



**LAKEWOOD VILLAGE TOWN HALL  
100 HIGHRIDGE DRIVE  
LAKEWOOD VILLAGE, TEXAS**

**TOWN COUNCIL MEETING  
MAY 14, 2015 7:00 P.M.**

**REGULAR SESSION – AGENDA**

Call to Order and Announce a Quorum is Present

**A. PLEDGE TO THE FLAG:**

**B. VISITOR/CITIZENS FORUM:** At this time, any person with business before the Council not scheduled on the agenda may speak to the Council. No formal action may be taken on these items at this meeting.

**C. CONSENT AGENDA:** All of the items on the Consent Agenda are considered to be self-explanatory and will be enacted with one motion. There will be no separate discussion of these items unless a Council Member or citizen so request. For a citizen to request removal of an item from the Consent Agenda a speaker card must be filled out and submitted to the Town Secretary prior to the call to order.

1. Minutes of the March 12, 2015 Council Meeting (Asbell)
2. Minutes of the April 17, 2015 Council Meeting (Asbell)
3. Canvass of Election Returns for the Lakewood Village Special Election (Asbell)
4. Resolution Declaring the Results of the May 9, 2015 Lakewood Village Special Election (Asbell)

**D. REGULAR AGENDA:**

1. Discussion of Sustainability Goals for Lakewood Village (Reed)
2. Consideration of Residential Code (Bushong)
3. Consideration of Energy Conservation Code (Bushong)
4. Consideration of Fuel Gas Code (Bushong)
5. Consideration of Mechanical Code (Bushong)
6. Consideration of Plumbing Code (Bushong)
7. Consideration of Directional Signage (Reed)
8. Discussion of Street Parking near Intersections (Vargus)

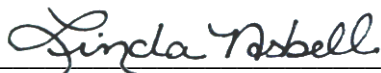
**E. EXECUTIVE SESSION:** Recess into executive session in compliance with (1) § 551.071, Texas Government Code to wit: Consultation with the Town Attorney regarding pending or contemplated litigation, re: Town of Lakewood Village V. Harry Bizios; (2) § 551.072 Texas Government Code to wit: deliberations about real property; (3) § 551.074 Texas Government Code to wit: Personnel Matters, Performance Evaluation of Town Secretary, (4) § 551.087 Texas Government Code to wit: Economic Development Negotiations; and (5) § 551.076 Texas Government Code to wit: deliberations about Security Devices;

**F. RECONVENE:** Reconvene into regular session and consideration of action, if any, on items discussed in executive session

**G. COUNCIL AND STAFF COMMENTS:** Comments may be made by Council or Staff. No formal action may be taken on these items at this meeting.

**H. ADJOURNMENT**

I do hereby certify that the above notice of meeting was posted on the designated place for official notice before 5:00 p.m. on Saturday, May 9, 2015.



Linda Asbell, TRMC, Town Secretary



The Town Council reserves the right to adjourn into closed session at any time during the course of this meeting to discuss any of the matters listed above, as authorized by Texas Government Code Section 551.071 (Consultation with Attorney), 551.072 (Deliberations about Real Property), 551.073 (Deliberations about Gifts and Donations), 551.074 (Personnel Matters), 551.076 (Deliberations about Security Devices) and 551.087 (Economic Development).

This facility is wheelchair accessible and accessible parking spaces are available. Requests for accommodations or interpretive services must be made 48 hours prior to this meeting. Please contact the Town Secretary's office at 972-294-5555 or FAX 972-292-0812 for further information.

One or more members of the LAKEWOOD VILLAGE ECONOMIC DEVELOPMENT CORPORATION and the LAKEWOOD VILLAGE MUNICIPAL DEVELOPMENT DISTRICT may attend this meeting. No action will be taken by either the EDC or MDD Boards during this meeting.

# **LAKEWOOD VILLAGE TOWN COUNCIL**

## **COUNCIL MEETING**

**MARCH 12, 2015**

### **Council Members:**

Dr. Mark Vargus, Mayor  
Carl Menckhoff, M.D., Mayor Pro-Tem  
Clint Bushong  
Dave Getka  
Gary Newsome  
Ed Reed

### **Town Staff:**

Linda Asbell, TRMC, Town Secretary

### **REGULAR SESSION - 7:00 P.M.**

With a quorum of the Council Members present, Mayor Vargus called the Regular Session of the Town Council to order at 7:01 p.m. on Thursday, March 12, 2015, in the Council Chambers of the Lakewood Village Town Hall, 100 Highridge Drive, Lakewood Village, Texas.

### **PLEDGE TO THE FLAG:**

**(Agenda Item A)**

Mayor Vargus led the pledge of allegiance

### **SPECIAL PRESENTATION**

**(Agenda Item B)**

Texas State Representative Pat Fallon read a Resolution passed by the Texas House of Representatives recognizing Late Mayor Pro-Tem Ken Guthrie's life of public service. Representative Fallon presented the Resolution and a flag flown over the State Capitol building in honor of Mayor Pro-Tem Guthrie to his wife, Laurie Guthrie. Representative Fallon presented a commemorative flag pin to each of the Guthrie children and grandchildren in attendance.

Mayor Vargus thanked Chris Robert, Jagoe Public Co., for his dedication to the completion of a successful road project and the extra efforts he went to in assisting the town. Councilman Bushong thanked Mr. Roberts for his perseverance and coming out at 9:30 p.m. to repair damage to the newly poured concrete road on Lakecrest Drive. Mayor Vargus presented Mr. Roberts with a commemorative clock made from limestone harvested from the grounds of the State Capitol in Austin.

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Mayor Vargus thanked Chris Poteet, Freese and Nichols, for his commitment to getting the concrete road project done the right way. Mayor Vargus thanked Mr. Poteet for always doing his job in a professional manner and to a very high standard. Councilman Bushong thanked Mr. Poteet for his professional dedication and service to the Town of Lakewood Village. Mr. Poteet said one of the reasons the project in Lakewood Village was so successful was because Mr. Roberts was dedicated to serving the citizens and doing a good job. Mayor Vargus presented Mr. Poteet with a commemorative clock made from limestone harvested from the grounds of the State Capitol in Austin.

Town Secretary Asbell presented the Town Council with a carved “Texas” made from limestone harvested from the grounds of the State Capitol in Austin, with each councilmember name and “Concrete Road Project 2014-2015” engraved on the base.

**VISITOR/CITIZENS FORUM:**

**(Agenda Item C)**

Dion Petaros, 770 Carrie, Lakewood Village, stated that he heard the LandPlan property was being considered for rezoning for smaller lots and/or commercial property. Mr. Petaros asked if there were any regulations on giving citizens notice of rezoning. Mayor Vargus reported that there are state laws regulating notice and reviewed Lakewood Village’s ordinance, which requires additional notice and hearings. Councilman Bushong explained that before any property can be rezoned every citizen would receive notice of a first public hearing and no action can be taken at the first meeting. A second public hearing would be held and the property would have signs notifying the public of the zoning change being requested. Mayor Vargus reported that LandPlan has not submitted any application for zoning change or development. Mayor Pro-Tem Menckhoff reported that the zoning will likely change as a part of the negotiation process of the development of the property. Councilman Bushong thanked Mr. Petaros for asking questions and allowing Council to explain the process and hear feedback.

**CONSENT AGENDA:**

**(Agenda Item D)**

1. Minutes of the January 8, 2015 Council Meeting (Asbell)
2. Minutes of the January 22, 2015 Council Meeting (Asbell)
3. Minutes of the February 5, 2015 Council Meeting (Asbell)
4. Minutes of the February 12, 2015 Council Meeting (Asbell)
5. Ordinance Cancelling the May 2015 General Election and Declaring Winners (Asbell)
6. Ratification of Financial Controls Ordinance 14-06 (Vargus)

Mayor Vargus explained the difference between General Elections and Special Elections and reported that the polling location for the special election would be at Lakewood Village Town Hall.

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**MOTION:** Upon a motion made by Councilman Getka and seconded by Councilman Bushong the Council voted five (5) “ayes” and no (0) “nays” to approve the consent agenda items as presented. *The motion carried.*

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**REGULAR AGENDA**

**(Agenda Item E)**

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**Consideration of Variance Request by Mike Crow on Masonry Requirement and Front Facing Garage for 1234 Garza Lane in Lakewood Village Extra Territorial Jurisdiction (Asbell)**

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**(Agenda Item E.1)**

Mayor Vargus reported that Mr. Crow was unable to attend the council meeting. Mayor Vargus reviewed the variance requests on masonry and front facing garage.

**MOTION:** Upon a motion made by Councilman Newsome and seconded by Councilman Getka, council voted five (5) “ayes” and no (0) “nays” to grant the variance request for front facing garage and a building with less than 80% masonry. The motion carried. *The motion carried.*

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**Consideration of Appointment Kimley Horn for Town Engineers (Vargus)**

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**(Agenda Item E.2)**

Mayor Vargus introduced Mr. Glenn Gary and Mr. Todd Strouse with Kimely Horn. Mr. Strouse would be the main contact for the Town of Lakewood Village. Mr. Gary gave a history of the company and reviewed the resources of Kimley Horn. Mr. Strouse reviewed his experience with municipal projects. There was some discussion about the needs of the Town and the ability of Kimley Horn to respond to those needs.

**MOTION:** Upon a motion made by Councilman Bushong and seconded by Mayor Pro-Tem Menckhoff, council voted five (5) “ayes” and no (0) “nays” to appoint Kimley Horn as Town Engineers and authorize Mayor Vargus to execute the master agreement. *The motion carried.*

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**Consideration of Sustainability Goals for  
Lakewood Village (Reed)**

**(Agenda Item E.3)**

Councilman Reed reviewed the initial draft plan covering stewardship of resources and operational efficiency. Councilman Reed provided potential areas for focus on evaluation for cost savings opportunities, and recommendations for evaluation and reporting on the success in achieving the goals. There was some discussion with the representatives from Kimley Horn about their ability to make efficiency recommendations. Mayor Vargus stated that in addition to cost savings and efficiency he is interested in sustainability in efforts like reusing our water. Councilmembers thanked Councilman Reed for his efforts in creating this draft plan. There was some discussion about incorporation of suggestions and reviewing the proposal at a future meeting.

**MOTION:** No motion made.

**Consideration of Electronic Marquee for  
Town Hall (Menckhoff)**

**(Agenda Item E.4)**

Mayor Pro-Tem Menckhoff reported that the marquee was vandalized a few weeks ago and the front frame was broken. Mayor Pro-Tem Menckhoff stated that he would like to get a consensus from the council about support for this project before he asks vendors to come out and provide estimates. Mayor Vargus asked about the possibility of getting something like an outdoor television. There was some discussion about the range of costs. Councilman Newsome reported that the sign his church recently put up was in the low \$20,000 range for a double sided sign. Council discussed the different methods citizens have to get information other than the marquee sign. Council discussed replacing the cover on the existing sign and considering an electronic sign during the next budget cycle.

**MOTION:** No motion made.

**Consideration of Ice/Snow Road Plan for  
Lakewood Village (Menckhoff)**

**(Agenda Item E.5)**

Mayor Pro-Tem Menckhoff thanked Councilman Newsome and Mr. Bill Schoknecht for assisting with sanding the roads during the last ice storm. Mayor Pro-Tem Menckhoff proposed adopting an established response plan for winter weather. Mayor Vargus stated that he discussed some sand spreader options with Mr. Sam Morgan. Councilman Getka asked about the possibility of making an agreement with the Town of Oak Point for assistance. Councilman Bushong recommended contacting the North Texas Toll Authority to see if an agreement could be made since their equipment would already be in the area while treating the toll bridge. There

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was some discussion about organization and implementation of a plan. Councilman Getka volunteered to research options for spreading. There was some discussion about a comprehensive emergency response plan and the possibility of forming a volunteer response team.

**MOTION:** No motion made.

**Consideration of Resolution Supporting  
House Bill 1418 Regarding Annexation  
(Asbell)**

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**(Agenda Item E.6)**

Town Secretary Asbell reported that passage of this House Bill would allow a municipality to voluntarily annex property that touches a State or county road as long as that road is contiguous to the corporate limits of the town. Mayor Vargus reported that the concrete road that enters the town is currently outside the town limits and is considered a county road.

**MOTION:** Upon a motion made by Councilman Getka and seconded by Councilman Newsome, council voted five (5) “ayes” and no (0) “nays” to approve resolution 15-01 supporting House Bill 1418. *The motion Carried*

**Consideration of Resolution Opposing Senate  
Bill 182 (Asbell)**

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**(Agenda Item E.7)**

Mayor Vargus reported that some the State Legislators have supported lowering the property tax rollback rate for a city from eight-percent to four-percent. Mayor Vargus reviewed the process for calculating the effective tax rate. Mayor Vargus reviewed the effect of the bill on property owners and on municipalities. Mayor Pro-Tem Menckhoff stated that he likes the idea of protecting the taxpayers. Mayor Vargus stated that he likes protection of the taxpayers but does not support the mandatory election component of the bill. There was some discussion about support or opposition of the bill.

**MOTION:** No motion made.

**Discussion of Capital Improvement Projects  
Plan for 2015 (Vargus)**

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**(Agenda Item E.8)**

Mayor Vargus reviewed some of the projects being considered for the next budget year; a new Utility Department building, replacement of the water valves on the Hillside side of the water plant, continuation of the fire hydrant project focusing on Hillside, impact fee study, an

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additional ground storage tank, and an emergency interconnect for water supply with the Town of Little Elm. There was some discussion about the need for impact fees, the risk of not having impact fees, and the process for adopting them. There was some discussion about cost of various projects.

**Consideration of Amendment of Building  
Packet to Require Use of Roll-Off Container  
(Vargus)**

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**(Agenda Item E.9)**

Mayor Vargus reported that the requirement for the use of roll-off containers has been discussed in the past. Allied Waste included construction roll-off containers in the newly executed contract. There was some discussion about the current practice of builders to build a “box” of plywood to contain trash during construction projects. There was some discussion about the additional cost to builders. There was some discussion about the establishment of guidelines. Mayor Vargus stated he would provide council with costs and proposed guidelines to consider at the next council meeting.

**MOTION:** No Motion made.

**EXECUTIVE SESSION:**

**(Agenda Item F)**

At 9:59 p.m. Mayor Vargus recessed into executive session in compliance with Section (1) 551.071 Texas Government Code to wit: Consultation with the Town Attorney regarding pending or contemplated litigation, re: Town of Lakewood Village V. Harry Bizios; (2) § 551.072 Texas Government Code to wit: deliberations about real property; (3) § 551.087 Texas Government Code to wit: Economic Development Negotiations; and (4) § 551.076 Texas Government Code to wit: deliberations about security devices.

**RECONVENE:**

**(Agenda Item G)**

Mayor Vargus reconvened the regular session of the Lakewood Village Town Council at 10:47 PM.

**MOTION:** Upon a motion made by Councilman Bushong and seconded by Councilman Getka, council voted five (5) “ayes” and no (0) “nays” to authorize Mayor Pro-Tem Menckhoff too purchase and install a security camera system to cover the Town Hall property, subject to compliance with the State retention schedule, for a cost not to exceed \$2,500. *The motion Carried*

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**COUNCIL AND STAFF COMMENTS**

**(Agenda Item H)**

Mayor Vargus reported on a meeting with Lannie Noble, Denton County Elections Administrator, regarding the joint election contract and the restrictions that participating in the joint contract places on Lakewood Village.

Mayor Vargus reported on a meeting with State Representative Pat Fallon regarding the proposed bill clarifying the definition of “municipality” and polling place locations.

**ADJOURNMENT**

**(Agenda Item F)**

**MOTION:** Upon a motion made by Mayor Pro-Tem Menckhoff and seconded by Councilman Getka, council voted five (5) “ayes” and no (0) “nays” to adjourn the Regular Session of the Lakewood Village Town Council at 11:02 p.m. on Thursday, March 12, 2015. The motion carried.

These minutes approved by the Lakewood Village Town Council on the 14th day of May 2015.

APPROVED

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Dr. Mark E. Vargus  
MAYOR

ATTEST:

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Linda Asbell, TRMC  
TOWN SECRETARY



# **LAKEWOOD VILLAGE TOWN COUNCIL**

## **COUNCIL MEETING**

**APRIL 17, 2015**

### **Council Members:**

Dr. Mark Vargus, Mayor  
Carl Menckhoff, M.D., Mayor Pro-Tem  
Clint Bushong  
Dave Getka  
Gary Newsome  
Ed Reed

### **Town Staff:**

Linda Asbell, TRMC, Town Secretary

### **SPECIAL SESSION - 7:00 P.M.**

With a quorum of the Council Members present, Mayor Vargus called the Special Session of the Town Council to order at 7:01 p.m. on Friday, April 17, 2015, in the Council Chambers of the Lakewood Village Town Hall, 100 Highridge Drive, Lakewood Village, Texas.

### **PLEDGE TO THE FLAG:**

**(Agenda Item A)**

Mayor Vargus led the pledge of allegiance

### **VISITOR/CITIZENS FORUM:**

**(Agenda Item B)**

Dan Tantalo, 710 Carrie Lane, stated that he has concern that the building codes being considered are being supported by International Code Council. Mr. Tantalo encouraged council to do an internet search and educate themselves on "Agenda 21". Mr. Tantalo stated that he does not have a concern with the individual codes or the engineering behind the code; his concern is background of the organization promoting them and their association with the United Nations "Agenda 21".

### **CONSENT AGENDA:**

**(Agenda Item C)**

1. Building Handbook Changes to Require Use of Roll-off Containers (Bushong)
2. Consideration of Replat Request for 312 Parkwood, Mr. David Smullin (Asbell)

There was some discussion on the cost of the roll-off.

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**MOTION:** Upon a motion made by Councilman Getka and seconded by Councilman Bushong the Council voted five (5) “ayes” and no (0) “nays” to approve the consent agenda items as presented. *The motion carried.*

**REGULAR AGENDA**

**(Agenda Item D)**

**Consideration of Variance Request for 765  
Carrie, Mr. Wes Willard (Asbell)**

**(Agenda Item D.1)**

Mayor Vargus reported Mr. Willard is undertaking a substantial remodel of the existing house. The variance request is for a 2:12 slope on a small section of roof area to allow for a metal roof.

**MOTION:** Upon a motion made by Mayor Pro-Tem Menckhoff and seconded by Councilman Getka, council voted five (5) “ayes” and no (0) “nays” to the variance request for roof slope to allow a metal roof as requested. The motion carried. *The motion carried.*

**Consideration of Consideration of Variance  
Request for 1219 Oak Street, Mr. Ellis Meals  
(Asbell)**

**(Agenda Item D.2)**

Mr. Meals reported that he has a vacant lot on the corner of Oak Street and Sheriff Avenue. He would like to build a metal storage building/garage and would like a variance on the masonry requirement.

**MOTION:** Upon a motion made by Mayor Pro-Tem Menckhoff and seconded by Councilman Reed, council voted five (5) “ayes” and no (0) “nays” to approve the variance as requested for Mr. Meals to construct a metal building at 1219 Oak Street. *The motion carried.*

**Consideration of Variance Request for 401  
Sheriff Avenue, Mr. Mark Munderloh  
(Asbell)**

**(Agenda Item D.3)**

Mr. and Mrs. Munderloh stated that they would like to build a detached garage near the house they recently finished. Mr. Munderloh eventually would like to have a stone front on the garage to make it match the house.

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**MOTION:** Upon a motion made by Councilman Getka and seconded by Councilman Bushong, council voted five (5) “ayes” and no (0) “nays” to approve the variance request for Mr. Meals to construct a metal building at 401 Sheriff. *The motion carried.*

**Consideration of Sponsorship of  
Neighborhood Watch Notices on Town  
Website (Newsome)**

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**(Agenda Item D.4)**

Councilman Newsome stated that at one time he sponsored a website called Lakewood Village Life which had neighborhood watch notices and security tips posted. The website has since been removed and he would like to place those notices on the town website. There was some discussion about the town donating some funds for welcome baskets. Councilman Bushong stated that this is a good opportunity to have people all visit a single website for town information. Janie Newsome asked if the neighborhood form be included in the water bills next month. Mayor Vargus stated that the town could purchase neighborhood watch signs and also encouraged the neighborhood watch to consider “safe houses” for school children in the afternoon.

**MOTION:** *No motion made.*

**Discussion of Draft Residential Code  
(Bushong)**

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**(Agenda Item D.5)**

Councilman Bushong reviewed some of the proposed changes. There was some discussion about an engineering requirement on framing. Council discussed current inspection process as being adequate. There was some discussion on the contractor registration requirement for permitted work. There was some discussion about the allowance of the use of PEX plumbing. There was some discussion about permitting retaining walls.

**Discussion of Draft Energy Conservation  
Code (Bushong)**

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**(Agenda Item D.6)**

Councilman Bushong reported that there are no significant differences between the 2006 and the 2012 energy code. There was some discussion on the United Nations Agenda 21 and the adoption of the codes established through that agenda by the International Code Council.

**Discussion of Draft Fuel Gas Code (Bushong)**

**(Agenda Item D.7)**

Councilman Bushong reported that there are no significant differences between the 2006.

**Discussion of Draft Mechanical Code  
(Bushong)**

**(Agenda Item D.8)**

Mayor Vargus reported that when the building inspector reviews the code he will report to council on any significant changes between the 2006 and 2012 codes.

**Discussion of Draft Plumbing Code  
(Bushong)**

**(Agenda Item D.9)**

Councilman Bushong reported that allowing PEX is the major change and Lakewood Village exceptions will require diameter of PEX will be measured internally rather than externally. There was some discussion of violations and penalties. Mayor Pro-Tem Menckhoff will propose some new violation penalties language to be considered.

**Discussion of Capital Improvement Projects  
Plan for 2015 (Vargus)**

**(Agenda Item D.10)**

Mayor Vargus reported that the Town Engineer will be meeting on the 24<sup>th</sup> to review the condition and status of current infrastructure. Mayor Vargus would like to task the engineers with providing a priority list of infrastructure projects along with cost estimates and timelines. There was some discussion about additional ground storage for water and the current location of the water equipment inventory and shed.

**Discussion of Fence Replacement Fee Waiver  
(Vargus)**

**(Agenda Item D.11)**

Mayor Vargus reported that the town receives use of eight roll-off containers from Allied Waste at no charge. He has proposed providing an incentive to citizens who need to replace fences that require repair or replacement. Utilizing some of those roll-off containers to assist with the disposal of the old fencing which could help reduce the cost to citizens. Council discussed waiving the fence permit fee from June 1<sup>st</sup> through August 31<sup>st</sup>. Mayor Vargus clarified that pool enclosures will not qualify for this waiver because those must be inspected.

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**Discussion of Lake Access Signage (Vargus)**

**(Agenda Item D.12)**

There was some discussion about the traffic through town caused by non-residents looking for beach access to the lake. Mayor Vargus showed the “no public lake access” signs purchased by the EDC. There was some discussion about placing one of the blade signs on the stop sign at Lakecrest and Highridge. There was some discussion about placing the large sign near the entrance to town.

There was some discussion about communication between Councilman Reed and the Town of Little Elm for signs to be placed outside town limits that would direct people to the Little Elm beach and a reciprocal sign that Little Elm would install providing direction to Lakewood Village.

Mayor Vargus left the Council Chambers at 8:33. Mayor Pro-Tem Menckhoff directed council to Agenda Item D.13

**Discussion of 2015 Candidate Forum (Asbell)**

**(Agenda Item D.13)**

Mayor Pro-Tem Menckhoff reported that two candidate forums have been scheduled. April 22<sup>nd</sup> at 7:00 pm and April 26<sup>th</sup> at 6:00 pm. Town Secretary, Linda Asbell, reported on the research process for validating the procedures for holding a forum and the process for selection of dates. There was some discussion about use of a moderated format. Town Secretary Asbell reported that there has recently been an increase in the use of Facebook as a means to request information regarding the election. Town Secretary Asbell reminded the citizens to utilize the Town website and make all official requests either by phone, email, or in person directly at Town Hall.

**EXECUTIVE SESSION:**

**(Agenda Item E)**

At 8:43 p.m. Mayor Pro-Tem Menckhoff recessed into executive session in compliance with Section (1) 551.071 Texas Government Code to wit: Consultation with the Town Attorney regarding pending or contemplated litigation, re: Town of Lakewood Village V. Harry Bizios; (2) § 551.072 Texas Government Code to wit: deliberations about real property; (3) § 551.087 Texas Government Code to wit: Economic Development Negotiations; and (4) § 551.076 Texas Government Code to wit: deliberations about security devices.

**RECONVENE:**

**(Agenda Item F)**

Mayor Vargus reconvened the special session of the Lakewood Village Town Council at 9:43 PM.

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**COUNCIL AND STAFF COMMENTS**

**(Agenda Item G)**

No comments were made.

**ADJOURNMENT**

**(Agenda Item H)**

**MOTION:** Upon a motion made by Councilman Getka and seconded by Councilman Reed, council voted five (5) “ayes” and no (0) “nays” to adjourn the Special Session of the Lakewood Village Town Council at 9:44 p.m. on Thursday, April 17, 2015. The motion carried.

These minutes approved by the Lakewood Village Town Council on the 14th day of May 2015.

APPROVED

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Dr. Mark E. Vargus  
MAYOR

ATTEST:

\_\_\_\_\_  
Linda Asbell, TRMC  
TOWN SECRETARY



**MAY 9, 2015  
SPECIAL ELECTION**

**UNOFFICIAL TABULATION  
OF VOTING TALLIES**

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<b>RACE</b>	<b>CANDIDATE</b>	<b>Early Voting Total</b>	<b>Election Day Total</b>	<b>Unofficial Totals</b>
<b>Council Place 4</b>	Gary Newsome	128	32	160
	Cast Votes:	128	32	160
<b>Council, Place 6 (Mayor)</b>	Dr. Mark E. Vargus	116	20	136
	Paul Bowers	34	21	55
	Cast Votes:	150	41	191

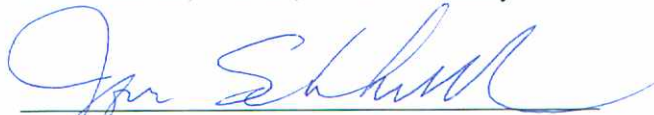
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Early Voters                      150

Election Day Voters           41

Total Voters                     191

  
Linda Asbell, TRMC, Town Secretary

  
Jane Schoknecht, Election Judge

**RESOLUTION NO. 15-02**

**A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF LAKEWOOD VILLAGE, TEXAS, DECLARING THE RESULTS OF THE CANVASS FOR THE ELECTION RETURNS OF THE ELECTION OF MAY 9, 2015, FOR THE PURPOSE OF ELECTING ONE MEMBER OF COUNCIL AND ONE MAYOR OF THE TOWN OF LAKEWOOD VILLAGE FOR THE REMAINING ONE YEAR OF EACH UNEXPIRED TERM**

**WHEREAS**, the Town Council of the Town of Lakewood Village, Texas, duly ordered a special election to be held in said Town on May 9, 2015, for the purpose of electing one member of the Town Council and one Mayor of the Town of Lakewood Village for the remaining one year of each unexpired term; and

**WHEREAS**, proper notice of said election was duly and legally given and that said election was held in accordance with the election laws of the State of Texas; and

**WHEREAS**, a Canvass of the Election including the returns was conducted on May 14, 2015; and

**WHEREAS**, it was found that the persons herein named received the following votes for said term of office on the Town Council of the Town of Lakewood Village:

**Council, Place 4.**      **Gary Newsome** received 160 or 100% of the votes cast;

**Council Place 6.**      **Dr. Mark E. Vargus** received 136 or 71% of the votes cast;  
**(Mayor)**              **Paul Bowers** received 55 or 29% of the vote cast;

**NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF LAKEWOOD VILLAGE, TEXAS:**

**SECTION 1.** The findings set forth above are incorporated into the body of this Resolution as if fully set forth herein.

**SECTION 2.** Gary Newsome is hereby declared to be duly elected as Council Member, Place 4.

**SECTION 3.** Dr. Mark E. Vargus is hereby declared to be duly elected as Mayor, Council Place 6.

**SECTION 8.** The Lakewood Village Town Council hereby finds and determines, as a result of the Canvass, held on May 14, 2015, that a combined Election Day and Early Vote total of 191 votes were cast in the Election, with 150 early votes cast, as indicated by the poll list for the Election held on May 9, 2015.

**SECTION 9.** It is hereby declared that the Town Council of Lakewood Village approves and accepts the results of the Election for Council Place 4, and Council Place 6 (Mayor), as determined by the vote of the qualified voters of the Town of Lakewood Village as set out in the Summary of Precinct Returns, Exhibit A.



**SECTION 10.** This Resolution shall become effective immediately upon its passage by the Lakewood Village Town Council.

**DULY PASSED AND APPROVED BY THE TOWN COUNCIL OF THE TOWN OF LAKEWOOD VILLAGE, TEXAS,** on this 14th day of May, 2015.

---

Dr. Mark E. Vargus  
MAYOR

**ATTEST:**

---

Linda Asbell, TRMC  
Town Secretary

## SUMMARY OF PRECINCT RETURNS FOR OFFICIAL CANVASS

I, Dr. Mark E. Vargus, Mayor, and the presiding officer of the canvassing authority for the Election, held on the 14<sup>th</sup> day of May, 2015, Lakewood Village, Denton County, Texas, do hereby certify that the following is a total of all votes received by each candidate for the Special Election as shown by the precinct returns. I further certify that the following vote totals include early voting votes by precinct received under Section 87.1231 of the Texas Election Code

<i>Position</i>	<i>Candidate Name</i>	<i>Early Voting</i>	<i>Election Day</i>	<i>Total</i>
Place 4	Gary Newsome	128	32	160
Place 6 (Mayor)	Dr. Mark E. Vargus	116	20	136
	Paul Bowers	34	21	55

Combined Election Day and Early Voting Ballots Cast: 191

Total Number of Registered Voters in the Town of Lakewood Village: 388

Percentage of Registered Voters in the Town of Lakewood Village that Cast Votes: 49.2%

Dated this 14<sup>th</sup> day of May, 2015

\_\_\_\_\_  
Dr. Mark E. Vargus, Mayor  
Presiding Officer of Canvassing Authority



## **Cost Saving & Sustainability Policy**

**Adopted: Xxxx xx, 2015**

**INITIAL DRAFT-03/12/15**

**REVISED DRAFT-04/09/15**

Whereas, the Town Council of the Town of Lakewood Village, Texas (“Town Council”) has investigated and determined that it would be advantageous and beneficial to the citizens of the Town of Lakewood Village, Texas and the citizens inside the Town of Lakewood Village Extraterritorial Jurisdiction (collectively “Lakewood Village”) to develop and implement a cost saving and sustainability policy set forth below.

The Town Council (here and after the “Council”) is strongly committed to being a good steward of the Town’s resources and is focused on ensuring the best use of its available resources.

The Council places a high priority on improving operational efficiencies and promoting sustainable energy/environmental conservation that reduce costs.

The Council has taken a proactive role by implementing various projects in the past when funding, if required, permitted and has also often sought expert assistance and leveraged available resources whenever possible to accomplish efficiencies.

The Council will support the achievement of its annual cost saving/sustainability plan through the following formalized mechanisms:

- Town ordinances
- Annual revenue/expense budgets
- Capital improvement plans

The Council will support the utilization of a cost saving plan that improves efficiencies, reduces costs and promotes sustainability efforts because each can have a very positive effect on the Town’s financial viability.

Plan goals will include quantifiable measures that contain hard number as well as stretch objectives.

Therefore, the Council will:

- Formalize and revise annually a cost saving/sustainability plan for the City and its ETJ through the development, implementation and results tracking of identified goals,
- Consider all potential areas of Town operations (not inclusive or in priority order):
  - Administrative
  - Marketing and Professional Services
  - Equipment

- Billing
  - Telecommunications Services
  - Electricity Power Usage
  - Water Plant Operation
  - Sewer Plant Operations
  - Maintenance
  - Vendors
  - Other Facilities
- Utilize financial and breakeven analyses, as well as other additional relative considerations, to evaluate and prioritize projects,
  - Identify and prioritize budget items, capital projects and operation policies/actions that support goal achievement,
  - Ensure that town residents are aware of goals and progress by sharing information via newsletters, Council meetings and/or the Town's web site,
  - Document and present goal attainment results annually at its March Council Meeting for the previous calendar year.

Potential goals for 2015 include:

- 1) Increase water and sewer efficiency by X%
- 2) Increase number of gallons of reuse water by X%
- 3) Increase water storage capacity X%
- 4) Reduce energy consumption (KWH Usage) by X%
- 5) Reduce town operational expenses by X%

**TOWN OF LAKEWOOD VILLAGE  
RESIDENTIAL CODE 15-xx**

**AN ORDINANCE TO ADOPT THE 2012 INTERNATIONAL  
RESIDENTIAL CODE, WITHIN THE TOWN OF LAKEWOOD  
VILLAGE AND THE TOWN OF LAKEWOOD VILLAGE  
EXTRATERRITORIAL JURISDICTION; PROVIDING A  
SAVINGS/REPEALING CLAUSE, PROVIDING A PENALTY  
CLAUSE, PROVIDING A SEVERABILITY CLAUSE,  
PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, the Town Council of the Town of Lakewood Village, Texas (“Town Council”) has investigated and determined that it would be advantageous and beneficial to the citizens of the Town of Lakewood Village, Texas and the citizens inside the Town of Lakewood village Extraterritorial Jurisdiction (collectively “Lakewood Village”) to adopt the 2012 Edition of the International Residential Code, save and except the deletions and amendments set forth below.

**NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF LAKEWOOD VILLAGE, TEXAS, THAT:**

**Section 1: Findings**

The findings set forth above are incorporated into the body of this Ordinance as if fully set forth herein.

**Section 2: Adoption of the 2012 International Residential Code**

The International Residential Code, 2012 Edition, copyrighted by the International Code Council, Inc., including Appendix G, J, and K, save and except the deletions and amendments set forth in Exhibit "A", attached hereto and incorporated herein for all purposes, is hereby adopted as the Residential code for Lakewood Village, regulating the construction, alteration, movement, enlargement, replacement, repair, equipment, use and occupancy, location, removal, and demolition of detached one- and two-family dwellings and multiple single-family dwellings (townhouses) not more than three stories in height with a separate means of egress and related accessory structures in Lakewood Village (the "2012 International Residential Code"). The 2012 International Residential Code is made a part of this Ordinance as if fully set forth herein.

**Section 3: Repeal**

Residential Code 14-07 ordinance is hereby repealed in its entirety.

#### **Section 4: Penalty Clause**

##### **A. Violation**

A person who knowingly violates any provision of this chapter is guilty of separate offenses for each day during which the violation is continued. Neither allegation nor evidence of a culpable mental state is required for the proof of an offense defined by this ordinance.

##### **B. Fine**

Each offense is punishable by a fine of not more than two-thousand (\$2,000) nor less than two-hundred (\$200). The minimum fine established in this paragraph shall be doubled for the second conviction of the same offense within any 24-month period and tripled for the third and subsequent convictions of the same offense within any 24-month period. At no time shall the minimum fine exceed the maximum fine established in this paragraph.

#### **Section 5: Legal Rights**

The penal provision imposed under this Ordinance shall not preclude the Town of Lakewood Village from filing suit to enjoin the violation. The Town of Lakewood Village retains all legal rights and remedies available to it pursuant to local, state, and federal law.

#### **Section 6: Severability**

##### **A. Unconstitutional or Invalid Section**

Should any section, subsection, sentence, clause or phrase of this Ordinance be declared unconstitutional or invalid by a court of competent jurisdiction, it is expressly provided that any and all remaining portions of this Ordinance shall remain in full force and effect.

##### **B. Independent Sections**

The Town hereby declares that it would have passed this Ordinance, and each section, subsection, clause or phrase thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses and/or phrases be declared unconstitutional or invalid.

#### **Section 7: Estoppel / Waiver**

The failure of the Town to enforce any term or condition of this Ordinance shall not constitute a waiver or estoppel or any subsequent violation of this Ordinance.

**Section 8: Effective Date**

The amendments to this Ordinance shall become effective from and after its date of passage and publication as provided by law.

**PASSED AND APPROVED** by the Town Council of the Town of Lakewood Village, Texas this the xxth day of Xxxx, 2015.

---

Mark Vargus  
Mayor

ATTEST:

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Linda Asbell  
Town Secretary, TMRC



## **Exhibit A**

**Town of Lakewood Village Amendments**

**2012 International Residential Code**



## **RESIDENTIAL CODE**

**Adopted: Xxxx xx, 2015**

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## CHAPTER 1. ADMINISTRATION

The following additions, deletions and amendments to the 2012 International Residential Code adopted herein and hereby approved and adopted.

### R101 General

General of the 2012 International Residential Code is amended as follows:

#### R101.1 Title

These regulations shall be known as the *International Residential Code* of The Town of Lakewood Village hereinafter referred to as "this code."

### R102 Applicability

Applicability of the 2012 International Residential Code is amended as follows:

#### R102.4 Referenced Codes and Standards

The codes, when specifically adopted by the Town of Lakewood Village, and standards referenced in this code shall be considered part of the requirements of this code to the prescribed extent of each such reference and as further regulated in Sections R102.4.1 and R102.4.2. Whenever amendments have been adopted to the referenced codes and standards, each reference to said code and standard shall be considered to reference the amendments as well. Where differences occur between provisions of this code and referenced codes and standards, the provisions of this code shall apply. Any reference made to NFPA 70 or the ICC Electrical Code shall mean the Electrical Code as adopted. Where requirements in this code conflict with any requirements of other adopted codes by the Town of Lakewood Village the most stringent requirements shall apply.

#### Exception

Where enforcement of a code provision would violate the conditions of the *listing* of the *equipment* or *appliance*, the conditions of the *listing* and manufacturer's instructions shall apply.

### R103 Department of Building Safety

#### R103.2 Appointment

The building official shall be appointed by the ~~chief appoint authority of the jurisdiction~~ Town Council of the Town of Lakewood Village, TX.

#### Building Application Handbook

The Town Council may from time to time amend, supplement or change the text of the Building Application Handbook.

### R105 Permits

Permits of the 2012 International Residential Code is amended as follows:

**R105.1 Required**

Any owner or authorized agent who intends to construct, enlarge, alter, repair, move, demolish or change the occupancy of a building or structure, or to erect, install, enlarge, alter, repair, remove, convert or replace any electrical, gas, mechanical or plumbing system, the installation of which is regulated by this code, or to cause any such work to be done, shall first make application to the *building official* and obtain the required *permit*.

**R105.2 Work Exempt from Permit**

*Permits* shall not be required for the following. Exemption from *permit* requirements of this code shall not be deemed to grant authorization for any work to be done in any manner in violation of the provisions of this code or any other laws or ordinances of this *jurisdiction*.

**Building**

- 1) One-story detached accessory structures used as tool and storage sheds, playhouses and similar uses, provided the floor area does not exceed ~~200~~ 250 square feet (~~18.8 m<sup>2</sup>~~) (23.23 m<sup>2</sup>).
- ~~2) Fences not over 7 feet (2134 mm) high.~~
- 3) Retaining walls that are not over 4 feet (1219 mm) in height measured from the bottom of the footing to the top of the wall, unless supporting a surcharge.
- 4) Water tanks supported directly upon grade if the capacity does not exceed 5,000 gallons (19 927 L) and the ratio of height to diameter or width does not exceed 2 to 1.
- ~~5) Sidewalks and driveways.~~
- 6) Painting, papering, tiling, carpeting, cabinets, counter tops and similar finish work.
- 7) Prefabricated swimming pools installed entirely above ground that are less than 24 inches (610 mm) deep and do not exceed 5,000 gallons.
- 8) Swings and other playground equipment.
- 9) Window awnings supported by an exterior wall which do not project more than 54 inches (1372 mm) from the exterior wall and do not require additional support.
- 10) Decks not exceeding 200 square feet (18.58 m<sup>2</sup>) in area, that are not more than 30 inches (762 mm) above *grade* at any point, are not attached to a *dwelling* and do not serve the exit door required by Section R311.4.
- 11) Temporary motion picture, television and theater stage sets and scenery.
- 12) Shade cloth structures not exceeding 250 square feet.
- 13) Non-fixed and moveable fixtures, cases, racks, counters and partitions not over 5 feet 9 inches (1753 mm) in height.
- 14) Repairs to existing flatwork or new flatwork of area less than 50 square feet (23.23 m<sup>2</sup>).

### **R105.3 Application for Permit**

To obtain a permit, the applicant shall first file an application therefor in writing on a form furnished by the department of building safety for that purpose. Such application shall:

- 1) Identify and describe the work to be covered by the permit for which application is made.
- 2) Describe the land on which the proposed work is to be done by legal description, street address or similar description that will readily identify and definitely locate the proposed building or work.
- 3) Indicate the use and occupancy for which the proposed work is intended.
- 4) Be accompanied by construction documents and other information as required in Section R106.1.
- 5) ~~State the valuation of the proposed work.~~
- 6) Be signed by the applicant or the applicant's authorized agent.
- 7) Give such other data and information as required by the building official.

### **Expiration of Application**

An application for a permit for any proposed work shall be deemed to have been abandoned 90 days after the date of filing unless such application has been pursued in good faith or a permit has been issued; except that the building official is authorized to grant one or more extensions of time for additional periods not exceeding 180 days each. The extension shall be requested in writing and justifiable cause demonstrated.

### **R105.5 Expiration**

Every permit issued shall become invalid unless the work authorized by such permit is not commenced and received a minimum of one approved inspection within 180 days after its issuance, or if the work authorized by such permit is suspended or abandoned for a period of 180 days after the time the work is commenced. The building official is authorized to grant, in writing, one or more extensions of time, for periods not more than 180 days each. The extension shall be requested in writing and justifiable cause demonstrated. Before such work recommences, a new permit shall be first obtained and the fee, therefore, shall be one-half the amount required for a new permit for such work, provided no changes have been made or will be made in the original construction documents for such work, and provided further that such suspension or abandonment has not exceeded one year.

### **R105.8 Responsibility**

It shall be the duty of every person who performs work for the installation or repair of building, structure, electrical, gas, mechanical or plumbing systems, for which this code is applicable, to comply with this code.



### **Licensing and Registration Requirements**

- 1) No person shall engage in the business of construction of new buildings or structures, or make any repairs, alterations, or changes to an existing building or structure, unless that person is registered as a contractor by the Town. Provided however that:
  - a. No license shall be required for work on any building or structure for which a building permit is not required by this code; and
  - b. Persons who occupy and reside within any property as their home shall not be required to obtain a license or register with the Town when performing work on their home. Section R105 remains applicable.
- 2) All contractors shall register with the Town in accordance with Contractor Registration requirements, as provided in the Building Application Handbook, before applying for permits or performing any work.

### **R106 Construction Documents**

Construction Documents of the 2012 International Residential Code is amended as follows:

#### **R106.1 Submittal Documents**

Construction documents, special inspection and structural observation programs and other data shall be submitted in one or more sets with each application for a permit. The construction documents shall be prepared by a registered design professional where required by the statutes of the jurisdiction in which the project is to be constructed. Where special conditions exist, the building official is authorized to require additional construction documents to be prepared by a registered design professional. Foundation plans shall be submitted with each application and shall be sight specific. These plans shall be designed by an engineer licensed by the State of Texas and shall bear that engineers seal. Structural framing plans shall be submitted with each new construction or addition application. Structural framing plans shall be designed by a registered design professional licensed by the State of Texas and shall bear that design professionals seal.

#### **Exception**

The building official is authorized to waive the submission of construction documents and other data not required to be prepared by a registered design professional if it is found that the nature of the work applied for is such that reviewing of construction documents is not necessary to obtain compliance with this code.

### **Construction Plan Packet Submission and General Requirements**

Plans shall be submitted in accordance with Building Inspection requirements, as provided in the Building Application Handbook. Incomplete plans shall not be accepted and such plans shall be returned to the applicant.

### **R108 Fees**

Fees of the 2012 International Residential Code are amended as follows:

### **R108.3 Building Permit Valuations**

~~Building permit valuation shall include total value of the work for which a permit is being issued, such as electrical, gas, mechanical, plumbing equipment and other permanent systems, including materials and labor.~~

### **R108.6 Work Commencing Before Permit Issuance**

Any person who commences work requiring a *permit* on a building, structure, electrical, gas, mechanical or plumbing system before obtaining the necessary permits shall be subject to a penalty of 100 percent of the usual permit fee ~~fee established by the applicable governing authority that shall be~~ in addition to the required *permit* fees.

### **R109 Inspections**

Inspections of the 2012 International Residential Code are amended as follows:

#### **R109.1 Types of Inspections**

For onsite construction, from time to time the building official, upon notification from the permit holder or his agent, shall make or cause to be made any necessary inspections and shall either approve that portion of the construction as completed or shall notify the permit holder or his or her agent wherein the same fails to comply with this code.

Inspections shall be in accordance with Building Inspection requirements, as provided in the Building Application Handbook.

#### **Inspection Protocol**

Members of the Board of Appeals shall not be involved in or interfere with any aspect of an active inspection.

#### **R109.1.1 Foundation Inspection**

Inspection of the foundation shall be made after poles or piers are set or trenches or *basement* areas are excavated and any required forms erected and any required reinforcing steel is in place and supported prior to the placing of concrete. The foundation inspection shall include excavations for thickened slabs intended for the support of bearing walls, partitions, structural supports, or *equipment* and special requirements for wood foundations. A registered design professional, or their designated representative, must perform a pre-pour inspection and provide the Building Official with a signed and sealed document stating that the foundation has been inspected and approved. The inspection must take place prior to requesting a foundation inspection from the Building Official.

#### **R109.4 Approval Required**

Work shall not be done beyond the point indicated in each successive inspection without first obtaining the approval of the building official. The building official upon notification, shall make the requested inspections and shall either indicate the portion of the construction that is satisfactory as

completed, or shall notify the permit holder or an agent of the permit holder wherein the same fails to comply with this code. Any portions that do not comply shall be corrected and such portion shall not be covered or concealed until authorized by the building official.

### **Re-Inspections**

The costs of inspections are included with the issuance of a permit(s). Upon the failure of an inspection, the contractor shall be subject to the cost of a re-inspection as defined in the Town's Fee Ordinance. The payment for the re-inspection shall be paid in full prior to scheduling the subsequent inspection.

## **R110 Certificate of Occupancy**

Certificates of Occupancy of the 2012 International Residential Code are amended as follows:

### **R110.1 Use and Occupancy**

No building or structure shall be used or occupied, and no change in the existing occupancy classification of a building or structure or portion thereof shall be made until the building official has issued a certificate of occupancy therefor as provided herein. Issuance of a certificate of occupancy shall not be construed as an approval of a violation of the provisions of this code or of other ordinances of the jurisdiction. Certificates presuming to give authority to violate or cancel the provisions of this code or other ordinances of the jurisdiction shall not be valid. Violation of this requirement will result in all utilities being disconnected until such time as a Certificate of Occupancy has been issued after all the proper inspections has been performed.

### **Exceptions to Certificate of Occupancy**

- 1) Certificates of occupancies are not required for work exempt from permits under R105.2.
- 2) Accessory buildings or structures.

## **R111 Service Utilities Requirements**

Service utilities requirements of the 2012 International Residential Code are amended as follows:

### **R111.1 Connection of Service Utilities**

No person shall make connections from a utility, source of energy, fuel or power to any building or system that is regulated by this code for which a permit is required, until approved by the building official.

### **Water and/or Sewer Taps**

A licensed plumber that is registered with the Town shall perform all work connecting to the Town utilities.

## **R112 Board of Appeals**

Board of Appeals of the 2012 International Residential Code is amended as follows:

**R112.1 General**

In order to hear and decide appeals of orders, decisions or determinations made by the building official relative to the application and interpretation of this code, there shall be and is hereby created a board of appeals. The building official shall be an ex officio member of said board but shall have no vote on any matter before the board. The board of appeals shall be appointed by the governing body and shall hold office at its pleasure. The board shall adopt rules of procedure for conducting its business, and shall render all decisions and findings in writing to the appellant with a duplicate copy to the building official.

The Town Council shall act as the Board of Appeals. The powers of the Board shall be as follows:

- 1) To hear appeals from decisions of the building official;
- 2) To hear requests for the use of a material or method of construction not prescribed or authorized by this code, and to authorize the use when, in the Board's judgment, the material or method of construction is at least equivalent to that prescribed; and
- 3) To grant or deny variance requests.

**Variance Requests**

- 1) Variances will be considered only when, because of special circumstances applicable to the property, including size, shape, topography, location or surroundings, the strict application of the building and zoning ordinances would cause an undue hardship. Financial considerations are not relevant and shall not be considered in the request;
- 2) A variance which would have a detrimental effect on public health and/or safety shall not be considered;
- 3) Variances for self-imposed hardships shall not be considered;
- 4) Approved variances shall expire if the project is not completed;
- 5) A site plan and/or construction plans shall be submitted with each variance request; and
- 6) The applicant shall cite the paragraph in the code for which the variance is requested.

**CHAPTER 2. DEFINITIONS**

The following additions to the 2012 International Residential Code adopted herein and hereby approved and adopted.

**R202 Definitions**

Definitions of the 2012 International Residential Code

Building Official: the officer or other designated authority charged with the administration and enforcement of this Code.

Construction Site Refuse Control: the containment of and weekly or monthly removal of both construction and laborer refuse to prevent said materials from encroaching onto adjacent homeowner

properties, town easements, drainage ditches and culverts, and should be in compliance with OSHA and local codes.

Contractor: any person, firm, corporation, or other entity that is hired by a homeowner or landowner to perform any new construction, remodel, or repair on said homeowner or landowner's real property.

Dwelling Area: the area devoted to the living area in a residence or dwelling and is exclusive of porches, enclosed or open breezeways or other non-living space.

ETJ: the Extraterritorial Jurisdiction of the Town of Lakewood Village.

Erosion control: the containment of all dirt, soils, sand, fill or grass, in such a manner, to prevent said materials from encroaching onto adjacent properties, town easements, drainage culverts, or utility placements.

Glazing Area: ~~The interior surface area of all glazed fenestration, including the area of sash, curbing or other framing elements, that enclose conditioned space. Includes the area of glazed fenestration assemblies in walls bounding conditioned basements.~~ Total area of the glazed fenestration measured using the rough opening and including sash, curbing or other framing elements that enclose conditioned space. Glazing area includes the area of glazed fenestration assemblies in walls bounding conditioned basements. For doors where the daylight opening area is less than 50 percent of the door area, the glazing area is the daylight opening area. For all other doors, the glazing area is the rough opening area for the door including the door and the frame.

Masonry: brick, concrete hollow clay tile, concrete block, natural stone, or any combination of these materials that are laid up by unit and set in mortar.

Town: the Town of Lakewood Village

### CHAPTER 3. BUILDING PLANNING

The following additions and amendments to the 2012 International Residential Code adopted herein and hereby approved and adopted.

#### **R301 Building Planning**

Building Planning of the 2012 International Residential Code is amended as follows:

##### **Work Hours**

Construction work times shall be 7:00 a.m. to 7:00 p.m., Monday through Saturday.

##### **Electrical Service**

The Town shall grant approval to initiate electrical service for permanent or temporary use.

##### **Reinforced Concrete Driveways & Flat Work**

Reinforced concrete driveway requirements are as follows:

- 1) Sub Grade shall be free of debris, roots and grass and compacted in areas where trees or shrubs were removed. Spray with water to dampen prior to pouring.

- 2) Reinforcement shall be three eights (3/8) inch rebar on 16 inch centers in both directions and tied at every intersection. The chair height must place the rebar in middle of nominal thickness and spaced a maximum of 36 inches apart.
- 3) Strength shall be a minimum of 3,000 psi after 28 days.
- 4) Thickness shall be a minimum of 4 inches and uniform throughout.
- 5) Mixer delivery trucks are prohibited from driving on top of reinforcement rebar.
- 6) Connection to Asphalt Street:  
Saw cut the street and remove edge to allow for concrete forms. An asphalt patch must be installed upon removal of forms.
- 7) Connection to Concrete Street  
Saw cuts are prohibited. Dowels may be placed on 18" centers at an elevation that is the middle of the nominal thickness of the driveway.  
The compacted rock base that extends 1 foot beyond the street paving shall not be altered or removed.

#### **Concrete Paver Driveways**

Concrete paver driveway requirements are as follows:

- 1) Sub grade shall be a minimum of 6 inches of base and 1 inch of bedding. Install sub base compacting in 3 inch lifts and dampen with water as required to aid the compaction process.
- 2) Edge restraints must be installed.
- 3) Pavers to be installed per manufacturer's specifications.
- 4) Connection to Asphalt Street:  
Saw cuts are permissible.
- 5) Connection to Concrete Street  
Saw cuts are prohibited.  
The compacted rock base that extends 1 foot beyond the street paving shall not be disturbed.

**Table R301.2(1) Climate and Geographic Design Criteria**

Ground Snow Load	Wind Design		Seismic Design Category <sup>f</sup>	Subject to Damage from		
	Speed (mph)	Topographic effects <sup>k</sup>		Weathering <sup>a</sup>	Frost Line Depth <sup>b</sup>	Termite <sup>c</sup>
5 lb/ft <sup>2</sup>	90 (3 sec gust / 76 fastest mile)	No	A	Moderate	6"	Very Heavy

Winter Design Temp <sup>e</sup>	Ice Barrier Underlayment	Flood Hazards <sup>g</sup>	Air Freezing	Mean Annual Temp <sup>j</sup>
------------------------------------	-----------------------------	-------------------------------	-----------------	----------------------------------

	Required <sup>h</sup>		Index <sup>i</sup>	
22 °F	No	Local Code	150	64.9 °F

## CHAPTER 4. FOUNDATIONS

The following additions to the 2012 International Residential Code adopted herein and hereby approved and adopted.

### R401 General

General of the 2012 International Residential Code is amended as follows:

#### R401.3 Drainage

Surface drainage shall be diverted to a storm sewer conveyance or other *approved* point of collection that does not create a hazard. *Lots* shall be graded to drain surface water away from foundation walls and adjacent lots. Lot to lot drainage shall not be permitted. The grade at the foundation wall shall fall a minimum of 6 inches (152 mm) within the first 10 feet (3048 mm).

### R403 Footings

Footings of the 2012 International Residential Code is amended as follows:

#### R403.1.8 Foundations on Expansive Soils

Foundation and floor slabs for buildings located on expansive soils shall be designed in accordance with R1808.6 of the International Building Code, the American Society of Civil Engineers Texas Recommended Practice for the Design of Residential Foundations Version 1 as it currently exists or may be amended, or other accepted industry standards that are acceptable to the Building Official. All foundations shall be designed by a registered Professional Engineer in the State of Texas and all drawings and documentation shall be signed and sealed. Documentation shall include:

- 1) Design letter referencing soils report number, date of report, soils, and engineer name; specific location including lot, block, and subdivision; specific design criteria including soil bearing capacity, plasticity index, and potential vertical rise. The Engineer shall approve a concrete mix design with performance criteria based on soils and seasonal conditions.
- 2) Signed and sealed drawings indicating strand and reinforcement placement, pier size, depth, location, and reinforcing, beam size and location, and special details. Design calculations shall be included. One 11" X 17" (B size) copy of plans and calculations shall be included in the permanent permit file for each project.
- 3) Design engineer shall perform a pre-pour inspection and provide the Building Official with signed and sealed document stating that the foundation has been inspected and approved. This inspection shall occur prior to requesting a foundation inspection from the Building Official. The engineer shall be present during placement of concrete to verify concrete mix and seasonal conditions during placement, and verify tensioning and elongation of cables.
- 4) Rough grading of lot after form removal to maintain drainage away from foundation during the construction process.

- 5) Prior to receiving a Certificate of Occupancy, a final survey indicating final grade elevations and verifying positive drainage away from the foundation, and evidence from the homeowner that they have received a copy of foundation maintenance instructions must be submitted to the Building Official.
- 6) The Engineer must provide to the Building Official a letter of Final Acceptance stating that the foundation has been placed in compliance with the design prior to the issuance of a Certificate of Occupancy.
- 7) Anchorage shall be installed before foundation is approved for pouring, per R403.1.6.

## CHAPTER 11. ENERGY EFFICIENCY

The following adoptions to the 2012 International Residential Code adopted herein and hereby approved and adopted.

### N1102 Building Thermal Envelope

Building Thermal Envelope of the 2012 International Residential Code is amended as follows:

#### Table N1102.1.1 (R402.1.1) Insulation and Fenestration Requirements by Component<sup>a</sup>

WOOD FRAME WALL R-VALUE for CLIMATE ZONE 3 = 13

#### Table N1102.1.3 (R402.1.3) Equivalent U-Factors

WOOD FRAME WALL U-FACTOR for CLIMATE ZONE 3 = 0.082

## CHAPTER 13. GENERAL MECHANICAL SYSTEM REQUIREMENTS

The following additions to the 2012 International Residential Code adopted herein and hereby approved and adopted.

### M1305 Appliance Access

Appliance Access of the 2012 International Residential Code is amended as follows:

#### M1305.1.3 Appliances in Attics

*Attics* containing *appliances* shall be provided with an opening and a clear and unobstructed passageway large enough to allow removal of the largest *appliance*, but not less than 30 inches (762 mm) high and 22 inches (559 mm) wide and not more than 20 feet (6096 mm) long measured along the centerline of the passageway from the opening to the *appliance*. The passageway shall have continuous solid flooring in accordance with Chapter 5 not less than 24 inches (610 mm) wide. A level service space at least 30 inches (762 mm) deep and 30 inches (762 mm) wide shall be present along all sides of the *appliance* where access is required. The clear access opening dimensions shall be a minimum of 20 inches by 30 inches (508 mm by 762 mm), or larger and large enough to allow removal of the largest appliance. A walkway to an appliance shall be rated as a floor approved by the Building Official. As a minimum, access to the attic space shall be provided by one of the following:

- 1) A permanent stair.



- 2) A pull down stair with a minimum 300 lb. (136 kg) capacity.
- 3) An access door from an upper floor level.

**Exceptions:**

- 1) The passageway and level service space are not required where the appliance can be serviced and removed through the required opening.
- 2) Where the passageway is unobstructed and not less than 6 feet (1829 mm) high and 22 inches (559 mm) wide for its entire length, the passageway shall be not more than 50 feet (15 250 mm) long.

## **CHAPTER 24. FUEL GAS**

The following additions to the 2012 International Residential Code adopted herein and hereby approved and adopted.

### **G2415 (404) Piping System Installation**

Piping System and Installation of the 2012 International Residential Code is amended as follows:

#### **G2415.12 (404.12) Minimum Burial Depth**

Underground *piping systems* shall be installed a minimum depth of ~~12~~ 18 inches (~~305 mm~~) (457 mm) below grade, except as provided for in Section G2415.12.1.

##### **G2415.12.1 (404.12.1) Individual Outside Appliances**

Individual lines to outside lights, grills or other *appliances* shall be installed a minimum of ~~8~~ 12 inches (~~203 mm~~) (305 mm) below finished grade, provided that such installation is *approved* and is installed in locations not susceptible to physical damage.

## **CHAPTER 25. PLUMBING ADMINISTRATION**

The following additions to the 2012 International Residential Code adopted herein and hereby approved and adopted.

### **P2503 Inspection and Tests**

Inspection and tests of the 2012 International Residential Code is amended as follows:

#### **P2503.8 Inspection and Testing of Backflow Prevention Devices**

Inspection and testing of backflow prevention devices shall comply with Sections P2503.8.1 and P2503.8.2.

##### **P2503.8.2 Testing**

Reduced pressure principle, double check, double check detector and pressure vacuum breaker backflow preventer assemblies shall be tested at the time of installation, immediately after repairs or relocation and at ~~least annually~~ regular intervals as required by the Town.

## CHAPTER 26. GENERAL PLUMBING REQUIREMENTS

The following additions to the 2012 International Residential Code adopted herein and hereby approved and adopted.

### P2603 Structural and Piping Protection

Structural and Piping Protection of the 2012 International Residential Code is amended as follows:

#### P2603.5 Freezing

Freezing of the 2012 International Residential Code is amended as follows:

##### P2503.5.1 Sewer Depth

*Building sewers* that connect to private sewage disposal systems shall be a not less than 12 inches (305 mm) below finished *grade* at the point of septic tank connection. *Building sewers* shall be not less than 12 inches (305 mm) below *grade*.

## CHAPTER 28. WATER HEATERS

The following additions to the 2012 International Residential Code adopted herein and hereby approved and adopted.

### P2803 Relief Valves

Relief Valves of the 2012 International Residential Code is amended as follows:

#### P2803.6 Installation of Relief Valves

Installation of Relief Valves of the 2012 International Residential Code is amended as follows:

##### P2803.6.1 Requirements for Discharge Pipe

10. Not terminate ~~more~~ less than 6 inches (152 mm) or more than 24 inches (610 mm) above the grade floor or ~~nor more than 6 inches (152 mm) above the~~ waste receptor.

## CHAPTER 29. WATER SUPPLY AND DISTRIBUTION

The following additions to the 2012 International Residential Code adopted herein and hereby approved and adopted.

### P2902 Protection of Potable Water Supply

Protection of Potable Water Supply of the 2012 International Residential Code is amended as follows:

#### P2902.5 Protection of Potable Water Connections

Protection of Potable Water Connections of the 2012 International Residential Code is amended as follows:

##### P2902.5.3 Lawn Irrigation Systems

The potable water supply to lawn irrigation systems shall be protected against backflow by an atmospheric-type vacuum breaker, a pressure-type vacuum breaker assembly, a double-check

assembly or a reduced pressure principle backflow prevention assembly. Valves shall not be installed downstream from an atmospheric vacuum breaker. Where chemicals are introduced into the system, the potable water supply shall be protected against backflow by a reduced pressure principle backflow prevention assembly.

### **P2903 Water-Supply System**

Water-Supply System of the 2012 International Residential Code is amended as follows:

#### **P2903.7 Size of Water-Service Mains, Branch Mains and Risers**

The internal diameter size of the water service line, including fittings, ~~pipe~~ shall not be less than 1 3/4 inch (25.4 19 mm) diameter. The size of water service mains, branch mains and risers shall be determined according to water supply demand [gpm (L/m)], available water pressure [psi (kPa)] and friction loss caused by the water meter and *developed length* of pipe [feet (m)], including *equivalent length* of fittings. The size of each water distribution system shall be determined according to design methods conforming to acceptable engineering practice, such as those methods in Appendix P and shall be *approved* by the code official.

## **CHAPTER 34. GENERAL REQUIREMENTS**

The following additions to the 2012 International Residential Code adopted herein and hereby approved and adopted.

### **E3406 Electrical Conductors and Connections**

Electrical Conductors and Connections of the 2012 International Residential Code is amended as follows:

#### **E3406.2 Conductor Material**

Conductors used to conduct current shall be of copper ~~except as otherwise~~ provided in Chapters 34 through 43. Where the conductor material is not specified, the material and the sizes given in these chapters shall apply to copper conductors. Where other materials are used, the conductor sizes shall be changed accordingly.

#### **E3406.3 Minimum Size of Conductors**

The minimum size of conductors for feeders and branch circuits shall be 12 14 AWG copper and 12 AWG aluminum. The minimum size of service conductors shall be as specified in Chapter 36. The minimum size of class 2 remote control, signaling and power-limited circuits conductors shall be as specified in Chapter 43.

## **CHAPTER 36. SERVICES**

The following additions to the 2012 International Residential Code adopted herein and hereby approved and adopted.

### **E3601 General Services**

General Services Ratings of the 2012 International Residential Code is amended as follows:

**E3601.2 Number of Services**

Property zoned one- and two-family dwellings shall be supplied by only one service. Additional service for an accessory use(s) shall only be installed with the prior approval of the Town.

**CHAPTER 37. BRANCH CIRCUIT FEEDER REQUIREMENTS**

The following additions to the 2012 International Residential Code adopted herein and hereby approved and adopted.

**E3702 Branch Circuit Ratings**

Branch Circuit Ratings of the 2012 International Residential Code is amended as follows:

**E3702.5 Branch Circuits Serving Multiple Loads or Outlets**

General-purpose branch circuits shall supply lighting outlets, appliances, equipment or receptacle outlets, and combinations of such. Multi-outlet branch circuits serving lighting or receptacles shall be limited to a maximum branch-circuit rating of 20 amperes. The maximum number of outlets connected to general purpose branch circuits shall be ten (10) for 15-amp circuits, and thirteen (13) for 20-amp circuits.

## End of Exhibit A

### ADOPTION AND SUMMARY OF AMENDMENTS

Ordinance Number	Date	Summary
15-xx		<ul style="list-style-type: none"> <li>• Added amendments to R191.1.1, R191.1.4, R301.2, R313.2, Chapter 11, Chapter 25, Chapter 26 and Chapter 28.</li> <li>• Removed amendments to Chapter 15 and Chapter 31.</li> <li>• Revised amendments to Chapter 24 and Chapter 29.</li> <li>• Chapter 34 was 33.</li> <li>• Chapter 36 was 35.</li> <li>• Chapter 37 was 36.</li> </ul>
14-07	June 26, 2014	<ul style="list-style-type: none"> <li>• Added Building Official Appointment</li> <li>• Added Inspection Protocol</li> <li>• Added authority to amend Building Application Handbook</li> <li>• Removed garage requirement.</li> <li>• Removed roof pitch requirement.</li> <li>• Removed driveway width requirement.</li> <li>• Updated driveway construction requirements.</li> <li>• Removed contractor registration; moved to handbook.</li> <li>• Removed construction guidelines; moved to handbook.</li> <li>• Removed building packet submission; moved to handbook.</li> </ul>
11-16	September 8, 2011	REPEALED
10-01	January 14, 2010	REPEALED

**TOWN OF LAKEWOOD VILLAGE  
ENERGY CONSERVATION CODE 15-xx**

**AN ORDINANCE TO ADOPT THE 2012 INTERNATIONAL  
ENERGY CONSERVATION CODE, WITHIN THE TOWN OF  
LAKEWOOD VILLAGE AND THE TOWN OF LAKEWOOD  
VILLAGE EXTRATERRITORIAL JURISDICTION;  
PROVIDING A SAVINGS/REPEALING CLAUSE, PROVIDING  
A PENALTY CLAUSE, PROVIDING A SEVERABILITY  
CLAUSE, PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, the Town Council of the Town of Lakewood Village, Texas (“Town Council”) has investigated and determined that it would be advantageous and beneficial to the citizens of the Town of Lakewood Village, Texas and the citizens inside the Town of Lakewood village Extraterritorial Jurisdiction (collectively “Lakewood Village”) to adopt the 2012 Edition of the International Energy Conservation Code, save and except the deletions and amendments set forth below.

**NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF LAKEWOOD VILLAGE, TEXAS, THAT:**

**Section 1: Findings**

The findings set forth above are incorporated into the body of this Ordinance as if fully set forth herein.

**Section 2: Adoption of the 2012 International Energy Conservation Code**

The International Energy Conservation Code, 2012 Edition, copyrighted by the International Code Council, Inc., save and except the deletions and amendments set forth in Exhibit "A", attached hereto and incorporated herein for all purposes, is hereby adopted as the Energy Conservation code for Lakewood Village, regulating the design of building and selection of mechanical, electrical, service water-heating and illumination systems and equipment which will enable effective use of energy in new building construction located within Lakewood Village (the "2012 International Energy Conservation Code"). The 2012 International Energy Conservation Code is made a part of this Ordinance as if fully set forth herein.

**Section 3: Repeal**

Energy Conservation Code 11-17 ordinance is hereby repealed in its entirety.

#### **Section 4: Penalty Clause**

##### **A. Violation**

A person who knowingly violates any provision of this chapter is guilty of separate offenses for each day during which the violation is continued. Neither allegation nor evidence of a culpable mental state is required for the proof of an offense defined by this ordinance.

##### **B. Fine**

Each offense is punishable by a fine of not more than two-thousand (\$2,000) nor less than two-hundred (\$200). The minimum fine established in this paragraph shall be doubled for the second conviction of the same offense within any 24-month period and tripled for the third and subsequent convictions of the same offense within any 24-month period. At no time shall the minimum fine exceed the maximum fine established in this paragraph.

#### **Section 5: Legal Rights**

The penal provision imposed under this Ordinance shall not preclude the Town of Lakewood Village from filing suit to enjoin the violation. The Town of Lakewood Village retains all legal rights and remedies available to it pursuant to local, state, and federal law.

#### **Section 6: Severability**

##### **A. Unconstitutional or Invalid Section**

Should any section, subsection, sentence, clause or phrase of this Ordinance be declared unconstitutional or invalid by a court of competent jurisdiction, it is expressly provided that any and all remaining portions of this Ordinance shall remain in full force and effect.

##### **B. Independent Sections**

The Town hereby declares that it would have passed this Ordinance, and each section, subsection, clause or phrase thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses and/or phrases be declared unconstitutional or invalid.

#### **Section 7: Estoppel / Waiver**

The failure of the Town to enforce any term or condition of this Ordinance shall not constitute a waiver or estoppel or any subsequent violation of this Ordinance.

**Section 8: Effective Date**

The amendments to this Ordinance shall become effective from and after its date of passage and publication as provided by law.

**PASSED AND APPROVED** by the Town Council of the Town of Lakewood Village, Texas this the xxth day of Xxxx, 2015.

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Mark Vargus  
Mayor

ATTEST:

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Linda Asbell  
Town Secretary, TMRC



## **Exhibit A**

**Town of Lakewood Village Amendments**

**2012 International Energy Conservation Code**



# **ENERGY CONSERVATION CODE**

**Adopted: Xxxx xx, 2015**

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## CHAPTER 1. SCOPE AND ADMINISTRATION

The following additions, deletions and amendments to the 2012 International Energy Conservation Code adopted herein and hereby adopted.

### C101 General

General of the 2012 International Energy Conservation Code is amended as follows:

#### C101.1 Title

These regulations shall be known as the *International Energy Conservation Code* of The Town of Lakewood Village hereinafter referred to as "this code."

### C106 Applicability

Applicability of the 2012 International Energy Conservation Code is amended as follows:

#### C106.1 Referenced Codes and Standards

The codes, when specifically adopted, and standards referenced in this code shall be those listed in Chapter 5, and such codes and standards shall be considered as part of the requirements of this code to the prescribed extent of each such reference and as further regulated in Sections C106.1.1 and C106.1.2. Whenever amendments have been adopted to the reference codes and standards, each reference to said code and standard shall be considered to reference the amendments as well. Any reference made to NFPA 70 or the ICC Electrical Code shall mean the Electrical Code as adopted.

#### Exception

Where enforcement of a code provision would violate the conditions of the *listing* of the *equipment* or *appliance*, the conditions of the *listing* and manufacturer's instructions shall apply.

### C107 Fees

Fees of the 2012 International Energy Conservation Code is amended as follows:

#### C107.2 Schedule of Permit Fees

The fees for all energy conservation work shall be as indicated in the Consolidated Fee Ordinance for the Town of Lakewood Village.

#### C107.3 Work Commencing Before Permit Issuance

Any person who commences any work before obtaining the necessary permits shall be subject to a penalty of 100% of the usual permit fee ~~an additional fee established by the code official, which shall be in addition to the required permit fees.~~

#### C107.5 Refunds

The code official shall authorize the refunding of fees as follows:

1. The full amount of any fee paid hereunder that was erroneously paid or collected.

2. Not more than 80 percent of the permit fee paid when no work has been done under a permit issued in accordance with this code.
3. Not more than 50 percent of the plan review fee paid when an application for a permit for which a plan review fee has been paid is withdrawn or canceled before any plan review effort has been expended.

The code official shall not authorize the refunding of any fee paid except upon written application filed by the original permittee not later than 180 days after the date of fee payment.

### **C108 Stop Work Order**

Stop Work Order of the 2012 International Energy Conservation Code is amended as follows:

#### **C108.4 Failure to Comply**

Any person who shall continue any work after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be guilty of separate offenses for each day during which the violation is continued. ~~liable to a fine of not less than [AMOUNT] dollars or more than [AMOUNT] dollars.~~

## **CHAPTER 2. DEFINITIONS**

The following additions, deletions and amendments to the 2012 International Energy Conservation Code adopted herein and hereby adopted.

### **C202 General Definitions**

**Glazing Area.** Total area of the glazed fenestration measured using the rough opening and including sash, curbing or other framing elements that enclose conditions space. Glazing area includes the area of glazed fenestration assemblies in walls bounding conditions basements. For doors where the daylight opening area is less than 50 percent of the door area. The glazing area is the daylight opening area for the door including the door and the frame.

## **CHAPTER 4. RESIDENTIAL ENERGY EFFICIENCY**

The following additions, deletions and amendments to the 2012 International Energy Conservation Code adopted herein and hereby adopted.

### **Table R402.1.1 Insulation and Fenestration Requirements by Component<sup>a</sup>**

WOOD FRAME WALL R-VALUE for CLIMATE ZONE 3 = 13

### **Table R402.1.3 Equivalent U-Factors**

WOOD FRAME WALL U-FACTOR for CLIMATE ZONE 3 = 0.082

### **R402.2 Specific Insulation Requirements (Prescriptive)**

In addition to the requirements of Section R402.1, insulation shall meet the specific requirements of Sections R402.2.1 through R402.2.12.

**Insulation Installed in Walls**

To ensure that insulation remains in place, insulation batts installed in walls shall be totally secured by an enclosure on all sides consisting of framing lumber, gypsum, sheathing, wood structural panel sheathing, netting or other equivalent material approved by the building official.

**End of Exhibit A****ADOPTION AND SUMMARY OF AMENDMENTS**

Ordinance Number	Date	Summary
15-xx		<ul style="list-style-type: none"><li>• Removed amendments to R304</li><li>• Removed amendments to Chapter 5</li><li>• Removed amendments to Chapter 6</li></ul>
11-17	April 14, 2011	REPEALED

**TOWN OF LAKEWOOD VILLAGE  
FUEL GAS CODE 15-xx**

**AN ORDINANCE TO ADOPT THE 2012 INTERNATIONAL FUEL GAS CODE, WITHIN THE TOWN OF LAKEWOOD VILLAGE AND THE TOWN OF LAKEWOOD VILLAGE EXTRATERRITORIAL JURISDICTION; PROVIDING A SAVINGS/REPEALING CLAUSE, PROVIDING A PENALTY CLAUSE, PROVIDING A SEVERABILITY CLAUSE, PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, the Town Council of the Town of Lakewood Village, Texas (“Town Council”) has investigated and determined that it would be advantageous and beneficial to the citizens of the Town of Lakewood Village, Texas and the citizens inside the Town of Lakewood village Extraterritorial Jurisdiction (collectively “Lakewood Village”) to adopt the 2012 Edition of the International Fuel Gas Code, save and except the deletions and amendments set forth below.

**NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF LAKEWOOD VILLAGE, TEXAS, THAT:**

**Section 1: Findings**

The findings set forth above are incorporated into the body of this Ordinance as if fully set forth herein.

**Section 2: Adoption of the 2012 International Fuel Gas Code**

The International Fuel Gas Code, 2012 Edition, copyrighted by the International Code Council, Inc., save and except the deletions and amendments set forth in Exhibit "A", attached hereto and incorporated herein for all purposes, is hereby adopted as the Fuel Gas code for Lakewood Village, regulating the erection, installation, alteration, repairs, relocation, replacement, addition to, use or maintenance of fuel gas systems within Lakewood Village (the "2012 International Fuel Gas Code"). The 2012 International Fuel Gas Code is made a part of this Ordinance as if fully set forth herein.

**Section 3: Repeal**

Fuel Gas Code 11-13 ordinance is hereby repealed in its entirety.



#### **Section 4: Penalty Clause**

##### **A. Violation**

A person who knowingly violates any provision of this chapter is guilty of separate offenses for each day during which the violation is continued. Neither allegation nor evidence of a culpable mental state is required for the proof of an offense defined by this ordinance.

##### **B. Fine**

Each offense is punishable by a fine of not more than two-thousand (\$2,000) nor less than two-hundred (\$200). The minimum fine established in this paragraph shall be doubled for the second conviction of the same offense within any 24-month period and tripled for the third and subsequent convictions of the same offense within any 24-month period. At no time shall the minimum fine exceed the maximum fine established in this paragraph.

#### **Section 5: Legal Rights**

The penal provision imposed under this Ordinance shall not preclude the Town of Lakewood Village from filing suit to enjoin the violation. The Town of Lakewood Village retains all legal rights and remedies available to it pursuant to local, state, and federal law.

#### **Section 6: Severability**

##### **A. Unconstitutional or Invalid Section**

Should any section, subsection, sentence, clause or phrase of this Ordinance be declared unconstitutional or invalid by a court of competent jurisdiction, it is expressly provided that any and all remaining portions of this Ordinance shall remain in full force and effect.

##### **B. Independent Sections**

The Town hereby declares that it would have passed this Ordinance, and each section, subsection, clause or phrase thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses and/or phrases be declared unconstitutional or invalid.

#### **Section 7: Estoppel / Waiver**

The failure of the Town to enforce any term or condition of this Ordinance shall not constitute a waiver or estoppel or any subsequent violation of this Ordinance.

**Section 8: Effective Date**

The amendments to this Ordinance shall become effective from and after its date of passage and publication as provided by law.

**PASSED AND APPROVED** by the Town Council of the Town of Lakewood Village, Texas this the xxth day of Xxxx, 2015.

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Mark Vargus  
Mayor

ATTEST:

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Linda Asbell  
Town Secretary, TMRC

## **Exhibit A**

**Town of Lakewood Village Amendments**

**2012 International Fuel Gas Code**



## **FUEL GAS CODE**

**Adopted: Xxxx xx, 2015**

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## CHAPTER 1. SCOPE AND APPLICATION

The following additions, deletions and amendments to the 2012 International Fuel Gas Code adopted herein and hereby approved and adopted.

### [A] 101 General

General of the 2012 International Fuel Gas Code is amended as follows:

#### [A] 101.1 Title

These regulations shall be known as the *International Fuel Gas Code* of The Town of Lakewood Village hereinafter referred to as "this code."

### [A] 102 Applicability

Applicability of the 2012 International Fuel Gas Code is amended as follows:

#### [A] 102.8 Referenced Codes and Standards

The codes and standards referenced in this code shall be those that are listed in Chapter 8 and such codes, when specifically adopted, and standards shall be considered as part of the requirements of this code to the prescribed extent of each such reference. ~~and as further regulated in Sections 102.8.1 and 102.8.2.~~ Where the differences occur between provisions of this code and the referenced standards, the provisions of this code shall be the minimum requirements. Whenever amendments have been adopted to the referenced codes and standards, each reference to said code and standard shall be considered to reference the amendments as well. Any reference to NFPA 70 or the ICC Electrical Code shall mean the Electrical Code as adopted.

#### Exception

Where enforcement of a code provision would violate the conditions of the *listing* of the *equipment* or *appliance*, the conditions of the *listing* and manufacturer's instructions shall apply.

### [A] 106 Permits

Permits of the 2012 International Fuel Gas Code is amended as follows:

#### [A] 106.3 Application for Permit

Application for Permit of the 2012 International Fuel Gas Code is amended as follows:

##### [A] 106.3.2 Time Limitation of Application

An application for a permit for any proposed work shall be deemed to have been abandoned ~~180~~ 90 days after the date of filing, unless such application has been pursued in good faith or a permit has been issued; except that the code official shall have the authority to grant one or more extensions of time for additional periods not exceeding ~~180~~ 90 days each. The extension shall be requested in writing and justifiable cause demonstrated.

**[A] 106.5 Permit Issuance**

Permit Issuance of the 2012 International Fuel Gas Code is amended as follows:

**[A] 106.5.3 Expiration**

Every permit issued ~~by the code official under the provisions of this code shall expire by limitation and shall become null and void if~~ invalid unless the work authorized by such permit is ~~not~~ commenced within 180 days ~~from the date of such permit after the issuance,~~ or if the work authorized by such permit is suspended, ~~or abandoned or at any time after the work is commenced~~ lacks any required inspection for a period of 180 days after the time the work is commenced. ~~Before such work can be recommenced, a new permit shall be first obtained and the fee therefor shall be one half the amount required for a new permit for such work, provided no changes have been made or will be made in the original construction documents for such work, and provided further that such suspension or abandonment has not exceeded 1 year. The Code Official is authorized to grant, in writing, one or more extensions of time, for periods not more than 180 days each. The extension shall be requested in writing and justifiable cause demonstrated.~~

**[A] 106.6 Fees**

Fees Issuance of the 2012 International Fuel Gas Code is amended as follows:

**[A] 106.6.2 Fee Schedule**

The fees for all fuel gas work shall be as indicated in the Consolidated Fee Ordinance for the Town of Lakewood Village.

**[A] 106.6.3 Fee Refunds**

The code official shall authorize the refunding of fees as follows:

1. The full amount of any fee paid hereunder that was erroneously paid or collected.
2. Not more than 80 percent of the permit fee paid when no work has been done under a permit issued in accordance with this code.
3. Not more than 50 percent of the plan review fee paid when an application for a permit for which a plan review fee has been paid is withdrawn or canceled before any plan review effort has been expended.

The code official shall not authorize the refunding of any fee paid except upon written application filed by the original permittee not later than 180 days after the date of fee payment.

**[A] 108 Violations**

Violations of the 2012 International Fuel Gas Code is amended as follows:

**[A] 108.4 Violation Penalties**

Any person who shall violate a provision of this code or shall fail to comply with any of the requirements thereof or who shall erect, install, alter or repair plumbing work in violation of the

*approved* construction documents or directive of the code official, or of a permit or certificate issued under the provisions of this code, shall be guilty of separate offenses for each day during which the violation is continued. ~~of a [SPECIFY OFFENSE], punishable by a fine of not more than [AMOUNT] dollars or by imprisonment not exceeding [NUMBER OF DAYS], or both such fine and imprisonment. Each day that a violation continues after due notice has been served shall be deemed a separate offense.~~

#### **[A] 108.5 Stop Work Orders**

Upon notice from the code official, work on any fuel gas system that is being done contrary to the provisions of this code or in a dangerous or unsafe manner shall immediately cease. Such notice shall be in writing and shall be given to the owner of the property, or to the owner's agent, or to the person doing the work. The notice shall state the conditions under which work is authorized to resume. Where an emergency exists, the code official shall not be required to give a written notice prior to stopping the work. Any person who shall continue any work in or about the structure after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be liable to a fine as required herein by this code. ~~of not less than [AMOUNT] dollars or more than [AMOUNT] dollars.~~

### **CHAPTER 3. GENERAL REGULATIONS**

The following additions, deletions and amendments to the 2012 International Fuel Gas Code adopted herein and hereby approved and adopted.

#### **306 Access and Service Space**

Appliances in Attics of the 2012 International Fuel Gas Code is amended as follows:

##### **306.3 Appliances in the Attic**

Attics containing appliances shall be provided with an opening and unobstructed passageway large enough to allow removal of the largest *appliance*. The passageway shall not be less than 30 inches (762 mm) high and 22 inches (559 mm) wide and not more than 20 feet (6096 mm) in length measured along the centerline of the passageway from the opening to the *appliance*. The passageway shall have continuous unobstructed solid flooring not less than 24 inches (610 mm) wide. A level service space not less than 30 inches (762 mm) deep and 30 inches (762 mm) wide shall be present at the front or service side of the *appliance*. The clear *access* opening dimensions shall be a minimum of 20 inches by 30 inches (508 mm by 762 mm), or larger and large enough to allow removal of the largest *appliance*. As a minimum, access to the attic spaces shall be provided by one of the following:

1. Permanent stairs or ladder fastened to the building
2. A pull down stair with a 300 lb. rating
3. An access door from an upper floor.

**Exceptions:**



1. The passageway and level service space are not required where the *appliance* is capable of being serviced and removed through the required opening.
2. Where the passageway is unobstructed and not less than 6 feet (1829 mm) high and 22 inches (559 mm) wide for its entire length, the passageway shall be not greater than 50 feet (15 250 mm) in length.

#### CHAPTER 4. GAS PIPING INSTALLATIONS

The following additions, deletions and amendments to the 2012 International Fuel Gas Code adopted herein and hereby approved and adopted.

##### 404 Piping System and Installation

Installation of the 2012 International Fuel Gas Code is amended as follows:

##### 404.12 Minimal Burial Depth

All underground *piping* systems shall be installed a minimum depth of ~~12~~ 18 inches (~~305~~ 457 mm) below grade, except as provided for in Section 404.12.1.

##### 404.12 Minimal Burial Depth

Individual lines to outside lights, grills or other *appliances* shall be installed a minimum of ~~8~~ 12 inches (~~203~~ 305 mm) below finished grade, provided that such installation is *approved* and is installed in locations not susceptible to physical damage.



## **End of Exhibit A**

### **ADOPTION AND SUMMARY OF AMENDMENTS**

Ordinance Number	Date	Summary
15-xx		<ul style="list-style-type: none"><li>• Removed amendments to section R305</li><li>• Added amendments to Chapter 4</li><li>• Removed amendments to Chapter 6</li></ul>
11-13	April 14, 2011	REPEALED

**TOWN OF LAKEWOOD VILLAGE  
MECHANICAL CODE 15-xx**

**AN ORDINANCE TO ADOPT THE 2012 INTERNATIONAL  
MECHANICAL CODE, WITHIN THE TOWN OF LAKEWOOD  
VILLAGE AND THE TOWN OF LAKEWOOD VILLAGE  
EXTRATERRITORIAL JURISDICTION; PROVIDING A  
SAVINGS/REPEALING CLAUSE, PROVIDING A PENALTY  
CLAUSE, PROVIDING A SEVERABILITY CLAUSE,  
PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, the Town Council of the Town of Lakewood Village, Texas (“Town Council”) has investigated and determined that it would be advantageous and beneficial to the citizens of the Town of Lakewood Village, Texas and the citizens inside the Town of Lakewood village Extraterritorial Jurisdiction (collectively “Lakewood Village”) to adopt the 2012 Edition of the International Mechanical Code, save and except the deletions and amendments set forth below.

**NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF LAKEWOOD VILLAGE, TEXAS, THAT:**

**Section 1: Findings**

The findings set forth above are incorporated into the body of this Ordinance as if fully set forth herein.

**Section 2: Adoption of the 2012 International Mechanical Code**

The International Mechanical Code, 2012 Edition, copyrighted by the International Code Council, Inc., save and except the deletions and amendments set forth in Exhibit "A", attached hereto and incorporated herein for all purposes, is hereby adopted as the Mechanical code for Lakewood Village, regulating the erection, installation, alteration, repairs, relocation, replacement, addition to, use or maintenance of mechanical systems within Lakewood Village (the "2012 International Mechanical Code"). The 2012 International Mechanical Code is made a part of this Ordinance as if fully set forth herein.

**Section 3: Repeal**

Mechanical Code 11-04 ordinance is hereby repealed in its entirety.

#### **Section 4: Penalty Clause**

##### **A. Violation**

A person who knowingly violates any provision of this chapter is guilty of separate offenses for each day during which the violation is continued. Neither allegation nor evidence of a culpable mental state is required for the proof of an offense defined by this ordinance.

##### **B. Fine**

Each offense is punishable by a fine of not more than two-thousand (\$2,000) nor less than two-hundred (\$200). The minimum fine established in this paragraph shall be doubled for the second conviction of the same offense within any 24-month period and tripled for the third and subsequent convictions of the same offense within any 24-month period. At no time shall the minimum fine exceed the maximum fine established in this paragraph.

#### **Section 5: Legal Rights**

The penal provision imposed under this Ordinance shall not preclude the Town of Lakewood Village from filing suit to enjoin the violation. The Town of Lakewood Village retains all legal rights and remedies available to it pursuant to local, state, and federal law.

#### **Section 6: Severability**

##### **A. Unconstitutional or Invalid Section**

Should any section, subsection, sentence, clause or phrase of this Ordinance be declared unconstitutional or invalid by a court of competent jurisdiction, it is expressly provided that any and all remaining portions of this Ordinance shall remain in full force and effect.

##### **B. Independent Sections**

The Town hereby declares that it would have passed this Ordinance, and each section, subsection, clause or phrase thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses and/or phrases be declared unconstitutional or invalid.

#### **Section 7: Estoppel / Waiver**

The failure of the Town to enforce any term or condition of this Ordinance shall not constitute a waiver or estoppel or any subsequent violation of this Ordinance.

**Section 8: Effective Date**

The amendments to this Ordinance shall become effective from and after its date of passage and publication as provided by law.

**PASSED AND APPROVED** by the Town Council of the Town of Lakewood Village, Texas this the xxth day of Xxxx, 2015.

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Mark Vargus  
Mayor

ATTEST:

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Linda Asbell  
Town Secretary, TMRC

## **Exhibit A**

**Town of Lakewood Village Amendments**

**2012 International Mechanical Code**



## **MECHANICAL CODE**

**Adopted: Xxxx xx, 2015**

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## CHAPTER 1. SCOPE AND APPLICATION

The following additions, deletions and amendments to the 2012 International Mechanical Code adopted herein and hereby approved and adopted.

### [A] 101 General

General of the 2012 International Mechanical Code is amended as follows:

#### [A] 101.1 Title

These regulations shall be known as the *International Mechanical Code* of The Town of Lakewood Village hereinafter referred to as "this code."

### [A] 102 Applicability

Applicability of the 2012 International Mechanical Code is amended as follows:

#### [A] 102.8 Referenced Codes and Standards

The codes and standards referenced in this code shall be those that are listed in Chapter 8 and such codes, when specifically adopted, and standards shall be considered as part of the requirements of this code to the prescribed extent of each such reference. ~~and as further regulated in Sections 102.8.1 and 102.8.2.~~ Where the differences occur between provisions of this code and the referenced standards, the provisions of this code shall be the minimum requirements. Whenever amendments have been adopted to the referenced codes and standards, each reference to said code and standard shall be considered to reference the amendments as well. Any reference to NFPA 70 or the ICC Electrical Code shall mean the Electrical Code as adopted.

#### Exception

Where enforcement of a code provision would violate the conditions of the *listing* of the *equipment* or *appliance*, the conditions of the *listing* and manufacturer's instructions shall apply.

### [A] 106 Permits

Permits of the 2012 International Mechanical Code is amended as follows:

#### [A] 106.3 Application for Permit

Application for Permit of the 2012 International Mechanical Code is amended as follows:

##### [A] 106.3.2 Time Limitation of Application

An application for a permit for any proposed work shall be deemed to have been abandoned ~~180~~ 90 days after the date of filing, unless such application has been pursued in good faith or a permit has been issued; except that the code official shall have the authority to grant one or more extensions of time for additional periods not exceeding ~~180~~ 90 days each. The extension shall be requested in writing and justifiable cause demonstrated.

**[A] 106.5 Permit Issuance**

Permit Issuance of the 2012 International Mechanical Code is amended as follows:

**[A] 106.5.3 Expiration**

Every permit issued ~~by the code official under the provisions of this code shall expire by limitation and shall become null and void if~~ invalid unless the work authorized by such permit is ~~not~~ commenced within 180 days ~~from the date of such permit after the issuance,~~ or if the work authorized by such permit is suspended, ~~or abandoned or at any time after the work is commenced~~ lacks any required inspection for a period of 180 days after the time the work is commenced. ~~Before such work can be recommenced, a new permit shall be first obtained and the fee therefor shall be one half the amount required for a new permit for such work, provided no changes have been made or will be made in the original construction documents for such work, and provided further that such suspension or abandonment has not exceeded 1 year. The Code Official is authorized to grant, in writing, one or more extensions of time, for periods not more than 180 days each. The extension shall be requested in writing and justifiable cause demonstrated.~~

**[A] 106.6 Fees**

Fees Issuance of the 2012 International Mechanical Code is amended as follows:

**[A] 106.6.2 Fee Schedule**

The fees for all mechanical work shall be as indicated in the Consolidated Fee Ordinance for the Town of Lakewood Village.

**[A] 106.6.3 Fee Refunds**

The code official shall authorize the refunding of fees as follows:

1. The full amount of any fee paid hereunder that was erroneously paid or collected.
2. Not more than 80 percent of the permit fee paid when no work has been done under a permit issued in accordance with this code.
3. Not more than 50 percent of the plan review fee paid when an application for a permit for which a plan review fee has been paid is withdrawn or canceled before any plan review effort has been expended.

The code official shall not authorize the refunding of any fee paid except upon written application filed by the original permittee not later than 180 days after the date of fee payment.

**[A] 108 Violations**

Violations of the 2012 International Mechanical Code is amended as follows:

**[A] 108.4 Violation Penalties**

Any person who shall violate a provision of this code or shall fail to comply with any of the requirements thereof or who shall erect, install, alter or repair plumbing work in violation of the

*approved* construction documents or directive of the code official, or of a permit or certificate issued under the provisions of this code, shall be guilty of separate offenses for each day during which the violation is continued. ~~of a [SPECIFY OFFENSE], punishable by a fine of not more than [AMOUNT] dollars or by imprisonment not exceeding [NUMBER OF DAYS], or both such fine and imprisonment. Each day that a violation continues after due notice has been served shall be deemed a separate offense.~~

#### **[A] 108.5 Stop Work Orders**

Upon notice from the code official, work on any mechanical system that is being done contrary to the provisions of this code or in a dangerous or unsafe manner shall immediately cease. Such notice shall be in writing and shall be given to the owner of the property, or to the owner's agent, or to the person doing the work. The notice shall state the conditions under which work is authorized to resume. Where an emergency exists, the code official shall not be required to give a written notice prior to stopping the work. Any person who shall continue any work in or about the structure after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be liable to a fine as required herein by this code. ~~of not less than [AMOUNT] dollars or more than [AMOUNT] dollars.~~

### **CHAPTER 3. GENERAL REGULATIONS**

The following additions, deletions and amendments to the 2012 International Mechanical Code adopted herein and hereby approved and adopted.

#### **306 Access and Service Space**

Appliances in Attics of the 2012 International Mechanical Code is amended as follows:

##### **306.3 Appliances in the Attic**

Attics containing appliances shall be provided with an opening and unobstructed passageway large enough to allow removal of the largest *appliance*. The passageway shall not be less than 30 inches (762 mm) high and 22 inches (559 mm) wide and not more than 20 feet (6096 mm) in length measured along the centerline of the passageway from the opening to the *appliance*. The passageway shall have continuous unobstructed solid flooring not less than 24 inches (610 mm) wide. A level service space not less than 30 inches (762 mm) deep and 30 inches (762 mm) wide shall be present at the front or service side of the *appliance*. The clear *access* opening dimensions shall be a minimum of 20 inches by 30 inches (508 mm by 762 mm), or larger and large enough to allow removal of the largest *appliance*. As a minimum, access to the attic spaces shall be provided by one of the following:

1. Permanent stairs or ladder fastened to the building
2. A pull down stair with a 300 lb. rating
3. An access door from an upper floor.

**Exceptions:**

1. The passageway and level service space are not required where the *appliance* is capable of being serviced and removed through the required opening.
2. Where the passageway is unobstructed and not less than 6 feet (1829 mm) high and 22 inches (559 mm) wide for its entire length, the passageway shall be not greater than 50 feet (15 250 mm) in length.



## **End of Exhibit A**

### **ADOPTION AND SUMMARY OF AMENDMENTS**

Ordinance Number	Date	Summary
15-xx		<ul style="list-style-type: none"><li>• Removed amendments to [A] 304</li><li>• Removed amendments to Chapter 5</li><li>• Removed amendments to Chapter 6</li></ul>
11-04	May 12, 2011	REPEALED

**TOWN OF LAKEWOOD VILLAGE  
PLUMBING CODE 15-xx**

**AN ORDINANCE TO ADOPT THE 2012 INTERNATIONAL  
PLUMBING CODE, WITHIN THE TOWN OF LAKEWOOD  
VILLAGE AND THE TOWN OF LAKEWOOD VILLAGE  
EXTRATERRITORIAL JURISDICTION; PROVIDING A  
SAVINGS/REPEALING CLAUSE, PROVIDING A PENALTY  
CLAUSE, PROVIDING A SEVERABILITY CLAUSE,  
PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, the Town Council of the Town of Lakewood Village, Texas (“Town Council”) has investigated and determined that it would be advantageous and beneficial to the citizens of the Town of Lakewood Village, Texas and the citizens inside the Town of Lakewood village Extraterritorial Jurisdiction (collectively “Lakewood Village”) to adopt the 2012 Edition of the International Plumbing Code, save and except the deletions and amendments set forth below.

**NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF LAKEWOOD VILLAGE, TEXAS, THAT:**

**Section 1: Findings**

The findings set forth above are incorporated into the body of this Ordinance as if fully set forth herein.

**Section 2: Adoption of the 2012 International Plumbing Code**

The International Plumbing Code, 2012 Edition, copyrighted by the International Code Council, Inc., save and except the deletions and amendments set forth in Exhibit "A", attached hereto and incorporated herein for all purposes, is hereby adopted as the Plumbing code for Lakewood Village, regulating the erection, installation, alteration, repairs, relocation, replacement, addition to, use or maintenance of plumbing systems within Lakewood Village (the "2012 International Plumbing Code"). The 2012 International Plumbing Code is made a part of this Ordinance as if fully set forth herein.

**Section 3: Repeal**

Plumbing Code 11-09 ordinance is hereby repealed in its entirety.

#### **Section 4: Penalty Clause**

##### **A. Violation**

A person who knowingly violates any provision of this chapter is guilty of separate offenses for each day during which the violation is continued. Neither allegation nor evidence of a culpable mental state is required for the proof of an offense defined by this ordinance.

##### **B. Fine**

Each offense is punishable by a fine of not more than two-thousand (\$2,000) nor less than two-hundred (\$200). The minimum fine established in this paragraph shall be doubled for the second conviction of the same offense within any 24-month period and tripled for the third and subsequent convictions of the same offense within any 24-month period. At no time shall the minimum fine exceed the maximum fine established in this paragraph.

#### **Section 5: Legal Rights**

The penal provision imposed under this Ordinance shall not preclude the Town of Lakewood Village from filing suit to enjoin the violation. The Town of Lakewood Village retains all legal rights and remedies available to it pursuant to local, state, and federal law.

#### **Section 6: Severability**

##### **A. Unconstitutional or Invalid Section**

Should any section, subsection, sentence, clause or phrase of this Ordinance be declared unconstitutional or invalid by a court of competent jurisdiction, it is expressly provided that any and all remaining portions of this Ordinance shall remain in full force and effect.

##### **B. Independent Sections**

The Town hereby declares that it would have passed this Ordinance, and each section, subsection, clause or phrase thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses and/or phrases be declared unconstitutional or invalid.

#### **Section 7: Estoppel / Waiver**

The failure of the Town to enforce any term or condition of this Ordinance shall not constitute a waiver or estoppel or any subsequent violation of this Ordinance.

**Section 8: Effective Date**

The amendments to this Ordinance shall become effective from and after its date of passage and publication as provided by law.

**PASSED AND APPROVED** by the Town Council of the Town of Lakewood Village, Texas this the xxth day of Xxxx, 2015.

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Mark Vargus  
Mayor

ATTEST:

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Linda Asbell  
Town Secretary, TMRC



## **Exhibit A**

**Town of Lakewood Village Amendments**

**2012 International Plumbing Code**



## **PLUMBING CODE**

**Adopted: Xxxx xx, 2015**

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## CHAPTER 1. SCOPE AND APPLICATION

The following additions, deletions and amendments to the 2012 International Plumbing Code adopted herein and hereby approved and adopted.

### [A] 101 General

General of the 2012 International Plumbing Code is amended as follows:

#### [A] 101.1 Title

These regulations shall be known as the *International Plumbing Code* of The Town of Lakewood Village hereinafter referred to as "this code."

### [A] 102 Applicability

Applicability of the 2012 International Plumbing Code is amended as follows:

#### [A] 102.8 Referenced Codes and Standards

The codes and standards referenced in this code shall be those that are listed in Chapter 14 and such codes, when specifically adopted, and standards shall be considered as part of the requirements of this code to the prescribed extent of each such reference. ~~and as further regulated in Sections 102.8.1 and 102.8.2.~~ Where the differences occur between provisions of this code and the referenced standards, the provisions of this code shall be the minimum requirements. Whenever amendments have been adopted to the referenced codes and standards, each reference to said code and standard shall be considered to reference the amendments as well. Any reference to NFPA 70 or the ICC Electrical Code shall mean the Electrical Code as adopted.

#### Exception

Where enforcement of a code provision would violate the conditions of the *listing* of the *equipment* or *appliance*, the conditions of the *listing* and manufacturer's instructions shall apply.

### [A] 106 Permits

Permits of the 2012 International Plumbing Code is amended as follows:

#### [A] 106.3 Application for Permit

Application for Permit of the 2012 International Plumbing Code is amended as follows:

##### [A] 106.3.3 Time Limitation of Application

An application for a permit for any proposed work shall be deemed to have been abandoned ~~180~~ 90 days after the date of filing, unless such application has been pursued in good faith or a permit has been issued; except that the code official shall have the authority to grant one or more extensions of time for additional periods not exceeding ~~180~~ 90 days each. The extension shall be requested in writing and justifiable cause demonstrated.

**[A] 106.5 Permit Issuance**

Permit Issuance of the 2012 International Plumbing Code is amended as follows:

**[A] 106.5.3 Expiration**

Every permit issued ~~by the code official under the provisions of this code shall expire by limitation and shall become null and void if~~ invalid unless the work authorized by such permit is ~~not~~ commenced within 180 days ~~from the date of such permit after the issuance,~~ or if the work authorized by such permit is suspended, ~~or abandoned or at any time after the work is commenced~~ lacks any required inspection for a period of 180 days after the time the work is commenced. ~~Before such work can be recommenced, a new permit shall be first obtained and the fee therefor shall be one half the amount required for a new permit for such work, provided no changes have been made or will be made in the original construction documents for such work, and provided further that such suspension or abandonment has not exceeded 1 year. The Code Official is authorized to grant, in writing, one or more extensions of time, for periods not more than 180 days each. The extension shall be requested in writing and justifiable cause demonstrated.~~

**[A] 106.6 Fees**

Fees Issuance of the 2012 International Plumbing Code is amended as follows:

**[A] 106.6.2 Fee Schedule**

The fees for all plumbing work shall be as indicated in the Consolidated Fee Ordinance for the Town of Lakewood Village.

**[A] 106.6.3 Fee Refunds**

The code official shall authorize the refunding of fees as follows:

1. The full amount of any fee paid hereunder that was erroneously paid or collected.
2. Not more than 80 percent of the permit fee paid when no work has been done under a permit issued in accordance with this code.
3. Not more than 50 percent of the plan review fee paid when an application for a permit for which a plan review fee has been paid is withdrawn or canceled before any plan review effort has been expended.

The code official shall not authorize the refunding of any fee paid except upon written application filed by the original permittee not later than 180 days after the date of fee payment.

**[A] 108 Violations**

Violations of the 2012 International Plumbing Code is amended as follows:

**[A] 108.4 Violation Penalties**

Any person who shall violate a provision of this code or shall fail to comply with any of the requirements thereof or who shall erect, install, alter or repair plumbing work in violation of the

*approved* construction documents or directive of the code official, or of a permit or certificate issued under the provisions of this code, shall be guilty of separate offenses for each day during which the violation is continued. ~~of a [SPECIFY OFFENSE], punishable by a fine of not more than [AMOUNT] dollars or by imprisonment not exceeding [NUMBER OF DAYS], or both such fine and imprisonment. Each day that a violation continues after due notice has been served shall be deemed a separate offense.~~

#### **[A] 108.5 Stop Work Orders**

Upon notice from the code official, work on any plumbing system that is being done contrary to the provisions of this code or in a dangerous or unsafe manner shall immediately cease. Such notice shall be in writing and shall be given to the owner of the property, or to the owner's agent, or to the person doing the work. The notice shall state the conditions under which work is authorized to resume. Where an emergency exists, the code official shall not be required to give a written notice prior to stopping the work. Any person who shall continue any work in or about the structure after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be liable to a fine as required herein by this code. ~~of not less than [AMOUNT] dollars or more than [AMOUNT] dollars.~~

### **CHAPTER 3. GENERAL REGULATIONS**

The following additions, deletions and amendments to the 2012 International Plumbing Code adopted herein and hereby approved and adopted.

#### **305 Protection of Pipes and Plumbing System Components**

Protection of Pipes and Plumbing System Components of the 2012 International Plumbing Code is amended as follows:

##### **305.4 Freezing**

Freezing of the 2012 International Plumbing Code is amended as follows:

##### **305.4.1 Sewer Depth**

Building sewers that connect to private sewage disposal systems shall be installed not less than 12 inches (305 mm) below finished grade at the point of septic tank connection. Building sewers shall be installed not less than 12 inches (305 mm) below grade.

#### **312 Tests and Inspections**

Tests and Inspections of the 2012 International Plumbing Code is amended as follows:

##### **312.10 Inspection and Testing of Backflow Prevention Assemblies**

Inspection and Testing of Backflow Prevention Assemblies of the 2012 International Plumbing Code is amended as follows:

### **312.10.1 Inspections**

~~Annual~~ Inspections shall be made of all backflow prevention assemblies and air gaps, as required by the Town, to determine whether they are operable.

### **312.10.2 Testing**

Reduced pressure principle, double check valve, pressure vacuum breaker, reduced pressure detector fire protection, double check detector fire protection, and spill-resistant vacuum breaker backflow preventer assemblies and hose connection backflow preventers shall be tested at the time of installation, immediately after repairs or relocation as required by the Town. ~~and at least annually~~. The testing procedure shall be performed in accordance with one of the following standards: ASSE 5013, ASSE 5015, ASSE 5020, ASSE 5047, ASSE 5048, ASSE 5052, ASSE 5056, CSA B64.10 or CSA B64.10.1.

## **CHAPTER 5. WATER HEATERS**

The following additions, deletions and amendments to the 2012 International Plumbing Code adopted herein and hereby approved and adopted.

### **502 Installation**

Installation of the 2012 International Plumbing Code is amended as follows:

#### **502.3 Water Heaters Installed in Attics**

Attics containing a water heater shall be provided with an opening and unobstructed passageway large enough to allow removal of the water heater. The passageway shall be not less than 30 inches (762 mm) in height and 22 inches (559 mm) in width and not more than 20 feet (6096 mm) in length when measured along the centerline of the passageway from the opening to the water heater. The passageway shall have continuous unobstructed solid flooring not less than 24 inches (610 mm) in width. A level service space not less than 30 inches (762 mm) in length and 30 inches (762 mm) in width shall be present at the front or service side of the water heater. The clear access opening dimensions shall be not less than 20 inches by 30 inches (508 mm by 762 mm) where such dimensions are large enough to allow removal of the water heater. As a minimum, access to the attic space shall be provided by one of the following:

1. Permanent stairs or ladder fastened to the building
2. A pull down stair with a 300 lb. rating
3. An access door from an upper floor.

### **504 Safety Devices**

Safety Devices of the 2012 International Plumbing Code is amended as follows:

#### **504.6 Requirements for Discharge Piping**

Item number 10 of the International Plumbing Code is amended as follows:



10. Not terminate more than 6 inches (152 mm) or more than 24 inches (610 mm) above grade nor more than 6 inches (152 mm) above the floor or waste receptor.

## CHAPTER 6. WATER SUPPLY AND DISTRIBUTION

The following additions, deletions and amendments to the 2012 International Plumbing Code adopted herein and hereby approved and adopted.

### 603 Water Service

Installation of the 2012 International Plumbing Code is amended as follows:

#### 603.1 Size of Water Service Pipe

The water service line ~~pipe~~ shall be sized to supply water to the structure in the quantities and at the pressures required in this code. The internal diameter of the water service line, including fittings, ~~pipe~~ shall not be less than 1  $\frac{3}{4}$  inch (25.4 mm) ~~19.1 mm), in diameter.~~

## CHAPTER 9. VENTS

The following additions, deletions and amendments to the 2012 International Plumbing Code adopted herein and hereby approved and adopted.

### 903 Vent Terminals

Vent Terminals of the 2012 International Plumbing Code is amended as follows:

#### 903.1 Roof Extension

Open vent pipes that extend through a roof shall be terminated not less than 6 inches (152 mm) above the roof, except that where a roof is to be used for any purpose other than weather protection, the vent extensions shall terminate not less than 7 feet (2134 mm) above the roof.

**End of Exhibit A****ADOPTION AND SUMMARY OF AMENDMENTS**

Ordinance Number	Date	Summary
15-xx		<ul style="list-style-type: none"><li>• Added amendments to R108.4 and R108.5</li><li>• Added amendments to Chapter 3</li><li>• Added amendments to Chapter 6</li><li>• Added amendments to Chapter 5</li><li>• Added amendments to 903.1</li><li>• Removed amendments to 917.3</li></ul>
11-09	May 12, 2011	REPEALED