Brook Cove, Segment No. 1403 of the Colorado River Basin; and all areas within Williamson County, except the area within the watersheds draining to the Lampasas River above the dam at Stillhouse Hollow reservoir, Segment No. 1216 of the Brazos River Basin. The contributing zone is illustrated on the Edwards Aquifer map viewer at http://www.tceq.texas.gov/compliance/field_ops/eapp/mapdisclaimer.html.

Effluent Limitations Guideline (ELG) – Defined in 40 Code of Federal Regulations (CFR) § 122.2 as a regulation published by the Administrator under § 304(b) of the Clean Water Act (CWA) to adopt or revise effluent limitations.

Facility or Activity – For the purpose of this permit, a construction site or construction support activity that is regulated under this general permit, including all contiguous land and fixtures (for example, ponds and materials stockpiles), structures, or appurtances used at a construction site or industrial site described by this general permit.

Final Stabilization - A construction site status where any of the following conditions are met:

A. All soil disturbing activities at the site have been completed and a uniform (that is, evenly distributed, without large bare areas) perennial vegetative cover with a density of at least 70% of the native background vegetative cover for the area has been established on all unpaved areas and areas not covered by permanent structures, or equivalent permanent stabilization measures (such as the use of riprap, gabions, or geotextiles) have been employed.

B. For individual lots in a residential construction site by either:

(1) the homebuilder completing final stabilization as specified in condition (a) above; or

(2) the homebuilder establishing temporary stabilization for an individual lot prior to the time of transfer of the ownership of the home to the buyer and after informing the homeowner of the need for, and benefits of, final stabilization. If temporary stabilization is not feasible, then the homebuilder may fulfill this requirement by retaining perimeter controls or BMPs, and informing the homeowner of the need for removal of temporary controls and the establishment of final stabilization.

Fullfillment of this requirement must be documented in the homebuilder's stormwater pollution prevention plan (SWP3).

C. For construction activities on land used for agricultural purposes (such as pipelines across crop or range land), final stabilization may be accomplished by returning the disturbed land to its preconstruction agricultural use. Areas disturbed that were not previously used for agricultural activities, such as buffer strips immediately adjacent to surface water and areas that are not being returned to their preconstruction agricultural use must meet the final stabilization conditions of condition (a) above.

D. In arid, semi-arid, and drought-stricken areas only, all soil disturbing activities at the site have been completed and both of the following criteria have been met:

(1) Temporary erosion control measures (for example, degradable rolled erosion control product) are selected, designed, and installed along with an appropriate seed base to provide erosion control for at least three years without active maintenance by the operator, and

(2) The temporary erosion control measures are selected, designed, and installed to achieve 70% of the native background vegetative coverage within three years.

Hyperchlorination of Waterlines – Treatment of potable water lines or tanks with chlorine for disinfection purposes, typically following repair or partial replacement of the waterline or tank, and subsequently flushing the contents.

Impaired Water - A surface water body that is identified on the latest approved CWA §303(d) List as not meeting applicable state water quality standards. Impaired waters include waters with approved or established total maximum daily loads (TMDLs), and those where a TMDL has been proposed by TCEQ but has not yet been approved or established.

Indian Country Land – (from 40 CFR §122.2) (1) all land within the limits of any Indian reservation under the jurisdiction of the United States government, notwithstanding the issuance of any patent, and, including rights-of-way running through the reservation; (2) all dependent Indian communities with the borders of the United States whether within the originally or subsequently acquired territory thereof, and whether within or without the limits of a state; and (3) all Indian allotments, the Indian titles to which have not been extinguished, including rights-of-way running through the same.

Indian Tribe - (from 40 CFR §122.2) any Indian Tribe, band, group, or community recognized by the Secretary of the Interior and exercising governmental authority over a Federal Indian Reservation.

Large Construction Activity - Construction activities including clearing, grading, and excavating that result in land disturbance of equal to or greater than five (5) acres of land. Large construction activity also includes the disturbance of less than five (5) acres of total land area that is part of a larger common plan of development or sale if the larger common plan will ultimately disturb equal to or greater than five (5) acres of land. Large construction activity does not include routine maintenance that is performed to maintain the original line and grade, hydraulic capacity, or original purpose of the site (for example, the routine grading of existing dirt roads, asphalt overlays of existing roads, the routine clearing of existing right-of-ways, and similar maintenance activities.)

Linear Project – Includes the construction of roads, bridges, conduits, substructures, pipelines, sewer lines, towers, poles, cables, wires, connectors, switching, regulating and transforming equipment and associated ancillary facilities in a long, narrow area.

Minimize - To reduce or eliminate to the extent achievable using stormwater controls that are technologically available and economically practicable and achievable in light of best industry practices.

Municipal Separate Storm Sewer System (MS4) - A separate storm sewer system owned or operated by the United States, a state, city, town, county, district, association, or other public body (created by or pursuant to state law) having jurisdiction over the disposal of sewage, industrial wastes, stormwater, or other wastes, including special districts under state law such as a sewer district, flood control or drainage district, or similar entity, or an Indian tribe or an authorized Indian tribal organization, that discharges to surface water in the state.

Notice of Change (NOC) – Written notification to the executive director from a discharger authorized under this permit, providing changes to information that was previously provided to the agency in a notice of intent form.

Notice of Intent (NOI) - A written submission to the executive director from an applicant requesting coverage under this general permit.

Notice of Termination (NOT) - A written submission to the executive director from a discharger authorized under a general permit requesting termination of coverage.

Operator - The person or persons associated with a large or small construction activity that is either a primary or secondary operator as defined below:

Primary Operator – the person or persons associated with a large or small construction activity that meets either of the following two criteria:

(a) the person or persons have on-site operational control over construction plans and specifications, including the ability to make modifications to those plans and specifications; or

(b) the person or persons have day-to-day operational control of those activities at a construction site that are necessary to ensure compliance with a Storm Water Pollution Prevention Plan (SWP3) for the site or other permit conditions (for example, they are authorized to direct workers at a site to carry out activities required by the SWP3 or comply with other permit conditions).

Secondary Operator – The person or entity, often the property owner, whose operational control is limited to:

(a) the employment of other operators, such as a general contractor, to perform or supervise construction activities; or

(b) the ability to approve or disapprove changes to construction plans and specifications, but who does not have day-to-day on-site operational control over construction activities at the site.

Secondary operators must either prepare their own SWP3 or participate in a shared SWP3 that covers the areas of the construction site where they have control over the plans and specifications.

If there is not a primary operator at the construction site, then the secondary operator is defined as the primary operator and must comply with the requirements for primary operators.

Outfall - For the purpose of this permit, a point source at the point where stormwater runoff associated with construction activity discharges to surface water in the state and does not include open conveyances connecting two municipal separate storm sewers, or pipes, tunnels, or other conveyances that connect segments of the same stream or other water of the U.S. and are used to convey waters of the U.S.

Permittee - An operator authorized under this general permit. The authorization may be gained through submission of a notice of intent, by waiver, or by meeting the requirements for automatic coverage to discharge stormwater runoff and certain non-stormwater discharges.

Point Source – (from 40 CFR §122.2) Any discernible, confined, and discrete conveyance, including but not limited to, any pipe, ditch, channel, tunnel, conduit, well, discrete fissure, container, rolling stock concentrated animal feeding operation, landfill leachate collection system, vessel or other floating craft from which pollutants are, or may be, discharged. This term does not include return flows from irrigated agriculture or agricultural stormwater runoff.

Pollutant - Dredged spoil, solid waste, incinerator residue, sewage, garbage, sewage sludge, filter backwash, munitions, chemical wastes, biological materials, radioactive materials, heat, wrecked or discarded equipment, rock, sand, cellar dirt, and industrial, municipal, and agricultural waste discharged into any surface water in the state. The term "pollutant" does not include tail water or runoff water from irrigation or rainwater runoff from cultivated or uncultivated rangeland, pastureland, and farmland. For the purpose of this permit, the term "pollutant" includes sediment.

Pollution - (from Texas Water Code (TWC) §26.001(14)) The alteration of the physical, thermal, chemical, or biological quality of, or the contamination of, any surface water in the state that renders the water harmful, detrimental, or injurious to humans, animal life, vegetation, or property or to public health, safety, or welfare, or impairs the usefulness or the public enjoyment of the water for any lawful or reasonable purpose.

Rainfall Erosivity Factor (R factor) - the total annual erosive potential that is due to climatic effects, and is part of the Revised Universal Soil Loss Equation (RUSLE).

Receiving Water - A "Water of the United States" as defined in 40 CFR §122.2 into which the regulated stormwater discharges.

Semiarid Areas - areas with an average annual rainfall of 10 to 20 inches

Separate Storm Sewer System - A conveyance or system of conveyances (including roads with drainage systems, streets, catch basins, curbs, gutters, ditches, man-made channels, or storm drains), designed or used for collecting or conveying stormwater; that is not a combined sewer, and that is not part of a publicly owned treatment works (POTW).

Small Construction Activity - Construction activities including clearing, grading, and excavating that result in land disturbance of equal to or greater than one (1) acre and less than five (5) acres of land. Small construction activity also includes the disturbance of less than one (1) acre of total land area that is part of a larger common plan of development or sale if the larger common plan will ultimately disturb equal to or greater than one (1) and less than five (5) acres of land. Small construction activity does not include routine maintenance that is performed to maintain the original line and grade, hydraulic capacity, or original purpose of the site (for example, the routine grading of existing dirt roads, asphalt overlays of existing roads, the routine clearing of existing right-of-ways, and similar maintenance activities.)

Steep Slopes – Where a state, Tribe, local government, or industry technical manual (e.g. stormwater BMP manual) has defined what is to be considered a "steep slope", this permit's definition automatically adopts that definition. Where no such definition exists, steep slopes are automatically defined as those that are 15 percent or greater in grade.

Stormwater (or Stormwater Runoff) - Rainfall runoff, snow melt runoff, and surface runoff and drainage.

Stormwater Associated with Construction Activity - Stormwater runoff from a construction activity where soil disturbing activities (including clearing, grading, excavating) result in the disturbance of one (1) or more acres of total land area, or are part of a larger common plan of development or sale that will result in disturbance of one (1) or more acres of total land area.

Structural Control (or Practice) - A pollution prevention practice that requires the construction of a device, or the use of a device, to reduce or prevent pollution in stormwater

runoff. Structural controls and practices may include but are not limited to: silt fences, earthen dikes, drainage swales, sediment traps, check dams, subsurface drains, storm drain inlet protection, rock outlet protection, reinforced soil retaining systems, gabions, and temporary or permanent sediment basins.

Surface Water in the State - Lakes, bays, ponds, impounding reservoirs, springs, rivers, streams, creeks, estuaries, wetlands, marshes, inlets, canals, the Gulf of Mexico inside the territorial limits of the state (from the mean high water mark (MHWM) out 10.36 miles into the Gulf), and all other bodies of surface water, natural or artificial, inland or coastal, fresh or salt, navigable or nonnavigable, and including the beds and banks of all water-courses and bodies of surface water, that are wholly or partially inside or bordering the state or subject to the jurisdiction of the state; except that waters in treatment systems which are authorized by state or federal law, regulation, or permit, and which are created for the purpose of waste treatment are not considered to be water in the state.

Temporary Stabilization - A condition where exposed soils or disturbed areas are provided a protective cover or other structural control to prevent the migration of pollutants. Temporary stabilization may include temporary seeding, geotextiles, mulches, and other techniques to reduce or eliminate erosion until either permanent stabilization can be achieved or until further construction activities take place.

Total Maximum Daily Load (TMDL) - The total amount of a pollutant that a water body can assimilate and still meet the Texas Surface Water Quality Standards.

Turbidity – A condition of water quality characterized by the presence of suspended solids and/or organic material.

Waters of the United States - (from 40 CFR §122.2) Waters of the United States or waters of the U.S. means:

(a) all waters which are currently used, were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide;

(b) all interstate waters, including interstate wetlands;

(c) all other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds that the use, degradation, or destruction of which would affect or could affect interstate or foreign commerce including any such waters:

(1) which are or could be used by interstate or foreign travelers for recreational or other purposes;

(2) from which fish or shellfish are or could be taken and sold in interstate or foreign commerce; or

(3) which are used or could be used for industrial purposes by industries in interstate commerce;

(d) all impoundments of waters otherwise defined as waters of the United States under this definition;

(e) tributaries of waters identified in paragraphs (a) through (d) of this definition;

(f) the territorial sea; and

(g) wetlands adjacent to waters (other than waters that are themselves wetlands) identified in paragraphs (a) through (f) of this definition.

Waste treatment systems, including treatment ponds or lagoons designed to meet the requirements of CWA (other than cooling ponds as defined in 40 CFR §423.11(m) which also meet the criteria of this definition) are not waters of the U.S. This exclusion applies only to manmade bodies of water which neither were originally created in waters of the U.S. (such as

disposal area in wetlands) nor resulted from the impoundment of waters of the U.S. Waters of the U.S. do not include prior converted cropland. Notwithstanding the determination of an area's status as prior converted cropland by any other federal agency, for the purposes of the CWA, the final authority regarding CWA jurisdiction remains with EPA.

Part II. Permit Applicability and Coverage

Section A. Discharges Eligible for Authorization

1. Stormwater Associated with Construction Activity

Discharges of stormwater runoff from small and large construction activities may be authorized under this general permit.

2. Discharges of Stormwater Associated with Construction Support Activities

Examples of construction support activities include, but are not limited to, concrete batch plants, rock crushers, asphalt batch plants, equipment staging areas, material storage yards, material borrow areas, and excavated material disposal areas. Construction support activities authorized under this general permit are not commercial operations, and do not serve multiple unrelated construction projects. Discharges of stormwater runoff from construction support activities may be authorized under this general permit, provided that the following conditions are met:

(a) the activities are located within one (1) mile from the boundary of the permitted construction site and directly support the construction activity;

(b) an SWP3 is developed for the permitted construction site according to the provisions of this general permit, and includes appropriate controls and measures to reduce erosion and discharge of pollutants in stormwater runoff from the construction support activities; and

(c) the construction support activities either do not operate beyond the completion date of the construction activity or, at the time that they do, are authorized under separate Texas Pollutant Discharge Elimination System (TPDES) authorization. Separate TPDES authorization may include the TPDES Multi Sector General Permit (MSGP), TXR050000 (related to stormwater discharges associated with industrial activity), separate authorization under this general permit if applicable, coverage under an alternative general permit if available, or authorization under an individual water quality permit.

3. Non-Stormwater Discharges

The following non-stormwater discharges from sites authorized under this general permit are also eligible for authorization under this general permit:

(a) discharges from fire fighting activities (fire fighting activities do not include washing of trucks, run-off water from training activities, test water from fire suppression systems, or similar activities);

(b) uncontaminated fire hydrant flushings (excluding discharges of hyperchlorinated water, unless the water is first dechlorinated and discharges are not expected to adversely affect aquatic life), which include flushings from systems that utilize potable water, surface water, or groundwater that does not contain additional pollutants (uncontaminated fire hydrant flushings do not include systems utilizing reclaimed wastewater as a source water);

(c) water from the routine external washing of vehicles, the external portion of buildings or structures, and pavement, where detergents and soaps are not used, where spills or leaks of toxic or hazardous materials have not occurred (unless spilled materials

have been removed; and if local state, or federal regulations are applicable, the materials are removed according to those regulations), and where the purpose is to remove mud, dirt, or dust;

(d) uncontaminated water used to control dust;

(e) potable water sources, including waterline flushings, but excluding discharges of hyperchlorinated water, unless the water is first dechlorinated and discharges are not expected to adversely affect aquatic life;

(f) uncontaminated air conditioning condensate;

(g) uncontaminated ground water or spring water, including foundation or footing drains where flows are not contaminated with industrial materials such as solvents; and

(h) lawn watering and similar irrigation drainage.

4. Other Permitted Discharges

Any discharge authorized under a separate National Pollutant Discharge Elimination System (NPDES), TPDES, or TCEQ permit may be combined with discharges authorized by this general permit, provided those discharges comply with the associated permit.

Section B. Concrete Truck Wash Out

The wash out of concrete trucks at regulated construction sites must be performed in accordance with the requirements of Part V of this general permit.

Section C. Limitations on Permit Coverage

1. Post Construction Discharges

Discharges that occur after construction activities have been completed, and after the construction site and any supporting activity site have undergone final stabilization, are not eligible for coverage under this general permit. Discharges originating from the sites are not authorized under this general permit following the submission of the notice of termination (NOT) or removal of the appropriate site notice, as applicable, for the regulated construction activity.

2. Prohibition of Non-Stormwater Discharges

Except as otherwise provided in Part II.A. of this general permit, only discharges that are composed entirely of stormwater associated with construction activity may be authorized under this general permit.

3. Compliance With Water Quality Standards

Discharges to surface water in the state that would cause, have the reasonable potential to cause, or contribute to a violation of water quality standards or that would fail to protect and maintain existing designated uses are not eligible for coverage under this general permit. The executive director may require an application for an individual permit or alternative general permit (see Parts II.H.2. and 3.) to authorize discharges to surface water in the state if the executive director determines that any activity will cause, has the reasonable potential to cause, or contribute to a violation of water quality standards or is found to cause, has the reasonable potential to cause, or contribute to, the impairment of a designated use. The executive director may also require an application for an individual permit considering factors described in Part II.H.2. of this general permit.

4. Impaired Receiving Waters and Total Maximum Daily Load (TMDL) Requirements

New sources or new discharges of the pollutants of concern to impaired waters are not authorized by this permit unless otherwise allowable under 30 TAC Chapter 305 and applicable state law. Impaired waters are those that do not meet applicable water quality standards and are listed on the EPA approved CWA §303(d) List. Pollutants of concern are those for which the water body is listed as impaired.

Discharges of the pollutants of concern to impaired water bodies for which there is a TMDL are not eligible for this general permit unless they are consistent with the approved TMDL. Permittees must incorporate the conditions and requirements applicable to their discharges into their SWP3, in order to be eligible for coverage under this general permit. For consistency with the construction stormwater-related items in an approved TMDL, the SWP3 must be consistent with any applicable condition, goal, or requirement in the TMDL, TMDL Implementation Plan (I-Plan), or as otherwise directed by the executive director.

5. Discharges to the Edwards Aquifer Recharge or Contributing Zone

Discharges cannot be authorized by this general permit where prohibited by 30 TAC Chapter 213 (relating to Edwards Aquifer). In addition, commencement of construction (i.e., the initial disturbance of soils associated with clearing, grading, or excavating activities, as well as other construction-related activities such as stockpiling of fill material and demolition) at a site regulated under 30 TAC Chapter 213, may not begin until the appropriate Edwards Aquifer Protection Plan (EAPP) has been approved by the TCEQ's Edwards Aquifer Protection Program.

(a) For new discharges located within the Edwards Aquifer Recharge Zone, or within that area upstream from the recharge zone and defined as the Contributing Zone (CZ), operators must meet all applicable requirements of, and operate according to, 30 TAC Chapter 213 (Edwards Aquifer Rule) in addition to the provisions and requirements of this general permit.

(b) For existing discharges located within the Edwards Aquifer Recharge Zone, the requirements of the agency-approved Water Pollution Abatement Plan (WPAP) under the Edwards Aquifer Rule is in addition to the requirements of this general permit. BMPs and maintenance schedules for structural stormwater controls, for example, may be required as a provision of the rule. All applicable requirements of the Edwards Aquifer Rule for reductions of suspended solids in stormwater runoff are in addition to the requirements in this general permit for this pollutant.

6. Discharges to Specific Watersheds and Water Quality Areas

Discharges otherwise eligible for coverage cannot be authorized by this general permit where prohibited by 30 TAC Chapter 311 (relating to Watershed Protection) for water quality areas and watersheds.

7. Protection of Streams and Watersheds by Other Governmental Entities

This general permit does not limit the authority or ability of federal, other state, or local governmental entities from placing additional or more stringent requirements on construction activities or discharges from construction activities. For example, this permit does not limit the authority of a home-rule municipality provided by Texas Local Government Code §401.002.

8. Indian Country Lands

Stormwater runoff from construction activities occurring on Indian Country lands are not under the authority of the TCEQ and are not eligible for coverage under this general permit. If discharges of stormwater require authorization under federal NPDES

regulations, authority for these discharges must be obtained from the U.S. Environmental Protection Agency (EPA).

9. Oil and Gas Production

Stormwater runoff from construction activities associated with the exploration, development, or production of oil or gas or geothermal resources, including transportation of crude oil or natural gas by pipeline, are not under the authority of the TCEQ and are not eligible for coverage under this general permit. If discharges of stormwater require authorization under federal NPDES regulations, authority for these discharges must be obtained from the EPA.

10. Stormwater Discharges from Agricultural Activities

Stormwater discharges from agricultural activities that are not point source discharges of stormwater are not subject to TPDES permit requirements. These activities may include clearing and cultivating ground for crops, construction of fences to contain livestock, construction of stock ponds, and other similar agricultural activities. Discharges of stormwater runoff associated with the construction of facilities that are subject to TPDES regulations, such as the construction of concentrated animal feeding operations, would be point sources regulated under this general permit.

11. Endangered Species Act

Discharges that would adversely affect a listed endangered or threatened aquatic or aquatic-dependent species or its critical habitat are not authorized by this permit, unless the requirements of the Endangered Species Act are satisfied. Federal requirements related to endangered species apply to all TPDES permitted discharges and site-specific controls may be required to ensure that protection of endangered or threatened species is achieved. If a permittee has concerns over potential impacts to listed species, the permittee may contact TCEQ for additional information.

12. Other

Nothing in Part II of the general permit is intended to negate any person's ability to assert the force majeure (act of God, war, strike, riot, or other catastrophe) defenses found in 30 TAC §70.7.

Section D. Deadlines for Obtaining Authorization to Discharge

1. Large Construction Activities

(a) New Construction - Discharges from sites where the commencement of construction occurs on or after the effective date of this general permit must be authorized, either under this general permit or a separate TPDES permit, prior to the commencement of those construction activities.

(b) Ongoing Construction - Operators of large construction activities continuing to operate after the effective date of this permit, and authorized under TPDES general permit TXR150000 (effective on March 5, 2008), must submit an NOI to renew authorization or a NOT to terminate coverage under this general permit within 90 days of the effective date of this general permit. During this interim period, as a requirement of this TPDES permit, the operator must continue to meet the conditions and requirements of the previous TPDES permit.

2. Small Construction Activities

(a) New Construction - Discharges from sites where the commencement of construction occurs on or after the effective date of this general permit must be authorized, either

under this general permit or a separate TPDES permit, prior to the commencement of those construction activities.

(b) Ongoing Construction - Discharges from ongoing small construction activities that commenced prior to the effective date of this general permit, and that would not meet the conditions to qualify for termination of this permit as described in Part II.E. of this general permit, must meet the requirements to be authorized, either under this general permit or a separate TPDES permit, within 90 days of the effective date of this general permit. During this interim period, as a requirement of this TPDES permit, the operator must continue to meet the conditions and requirements of the previous TPDES permit.

Section E. Obtaining Authorization to Discharge

1. Automatic Authorization for Small Construction Activities With Low Potential for Erosion:

If all of the following conditions are met, then a small construction activity is determined to occur during periods of low potential for erosion, and a site operator may be automatically authorized under this general permit without being required to develop an SWP3 or submit an NOI:

(a) the construction activity occurs in a county listed in Appendix A;

(b) the construction activity is initiated and completed, including either final or temporary stabilization of all disturbed areas, within the time frame identified in Appendix A for the location of the construction site;

(c) all temporary stabilization is adequately maintained to effectively reduce or prohibit erosion, permanent stabilization activities have been initiated, and a condition of final stabilization is completed no later than 30 days following the end date of the time frame identified in Appendix A for the location of the construction site;

(d) the permittee signs a completed TCEQ construction site notice, including the certification statement;

(e) a signed copy of the construction site notice is posted at the construction site in a location where it is readily available for viewing by the general public, local, state, and federal authorities prior to commencing construction activities, and maintained in that location until completion of the construction activity;

(f) a copy of the signed and certified construction site notice is provided to the operator of any MS4 receiving the discharge at least two days prior to commencement of construction activities;

(g) any supporting concrete batch plant or asphalt batch plant is separately authorized for discharges of stormwater runoff or other non-stormwater discharges under an individual TPDES permit, another TPDES general permit, or under an individual TCEQ permit where stormwater and non-stormwater is disposed of by evaporation or irrigation (discharges are adjacent to water in the state); and

(h) any non-stormwater discharges are either authorized under a separate permit or authorization, or are not considered to be a wastewater.

Part II.G. of this general permit describes how an operator may apply for and obtain a waiver from permitting, for certain small construction activities that occur during a period with a low potential for erosion, where automatic authorization under this section is not available.

2. Automatic Authorization For All Other Small Construction Activities:

Operators of small construction activities not described in Part II.E.1. above may be automatically authorized under this general permit, and operators of these sites shall not be required to submit an NOI, provided that they meet all of the following conditions:

(a) develop a SWP3 according to the provisions of this general permit, that covers either the entire site or all portions of the site for which the applicant is the operator, and implement that plan prior to commencing construction activities;

(b) sign and certify a completed TCEQ small construction site notice, post the notice at the construction site in a location where it is safely and readily available for viewing by the general public, local, state, and federal authorities, prior to commencing construction, and maintain the notice in that location until completion of the construction activity (for linear construction activities, e.g. pipeline or highway, the site notice must be placed in a publicly accessible location near where construction is actively underway; notice for these linear sites may be relocated, as necessary, along the length of the project, and the notice must be safely and readily available for viewing by the general public; local, state, and federal authorities); and

(c) provide a copy of the signed and certified construction site notice to the operator of any municipal separate storm sewer system receiving the discharge prior to commencement of construction activities.

Operators of small construction activities as defined in Part I.B of this general permit shall not submit an NOI for coverage unless otherwise required by the executive director.

As described in Part I (Definitions) of this general permit, large construction activities include those that will disturb less than five (5) acres of land, but that are part of a larger common plan of development or sale that will ultimately disturb five (5) or more acres of land, and must meet the requirements of Part II.E.3. below.

3. Authorization for Large Construction Activities:

Operators of large construction activities that qualify for coverage under this general permit must meet all of the following conditions:

(a) develop a SWP3 according to the provisions of this general permit that covers either the entire site or all portions of the site for which the applicant is the operator, and implement that plan prior to commencing construction activities;

(b) primary operators must submit an NOI, using a form provided by the executive director, at least seven (7) days prior to commencing construction activities, or if utilizing electronic submittal, prior to commencing construction activities. If an additional primary operator is added after the initial NOI is submitted, the new primary operator must submit an NOI at least seven (7) days before assuming operational control, or if utilizing electronic NOI submittal, prior to assuming operational control. If the primary operator changes after the initial NOI is submitted, the new primary operator must submit a paper NOI or an electronic NOI at least ten (10) days before assuming operational control;

(c) all operators of large construction activities must post a site notice in accordance with Part III.D.2. of this permit. The site notice must be located where it is safely and readily available for viewing by the general public, local, state, and federal authorities prior to commencing construction, and must be maintained in that location until completion of the construction activity (for linear construction activities, e.g. pipeline or highway, the site notice must be placed in a publicly accessible location near where construction is actively underway; notice for these linear sites may be relocated, as necessary, along the length of the project, and the notice must be safely and readily available for viewing by the general public; local, state, and federal authorities);

(d) prior to commencing construction activities, all primary operators must (1) provide a copy of the signed NOI to the operator of any MS4 receiving the discharge and to any secondary construction operator, and (2) list in the SWP3 the names and addresses of all MS4 operators receiving a copy;

(e) all persons meeting the definition of "secondary operator" in Part I of this permit are hereby notified that they are regulated under this general permit, but are not required to submit an NOI, provided that a primary operator at the site has submitted an NOI, or is required to submit an NOI, and the secondary operator has provided notification to the operator(s) of the need to obtain coverage (with records of notification available upon request). Any secondary operator notified under this provision may alternatively submit an NOI under this general permit, may seek coverage under an alternative TPDES individual permit, or may seek coverage under an alternative TPDES general permit if available; and

(f) all secondary operators must provide a copy of the signed and certified Secondary Operator construction site notice to the operator of any MS4 receiving the discharge prior to commencement of construction activities.

4. Waivers for Small Construction Activities:

Part II.G. describes how operators of certain small construction activities may obtain a waiver from coverage.

5. Effective Date of Coverage

(a) Operators of small construction activities as described in either Part II.E.1. or II.E.2. above are authorized immediately following compliance with the applicable conditions of Part II.E.1. or II.E.2. Secondary operators of large construction activities as described in Part II.E.3. above are authorized immediately following compliance with the applicable conditions in Part II.E.3. For activities located in areas regulated by 30 TAC Chapter 213, related to the Edwards Aquifer, this authorization to discharge is separate from the requirements of the operator's responsibilities under that rule. Construction may not commence for sites regulated under 30 TAC Chapter 213 until all applicable requirements of that rule are met.

(b) Primary operators of large construction activities as described in Part II.E.3. above are provisionally authorized seven (7) days from the date that a completed NOI is postmarked for delivery to the TCEQ, unless otherwise notified by the executive director. If electronic submission of the NOI is provided, and unless otherwise notified by the executive director, primary operators are authorized immediately following confirmation of receipt of the NOI by the TCEQ. Authorization is non-provisional when the executive director finds the NOI is administratively complete and an authorization number is issued for the activity. For activities located in areas regulated by 30 TAC Chapter 213, related to the Edwards Aquifer, this authorization to discharge is separate from the requirements of the operator's responsibilities under that rule. Construction may not commence for sites regulated under 30 TAC Chapter 213 until all applicable requirements of that rule are met.

(c) Operators are not prohibited from submitting late NOIs or posting late notices to obtain authorization under this general permit. The TCEQ reserves the right to take appropriate enforcement actions for any unpermitted activities that may have occurred between the time construction commenced and authorization was obtained.

6. Notice of Change (NOC)

If relevant information provided in the NOI changes, an NOC must be submitted at least 14 days before the change occurs, if possible. Where 14-day advance notice is not possible, the operator must submit an NOC within 14 days of discovery of the change. If

the operator becomes aware that it failed to submit any relevant facts or submitted incorrect information in an NOI, the correct information must be provided to the executive director in an NOC within 14 days after discovery. The NOC shall be submitted on a form provided by the executive director, or by letter if an NOC form is not available. A copy of the NOC must also be provided to the operator of any MS4 receiving the discharge, and a list must be included in the SWP3 that includes the names and addresses of all MS4 operators receiving a copy.

Information that may be included on an NOC includes, but is not limited to, the following: the description of the construction project, an increase in the number of acres disturbed (for increases of one or more acres), or the operator name. A transfer of operational control from one operator to another, including a transfer of the ownership of a company, may not be included in an NOC.

A transfer of ownership of a company includes changes to the structure of a company, such as changing from a partnership to a corporation or changing corporation types, so that the filing number (or charter number) that is on record with the Texas Secretary of State must be changed.

An NOC is not required for notifying TCEQ of a decrease in the number of acres disturbed. This information must be included in the SWP3 and retained on site.

7. Signatory Requirement for NOI Forms, Notice of Termination (NOT) Forms, NOC Letters, and Construction Site Notices

NOI forms, NOT forms, NOC letters, and Construction Site Notices that require a signature must be signed according to 30 TAC § 305.44 (relating to Signatories for Applications).

8. Contents of the NOI

The NOI form shall require, at a minimum, the following information:

(a) the TPDES CGP authorization number for existing authorizations under this general permit, where the operator submits an NOI to renew coverage within 90 days of the effective date of this general permit;

(b) the name, address, and telephone number of the operator filing the NOI for permit coverage;

(c) the name (or other identifier), address, county, and latitude/longitude of the construction project or site;

(d) the number of acres that will be disturbed by the applicant;

(e) confirmation that the project or site will not be located on Indian Country lands;

(f) confirmation that a SWP3 has been developed in accordance with this general permit, that it will be implemented prior to construction, and that it is compliant with any applicable local sediment and erosion control plans; for multiple operators who prepare a shared SWP3, the confirmation for an operator may be limited to its obligations under the SWP3 provided all obligations are confirmed by at least one operator;

(g) name of the receiving water(s);

(h) the classified segment number for each classified segment that receives discharges from the regulated construction activity (if the discharge is not directly to a classified segment, then the classified segment number of the first classified segment that those discharges reach); and

(i) the name of all surface waters receiving discharges from the regulated construction activity that are on the latest EPA-approved CWA § 303(d) List of impaired waters.

Section F. Terminating Coverage

1. Notice of Termination (NOT) Required

Each operator that has submitted an NOI for authorization under this general permit must apply to terminate that authorization following the conditions described in this section of the general permit. Authorization must be terminated by submitting an NOT on a form supplied by the executive director. Authorization to discharge under this general permit terminates at midnight on the day the NOT is postmarked for delivery to the TCEQ. If electronic submission of the NOT is provided, authorization to discharge under this permit terminates immediately following confirmation of receipt of the NOT by the TCEQ. Compliance with the conditions and requirements of this permit is required until an NOT is submitted.

The NOT must be submitted to TCEQ, and a copy of the NOT provided to the operator of any MS4 receiving the discharge (with a list in the SWP3 of the names and addresses of all MS4 operators receiving a copy), within 30 days after any of the following conditions are met:

(a) final stabilization has been achieved on all portions of the site that are the responsibility of the permittee;

(b) a transfer of operational control has occurred (See Section II.F.4. below); or

(c) the operator has obtained alternative authorization under an individual TPDES permit or alternative TPDES general permit.

2. Minimum Contents of the NOT

The NOT form shall require, at a minimum, the following information:

(a) if authorization was granted following submission of an NOI, the permittee's site-specific TPDES authorization number for the construction site;

(b) an indication of whether the construction activity is completed or if the permittee is simply no longer an operator at the site;

(c) the name, address, and telephone number of the permittee submitting the NOT;

(d) the name (or other identifier), address, county, and location (latitude/longitude) of the construction project or site; and

(e) a signed certification that either all stormwater discharges requiring authorization under this general permit will no longer occur, or that the applicant is no longer the operator of the facility or construction site, and that all temporary structural erosion controls have either been removed, will be removed on a schedule defined in the SWP3, or have been transferred to a new operator if the new operator has applied for permit coverage. Erosion controls that are designed to remain in place for an indefinite period, such as mulches and fiber mats, are not required to be removed or scheduled for removal.

3. Termination of Coverage for Small Construction Sites and for Secondary Operators at Large Construction Sites

Each operator that has obtained automatic authorization and has not been required to submit an NOI must remove the site notice upon meeting any of the conditions listed below, complete the applicable portion of the site notice related to removal of the site notice, and submit a copy of the completed site notice to the operator of any MS4 receiving the discharge (or provide alternative notification as allowed by the MS4 operator, with documentation of such notification included in the SWP3), within 30 days of meeting any of the following conditions:

(a) final stabilization has been achieved on all portions of the site that are the responsibility of the permittee;

(b) a transfer of operational control has occurred (See Section II.F.4. below); or

(c) the operator has obtained alternative authorization under an individual or general TPDES permit.

Authorization to discharge under this general permit terminates immediately upon removal of the applicable site notice. Compliance with the conditions and requirements of this permit is required until the site notice is removed.

4. Transfer of Operational Control

Coverage under this general permit is not transferable. A transfer of operational control includes changes to the structure of a company, such as changing from a partnership to a corporation, or changing to a different corporation type such that a different filing (or charter) number is established with the Texas Secretary of State.

When the primary operator of a large construction activity changes or operational control is transferred, the original operator must submit an NOT within ten (10) days prior to the date that responsibility for operations terminates, and the new operator must submit an NOI at least ten (10) days prior to the transfer of operational control, in accordance with condition (a) or (b) below. A copy of the NOT must be provided to the operator of any MS4 receiving the discharge in accordance with Section II.F.1. above.

Operators of regulated construction activities who are not required to submit an NOI must remove the original site notice, and the new operator must post the required site notice prior to the transfer of operational control, in accordance with condition (a) or (b) below. A copy of the completed site notice must be provided to the operator of any MS4 receiving the discharge, in accordance with Section II.F.3. above.

A transfer of operational control occurs when either of the following criteria is met:

(a) Another operator has assumed control over all areas of the site that have not been finally stabilized; and all silt fences and other temporary erosion controls have either been removed, scheduled for removal as defined in the SWP3, or transferred to a new operator, provided that the permitted operator has attempted to notify the new operator in writing of the requirement to obtain permit coverage. Record of this notification (or attempt at notification) shall be retained by the operator in accordance with Part VI of this permit. Erosion controls that are designed to remain in place for an indefinite period, such as mulches and fiber mats, are not required to be removed or scheduled for removal.

(b) A homebuilder has purchased one or more lots from an operator who obtained coverage under this general permit for a common plan of development or sale. The homebuilder is considered a new operator and shall comply with the requirements listed above, including the development of a SWP3 if necessary. Under these circumstances, the homebuilder is only responsible for compliance with the general permit requirements as they apply to lot(s) it has operational control over, and the original operator remains responsible for common controls or discharges, and must amend its SWP3 to remove the lot(s) transferred to the homebuilder.

Section G. Waivers from Coverage

The executive director may waive the otherwise applicable requirements of this general permit for stormwater discharges from small construction activities under the terms and conditions described in this section.

1. Waiver Applicability and Coverage

Operators of small construction activities may apply for and receive a waiver from the requirements to obtain authorization under this general permit, where all of the following conditions are met. This waiver from coverage does not apply to non-stormwater discharges. The operator must insure that any non-stormwater discharges are either authorized under a separate permit or authorization, or are not considered to be a wastewater.

(a) the calculated rainfall erosivity (R) factor for the entire period of the construction project is less than five (5);

(b) the operator submits to the TCEQ a signed waiver certification form, supplied by the executive director, certifying that the construction activity will commence and be completed within a period when the value of the calculated R factor is less than five (5); and

(c) the waiver certification form is postmarked for delivery to the TCEQ at least seven (7) days before construction activity begins or, if electronic filing is available, then any time following the receipt of written confirmation from TCEQ that a complete electronic application was submitted and acknowledged.

2. Steps to Obtaining a Waiver

The construction site operator may calculate the R factor to request a waiver using the following steps:

(a) Estimate the construction start date and the construction end date. The construction end date is the date that final stabilization will be achieved.

(b) Find the appropriate Erosivity Index (EI) zone in Appendix B of this permit.

(c) Find the EI percentage for the project period by adding the results for each period of the project using the table provided in Appendix D of this permit, in EPA Fact Sheet 2.1, or in USDA Handbook 703, by subtracting the start value from the end value to find the percent EI for the site.

(d) Refer to the Isoerodent Map (Appendix C of this permit) and interpolate the annual isoerodent value for the proposed construction location.

(e) Multiply the percent value obtained in Step (c) above by the annual isoerodent value obtained in Step (d). This is the R factor for the proposed project. If the value is less than 5, then a waiver may be obtained. If the value is five (5) or more, then a waiver may not be obtained, and the operator must obtain coverage under Part II.E.2. of this permit.

Alternatively, the operator may calculate a site-specific R factor utilizing the following online calculator: http://ei.tamu.edu/index.html, or using another available resource.

The waiver certification form is not required to be posted at the small construction site.

3. Effective Date of Waiver

Operators of small construction activities are provisionally waived from the otherwise applicable requirements of this general permit seven (7) days from the date that a completed waiver certification form is postmarked for delivery to TCEQ, or immediately upon receiving confirmation of approval of an electronic submittal, if electronic form submittals are available.

4. Activities Extending Beyond the Waiver Period

If a construction activity extends beyond the approved waiver period due to circumstances beyond the control of the operator, the operator must either:

(a) recalculate the R factor using the original start date and a new projected ending date, and if the R factor is still under five (5), submit a new waiver certification form at least two (2) days before the end of the original waiver period; or

(b) obtain authorization under this general permit according to the requirements delineated in either Part II.E.2. or Part II.E.3. before the end of the approved waiver period.

Section H. Alternative TPDES Permit Coverage

1. Individual Permit Alternative

Any discharge eligible for coverage under this general permit may alternatively be authorized under an individual TPDES permit according to 30 TAC §305 (relating to Consolidated Permits). Applications for individual permit coverage should be submitted at least three hundred and thirty (330) days prior to commencement of construction activities to ensure timely authorization.

2. Individual Permit Required

The executive director may suspend an authorization or deny an NOI in accordance with the procedures set forth in 30 TAC §205 (relating to General Permits for Waste Discharges), including the requirement that the executive director provide written notice to the permittee. The executive director may require an operator of a construction site, otherwise eligible for authorization under this general permit, to apply for an individual TPDES permit in the following circumstances:

(a) the conditions of an approved TMDL or TMDL I-Plan on the receiving water;

(b) the activity being determined to cause a violation of water quality standards or being found to cause, or contribute to, the loss of a designated use of surface water in the state: and

(c) any other consideration defined in 30 TAC Chapter 205 (relating to General Permits for Waste Discharges) including 30 TAC Chapter 205.4(c)(3)(D), which allows the commission to deny authorization under the general permit and require an individual permit if a discharger "has been determined by the executive director to have been out of compliance with any rule, order, or permit of the commission, including non-payment of fees assessed by the executive director."

Additionally, the executive director may cancel, revoke, or suspend authorization to discharge under this general permit based on a finding of historical and significant noncompliance with the provisions of this general permit, relating to 30 TAC §60.3 (Use of Compliance History). Denial of authorization to discharge under this general permit or suspension of a permittee's authorization under this general permit shall be done according to commission rules in 30 TAC Chapter 205 (relating to General Permits for Waste Discharges).

3. Alternative Discharge Authorization

Any discharge eligible for authorization under this general permit may alternatively be authorized under a separate general permit according to 30 TAC Chapter 205 (relating to General Permits for Waste Discharges), if applicable.

Section I. Permit Expiration

1. This general permit is effective for a term not to exceed five (5) years. All active discharge authorizations expire on the date provided on page one (1) of this permit. Following public notice and comment, as provided by 30 TAC §205.3 (relating to

Public Notice, Public Meetings, and Public Comment), the commission may amend, revoke, cancel, or renew this general permit.

2. If the executive director publishes a notice of the intent to renew or amend this general permit before the expiration date, the permit will remain in effect for existing, authorized discharges until the commission takes final action on the permit. Upon issuance of a renewed or amended permit, permittees may be required to submit an NOI within 90 days following the effective date of the renewed or amended permit, unless that permit provides for an alternative method for obtaining authorization.

3. If the commission does not propose to reissue this general permit within 90 days before the expiration date, permittees shall apply for authorization under an individual permit or an alternative general permit. If the application for an individual permit is submitted before the expiration date, authorization under this expiring general permit remains in effect until the issuance or denial of an individual permit. No new NOIs will be accepted nor new authorizations honored under the general permit after the expiration date.

Part III. Stormwater Pollution Prevention Plans (SWP3)

All regulated construction site operators shall prepare an SWP3, prior to submittal of an NOI, to address discharges authorized under Parts II.E.2. and II.E.3. of this general permit that will reach Waters of the U.S., including discharges to MS4s and privately owned separate storm sewer systems that drain to Waters of the U.S., to identify and address potential sources of pollution that are reasonably expected to affect the quality of discharges from the construction site, including off-site material storage areas, overburden and stockpiles of dirt, borrow areas, equipment staging areas, vehicle repair areas, fueling areas, etc., used solely by the permitted project. The SWP3 must describe the implementation of practices that will be used to minimize to the extent practicable the discharge of pollutants in stormwater associated with construction activity and non-stormwater discharges described in Part II.A.3., in compliance with the terms and conditions of this permit.

Individual operators at a site may develop separate SWP3s that cover only their portion of the project, provided reference is made to the other operators at the site. Where there is more than one SWP3 for a site, permittees must coordinate to ensure that BMPs and controls are consistent and do not negate or impair the effectiveness of each other. Regardless of whether a single comprehensive SWP3 is developed or separate SWP3s are developed for each operator, it is the responsibility of each operator to ensure compliance with the terms and conditions of this general permit in the areas of the construction site where that operator has control over construction plans and specifications or day-to-day operations.

Section A. Shared SWP3 Development

For more effective coordination of BMPs and opportunities for cost sharing, a cooperative effort by the different operators at a site is encouraged. Operators must independently obtain authorization, but may work together to prepare and implement a single, comprehensive SWP3 for the entire construction site.

1. The SWP3 must clearly list the name and, for large construction activities, the general permit authorization numbers, for each operator that participates in the shared SWP3. Until the TCEQ responds to receipt of the NOI with a general permit authorization number, the SWP3 must specify the date that the NOI was submitted to TCEQ by each operator. Each operator participating in the shared plan must also sign the SWP3.

2. The SWP3 must clearly indicate which operator is responsible for satisfying each shared requirement of the SWP3. If the responsibility for satisfying a requirement is not described in the plan, then each permittee is entirely responsible for meeting the requirement within the boundaries of the construction site where they perform construction activities. The SWP3 must clearly describe responsibilities for meeting each requirement in shared or common areas.
3. The SWP3 may provide that one operator is responsible for preparation of a SWP3 in compliance with the CGP, and another operator is responsible for implementation of the SWP3 at the project site.

Section B. Responsibilities of Operators

1. Secondary Operators and Primary Operators with Control Over Construction Plans and Specifications

All secondary operators and primary operators with control over construction plans and specifications shall:

(a) ensure the project specifications allow or provide that adequate BMPs are developed to meet the requirements of Part III of this general permit;

(b) ensure that the SWP3 indicates the areas of the project where they have control over project specifications, including the ability to make modifications in specifications;

(c) ensure that all other operators affected by modifications in project specifications are notified in a timely manner so that those operators may modify their BMP s as necessary to remain compliant with the conditions of this general permit; and

(d) ensure that the SWP3 for portions of the project where they are operators indicates the name and site-specific TPDES authorization number(s) for operators with the day-to-day operational control over those activities necessary to ensure compliance with the SWP3 and other permit conditions. If the party with day-to-day operational control has not been authorized or has abandoned the site, the person with control over project specifications is considered to be the responsible party until the authority is transferred to another party and the SWP3 is updated.

2. Primary Operators with Day-to-Day Operational Control

Primary operators with day-to-day operational control of those activities at a project that are necessary to ensure compliance with an SWP3 and other permit conditions must ensure that the SWP3 accomplishes the following requirements:

(a) meets the requirements of this general permit for those portions of the project where they are operators;

(b) identifies the parties responsible for implementation of BMPs described in the SWP3;

(c) indicates areas of the project where they have operational control over day-to-day activities; and

(d) includes, for areas where they have operational control over day-to-day activities, the name and site-specific TPDES authorization number of the parties with control over project specifications, including the ability to make modifications in specifications.

Section C. Deadlines for SWP3 Preparation, Implementation, and Compliance

The SWP3 must be prepared prior to obtaining authorization under this general permit, and implemented prior to commencing construction activities that result in soil

disturbance. The SWP3 must be prepared so that it provides for compliance with the terms and conditions of this general permit.

Section D. Plan Review and Making Plans Available

1. The SWP3 must be retained on-site at the construction site or, if the site is inactive or does not have an on-site location to store the plan, a notice must be posted describing the location of the SWP3. The SWP3 must be made readily available at the time of an on-site inspection to: the executive director; a federal, state, or local agency approving sediment and erosion plans, grading plans, or stormwater management plans; local government officials; and the operator of a municipal separate storm sewer receiving discharges from the site. If the SWP3 is retained off-site, then it shall be made available as soon as reasonably possible. In most instances, it is reasonable that the SWP3 shall be made available within 24 hours of the request.
2. A primary operator of a large construction activity must post the TCEQ site notice near the main entrance of the construction site. An operator of a small construction activity seeking authorization under this general permit and a secondary operator of a large construction activity must post the TCEQ site notice required in Part II.E.1., 2., or 3. of this general permit in order to obtain authorization. If the construction project is a linear construction project, such as a pipeline or highway, the notices must be placed in a publicly accessible location near where construction is actively underway. Notices for these linear sites may be relocated, as necessary, along the length of the project. The notices must be readily available for viewing by the general public; local, state, and federal authorities; and contain the following information:
   (a) the site-specific TPDES authorization number for the project if assigned;
   (b) the operator name, contact name, and contact phone number;
   (c) a brief description of the project; and
   (d) the location of the SWP3.
3. This permit does not provide the general public with any right to trespass on a construction site for any reason, including inspection of a site; nor does this permit require that permittees allow members of the general public access to a construction site.

Section E. Revisions and Updates to SWP3s

The permittee must revise or update the SWP3 whenever the following occurs:

1. a change in design, construction, operation, or maintenance that has a significant effect on the discharge of pollutants and that has not been previously addressed in the SWP3;
2. changing site conditions based on updated plans and specifications, new operators, new areas of responsibility, and changes in BMPs; or
3. results of inspections or investigations by site operators, operators of a municipal separate storm sewer system receiving the discharge, authorized TCEQ personnel, or a federal, state or local agency approving sediment and erosion plans indicate the SWP3 is proving ineffective in eliminating or significantly minimizing pollutants in discharges authorized under this general permit.

Section F. Contents of SWP3

The SWP3 must include, at a minimum, the information described in this section and must comply with the construction and development effluent guidelines in Part III, Section G of the general permit.

1. A site or project description, which includes the following information:

   (a) a description of the nature of the construction activity;

   (b) a list of potential pollutants and their sources;

   (c) a description of the intended schedule or sequence of activities that will disturb soils for major portions of the site, including estimated start dates and duration of activities;

   (d) the total number of acres of the entire property and the total number of acres where construction activities will occur, including off-site material storage areas, overburden and stockpiles of dirt, and borrow areas that are authorized under the permittee's NOI;

   (e) data describing the soil or the quality of any discharge from the site;

   (f) a map showing the general location of the site (e.g. a portion of a city or county map);

   (g) a detailed site map (or maps) indicating the following:

      (i) drainage patterns and approximate slopes anticipated after major grading activities;

      (ii) areas where soil disturbance will occur;

      (iii) locations of all controls and buffers, either planned or in place;

      (iv) locations where temporary or permanent stabilization practices are expected to be used;

      (v) locations of construction support activities, including off-site activities, that are authorized under the permittee's NOI, including material, waste, borrow, fill, or equipment or chemical storage areas;

      (vi) surface waters (including wetlands) either at, adjacent, or in close proximity to the site, and also indicating those that are impaired waters;

      (vii) locations where stormwater discharges from the site directly to a surface water body or a municipal separate storm sewer system;

      (viii) vehicle wash areas; and

      (ix) designated points on the site where vehicles will exit onto paved roads (for instance, this applies to construction transition from unstable dirt areas to exterior paved roads).

   Where the amount of information required to be included on the map would result in a single map being difficult to read and interpret, the operator shall develop a series of maps that collectively include the required information.

   (h) the location and description of support activities authorized under the permittee's NOI, including asphalt plants, concrete plants, and other activities providing support to the construction site that is authorized under this general permit;

   (i) the name of receiving waters at or near the site that may be disturbed or that may receive discharges from disturbed areas of the project;

   (j) a copy of this TPDES general permit;

   (k) the NOI and acknowledgement certificate for primary operators of large construction sites, and the site notice for small construction sites and for secondary operators of large construction sites;

   (l) stormwater and allowable non-stormwater discharge locations, including storm drain inlets on site and in the immediate vicinity of the construction site; and

(m) locations of all pollutant-generating activities, such as paving operations; concrete, paint and stucco washout and water disposal; solid waste storage and disposal; and dewatering operations.

2. A description of the BMPs that will be used to minimize pollution in runoff.

The description must identify the general timing or sequence for implementation. At a minimum, the description must include the following components:

(a) General Requirements

(i) Erosion and sediment controls must be designed to retain sediment on-site to the extent practicable with consideration for local topography, soil type, and rainfall.

(ii) Control measures must be properly selected, installed, and maintained according to the manufacturer's or designer's specifications.

(iii) Controls must be developed to minimize the offsite transport of litter, construction debris, and construction materials.

(b) Erosion Control and Stabilization Practices

The SWP3 must include a description of temporary and permanent erosion control and stabilization practices for the site, compliant with the requirements of Part III.G.1 and G.2 of this general permit, including a schedule of when the practices will be implemented. Site plans should ensure that existing vegetation is preserved where it is possible.

(i) Erosion control and stabilization practices may include but are not limited to: establishment of temporary or permanent vegetation, mulching, geotextiles, sod stabilization, vegetative buffer strips, protection of existing trees and vegetation, slope texturing, temporary velocity dissipation devices, flow diversion mechanisms, and other similar measures.

(ii) The following records must be maintained and either attached to or referenced in the SWP3, and made readily available upon request to the parties listed in Part III.D.1 of this general permit:

(A) the dates when major grading activities occur;

(B) the dates when construction activities temporarily or permanently cease on a portion of the site; and

(C) the dates when stabilization measures are initiated.

(iii) Erosion control and stabilization measures must be initiated immediately in portions of the site where construction activities have temporarily ceased and will not resume for a period exceeding 14 calendar days. Stabilization measures that provide a protective cover must be initiated immediately in portions of the site where construction activities have permanently ceased. The term "immediately" is used to define the deadline for initiating stabilization measures. In the context of this requirement, "immediately" means as soon as practicable, but no later than the end of the next work day, following the day when the earth-disturbing activities have temporarily or permanently ceased. Except as provided in (A) through (D) below, these measures must be completed as soon as practicable, but no more than 14 calendar days after the initiation of soil stabilization measures:

(A) Where the immediate initiation of stabilization measures after construction activity temporarily or permanently ceased is precluded

by snow cover or frozen ground conditions, stabilization measures must be initiated as soon as practicable.

(B) In arid areas, semi-arid areas, or drought-stricken areas where the immediate initiation of stabilization measures after construction activity has temporarily or permanently ceased or is precluded by arid conditions, erosion control and stabilization measures must be initiated as soon as practicable. Where vegetative controls are not feasible due to arid conditions, the operator shall immediately install, and within 14 calendar days of a temporary or permanent cessation of work in any portion of the site complete, non-vegetative erosion controls. If non-vegetative controls are not feasible, the operator shall install temporary sediment controls as required in Paragraph (C) below.

(C) In areas where temporary stabilization measures are infeasible, the operator may alternatively utilize temporary perimeter controls. The operator must document in the SWP3 the reason why stabilization measures are not feasible, and must demonstrate that the perimeter controls will retain sediment on site to the extent practicable. The operator must continue to inspect the BMPs at the frequency established in Section III.F.7.(a) for unstabilized sites.

(D) If the initiation or completion of vegetative stabilization is affected by circumstances beyond the control of the permittee, vegetative stabilization must be initiated or completed as soon as conditions or circumstances allow it on the site. The requirement to initiate stabilization is triggered as soon as it is known with reasonable certainty that work will be stopped for 14 or more additional calendar days.

(iv) Final stabilization must be achieved prior to termination of permit coverage.

(v) TCEQ does not expect that temporary or permanent stabilization measures to be applied to areas that are intended to be left un-vegetated or un-stabilized following construction (e.g., dirt access roads, utility pole pads, areas being used for storage of vehicles, equipment, or materials).

(c) Sediment Control Practices

The SWP3 must include a description of any sediment control practices used to remove eroded soils from stormwater runoff, including the general timing or sequence for implementation of controls.

(i) Sites With Drainage Areas of Ten or More Acres

(A) Sedimentation Basin(s)

(1) A sedimentation basin is required, where feasible, for a common drainage location that serves an area with ten (10) or more acres disturbed at one time. A sedimentation basin may be temporary or permanent, and must provide sufficient storage to contain a calculated volume of runoff from a 2-year, 24-hour storm from each disturbed acre drained. When calculating the volume of runoff from a 2-year, 24-hour storm event, it is not required to include the flows from offsite areas and flow from onsite areas that are either undisturbed or have already undergone permanent stabilization, if these flows are diverted around both the disturbed areas of the site and the sediment basin. Capacity calculations shall be included in the SWP3.

(2) Where rainfall data is not available or a calculation cannot be performed, the sedimentation basin must provide at least 3,600 cubic feet of storage per acre drained until final stabilization of the site.

(3) If a sedimentation basin is not feasible, then the permittee shall provide equivalent control measures until final stabilization of the site. In determining whether installing a sediment basin is feasible, the permittee may consider factors such as site soils, slope, available area, public safety, precipitation patterns, site geometry, site vegetation, infiltration capacity, geotechnical factors, depth to groundwater, and other similar considerations. The permittee shall document the reason that the sediment basins are not feasible, and shall utilize equivalent control measures, which may include a series of smaller sediment basins.

(4) Unless infeasible, when discharging from sedimentation basins and impoundments, the permittee shall utilize outlet structures that withdraw water from the surface.

(B) Perimeter Controls: At a minimum, silt fences, vegetative buffer strips, or equivalent sediment controls are required for all down slope boundaries of the construction area, and for those side slope boundaries deemed appropriate as dictated by individual site conditions.

(ii) Controls for Sites With Drainage Areas Less than Ten Acres:

(A) Sediment traps and sediment basins may be used to control solids in stormwater runoff for drainage locations serving less than ten (10) acres. At a minimum, silt fences, vegetative buffer strips, or equivalent sediment controls are required for all down slope boundaries of the construction area, and for those side slope boundaries deemed appropriate as dictated by individual site conditions.

(B) Alternatively, a sediment basin that provides storage for a calculated volume of runoff from a 2-year, 24-hour storm from each disturbed acre drained may be utilized. Where rainfall data is not available or a calculation cannot be performed, a temporary or permanent sediment basin providing 3,600 cubic feet of storage per acre drained may be provided. If a calculation is performed, then the calculation shall be included in the SWP3.

(C) If sedimentation basins or impoundments are used, the permittee shall comply with the requirements in Part III.G.6 of this general permit.

3. Description of Permanent Stormwater Controls

A description of any measures that will be installed during the construction process to control pollutants in stormwater discharges that may occur after construction operations have been completed must be included in the SWP3. Permittees are only responsible for the installation and maintenance of stormwater management measures prior to final stabilization of the site or prior to submission of an NOT.

4. Other Required Controls and BMPs

(a) Permittees shall minimize, to the extent practicable, the off-site vehicle tracking of sediments and the generation of dust. The SWP3 shall include a description of controls utilized to accomplish this requirement.

(b) The SWP3 must include a description of construction and waste materials expected to be stored on-site and a description of controls to minimize pollutants from these materials.

(c) The SWP3 must include a description of potential pollutant sources from areas other than construction (such as stormwater discharges from dedicated asphalt plants and dedicated concrete batch plants), and a description of controls and measures that will be implemented at those sites to minimize pollutant discharges.

(d) Permittees shall place velocity dissipation devices at discharge locations and along the length of any outfall channel (i.e., runoff conveyance) to provide a non-erosive flow velocity from the structure to a water course, so that the natural physical and biological characteristics and functions are maintained and protected.

(e) Permittees shall design and utilize appropriate controls to minimize the offsite transport of suspended sediments and other pollutants if it is necessary to pump or channel standing water from the site.

(f) Permittees shall ensure that all other required controls and BMPs comply with all of the requirements of Part III.G of this general permit.

5. Documentation of Compliance with Approved State and Local Plans

(a) Permittees must ensure that the SWP3 is consistent with requirements specified in applicable sediment and erosion site plans or site permits, or stormwater management site plans or site permits approved by federal, state, or local officials.

(b) SWP3s must be updated as necessary to remain consistent with any changes applicable to protecting surface water resources in sediment erosion site plans or site permits, or stormwater management site plans or site permits approved by state or local official for which the permittee receives written notice.

(c) If the permittee is required to prepare a separate management plan, including but not limited to a WPAP or Contributing Zone Plan in accordance with 30 TAC Chapter 213 (related to the Edwards Aquifer), then a copy of that plan must be either included in the SWP3 or made readily available upon request to authorized personnel of the TCEQ. The permittee shall maintain a copy of the approval letter for the plan in its SWP3.

6. Maintenance Requirements

(a) All protective measures identified in the SWP3 must be maintained in effective operating condition. If, through inspections or other means, the permittee determines that BMPs are not operating effectively, then the permittee shall perform maintenance as necessary to maintain the continued effectiveness of stormwater controls, and prior to the next rain event if feasible. If maintenance prior to the next anticipated storm event is impracticable, the reason shall be documented in the SWP3 and maintenance must be scheduled and accomplished as soon as practicable. Erosion and sediment controls that have been intentionally disabled, run-over, removed, or otherwise rendered ineffective must be replaced or corrected immediately upon discovery.

(b) If periodic inspections or other information indicates a control has been used incorrectly, is performing inadequately, or is damaged, then the operator shall replace or modify the control as soon as practicable after making the discovery.

(c) Sediment must be removed from sediment traps and sedimentation ponds no later than the time that design capacity has been reduced by 50%. For perimeter

controls such as silt fences, berms, etc., the trapped sediment must be removed before it reaches 50% of the above-ground height.

(d) If sediment escapes the site, accumulations must be removed at a frequency that minimizes off-site impacts, and prior to the next rain event, if feasible. If the permittee does not own or operate the off-site conveyance, then the permittee shall work with the owner or operator of the property to remove the sediment.

7. Inspections of Controls

(a) Personnel provided by the permittee must inspect disturbed areas of the construction site that have not been finally stabilized, areas used for storage of materials that are exposed to precipitation, discharge locations, and structural controls for evidence of, or the potential for, pollutants entering the drainage system. Personnel conducting these inspections must be knowledgeable of this general permit, familiar with the construction site, and knowledgeable of the SWP3 for the site. Sediment and erosion control measures identified in the SWP3 must be inspected to ensure that they are operating correctly. Locations where vehicles enter or exit the site must be inspected for evidence of off-site sediment tracking. Inspections must be conducted at least once every 14 calendar days and within 24 hours of the end of a storm event of 0.5 inches or greater.

Where sites have been finally or temporarily stabilized or where runoff is unlikely due to winter conditions (e.g. site is covered with snow, ice, or frozen ground exists), inspections must be conducted at least once every month. In arid, semi-arid, or drought-stricken areas, inspections must be conducted at least once every month and within 24 hours after the end of a storm event of 0.5 inches or greater. The SWP3 must also contain a record of the total rainfall measured, as well as the approximate beginning and ending dates of winter or drought conditions resulting in monthly frequency of inspections.

As an alternative to the above-described inspection schedule of once every 14 calendar days and within 24 hours of a storm event of 0.5 inches or greater, the SWP3 may be developed to require that these inspections will occur at least once every seven (7) calendar days. If this alternative schedule is developed, then the inspection must occur regardless of whether or not there has been a rainfall event since the previous inspection.

The inspections may occur on either schedule provided that the SWP3 reflects the current schedule and that any changes to the schedule are conducted in accordance with the following provisions: the schedule may be changed a maximum of one time each month, the schedule change must be implemented at the beginning of a calendar month, and the reason for the schedule change must be documented in the SWP3 (e.g., end of "dry" season and beginning of "wet" season).

(b) Utility line installation, pipeline construction, and other examples of long, narrow, linear construction activities may provide inspection personnel with limited access to the areas described in Part III.F.7.(a) above. Inspection of these areas could require that vehicles compromise temporarily or even permanently stabilized areas, cause additional disturbance of soils, and increase the potential for erosion. In these circumstances, controls must be inspected at least once every 14 calendar days and within 24 hours of the end of a storm event of 0.5 inches or greater, but representative inspections may be performed. For representative inspections, personnel must inspect controls along the construction site for 0.25 mile above and below each access point where a roadway, undisturbed right-of-way, or other similar feature intersects the construction site and allows access to the areas described in Part III.F.7.(a)

above. The conditions of the controls along each inspected 0.25 mile portion may be considered as representative of the condition of controls along that reach extending from the end of the 0.25 mile portion to either the end of the next 0.25 mile inspected portion, or to the end of the project, whichever occurs first.

As an alternative to the above-described inspection schedule of once every 14 calendar days and within 24 hours of a storm event of 0.5 inches or greater, the SWP3 may be developed to require that these inspections will occur at least once every seven (7) calendar days. If this alternative schedule is developed, the inspection must occur regardless of whether or not there has been a rainfall event since the previous inspection. The inspections may occur on either schedule provided that the SWP3 reflects the current schedule and that any changes to the schedule are conducted in accordance with the following provisions: the schedule may be changed a maximum of one time each month, the schedule change must be implemented at the beginning of a calendar month, and the reason for the schedule change must be documented in the SWP3 (e.g., end of "dry" season and beginning of "wet" season).

(c) In the event of flooding or other uncontrollable situations which prohibit access to the inspection sites, inspections must be conducted as soon as access is practicable.

(d) The SWP3 must be modified based on the results of inspections, as necessary, to better control pollutants in runoff. Revisions to the SWP3 must be completed within seven (7) calendar days following the inspection. If existing BMPs are modified or if additional BMPs are necessary, an implementation schedule must be described in the SWP3 and wherever possible those changes implemented before the next storm event. If implementation before the next anticipated storm event is impracticable, these changes must be implemented as soon as practicable.

(e) A report summarizing the scope of the inspection, the date(s) of the inspection, and major observations relating to the implementation of the SWP3 must be made and retained as part of the SWP3. Major observations should include: The locations of discharges of sediment or other pollutants from the site; locations of BMPs that need to be maintained; locations of BMPs that failed to operate as designed or proved inadequate for a particular location; and locations where additional BMPs are needed.

Actions taken as a result of inspections must be described within, and retained as a part of, the SWP3. Reports must identify any incidents of non-compliance. Where a report does not identify any incidents of non-compliance, the report must contain a certification that the facility or site is in compliance with the SWP3 and this permit. The report must be signed by the person and in the manner required by 30 TAC §305.128 (relating to Signatories to Reports).

The names and qualifications of personnel making the inspections for the permittee may be documented once in the SWP3 rather than being included in each report.

8. The SWP3 must identify and ensure the implementation of appropriate pollution prevention measures for all eligible non-stormwater components of the discharge, as listed in Part II.A.3. of this permit.

9. The SWP3 must include the information required in Part III.B. of this general permit.

10. The SWP3 must include pollution prevention procedures that comply with Part III.G.4 of this general permit.

Section G. Erosion and Sediment Control Requirements Applicable to All Sites

Except as provided in 40 CFR §§125.30-125.32, any discharge regulated under this general permit, with the exception of sites that obtained waivers based on low rainfall erosivity, must achieve, at a minimum, the following effluent limitations representing the degree of effluent reduction attainable by application of the best practicable control technology currently available (BPT).

1. *Erosion and sediment controls*. Design, install, and maintain effective erosion controls and sediment controls to minimize the discharge of pollutants. At a minimum, such controls must be designed, installed, and maintained to:

   (a) Control stormwater volume and velocity within the site to minimize soil erosion;

   (b) If any stormwater flow will be channelized at the site, stormwater controls must be designed to control both peak flowrates and total stormwater volume to minimize erosion at outlets and to minimize downstream channel and streambank erosion;

   (c) Minimize the amount of soil exposed during construction activity;

   (d) Minimize the disturbance of steep slopes;

   (e) Minimize sediment discharges from the site. The design, installation, and maintenance of erosion and sediment controls must address factors such as the amount, frequency, intensity and duration of precipitation, the nature of resulting stormwater runoff, and soil characteristics, including the range of soil particle sizes expected to be present on the site;

   (f) If earth disturbance activities are located in close proximity to a surface water, provide and maintain appropriate natural buffers if feasible and as necessary, around surface waters, depending on site-specific topography, sensitivity, and proximity to water bodies. Direct stormwater to vegetated areas to increase sediment removal and maximize stormwater infiltration. If providing buffers is infeasible, the permittee shall document the reason that natural buffers are not feasible, and shall implement additional erosion and sediment controls to reduce sediment load;

   (g) Preserve native topsoil at the site, unless infeasible; and

   (h) Minimize soil compaction in post-construction pervious areas. In areas of the construction site where final vegetative stabilization will occur or where infiltration practices will be installed, either:

      (1) restrict vehicle and equipment use to avoid soil compaction; or

      (2) prior to seeding or planting areas of exposed soil that have been compacted, use techniques that condition the soils to support vegetative growth, if necessary and feasible;

   (i) TCEQ does not consider stormwater control features (e.g., stormwater conveyance channels, storm drain inlets, sediment basins) to constitute "surface waters" for the purposes of triggering the buffer requirement in Part III.G.(f) above.

2. *Soil stabilization*. Stabilization of disturbed areas must, at a minimum, be initiated immediately whenever any clearing, grading, excavating, or other earth disturbing activities have permanently ceased on any portion of the site, or temporarily ceased on any portion of the site and will not resume for a period exceeding 14 calendar days. In the context of this requirement, "immediately" means as soon as practicable, but no later than the end of the next work day, following the day when the earth-disturbing activities have temporarily or permanently ceased. Temporary

stabilization must be completed no more than 14 calendar days after initiation of soil stabilization measures, and final stabilization must be achieved prior to termination of permit coverage. In arid, semi-arid, and drought-stricken areas where initiating vegetative stabilization measures immediately is infeasible, alternative non-vegetative stabilization measures must be employed as soon as practicable. Refer to Part III.F.2.(b) for complete erosion control and stabilization practice requirements.

3. *Dewatering*. Discharges from dewatering activities, including discharges from dewatering of trenches and excavations, are prohibited, unless managed by appropriate controls.

4. *Pollution prevention measures*. Design, install, implement, and maintain effective pollution prevention measures to minimize the discharge of pollutants. At a minimum, such measures must be designed, installed, implemented, and maintained to:

   (a) Minimize the discharge of pollutants from equipment and vehicle washing, wheel wash water, and other wash waters. Wash waters must be treated in a sediment basin or alternative control that provides equivalent or better treatment prior to discharge;

   (b) Minimize the exposure of building materials, building products, construction wastes, trash, landscape materials, fertilizers, pesticides, herbicides, detergents, sanitary waste, and other materials present on the site to precipitation and to stormwater; and

   (c) Minimize the discharge of pollutants from spills and leaks, and implement chemical spill and leak prevention and response procedures.

5. *Prohibited discharges*. The following discharges are prohibited:

   (a) Wastewater from wash out of concrete trucks, unless managed by an appropriate control (see Part V of the general permit);

   (b) Wastewater from wash out and cleanout of stucco, paint, form release oils, curing compounds and other construction materials;

   (c) Fuels, oils, or other pollutants used in vehicle and equipment operation and maintenance; and

   (d) Soaps or solvents used in vehicle and equipment washing.

6. *Surface outlets*. When discharging from basins and impoundments, utilize outlet structures that withdraw water from the surface, unless infeasible.

Part IV. Stormwater Runoff from Concrete Batch Plants

Discharges of stormwater runoff from concrete batch plants at regulated construction sites may be authorized under the provisions of this general permit provided that the following requirements are met for concrete batch plant(s) authorized under this permit. If discharges of stormwater runoff from concrete batch plants are not covered under this general permit, then discharges must be authorized under an alternative general permit or individual permit. This permit does not authorize the discharge or land disposal of any wastewater from concrete batch plants at regulated construction sites. Authorization for these wastes must be obtained under an individual permit or an alternative general permit.

Section A. Benchmark Sampling Requirements

1. Operators of concrete batch plants authorized under this general permit shall sample the stormwater runoff from the concrete batch plants according to the requirements

of this section of this general permit, and must conduct evaluations on the effectiveness of the SWP3 based on the following benchmark monitoring values:

Table 1. Benchmark Parameters

Benchmark Parameter	Benchmark Value	Sampling Frequency	Sample Type
Oil and Grease	15 mg/L	1/quarter (*1) (*2)	Grab (*3)
Total Suspended Solids	100 mg/L	1/quarter (*1) (*2)	Grab (*3)
pH	6.0 – 9.0 Standard Units	1/quarter (*1) (*2)	Grab (*3)
Total Iron	1.3 mg/L	1/quarter (*1) (*2)	Grab (*3)

(*1) When discharge occurs. Sampling is required within the first 30 minutes of discharge. If it is not practicable to take the sample, or to complete the sampling, within the first 30 minutes, sampling must be completed within the first hour of discharge. If sampling is not completed within the first 30 minutes of discharge, the reason must be documented and attached to all required reports and records of the sampling activity.

(*2) Sampling must be conducted at least once during each of the following periods. The first sample must be collected during the first full quarter that a stormwater discharge occurs from a concrete batch plant authorized under this general permit.

January through March

April through June

July through September

October through December

For projects lasting less than one full quarter, a minimum of one sample shall be collected, provided that a stormwater discharge occurred at least once following submission of the NOI or following the date that automatic authorization was obtained under Section II.E.2., and prior to terminating coverage.

(*3) A grab sample shall be collected from the stormwater discharge resulting from a storm event that is at least 0.1 inches of measured precipitation that occurs at least 72 hours from the previously measurable storm event. The sample shall be collected downstream of the concrete batch plant, and where the discharge exits any BMPs utilized to handle the runoff from the batch plant, prior to commingling with any other water authorized under this general permit.

2. The permittee must compare the results of sample analyses to the benchmark values above, and must include this comparison in the overall assessment of the SWP3's effectiveness. Analytical results that exceed a benchmark value are not a violation of this permit, as these values are not numeric effluent limitations. Results of analyses are indicators that modifications of the SWP3 should be assessed and may be necessary to protect water quality. The operator must investigate the cause for each exceedance and must document the results of this investigation in the SWP3 by the end of the quarter following the sampling event.

The operator's investigation must identify the following:

(a) any additional potential sources of pollution, such as spills that might have occurred,

(b) necessary revisions to good housekeeping measures that are part of the SWP3,

(c) additional BMPs, including a schedule to install or implement the BMPs, and

(d) other parts of the SWP3 that may require revisions in order to meet the goal of the benchmark values.

Background concentrations of specific pollutants may also be considered during the investigation. If the operator is able to relate the cause of the exceedance to background concentrations, then subsequent exceedances of benchmark values for that pollutant may be resolved by referencing earlier findings in the SWP3. Background concentrations may be identified by laboratory analyses of samples of stormwater runon to the permitted facility, by laboratory analyses of samples of stormwater run-off from adjacent non-industrial areas, or by identifying the pollutant is a naturally occurring material in soils at the site.

Section B. Best Management Practices (BMPs) and SWP3 Requirements

Minimum SWP3 Requirements – The following are required in addition to other SWP3 requirements listed in this general permit (including, but not limited to Part III.F.7. of this permit):

1. Description of Potential Pollutant Sources - The SWP3 must provide a description of potential sources (activities and materials) that may reasonably be expected to affect the quality of stormwater discharges associated with concrete batch plants authorized under this permit. The SWP3 must describe practices that that will be used to reduce the pollutants in these discharges to assure compliance with this general permit, including the protection of water quality, and must ensure the implementation of these practices.

   The following must be developed, at a minimum, in support of developing this description:

   (a) Drainage – The site map must include the following information:

      (1) the location of all outfalls for stormwater discharges associated with concrete batch plants that are authorized under this permit;

      (2) a depiction of the drainage area and the direction of flow to the outfall(s);

      (3) structural controls used within the drainage area(s);

      (4) the locations of the following areas associated with concrete batch plants that are exposed to precipitation: vehicle and equipment maintenance activities (including fueling, repair, and storage areas for vehicles and equipment scheduled for maintenance); areas used for the treatment, storage, or disposal of wastes; liquid storage tanks; material processing and storage areas; and loading and unloading areas; and

      (5) the locations of the following: any bag house or other dust control device(s); recycle/sedimentation pond, clarifier or other device used for the treatment of facility wastewater (including the areas that drain to the treatment device); areas with significant materials; and areas where major spills or leaks have occurred.

   (b) Inventory of Exposed Materials – A list of materials handled at the concrete batch plant that may be exposed to stormwater and that have a potential to

affect the quality of stormwater discharges associated with concrete batch plants that are authorized under this general permit.

(c) Spills and Leaks - A list of significant spills and leaks of toxic or hazardous pollutants that occurred in areas exposed to stormwater and that drain to stormwater outfalls associated with concrete batch plants authorized under this general permit must be developed, maintained, and updated as needed.

(d) Sampling Data - A summary of existing stormwater discharge sampling data must be maintained, if available.

2. Measures and Controls - The SWP3 must include a description of management controls to regulate pollutants identified in the SWP3's "Description of Potential Pollutant Sources" from Part IV.B.1.(a) of this permit, and a schedule for implementation of the measures and controls. This must include, at a minimum:

(a) Good Housekeeping - Good housekeeping measures must be developed and implemented in the area(s) associated with concrete batch plants.

(1) Operators must prevent or minimize the discharge of spilled cement, aggregate (including sand or gravel), settled dust, or other significant materials from paved portions of the site that are exposed to stormwater. Measures used to minimize the presence of these materials may include regular sweeping or other equivalent practices. These practices must be conducted at a frequency that is determined based on consideration of the amount of industrial activity occurring in the area and frequency of precipitation, and shall occur at least once per week when cement or aggregate is being handled or otherwise processed in the area.

(2) Operators must prevent the exposure of fine granular solids, such as cement, to stormwater. Where practicable, these materials must be stored in enclosed silos, hoppers or buildings, in covered areas, or under covering.

(b) Spill Prevention and Response Procedures - Areas where potential spills that can contribute pollutants to stormwater runoff, and the drainage areas from these locations, must be identified in the SWP3. Where appropriate, the SWP3 must specify material handling procedures, storage requirements, and use of equipment. Procedures for cleaning up spills must be identified in the SWP3 and made available to the appropriate personnel.

(c) Inspections - Qualified facility personnel (i.e., a person or persons with knowledge of this general permit, the concrete batch plant, and the SWP3 related to the concrete batch plant(s) for the site) must be identified to inspect designated equipment and areas of the facility specified in the SWP3. The inspection frequency must be specified in the SWP3 based upon a consideration of the level of concrete production at the facility, but must be a minimum of once per month while the facility is in operation. The inspection must take place while the facility is in operation and must, at a minimum, include all areas that are exposed to stormwater at the site, including material handling areas, above ground storage tanks, hoppers or silos, dust collection/containment systems, truck wash down and equipment cleaning areas. Follow-up procedures must be used to ensure that appropriate actions are taken in response to the inspections. Records of inspections must be maintained and be made readily available for inspection upon request.

(d) Employee Training - An employee training program must be developed to educate personnel responsible for implementing any component of the SWP3, or personnel otherwise responsible for stormwater pollution prevention, with the provisions of the SWP3. The frequency of training must be documented in

the SWP3, and at a minimum, must consist of one training prior to the initiation of operation of the concrete batch plant.

(e) Record Keeping and Internal Reporting Procedures - A description of spills and similar incidents, plus additional information that is obtained regarding the quality and quantity of stormwater discharges, must be included in the SWP3. Inspection and maintenance activities must be documented and records of those inspection and maintenance activities must be incorporated in the SWP3.

(f) Management of Runoff - The SWP3 shall contain a narrative consideration for reducing the volume of runoff from concrete batch plants by diverting runoff or otherwise managing runoff, including use of infiltration, detention ponds, retention ponds, or reusing of runoff.

3. Comprehensive Compliance Evaluation – At least once per year, one or more qualified personnel (i.e., a person or persons with knowledge of this general permit, the concrete batch plant, and the SWP3 related to the concrete batch plant(s) for the site) shall conduct a compliance evaluation of the plant. The evaluation must include the following.

(a) Visual examination of all areas draining stormwater associated with regulated concrete batch plants for evidence of, or the potential for, pollutants entering the drainage system. These include but are not limited to: cleaning areas, material handling areas, above ground storage tanks, hoppers or silos, dust collection/containment systems, and truck wash down and equipment cleaning areas. Measures implemented to reduce pollutants in runoff (including structural controls and implementation of management practices) must be evaluated to determine if they are effective and if they are implemented in accordance with the terms of this permit and with the permittee's SWP3. The operator shall conduct a visual inspection of equipment needed to implement the SWP3, such as spill response equipment.

(b) Based on the results of the evaluation, the following must be revised as appropriate within two weeks of the evaluation: the description of potential pollutant sources identified in the SWP3 (as required in Part IV.B.1., "Description of Potential Pollutant Sources"); and pollution prevention measures and controls identified in the SWP3 (as required in Part IV.B.2., "Measures and Controls"). The revisions may include a schedule for implementing the necessary changes.

(c) The permittee shall prepare and include in the SWP3 a report summarizing the scope of the evaluation, the personnel making the evaluation, the date(s) of the evaluation, major observations relating to the implementation of the SWP3, and actions taken in response to the findings of the evaluation. The report must identify any incidents of noncompliance. Where the report does not identify incidences of noncompliance, the report must contain a statement that the evaluation did not identify any incidence(s), and the report must be signed according to 30 TAC §305.128, relating to Signatories to Reports.

(d) The Comprehensive Compliance Evaluation may substitute for one of the required inspections delineated in Part IV.B.2.(c) of this general permit.

Section C. Prohibition of Wastewater Discharges

Wastewater discharges associated with concrete production including wastewater disposal by land application are not authorized under this general permit. These wastewater discharges must be authorized under an alternative TCEQ water quality permit or otherwise disposed of in an authorized manner. Discharges of concrete truck wash out at construction sites may be authorized if conducted in accordance with the requirements of Part V of this general permit.

Part V. Concrete Truck Wash Out Requirements

This general permit authorizes the wash out of concrete trucks at construction sites regulated under Sections II.E.1., 2., and 3. of this general permit, provided the following requirements are met. Authorization is limited to the land disposal of wash out water from concrete trucks. Any other direct discharge of concrete production waste water must be authorized under a separate TCEQ general permit or individual permit.

1. Direct discharge of concrete truck wash out water to surface water in the state, including discharge to storm sewers, is prohibited by this general permit.
2. Concrete truck wash out water shall be discharged to areas at the construction site where structural controls have been established to prevent direct discharge to surface waters, or to areas that have a minimal slope that allow infiltration and filtering of wash out water to prevent direct discharge to surface waters. Structural controls may consist of temporary berms, temporary shallow pits, temporary storage tanks with slow rate release, or other reasonable measures to prevent runoff from the construction site.
3. Wash out of concrete trucks during rainfall events shall be minimized. The direct discharge of concrete truck wash out water is prohibited at all times, and the operator shall insure that its BMPs are sufficient to prevent the discharge of concrete truck wash out as the result of rainfall or stormwater runoff.
4. The discharge of wash out water must not cause or contribute to groundwater contamination.
5. If a SWP3 is required to be implemented, the SWP3 shall include concrete wash out areas on the associated site map.

Part VI. Retention of Records

The permittee must retain the following records for a minimum period of three (3) years from the date that a NOT is submitted as required by Part II.E.3. For activities in which an NOT is not required, records shall be retained for a minimum period of three (3) years from the date that the operator terminates coverage under Section II.F.3. of this permit. Records include:

1. A copy of the SWP3;
2. All reports and actions required by this permit, including a copy of the construction site notice;
3. All data used to complete the NOI, if an NOI is required for coverage under this general permit; and
4. All records of submittal of forms submitted to the operator of any MS4 receiving the discharge and to the secondary operator of a large construction site, if applicable.

Part VII. Standard Permit Conditions

1. The permittee has a duty to comply with all permit conditions. Failure to comply with any permit condition is a violation of the permit and statutes under which it was issued, and is grounds for enforcement action, for terminating, revoking, or denying coverage under this general permit, or for requiring a discharger to apply for and obtain an individual TPDES permit.
2. Authorization under this general permit may be suspended or revoked for cause. Filing a notice of planned changes or anticipated non-compliance by the permittee does not stay any permit condition. The permittee must furnish to the executive director, upon request and within a reasonable time, any information necessary for the executive director to determine whether cause exists for revoking, suspending, or

terminating authorization under this permit. Additionally, the permittee must provide to the executive director, upon request, copies of all records that the permittee is required to maintain as a condition of this general permit.

3. It is not a defense for a discharger in an enforcement action that it would have been necessary to halt or reduce the permitted activity to maintain compliance with the permit conditions.
4. Inspection and entry shall be allowed under TWC Chapters 26-28, Texas Health and Safety Code §§361.032-361.033 and 361.037, and 40 CFR §122.41(i). The statement in TWC §26.014 that commission entry of a facility shall occur according to an establishment's rules and regulations concerning safety, internal security, and fire protection is not grounds for denial or restriction of entry to any part of the facility or site, but merely describes the commission's duty to observe appropriate rules and regulations during an inspection.
5. The discharger is subject to administrative, civil, and criminal penalties, as applicable, under TWC Chapter 7 for violations including but not limited to the following:
   (a) negligently or knowingly violating the federal CWA §§301, 302, 306, 307, 308, 318, or 405, or any condition or limitation implementing any sections in a permit issued under CWA §402, or any requirement imposed in a pretreatment program approved under CWA §§402(a)(3) or 402(b)(8);
   (b) knowingly making any false statement, representation, or certification in any record or other document submitted or required to be maintained under a permit, including monitoring reports or reports of compliance or noncompliance; and
   (c) knowingly violating §303 of the federal CWA, and placing another person in imminent danger of death or serious bodily injury.
6. All reports and other information requested by the executive director must be signed by the person and in the manner required by 30 TAC §305.128 (relating to Signatories to Reports).
7. Authorization under this general permit does not convey property or water rights of any sort and does not grant any exclusive privilege.
8. The permittee shall take all reasonable steps to minimize or prevent any discharge in violation of this permit that has a reasonable likelihood of adversely affecting human health or the environment.
9. The permittee shall at all times properly operate and maintain all facilities and systems of treatment and control (and related appurtenances) which are installed or used by the permittee to achieve compliance with the conditions of this permit. Proper operation and maintenance also includes adequate laboratory controls and appropriate quality assurance procedures. This provision requires the operation of back-up or auxiliary facilities or similar systems which are installed by a permittee only when the operation is necessary to achieve compliance with the conditions of the permit.
10. The permittee shall comply with the reporting requirements in 40 CFR §122.41(l), as applicable.

Part VIII. Fees

1. A fee of must be submitted along with the NOI:
   (a) $325 if submitting a paper NOI, or
   (b) $225 if submitting an NOI electronically.

2. Fees are due upon submission of the NOI. An NOI will not be declared administratively complete unless the associated fee has been paid in full.
3. No separate annual fees will be assessed for this general permit. The Water Quality Annual Fee has been incorporated into the NOI fees as described above.

Appendix A: Automatic Authorization

Periods of Low Erosion Potential by County – Eligible Date Ranges

Andrews: Nov. 15 - Apr. 30

Archer: Dec. 15 - Feb. 14

Armstrong: Nov. 15 - Apr. 30

Bailey: Nov. 1 - Apr. 30, or Nov. 15 - May 14

Baylor: Dec. 15 - Feb. 14

Borden: Nov. 15 - Apr. 30

Brewster: Nov. 15 - Apr. 30

Briscoe: Nov. 15 - Apr. 30

Brown: Dec. 15 - Feb. 14

Callahan: Dec. 15 - Feb. 14

Carson: Nov. 15 - Apr. 30

Castro: Nov. 15 - Apr. 30

Childress: Dec. 15 - Feb. 14

Cochran: Nov. 1 - Apr. 30, or Nov. 15 - May 14

Coke: Dec. 15 - Feb. 14

Coleman: Dec. 15 - Feb. 14

Collingsworth: Jan. 1 - Mar. 30, or Dec. 1 - Feb. 28

Concho: Dec. 15 - Feb. 14

Cottle: Dec. 15 - Feb. 14

Crane: Nov. 15 - Apr. 30

Crockett: Nov. 15 - Jan. 14, or Feb. 1 - Mar. 30

Crosby: Nov. 15 - Apr. 30

Culberson: Nov. 1 - May 14

Dallam: Nov. 1 - Apr. 14, or Nov. 15 - Apr. 30

Dawson: Nov. 15 - Apr. 30

Deaf Smith: Nov. 15 - Apr. 30

Dickens: Nov. 15 - Jan. 14, or Feb. 1 - Mar. 30

Dimmit: Dec. 15 - Feb. 14

Donley: Jan. 1 - Mar. 30, or Dec. 1 - Feb. 28

Eastland: Dec. 15 - Feb. 14

Ector: Nov. 15 - Apr. 30

Edwards: Dec. 15 - Feb. 14

El Paso: Jan. 1 - Jul. 14, or May 15 - Jul. 31, or Jun. 1 - Aug. 14, or Jun. 15 - Sept. 14, or Jul. 1 - Oct. 14, or Jul. 15 - Oct. 31, or Aug. 1 - Apr. 30, or Aug. 15 - May 14, or Sept. 1 - May 30, or Oct. 1 - Jun. 14, or Nov. 1 - Jun. 30, or Nov. 15 - Jul. 14

Fisher: Dec. 15 - Feb. 14

Floyd: Nov. 15 - Apr. 30

Foard: Dec. 15 - Feb. 14

Gaines: Nov. 15 - Apr. 30

Garza: Nov. 15 - Apr. 30

Glasscock: Nov. 15 - Apr. 30

Hale: Nov. 15 - Apr. 30

Hall: Feb. 1 - Mar. 30

Hansford: Nov. 15 - Apr. 30

Hardeman: Dec. 15 - Feb. 14

Hartley: Nov. 15 - Apr. 30

Haskell: Dec. 15 - Feb. 14

Hockley: Nov. 1 - Apr. 14, or Nov. 15 - Apr. 30

Howard: Nov. 15 - Apr. 30

Hudspeth: Nov. 1 - May 14

Hutchinson: Nov. 15 - Apr. 30

Irion: Dec. 15 - Feb. 14

Jeff Davis: Nov. 1 - Apr. 30 or Nov. 15 - May 14

Jones: Dec. 15 - Feb. 14

Kent: Nov. 15 - Jan. 14 or Feb. 1 - Mar. 30

Kerr: Dec. 15 - Feb. 14

Kimble: Dec. 15 - Feb. 14

King: Dec. 15 - Feb. 14

Kinney: Dec. 15 - Feb. 14

Knox: Dec. 15 - Feb. 14

Lamb: Nov. 1 - Apr. 14, or Nov. 15 - Apr. 30

Loving: Nov. 1 - Apr. 30, or Nov. 15 - May 14

Lubbock: Nov. 15 - Apr. 30

Lynn: Nov. 15 - Apr. 30

Martin: Nov. 15 - Apr. 30

Mason: Dec. 15 - Feb. 14

Maverick: Dec. 15 - Feb. 14

McCulloch: Dec. 15 - Feb. 14

Menard: Dec. 15 - Feb. 14

Midland: Nov. 15 - Apr. 30

Mitchell: Nov. 15 - Apr. 30

Moore: Nov. 15 - Apr. 30

Motley: Nov. 15 - Jan. 14, or Feb. 1 - Mar. 30

Nolan: Dec. 15 - Feb. 14

Oldham: Nov. 15 - Apr. 30

Parmer: Nov. 1 - Apr. 14, or Nov. 15 - Apr. 30

Pecos: Nov. 15 - Apr. 30

Potter: Nov. 15 - Apr. 30

Presidio: Nov. 1 - Apr. 30, or Nov. 15 - May 14

Randall: Nov. 15 - Apr. 30

Reagan: Nov. 15 - Apr. 30

Real: Dec. 15 - Feb. 14

Reeves: Nov. 1 - Apr. 30, or Nov. 15 - May 14

Runnels: Dec. 15 - Feb. 14

Schleicher: Dec. 15 - Feb. 14

Scurry: Nov. 15 - Apr. 30

Shackelford: Dec. 15 - Feb. 14

Sherman: Nov. 15 - Apr. 30

Stephens: Dec. 15 - Feb. 14

Sterling: Nov. 15 - Apr. 30

Stonewall: Dec. 15 - Feb. 14

Sutton: Dec. 15 - Feb. 14

Swisher: Nov. 15 - Apr. 30

Taylor: Dec. 15 - Feb. 14

Terrell: Nov. 15 - Apr. 30

Terry: Nov. 15 - Apr. 30

Throckmorton: Dec. 15 - Feb. 14

Tom Green: Dec. 15 - Feb. 14

Upton: Nov. 15 - Apr. 30

Uvalde: Dec. 15 - Feb. 14

Val Verde: Nov. 15 - Jan. 14, or Feb. 1 - Mar. 30

Ward: Nov. 1 - Apr. 14, or Nov. 15 - Apr. 30

Wichita: Dec. 15 - Feb. 14

Wilbarger: Dec. 15 - Feb. 14

Winkler: Nov. 1 - Apr. 30, or Nov. 15 - May 14

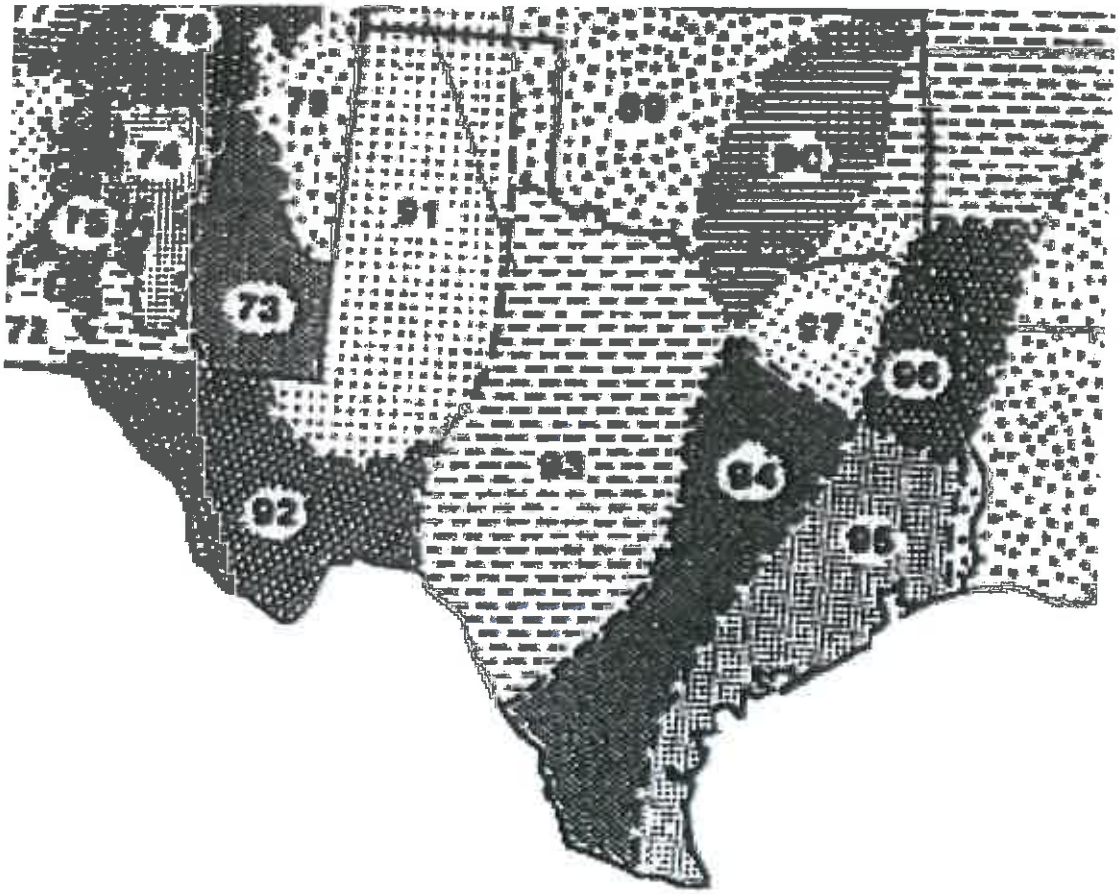
Yoakum: Nov. 1 - Apr. 30, or Nov. 15 - May 14

Young: Dec. 15 - Feb. 14

Wheeler: Jan. 1 - Mar. 30, or Dec. 1 - Feb. 28

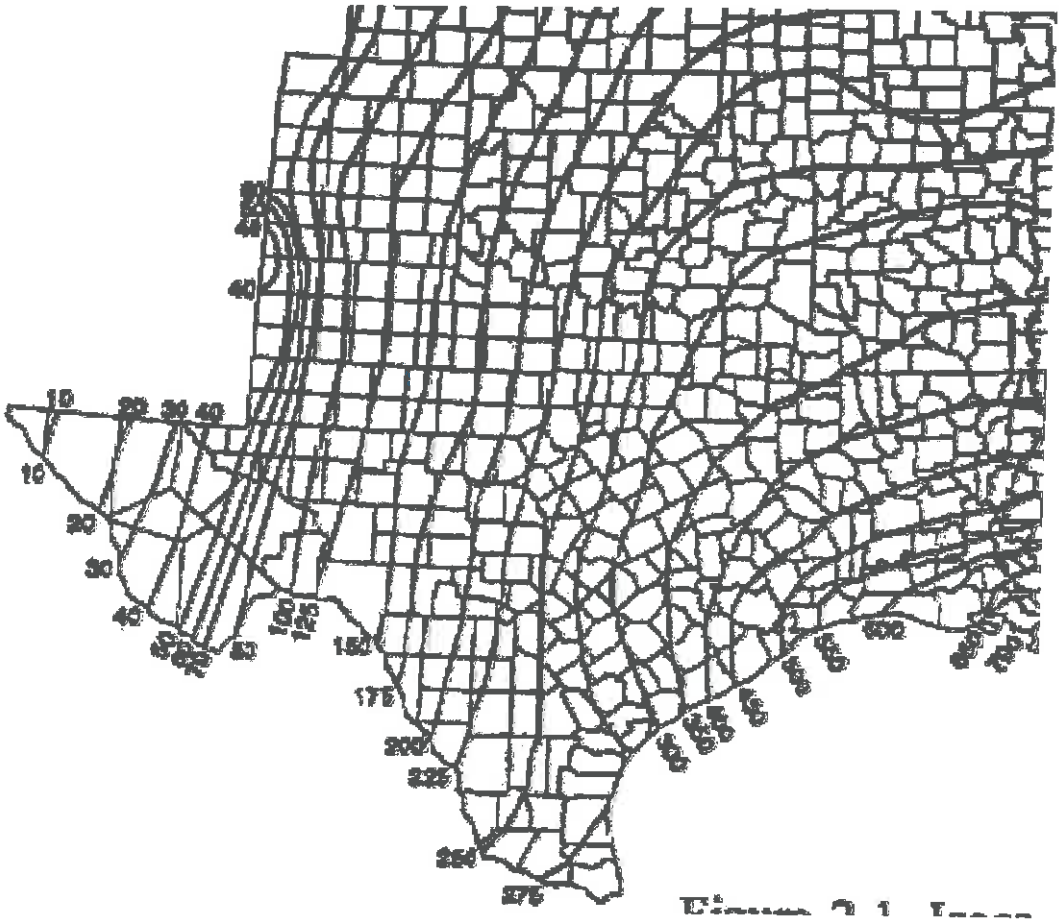
Zavala: Dec. 15 - Feb. 14

Appendix B: Erosivity Index (EI) Zones in Texas



Adapted from Chapter 2 of USDA Agriculture Handbook 703: "Predicting Soil Erosion by Water: A Guide to Conservation Planning With the Revised Universal Soil Loss Equation (RUSLE)," U.S. Department of Agriculture, Agricultural Research Service

Appendix C: Isoerodent Map



Adapted from Chapter 2 of USDA Agriculture Handbook 703: "Predicting Soil Erosion by Water: A Guide to Conservation Planning With the Revised Universal Soil Loss Equation (RUSLE)," U.S. Department of Agriculture, Agricultural Research Service

Appendix D: Erosivity Indices for EI Zones in Texas

Periods:

EI #	1/1	1/16	1/31	2/15	3/1	3/16	3/31	4/15	4/30	5/15	5/30	6/14	6/29	7/14	7/29	8/13	8/28	9/12	9/27	10/12	10/27	11/11	11/26	12/11	12/31
89	0	1	1	2	3	4	7	2	8	27	38	48	55	62	69	76	83	90	94	97	98	99	100	100	100
90	0	1	2	3	4	6	8	13	21	29	37	46	54	60	65	69	74	81	87	92	95	97	98	99	100
91	0	0	0	0	1	1	1	2	6	16	29	39	46	53	60	67	74	81	88	95	99	99	100	100	100
92	0	0	0	0	1	1	1	2	6	16	29	39	46	53	60	67	74	81	88	95	99	99	100	100	100
93	0	1	1	2	3	4	6	8	13	25	40	49	56	62	67	72	76	80	85	91	97	98	99	99	100
94	0	1	2	4	6	8	10	15	21	29	38	47	53	57	61	65	70	76	83	88	91	94	96	98	100
95	0	1	3	5	7	9	11	14	18	27	35	41	46	51	57	62	68	73	79	84	89	93	96	98	100
96	0	2	4	6	9	12	17	23	30	37	43	49	54	58	62	66	70	74	78	82	86	90	94	97	100
97	0	1	3	5	7	10	14	20	28	37	48	56	61	64	68	72	77	81	86	89	92	95	98	99	100
106	0	3	6	9	13	17	21	27	33	38	44	49	55	61	67	71	75	78	81	84	86	90	94	97	100

* Each period begins on the date listed in the table above and lasts until the day before the following period. The final period begins on December 11 and ends on December 31.

Table adapted from Chapter 2 of USDA Agriculture Handbook 703: "Predicting Soil Erosion by Water: A Guide to Conservation Planning With the Revised Universal Soil Loss Equation (RUSLE)," U.S. Department of Agriculture, Agricultural Research Service

SMALL CONSTRUCTION SITE NOTICE

FOR THE
Texas Commission on Environmental Quality (TCEQ)
Stormwater Program

TPDES GENERAL PERMIT TXR150000

The following information is posted in compliance with **Part II.E.2.** of the TCEQ General Permit Number TXR150000 for discharges of stormwater runoff from small construction sites. Additional information regarding the TCEQ stormwater permit program may be found on the internet at:

http://www.tceq.state.tx.us/nav/permits/wq_construction.html

Operator Name:	
Contact Name and Phone Number:	
Project Description: *Physical address or description of the site's location, estimated start date and projected end date, or date that disturbed soils will be stabilized*	
Location of Stormwater Pollution Prevention Plan:	

For Small Construction Activities Authorized Under Part II.E.2. (Obtaining Authorization to Discharge) the following certification must be completed:

I_____ (Typed or Printed Name Person Completing This Certification) certify under penalty of law that I have read and understand the eligibility requirements for claiming an authorization under Part II.E.2. of TPDES General Permit TXR150000 and agree to comply with the terms of this permit. A stormwater pollution prevention plan has been developed and will be implemented prior to construction, according to permit requirements. A copy of this signed notice is supplied to the operator of the MS4 if discharges enter an MS4. I am aware there are significant penalties for providing false information or for conducting unauthorized discharges, including the possibility of fine and imprisonment for knowing violations.

Signature and Title_____ Date _____

_____ *Date Notice Removed*

____*MS4 operator notified per Part II.F.3.*

LARGE CONSTRUCTION SITE NOTICE

FOR THE
Texas Commission on Environmental Quality (TCEQ)
Stormwater Program

TPDES GENERAL PERMIT TXR150000

"PRIMARY OPERATOR" NOTICE

This notice applies to construction sites operating under Part II.E.3. of the TPDES General Permit Number TXR150000 for discharges of stormwater runoff from construction sites equal to or greater than five acres, including the larger common plan of development. The information on this notice is required in Part III.D.2. of the general permit. Additional information regarding the TCEQ stormwater permit program may be found on the internet at:

http://www.tceq.state.tx.us/nav/permits/wq_construction.html

Site-Specific TPDES Authorization Number:	
Operator Name:	
Contact Name and Phone Number:	
Project Description: *Physical address or description of the site's location, and estimated start date and projected end date, or date that disturbed soils will be stabilized.*	
Location of Stormwater Pollution Prevention Plan:	

LARGE CONSTRUCTION SITE NOTICE

FOR THE
Texas Commission on Environmental Quality (TCEQ)
Stormwater Program

TPDES GENERAL PERMIT TXR150000

"SECONDARY OPERATOR" NOTICE

This notice applies to secondary operators of construction sites operating under Part II.E.3. of the TPDES General Permit Number TXR150000 for discharges of stormwater runoff from construction sites equal to or greater than five acres, including the larger common plan of development. The information on this notice is required in Part III.D.2. of the general permit. Additional information regarding the TCEQ stormwater permit program may be found on the internet at:

http://www.tceq.state.tx.us/nav/permits/wq_construction.html

Site-Specific TPDES Authorization Number:	
Operator Name:	
Contact Name and Phone Number:	
Project Description: *Physical address or description of the site's location, and estimated start date and projected end date, or date that disturbed soils will be stabilized.*	
Location of Stormwater Pollution Prevention Plan (SWP3):	

For Large Construction Activities Authorized Under Part II.E.3. (Obtaining Authorization to Discharge) the following certification must be completed:

I _____ (Typed or Printed Name Person Completing This Certification) certify under penalty of law that I have read and understand the eligibility requirements for claiming an authorization under Part II.E.3. of TPDES General Permit TXR150000 and agree to comply with the terms of this permit. A stormwater pollution prevention plan has been developed and will be implemented prior to construction, according to permit requirements. A copy of this signed notice is supplied to the operator of the MS4 if discharges enter an MS4. I am aware there are significant penalties for providing false information or for conducting unauthorized discharges, including the possibility of fine and imprisonment for knowing violations.

Signature and Title_____ Date _____

_____ *Date Notice Removed*

_____ *MS4 operator notified per Part II.F.3.*

Revised 10/2016

INCORPORATED IN 1945

City of Katy

PUBLIC WORKS 281/391-4820 • PERMIT / INSPECTIONS 281/391-4830 • PARKS 281/391-4840
P. O. Box 617 • 910 Avenue C • Katy, Texas 77492-0617

HUB CITY OF THREE COUNTIES

11 JANUARY, 2000

TO: ALL PERMIT AND INSPECTION DEPARTMENT STAFF MEMBERS

FROM: JIM COOK

RE: SIDEWALKS AT ALL NEW PERIPHERAL COMMERCIAL CONSTRUCTION SITES LOCATED IN THE KATY MILLS PLANNED DEVELOPMENT DISTRICT.

PLEASE BE AWARE THAT SIDEWALKS ARE REQUIRED AT ALL NEW BUSINESSES THAT ARE TO BE LOCATED IN THE KATY MILLS PLANNED DEVELOPMENT DISTRICT. THE SIDEWALKS ARE CALLED FOR IN OUR SUBDIVISION REGULATIONS AND ARE TO BE INSTALLED BY THE DEVELOPER OF THE PROPERTY.

NO PERMITS SHOULD BE ISSUED WITHOUT THIS STIPULATION BEING PART OF THE BUILDING PERMIT. NO CERTIFICATE OF OCCUPANCY SHOULD BE ISSUED WITHOUT SIDEWALKS BEING COMPLETE AT EACH NEW CONSTRUCTION SITE AT THE TIME OF FINAL INSPECTION.

NO. 1199

AN ORDINANCE AMENDING THE ZONING ORDINANCE, ORDINANCE 621, OF THE CITY OF KATY, BY ADDING THERETO SECTION 12.11 KATY MILLS, A PLANNED DEVELOPMENT DISTRICT, AND AMENDING THE ZONING ORDINANCE AND THE ZONING MAP TO SHOW THE BOUNDARIES OF THE DISTRICT WHICH CONTAINS 642.62 ACRES OF LAND IN FORT BEND AND HARRIS COUNTIES, TEXAS ON PIN OAK ROAD, SOUTH OF INTERSTATE HIGHWAY 10, WEST OF KATY FORT BEND ROAD AND BOUNDED ON THE SOUTH BY THE CORPORATE LIMITS OF THE CITY OF KATY, ESTABLISHING A DISTRICT OF UNIFIED DESIGN COMBINING MULTIPLE USES INCLUDING A SHOPPING CENTER, COMMERCIAL SERVICE CENTERS, OFFICE COMPLEXES, HOTELS, RECREATIONAL FACILITIES, PUBLIC ROADS, DETENTION PONDS, AND PARK AREAS AND ESTABLISHING CERTAIN RESTRICTIONS AND REQUIREMENTS FOR DEVELOPMENT AND A PLANNED DEVELOPMENT DISTRICT.

WHEREAS, the owners and developers of a certain 642.62 acre tract of land in Harris and Fort Bend Counties, Texas, have presented to the City Council a plan for development of an integrated commercial development called "Katy Mills" pursuant to Section 12 of the Zoning Ordinance of the City of Katy, and

WHEREAS, the City Council has found that such integrated commercial development is under unified control, and

WHEREAS, the City Council has determined that the use proposed is an appropriate combination of uses in keeping with the intent of the Zoning Ordinance and Comprehensive Plan,

WHEREAS, the City Planning and Zoning Commission has, after public hearings and deliberation, recommended the approval of such Planned Development District, and

WHEREAS, the City Council has heretofore conducted a public hearing to determine the impact of such district on adjoining landowners and to allow all interested parties to express their opinions thereon, and

WHEREAS, the City Council finds that all prerequisites of the Katy City Charter, the ordinances of the City of Katy and statutes of the State of Texas have been complied with, NOW THEREFORE,

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF KATY THAT:

I.

All matters set out in the preamble are true and correct and are incorporated herein as part of this ordinance.

II.

The City of Katy Zoning Ordinance 621 shall be amended by adding thereto Section 12.11, Katy Mills, as follows:

12.11 Katy Mills is an integrated commercial development combining various commercial uses including restaurants, automobile service, hotel, retail sales, automobile sales, financial institutions, drainage facilities and shopping center as set out on the Katy Mills Land Use Chart attached hereto marked Exhibit "B."

12.11-1 Katy Mills is located on a tract of land consisting of 642.62 acres in the City of Katy, Harris and Fort Bend Counties, Texas, described as 642.62 acres of land out of the John McKnight Survey, A.292, I. & G.N.R.R. Co. Survey , A-267, I. & G.N.R.R. Co. Survey, A-1446, and J. W. McCutcheon Survey, A-1348 in Harris and Fort Bend Counties, located South of Interstate Highway 10, between Katy Fort Bend Road and Pin Oak Road with the Katy City Limits along its southern boundary, as shown on the map thereof marked Exhibit "A" attached hereto and made a part hereof.

12.11-2 Katy Mills shall be designated on the official Zoning

Map of the City of Katy as a Planned Development District.

(a) The district shall consist of those commercial uses identified on Exhibit "B". No R-1, R-2 or R-3 uses are made a part of this district.

12.11-3 Katy Mills shall be developed in accordance with the Katy Mills Construction Schedule marked Exhibit "C", attached hereto and made a part hereof. Katy Mills is to be constructed in strict compliance with this Ordinance and other developmental and construction ordinances of the City of Katy as they exist on the date of construction. In addition, the following matters shall be required:

(i) Prior to construction, a development plan for each separate phase shall be prepared which shall be prepared in accordance with the Katy Mills Development Standards marked as Exhibit "D" attached hereto and made a part hereof and shall contain, in addition to the matters required for development plans set out in The Zoning Ordinance, Section 12.7, certification that anticipated runoff shall not exceed the standard set by any flood control authority exercising control over the development and if so, shall set out in detail how such runoff shall be controlled.

(ii) The development plan shall be approved by the City Council prior to issuance of a building or occupancy permit. The PDD approved may be subdivided and a copy of the subdivision plat shall be filed in the Deed Records

of Harris and Fort Bend Counties, and shall remain under single ownership or control unless this PDD is amended. In approving the development plan of each phase, City Council reserves the right to exercise all of any of the rights and powers granted it under Section 12 of the Zoning Ordinance 621 or any other applicable sections or other ordinances.

(iii) The development plan shall be accompanied by a title report or attorney's opinion letter identifying all the then current owners of the property and lienholders, all of whom shall be required to execute an acceptance of the PDD and a subordination of their interests to the PDD.

(iv) Signs within the planned development district shall be in accordance with the Sign Master Plan marked Exhibit "E" attached hereto and made a part hereof.

12.11-4 The development schedule shall commence as set out herein unless changed by ordinance. Failure to comply with the development schedule or comply with any other portion of this Ordinance shall subject the PDD, the Owners and Developers, to the sanctions of Section 12.5-3 of the Zoning Ordinance.

III.

The zoning amendments herein approving the Katy Mills Planned Development District shall become effective upon the adoption of this ordinance.

PASSED AND APPROVED this 22 day of December, 1997.

CITY OF KATY, TEXAS

By: _____
M. H. "Hank" Schmidt, Jr., Mayor

ATTEST:

_____
Virginia Herrington, City Secretary

APPROVED:

_____
Joe Heger, City Attorney

ORDINANCE NO. 2146

AN ORDINANCE AMENDING KATY CITY ORDINANCE 1199 CREATING THE KATY MILLS MALL PLANNED DEVELOPMENT DISTRICT ON 642.62 ACRES OF LAND IN FORT BEND AND HARRIS COUNTIES BY ALLOWING THE PLACEMENT OF THREE (3) 75 SQUARE FOOT GROUND SIGNS IN THE UNRESTRICTED RESERVE OF I BLOCK OF KATY MILLS PLANNED DEVELOPMENT DISTRICT, THE SAME PARCEL BEING DEVELOPED BY WAL-MART AND SAM'S CLUB IN LIEU OF FOUR (4) 400 SQUARE FOOT OUTPARCEL PYLON SIGNS AND TWO (2) 30 SQUARE FOOT OUTPARCEL MONUMENT SIGNS.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF KATY, TEXAS, THAT:

I.

The City Planning and Zoning Commission having conducted a public hearing and having considered all matters related thereto has recommended to the City Council of the City of Katy, Texas, that The Katy Mills Planned Development District created by Ordinance 1199 be amended by amending Exhibit E "The Sign Master Plan" by allowing the placement of three (3) 75 square foot outparcel monument signs for the Wal-Mart/Sam's Club development located in Unrestricted Reserve "I-1" in the I-Block of the Katy Mills Mall Planned Development District, as replacements for and in lieu of four (4), 400 square foot outparcel pylon signs and two (2) 30 square foot outparcel monument signs as described in the Minutes of the City Planning and Zoning Commission for its meeting March 6, 2001, which Minutes are incorporated herein by reference.

II.

This ordinance shall become effective upon its adoption.

PASSED AND APPROVED this 26th day of March, 2001.

CITY OF KATY, TEXAS

By: _____
M. H. "Hank" Schmidt, Jr.,
Mayor

ATTEST:

_____
Virginia Herrington
City Secretary

APPROVED:

_____
Joe Regan
City Attorney

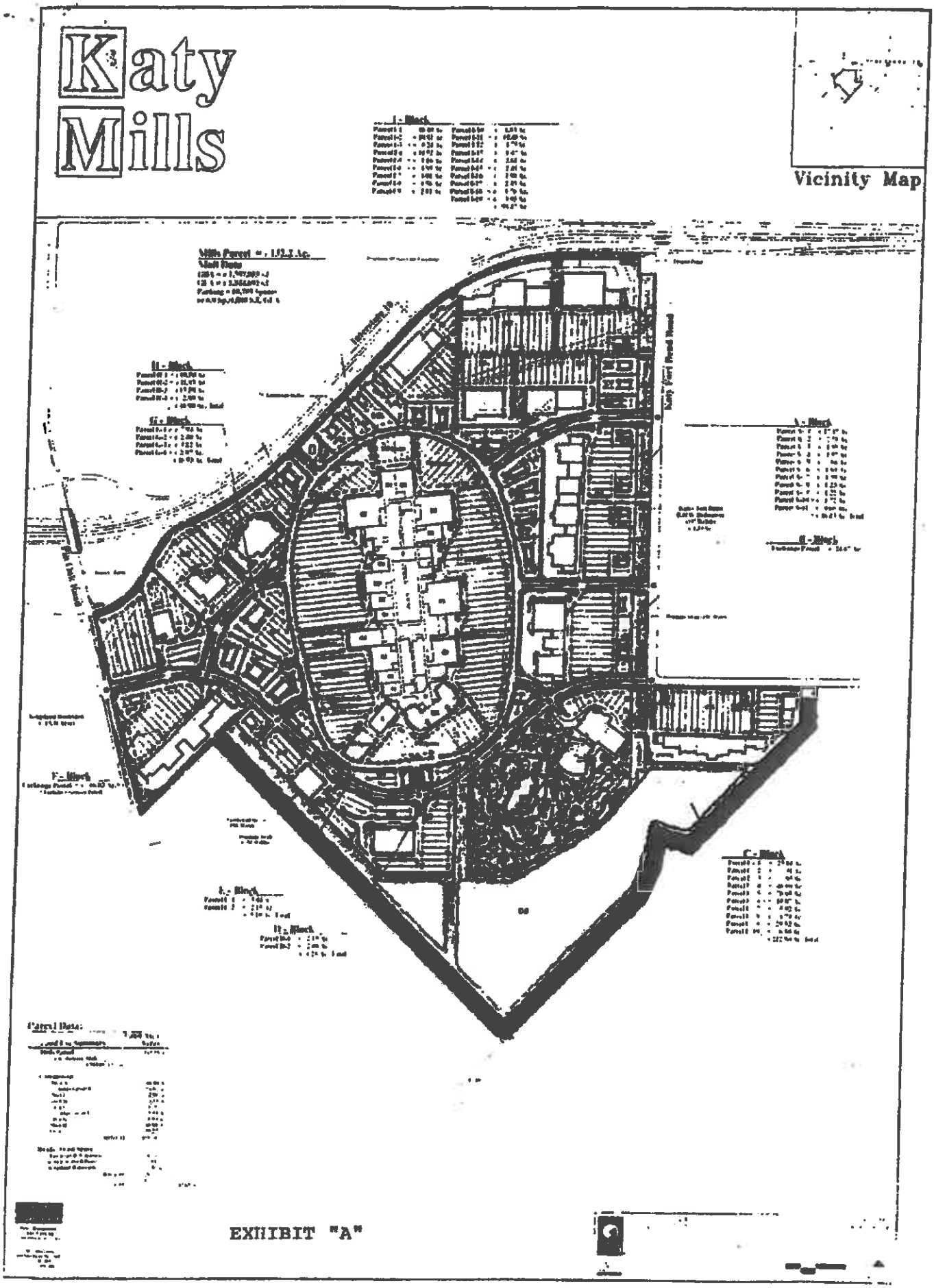


EXHIBIT "A"

Katy Mills Land Use Chart

Parcel	Use	Acreage
A-Block	Commercial, Retail, Office, Restaurant, Hotel, Entertainment, Automobile Service, Automobile Sales, and Financial Institutions	±41.83 Ac.
Parcel A-11	Drainage Easement	±4.60 Ac.
S1-Block	Commercial, Retail, Office, Restaurant, Hotel, Entertainment, Automobile Service, Automobile Sales, and Financial Institutions	±22.20 Ac.
Parcel S1-5	Drainage Easement	±2.47 Ac.
C-Block	Commercial, Retail, Office, Restaurant, Hotel, Entertainment, Automobile Service, Automobile Sales, and Financial Institutions	±100.48 Ac.
Parcel C-5	Drainage Easement and Detention Area	±78.65 Ac.
Parcel C-9	Earthen Berm	±27.17 Ac.
D-Block	Commercial, Retail, Office, Restaurant, Hotel, Entertainment, Automobile Service, Automobile Sales, and Financial Institutions	±4.23 Ac.
E-Block	Commercial, Retail, Office, Restaurant, Hotel, Entertainment, Automobile Service, Automobile Sales, and Financial Institutions	±5.19 Ac.
S2-Block	Commercial, Retail, Office, Restaurant, Hotel, Entertainment, Automobile Service, Automobile Sales, and Financial Institutions	±21.28 Ac.
G-Block	Commercial, Retail, Office, Restaurant, Hotel, Entertainment, Automobile Service, Automobile Sales, and Financial Institutions	±16.53 Ac.
H-Block	Commercial, Retail, Office, Restaurant, Hotel, Entertainment, Automobile Service, Automobile Sales, and Financial Institutions	±46.80 Ac.
I-Block	Commercial, Retail, Office, Restaurant, Hotel, Entertainment, Automobile Service, Automobile Sales, and Financial Institutions	±96.11 Ac.
Parcel I-19	Drainage Easement	±2.15 Ac.
M-Block	Mall	±132.20 Ac.
R-Block	Ring Road, Entry Magazines, Katy Fort Bend Road, Kingsland Boulevard	±38.67 Ac.

Notes:

1. This chart is a representation of the proposed PDD Development Uses, final number of parcels, sizes, and locations are subject to final design, engineering and subsequent final platting.

2. The land uses shown are representative of proposed uses currently planned, however all land uses are subject to change within the permitted uses shown on the plan as well as those permitted by zoning (Section 10, C-2 General Business District) of the City of Katy, Texas Zoning Ordinance dated July 8, 1996.

3. Anticipated future uses include but are not limited to the following: Multi-story (in excess of 3 stories) [redacted] day care center, medical offices bank miniwarehouse facility, museum and distribution center.

December 10, 1997

Exhibit B: Land Use Plan

Katy Mills Construction Schedule

Construction is anticipated to begin in early 1998, with mall building portion to open for business in the fall of 1999, outparcels are planned to be developed at a rate of 10% per year.

December 10, 1997

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Exhibit C: Schedule

RECEIVED
DEC 1 1 1997
CITY OF KATY

Katy Mills Development Standards

1. Setbacks

Minimum Setback from:	Landscaped Parking Setback	Building Setback
Interstate 10	25'	50'
Katy Fort Bend Road (see note 1.1)	0'	25'
Pin Oak Road	20'	25'
Kingsland Boulevard	20'	25'
Mall Ring Road	15'	20'
Mall Entry Magazines	15'	25'
Internal Lot Lines	0'	10'
Right of ways to Signs (see sheet 4 of 4, Sign Master Plan)		

(1.1) Exclusive of required drainage easement. If drainage easement is not adjacent then landscaped parking setback equals 25'

2. Parking

Schedule of Minimum Off-Street Parking for Specified Uses:

Use	Number of Parking Spaces	Required for Each
Eating or Drinking Place With Service to Auto	0.5	50 s.f. of floor area
Eating or Drinking Place No Service to Auto	1.25	50 s.f. of dining area floor space
Retail Stores or Shops	1	200 s.f. of floor area
Commercial Amusements	1	200 s.f. of floor area
Theater	1	5 seats
Auto Laundry, Self Service	1	Each stall
Vehicle or Machinery Sales - Outdoor	1	3,000 s.f. of site area
Place of Public Assembly	1	5 seats

(2.1) All uses not listed above will park at the ratio required within the zoning ordinance.

(2.2) The requirements of Section 18.5-3 are non-applicable where a reduction in required total parking is justified on the basis of a shared parking analysis prepared by a professional traffic engineer utilizing applicable professional standards.

(2.3) The requirements of Sections 18.5-5 and 18.5-2 are non-applicable due to the planned implementation of a project wide C.O.R.E.A.A.

(2.4) Parking stalls shall be 9'x18' with a minimum 24' drive aisle.

3. Building Criteria

(3.1) The maximum building coverage (footprint) for any parcel within the PDD shall not exceed 0.4. For purposes of calculating this ratio parking decks shall not be included in the building coverage.

(3.2) The maximum Impervious Surface Ratio ("ISR") for any parcel within the PDD shall not exceed 0.8.

(3.3) The Floor Area Ratio ("FAR") shall not be limited on any parcel provided each parcel parks to code.

4. Screening & Landscaping

(4.1) Landscaped Buffer/Berm has been provided adjacent to the PDD Area as noted as a buffer to the existing residential areas.

(4.2) The requirements of Section 20.2-1 are non-applicable to this PDD. No residential use screen due to project perimeter buffer which has been provided and private development standards adopted to be placed on the land.

(4.3) The requirements of Section 20.2-2(d) are non-applicable to this PDD.

5. Lighting

(5.1) All light poles and luminaires are to match the mall project standard for type, style and finish. Light poles heights are as follows: Mall parking fields - 50'. Peripheral Parcels (10.0 Ac. or greater) - 40'. Peripheral Parcles (less than 10.0 Ac.) - 25'. All lighting for access roads, the ring road and public streets shall be lighted with high pressure sodium luminaires. All other areas shall be lighted with metal halide luminaires.

6. Access

(6.1) Access points and curb cuts consistant with the access criteria shown on this development plan are deemed to satisfy all city access requirements.

7. Pedestrian Circulation

(7.1) The pedestrian circulation shown on this plan shall consist of 4' wide concrete walks constructed to the City of Katy standards.

8. Loading Areas

(8.1) All mall loading spaces shall be a minimum of 11'x40' and screened with a 10' high screen wall.

December 10, 1997

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Exhibit D : Development Standards

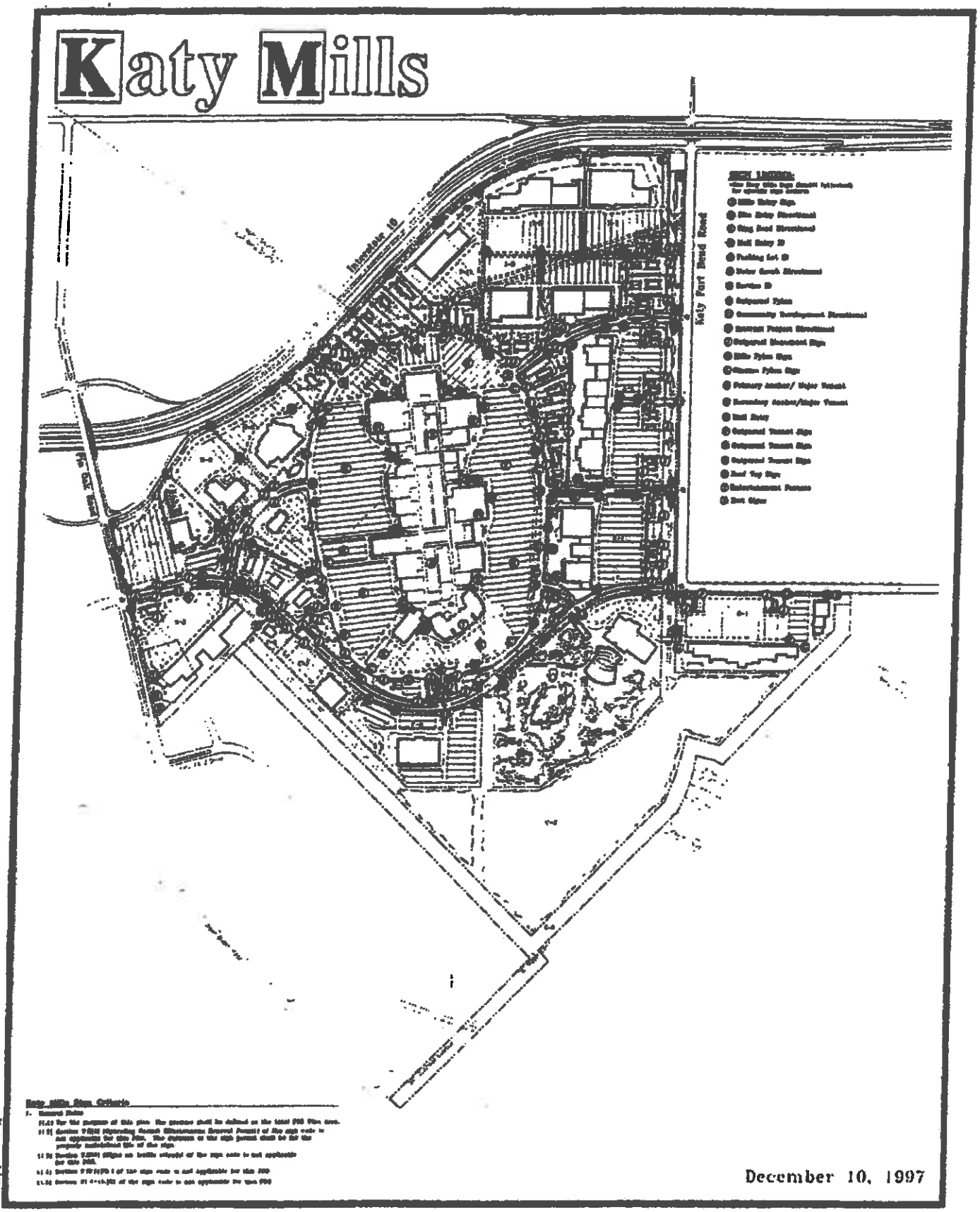

Exhibit E Sign Master Plan

KATY MILLS SIGN EXHIBIT

	SIGN CATEGORY	LOCATION	MAX. QUANTITY	MAX. HEIGHT	STRUCTURAL SUPPORT	SINGLE/DOUBLE FACE	MAX. SQ.FT. PER FACE	ILLUMINATION Internal (I) External (E)	SETBACK FROM R.O.W.	SIGN COPY
A.	Main Entry Sign	Entry Megaplaza	8	10'	Ground Mounted	Double	200	YE	10A	Project Name/Logo
B.	Side Entry Monument	Entry Megaplaza	7 (Minimum one)	10'	Ground Mounted	Single	110	E	0'	Major Tenant Names
C.	Ring Road Monument	Inside of External Ring Road	3	12'	Ground Mounted	Double	100	E	0'	Major Tenant Names
D.	Mall Entry Identification	Mall Building Entries	4 (Varies)	40'	Ground/Entry Mounted	Single	600	YE	10A	Project Name/Logo & Major Tenant Name/ Logo
E.	Parking Lot Identification	Parking Lot Light Poles	one per Pole	20' (1)	Pole Mounted	Double	35	NA	NA	Parking Field Designation
F.	Major Crash Directional	Along External Ring Road/Along Travel Route	16	10' (1)	Pole Mounted	Single/Double	15	NA	0'	Major Crash Arrival/ Departure and Parking Area
G.	Service Identification	Building Service Screen Walls or Access Drive	one per Area or Drive	5'	Ground/Wall Mounted	Single	10	NA	0A	Service Area Designation
H.	Outparcel Pylon	Outside of External Ring Road	per Plan	30'	Ground Mounted	Double	600 (2)	YE	0'	Development Name and/or Outparcels or Major Tenants - single or multiple panel all sign faces
I-1	Community Development Monument	Development Access Drive	per Plan	10'	Ground Mounted	Double	150	YE	10'	Development Name/Logo
I-2	Internal Project Monument	Along Internal Circulation Points	per Final Site Plan	5'	Ground Mounted	Double	30	YE	0'	Anchor/Tenant Directional
J.	Outparcel Monument Sign	Front or Access Frontage of Outparcels	one per Road Frontage	10'	Ground Mounted	Double	30	YE	10'	Outparcel Name/Logo
K.	Site Pylon Sign	Along I-10 Freeway	3	120'	Pole Mounted	Double	1000 (3)	YE (3)	0'	Mall Name/Logo/Mall Name/Major Tenant Names
L.	Shared Pylon Sign	Along I-10 Freeway	1	50'	Ground Mounted	Double	1000	1 (3)	0'	Shared Name/Logo/Marquee - listing of shares
M.	Primary Anchor/Major Tenant	Wall Mounted above Secondary Entry or Primary Elevation	1 per Major Tenant (2, 3)	Below Parapet	Wall Mounted	Single	300(4)	I	0A	Tenant Name/Logo
N.	Secondary Anchor/Major Tenant	Wall Mounted on Major Tenant Elevation other than Entry or Primary Elevation	2 per Major Tenant (3, 4)	Below Parapet	Wall Mounted	Single	300(5)	I	0A	Tenant Name/Logo
O.	Mall Entry	Wall Mounted above Mall Entry Door	8 (Varies)	Below Parapet	Wall Mounted	Single	400	YE	0A	Mall Entry Designation / Community Meetings
P.	Outparcel Tenant Sign	Outparcel tenant sign on building for tenants less than 3 years	0A (9, 11)	Below Parapet	Wall Mounted	Single	400 (7, 9)	I	0A	Outparcel Name/ Logo
Q	Outparcel Tenant Sign	Outparcel tenant sign on building for 3 to 5 years	0A (8, 11)	Below Parapet	Wall Mounted	Single	400 (9)	I	0A	Outparcel Name/ Logo
R.	Outparcel Tenant Sign	Outparcel tenant sign on building for 5 or more years	0A (8, 10, 11)	Below Parapet	Wall Mounted	Single	1000 (8)	I	0A	Outparcel Name/ Logo
S	Roof Top Sign	Mall Roof	1	Palm/Adjacent on roof	NA	Single	30,000	NA	10A	Mall Name/Logo
T.	Entertainment Feature	Mall Roof	1	120'	Roof / Ground Mounted	Double	1500 (3,10)	YE	0A	Mall Information / Entertainment Tenant Name/Logo
U.	Exit Signs	Outer Ring Road and Entry Megaplaza	24	10'	Pole Mounted	Single/ Double	10	0A	0'	Mall Entry Information

(1) Measured from finished grade at base to top of sign

(2) May include an electronic messageboard or billboard

(3) Major Tenant is defined as a tenant that exceeds 20,000 sq.ft. in area or has a front area outside wall

(4) Signs shall not be larger than 1/4 the length of the wall on which it is mounted

(5) Maximum letter height is 3'-0"

(6) Maximum letter height is 4'-0"

(7) Two of the wall signs shall not exceed 100 sq.ft., and two of the signs shall not exceed 75 sq.ft., and to exceed a total sign area of 400 sq.ft., and a max. letter height of 3'-0"

(8) Two of the wall signs shall not exceed 200 sq.ft., and two of the signs shall not exceed 150 sq.ft., and to exceed a total sign area of 700 sq.ft., and a max. letter height of 4'-0"

(9) Area limited to text messageboard

(10) Two of the wall signs shall not exceed 500 sq.ft. and two of the signs shall not exceed 250 sq. ft., and to exceed a total sign area of 1500 sq. ft., and a max. letter height of 5'-0"

(11) Back panel/wall panel shall be permitted one wall sign per wall, not to exceed four (4) signs total

EXHIBIT "E"
Page 2

CITY OF KATY

910 AVENUE C
KATY, TEXAS 77493
(281) 391-4830
Fax: (281) 391-4834
Web Page: www.cityofkaty.com

Building Code Analysis

1. Description of Project
2. List of all codes used on this project that the year version of each code.
3. Occupancy Group(s) – Type(s)
   a. Single Occupancy
   b. Mixed Occupancy
      i. Separated Use
      ii. Non-Separated Use
   c. Incidental Use Areas
   d. Accessory Areas
4. Construction Type
5. Is the Building Sprinklered?
   a. NFPA 13
   b. NFPA 13R
   c. NFPA 13D
6. Allowable Area – Show calculations
   a. Table 503
   b. Area Modification
      i. Frontage Increase
      ii. Sprinkler Increase
   c. Unity Formula on Mixed Occupancy
7. Building Height
   a. Height in Feet
   b. Height in Stories
8. Fire-Resistance Rating Requirements used for all building elements as per Table 601
9. Fire-Resistance Rating Requirements used for all Exterior walls based on Fire Separation Distance – Table 602

Building Code Analysis
Information that should be on a set of plans

10. Exterior Walls Openings
    a. Openings that are protected
        i. Ratings of all protective openings
    b. Openings that are unprotected
11. Occupant load for building based on each room – Show calculations
12. Means of Egress Layout
13. Egress Requirements – Show calculations
14. Ratings of all Fire-Resistant Rated Walls and Horizontal Assemblies
    a. Show how the rating is achieved-i.e. UL, Generic, Engineer Calculated
15. Plumbing Fixture Requirements – Show calculations
    a. Based on Occupant load
16. Structural Design Information
    a. Live Loads
    b. Snow Loads
    c. Wind Loads
    d. Seismic Loads
17. Calculations of the sizing of the water distribution system
    a. Use Appendix E of International Plumbing Code
18. Calculations of the design of the waste distribution system
19. Calculations of the design of the fuel gas system
20. Calculations of the design of the electrical system
21. Comcheck

The undersigned person agrees that all the above are submitted at the time of receipt.

APPLICANTS SIGNATURE _____

KATY MILLS MALL
COMMERCIAL BUILDING PACKET

- ☐ **COMMERCIAL GUIDE TO BUILDING REQUIREMENTS**
- ☐ **SURVEY REQUIREMENTS (FORM & FINAL)**
- ☐ **LETTER RE: SCHEDULING OF FINAL INSPECTIONS**
  Note: ***Prior to final inspections, a Texas Sales and Use Tax Permit must be submitted to the City showing Taxpayer Name, Business Location Name, and Physical Location.***
- ☐ **INFORMATION ON SIDEWALKS @ Katy Mills Planned Development District**
- ☐ **PRE-DEVELOPMENT INFORMATIONAL PACKET AFFECTING NEW COMMERCIAL DEVELOPMENT/CONSTRUCTION (Fire Marshal's Office)**
- ☐ **ORDINANCE NO. 1199 (Katy Mills PDD)**
- ☐ **KATY MILLS PERIPHERAL PARCEL DEVELOPMENT STANDARDS**

RECEIVED BY:_____ **DATE:**_____

PRINTED NAME:_____

TITLE: _____

COMPANY:_____