CITY OF KATY

PERMITS & INSPECTIONS
910 AVE C **Katy, TX 77493**
Phone: 281.391.4830 **Fax: 281.391.4834**
Website: www.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). **Updated 3-6-15.**

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. **(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

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. RED CONCRETE REQUIRED IF CONDUCTORS ARE 480 VOLTS OR OVER. INSPECTOR IS TO BE ON SITE WHEN RED CONCRETE IS TO BE POURED.
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.

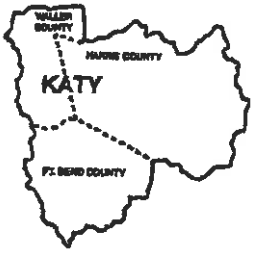
IRRIGATION INSPECTION REQUIRED

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

INCORPORATED IN 1945

City of Katy



HUB CITY OF THREE COUNTIES

TO: BUILDING CONTRACTORS

RE: SCHEDULING OF FINAL INSPECTIONS

In order to facilitate the scheduling of finals on new construction, the City of Katy will require 48 hours' notice effective immediately.

The general contractor and all subcontractors must call the Permits Department to schedule their finals **48 hours** prior to the requested date and time. In addition, **48 hours** prior to the scheduled finals, all required paperwork must be in the Permits Department and approved by the Building Inspector. No faxed copies will be accepted. The required paperwork includes:

1. Final Survey (original blue-line required)
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 business in the City of Katy
6. Final "As built" CD for Commercial projects

Also note that any outstanding reinspection fees 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.

Johnny Nelson
City Administrator

Posting Date: **August 10, 1998**
Revised: **June 25, 2013**

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.

(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.

(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.

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.

(3) Underground services or feeders. All underground services or feeders shall be installed in rigid metal conduit or schedule 40 nonmetallic conduit. All underground services and feeders rated at 480 volts or more shall be encased in a minimum 2" of red impregnated concrete, rated at 2000 psi.

(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)

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)

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).

(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 inappendix 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 inappendix 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)

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 in section 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)

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

(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)