

**CITY OF HIGHLAND HAVEN**  
**ORDINANCE #020 (REVISION #23)**

**February 16, 2015**

**AN ORDINANCE OF THE CITY OF HIGHLAND HAVEN, TEXAS, ESTABLISHING REQUIREMENTS FOR SURVEYS, BUILDING PLACEMENT, INSPECTION, CONTRACTOR LICENSE REQUIREMENTS, SPECIAL BUILDING RESTRICTIONS, PERMIT REQUIREMENTS, FEES, PENALTY FOR VIOLATION, VARIANCE PROCEDURE AND PROVIDING AN EFFECTIVE DATE.**

**Whereas**, The Board of Aldermen of the City of Highland Haven, Texas finds it necessary to revise Ordinance #020 by adopting regulations to preserve and safeguard the public health, safety and general welfare of the citizens of Highland Haven by protecting the high environmental quality of life in the City of Highland Haven; by reducing the risks of fire, flooding and dangerous or obnoxious conditions; by providing adequate light and air; and by providing minimum standards to safeguard the persons and properties within the City of Highland Haven

**Whereas**, Revision #5 will allow for the deletion of 50 lb. LPG restriction and will allow current propane tanks to be maintained; and propane tanks for any and all future single family residences to be allowed.

**Whereas**, Revision #6 will establish a waiting period for approval of all new residence construction and approval by one member of the Zoning commission and two Aldermen.

**Whereas**, Revision #7 will change dates in Section 2, Codes. And will also add garage door specifications, Section 5, Item (N).

**Whereas**, Revision #8 will add item (o) on Page 3 and on Page 4 will add SEE FEE SCHEDULE and delete item #1 thru 7 but #8 will remain as is.

**Whereas**, Revision #9 will add item (P) Landscaping and will amend Page 2, section 5, Item F to add a propane clause.

**Whereas**, Revision #10 will modify Section 5(I) to require bolting of all sole plates to the slab and exempting steel frame buildings from the requirement to use pressurized lumber for sole plates, and modifying Section 5(M) to require submission of proof of termite treatment to the City prior to issuance of a Certificate of Occupancy.

**Whereas**, Revision #11 the City will adopt the 2000 International Residential Building Code. And the City will have the authority to impose penalties for Ordinance violations under Texas Local Government Code 54.001.

**Whereas**, Revision #12 will permit portable propane bottles for gas fireplaces.

**Whereas**, Revision #13 will revise the building permit requirements and water well requirements.

**Whereas**, Revision #14 will revise the location requirements for water wells.

**Whereas**, Revision #15 will clarify code requirements, clarify gas fireplace tank requirements, update fresh water pipe material requirements, modify permit requirements, add working hours limits and correct typographical errors.

**Whereas**, Revision #16 will clarify requirements for building permits, correct typos and formatting, add U.S. Army Corps of Engineers and Central Texas Water Conservation District to definitions, clarify water well to septic drain field distance requirements, state elevation certificate post-construction photograph requirements, state termite treatment requirements, and incorporate permit requirements for drainage changes from Ordinance # 021.

**Whereas**, Revision #17 will add the National Electric Code to the list of applicable codes in Section #2.

**Whereas**, Previous revisions did not address buried LPG tank, Revision #18 will provide guidance to install buried LPG tanks.

**Whereas**, Revision #19 adds the requirement for property owners and contractors to acknowledge in writing setback requirements and surveys for waterfront facilities.

**Whereas**, Ordinance #043 establishes a uniform enforcement process and penalties for non-compliance.

**Whereas**, Revision #20 refers to Ordinance #043 for enforcement and penalties, adds a requirement for major remodel of an existing residence to be held for a minimum of seven days and be reviewed by the Planning and Zoning Committee, specifies the date of the International Building Code, requires a permit for demolition of existing structures, adds requirement for contractor licensing information, and requires ground cover for major remodels and septic system replacement.

**Whereas**, Revision #21 provides for an annual test of backflow preventor valves with commercial installations and provides for a doubling building permit fee if the permit is obtained after the building project has started.

**Whereas**, Revision #22 includes survey requirements for minimal navigation clearance and application requirements for waterfront facilities, clarifies water well requirements and construction days.

**Whereas**, Revision #23 the City will adopt the 2012 International Residential Building Code, add rainwater collection vessel requirements, prohibit new water well drilling, add water well plugging requirements, modify waterfront survey requirements and add the variance procedure.

**NOW, THEREFORE BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE CITY OF HIGHLAND HAVEN, TEXAS THAT:**

**SECTION 1. DEFINITIONS** - See Ordinance #074 for definitions.

**SECTION 2. CODES**

The following codes are hereby adopted by reference as though they were fully copied herein:

- Standard Amusement Device Code – Current Edition
- Standard International Residential Building Code – 2012 Edition
- Standard Existing Building Code - Current Edition
- Standard Fire Prevention Code - Current Edition
- Standard Gas Code - Current Edition
- Standard Housing Code - Current Edition
- Standard Mechanical Code - Current Edition
- Standard Plumbing Code - Current Edition

**Note:** – Backflow preventor valves must be tested by a certified person at the time of installation. Commercial backflow preventor valve installations must be tested annually by a certified person.

- Standard Swimming Pool Code - Current Edition
- Standard Unsafe Building Abatement Code - Current Edition

Adoption of the above referenced codes supplement but do not alter or repeal any other ordinance of the City of Highland Haven, Texas that establish zoning and govern residential and commercial construction.

**SECTION 3. INSPECTIONS AND SURVEYS**

- A. A Certified site survey of the lot will be required before a building permit is issued for the first structure on a lot. A building permit for subsequent structures may be issued on the basis of a prior certified site survey. An acceptable certified site survey must depict all proposed overhangs and/or eaves, location of all lot lines, setbacks, and easements.
- B. Before any concrete is poured, the lot owner or builder shall determine the actual position of the concrete slab forms as related to lot lines, set-backs and easements and verify that they are located as shown on the lot survey plot plan in the approved building permit. This requirement applies to land and waterfront construction.
- C. An elevation Certificate is required for any lot located within the 100-year flood plain. The certificate must show that the proposed foundation (living area) and structure will be in compliance with existing elevation requirements and FEMA regulation. (See Ordinance #051)
- D. The certified site survey set out in A above and the elevation certificate set out in C, above, must be approved by the Board of Aldermen’s designee before construction proceeds. The designee shall evidence his approval and retain a true and correct copy of each survey for City building permit files. The concrete slab forms may not be relocated or the elevation of the proposed slab (for SFR per Ordinance #051) altered without re-survey and re-approval unless waived in writing by the Board of Aldermen. An appliance pad shall be located as required by Ordinance #051, two feet above the 100-year floodplain.
- E. All plumbing and electrical conduits intended to be encased in the slab shall first be installed in such a way as to allow the installation to be tested, inspected and approved before any concrete slab is poured.
- F. The Board of Aldermen may authorize inspections to be performed by a State of Texas licensed building inspector or a designated City of Highland Haven official. This inspector is authorized and empowered to require as many inspections as deemed proper and may also set the inspection schedules. The number and type of required inspections will be shown on the building permit application form.
- G. A post slab construction elevation survey shall be conducted by a licensed surveyor or engineer verifying that the as-built foundation is as required by the Elevation Certificate and Ordinance #051. Results shall be noted on the Elevation Certificate and a copy of the Elevation Certificate shall be provided to the City.
- H. Post construction photographs, as required by the Elevation Certificate, shall be provided to the City.
- I. For waterfront construction, Certified Surveys will be used to ensure correct placement of any structures in relation to extended lot and set back lines and City requirements if the structure (including roof drip lines) is to be placed within 10 (ten) feet of the extended lot lines. A certified survey is also required to ensure that the minimum navigation clearance requirements of Ordinance 056 are met when the shore-to-shore distance is less than 150 feet. Property owners and contractors are required to sign a City provided form specifying their understanding of the navigational clearance requirements, the setback requirements and the requirement for pre- and post-construction surveys to ensure the structure, including the roof drip line, does not encroach into the five foot setback or into the navigational clearance. For any waterfront construction permit request, the requirement for either or for both a pre or post construction certified survey, may be waived by a unanimous vote of a three member panel consisting of the city building permit officer and two P&Z commission members. Property owners and contractors are encouraged to review USACE and LCRA requirements.

#### **SECTION 4. LICENSE REQUIREMENTS**

- A. All plumbing, electrical, mechanical, new irrigation systems or repairs to required irrigation system double check valves or expansion of systems, and well drilling work or well pump installation shall be performed under the supervision of persons holding valid and current State of Texas or municipal licenses entitling such persons to perform work of the type involved. A property owner may elect to perform the work himself/herself if he/she considers themselves qualified and the State licensing authority authorizes such action. Such work must meet all applicable codes and requirements.
- B. Termite control treatment must be applied by a party licensed by the State of Texas. Evidence of termite control treatment shall be provided to the City.

#### **SECTION 5. RESTRICTIONS**

- A. The terrain of any lot or lots shall not be changed in anyway so as to cause water drain off to be directed to the surrounding home sites. (See Ordinance #021)
- B. Copper electrical wiring is required in the construction of any building or structure within the City limits.
- C. All rigid tubing, for fresh water, installed in any building or structure shall be type L or heavier copper tubing or other material approved by the applicable building codes listed in Section 2.
- D. Roofing shall consist of fire resistant material. All metal roofs shall have a manufactured finish. Corrugated and V-crimp metal roofing is not permitted.
- E. All fireplaces must be installed as specified by the manufacturer's specification. UL, SPCC, and ICBO must approve all fireplaces and chimney pipes.
- F. Fuel storage tanks for gasoline up to 10 gallons and above ground LPG up to 250 gallons are permitted in residential District "A" provided the fuel storage tank has a current certification that meets appropriate government regulations. Above ground LPG tanks must be surrounded by appropriate screening material, i.e. fencing, lattice, or shrubbery. An above ground propane tank must be secured if located within the 100-year floodplain. A direct burial LPG tank up to 500 gallons is permitted in residential District "A" if the tank is certified for direct burial, meets all governmental regulations and codes, and a copy of such certification is provided to the City. Direct burial LPG tanks must be located at least 10 feet from any lot line, building, or roadway and the location marked or protected to prevent travel over the tank location by vehicles or machines or excavation of the tank area." The property owner shall insure that the LPG tank installation provides a sufficient clearance from any buried water, septic or electrical lines.
- G. An appropriate trash container and sanitary facility, as specified in the City permit, must be on site before any new home, outbuilding or major remodeling work is started. All trash, paper, cans, plastic, discarded building material, and etc. must be placed inside the trash container at the end of each workday.
- H. Burning and/or burying of trash or building materials generated during construction or remodeling is prohibited.
- I. Interior and exterior sole plates must be pressurized treated lumber except for steel frame buildings using steel sole plates; all sole plates must be bolted to the slab.
- J. The interiors of all garages and carports must be finished in such a way as to conceal framing, insulation material or unfinished masonry.

- K. All telephone, cable-company and electrical lines must enter the lot above the ground and from a utility pole. The Lot owner may elect to bury these lines on his property. Each type of buried line must be encased in a separate conduit. All such service lines must be buried a minimum of eighteen (18) inches in depth. The conduit used shall be the electrical type with sweep 90's and 45's and shall be at least three-fourth inch (3/4 ") in inside diameter. The telephone and cable conduits must be separated from the electrical service line by at least twelve (12) inches of soil at all points. Any such buried lines are the responsibility of the lot owner and must not be located within any easement.
- L. City officials, appointees, and contract service personnel shall be entitled to enter and inspect all sites where building or installation of structures is occurring to determine compliance with the provisions of all ordinances and restrictions. They may issue orders to cease and desist any work, which may be in violation. The penalty for violation provision of the appropriate ordinance may be invoked to assure compliance.
- M. Pre-construction subterranean termite controls will be applied on all new construction sites using an EPA approved pesticide (termiticide). This application will establish an unbroken vertical and/or horizontal chemical barrier between wood in the structure and the termite colonies in the soil. The pesticide (termiticide) must be applied after grading is completed and before pouring the slab, slab supported/constructed porches or entrance platforms. Proof of the required treatment must be submitted to the City Secretary prior to issuance of a certificate of occupancy.
- N. All garages will be enclosed on a minimum of three sides and will be equipped with a garage door; a garage door opening shall not exceed 10 (ten) feet in height.
- O. The roof of a room addition or patio must be of the same material as the residence or main living area.
- P. Construction activities shall be limited to the hours of 7:00 AM to 7:00 PM, Monday through Saturday.
- Q. Some form of ground cover, such as grass, rocks, etc., will be required within 90 days after completion date of a new SFR, major remodel, or septic system replacement or repair. No cleanup deposit refund will be issued until ground cover is completed.
- R. Water Wells:
  - (1) Drilling of new water wells is prohibited.
    - a. The prohibition of drilling new water wells does not apply in anyway to the Highland Haven Water System.
  - (2) Plugging of an existing water well must be done by a licensed well driller or pump installer.
  - (3) Any existing water well that is capped must be plugged within 90 days.
- S. Water Collection Vessel Requirements:
  - (1) Barrels for rainwater harvesting can be a maximum size of 100 gallons per vessel.
  - (2) The vessel should be fully covered by landscaping.
  - (3) The vessel should blend with the home.

**SECTION 6. CONSTRUCTION SITE CLEAN-UP DEPOSIT**

Each applicant for a building permit shall post a clean-up deposit, not to exceed five hundred (\$500.00), to guarantee, from start of construction to City issuance of the Certificate of Occupancy, or completion of the project if a Certificate of Occupancy is not required to be issued, that the job site will be maintained in a clean and orderly condition. All or any portion of the clean-up deposit may be used by the City to clean the site should the permit holder fail to comply, within 72 hours, with a City notice to clean the site. Said notice shall be considered as served on the permit holder by posting near the building permit at the job site. Any portion of the clean-up deposit not used by the city for site clean up will be refunded, without interest, to the permit holder. Note that as-built elevation certificates and photographs, proof of termite treatment, and installation of ground cover must be completed prior to refund of a cleanup deposit.

**SECTION 7. PERMITS**

Permits issued by the city will remain valid, unless otherwise stated on the permit, for twelve (12) months from the date of issue. One extension may be requested for an additional three months. The fee to process an extension is \$100.

A. An application for construction of any new residence, any waterfront facility or major remodel of an existing residence will be held at City Hall for a period no less than seven (7) days. These applications will be reviewed by two elected officials and one member of the Planning & Zoning Commission before being approved or disapproved. All other permits will be held as required by the appointed City official to ensure all reviews and document submissions requirements have been met.

B. New construction permit requirements include:

- (1) Single Family Residences - SFR
- (2) Out buildings and garages
- (3) Any new structure or additions to existing structures
- (4) Carports
- (5) Driveways
- (6) Patio, covered or open.
- (7) Boating facility, boathouse, slips, docks, and ramps with or without electrical or plumbing
- (8) Sprinkler Systems – from lake, well or city water supply
- (9) Landscaping raw land, grading or lot clearing (refer to Ordinance #021 for drainage alteration considerations)
- (10) Concrete slab or hard surface attached or detached to structures
- (11) Concrete sidewalks or walkways including steps
- (12) Septic system test
- (13) Septic system construction – requires LCRA permit
- (14) All construction of retaining walls along the shoreline of Lake LBJ and beyond, including 100 feet into Lake LBJ and all dredged canals. Construction must comply with USACE, LCRA and City requirements. Property owners and contractors are encouraged to review all of these requirements.
- (15) Room additions with or without electrical or plumbing
- (16) Plugging of any existing water well requires a city permit by a property owner and a copy of the plugging report required by the Texas Department of Licensing and Regulation (TDLR) will be delivered to Highland Haven City Hall within ten (10) days of the plugging.
- (17) Water Well Drilling – all requirements and regulations required by TDLR will apply to any new water well drilling in Highland Haven (see permitting and other requirements established by the Central Texas Ground Water Conservation District) Additionally any and all new wells drilled will require pressure cementing. Cementing will be done in compliance with TDLR cementing specifications.
- (18) Fences (note property owner must locate and verify property line(s)). See Ordinance #037
- (19) Swimming pools or hot tub
- (20) Any building or permanent structure within 10 feet of property line (note property owner must locate and verify property line)
- (21) Constructing a driveway across the city right of way.
- (22) Any development or alteration of any land structure, drainage structure, or drainage easement that in any way alters the existing drainage plan and/or the surface drainage located within the corporate city limits. Requires a Certified Engineering Drainage Survey or the approval of the City Engineer. (See Ordinance #021)

C. Remodeling and Repair permit requirements include:

- (1) Patio, deck or carport extension
- (2) Any concrete pad to be poured next to an existing structure whether or not the new or additional construction is to be connected, in any way, to the existing structure.
- (3) Septic system repair – requires LCRA permit - no fee required if issued before starting repairs
- (4) Enclosure of any structure

- (5) Remodel SFR, out building, boat facility or storage building, with or without electrical or plumbing, including any enlargement or alteration of the floor plan or roofline of a building or structure.
- (6) Electrical service (meter loop or service repair)
- (7) Propane tank screen or fence
- (8) Resurface driveway or approach
- (9) All retaining wall repairs along the shoreline of Lake LBJ and beyond, including 100 feet into Lake LBJ. This requirement includes dredged canals. Repairs must comply with USACE, LCRA and City requirements. Property owners and contractors are encouraged to review all of these requirements.
- (10) Alteration of any land structure, drainage structure, or drainage easement that in any way alters the existing drainage plan and/or the surface drainage located within the corporate city limits. Requires a Certified Engineering Drainage Survey or the approval of the City Engineer. (See Ordinance #021)
- (11) Demolition of any existing structure

D. Permits are not generally required for:

- (1) Repairs other than those specified above, normal maintenance, painting, new roofs that do not change rooflines, windows, etc. of an existing and conforming structure.
- (2) Repairs of conforming waterfront facilities (retaining wall repair requires permit), except as required by USACE or LCRA.

**Note: See ordinance #021 requirements for any work that could alter runoff or drainage patterns.**

**Note: Owner should check before remodeling as such activity that results in a non-conforming structure will be a violation of this ordinance and subject to the penalty for violation unless any such non-conformance is corrected.**

## **SECTION 8. PERMIT PROCEDURE**

A. Application: Only one application form will be used by the city.

B. The appropriate permit fee, inspection fee, and cleanup deposit must accompany each application. Fees and cleanup deposits will be deposited to the city general fund. If permitted construction does not occur, inspection fees and clean-up deposit may be returned.

C. Application shall include:

- (1) LCRA's approval for an on-site septic system.
- (2) A current certified site survey if the building site is located within the 100-year flood plain or if the structure is the first building on the lot.
- (3) A current certified site survey for an addition to an existing structure. A scale drawing may be used instead of a current certified site survey provided a prior certified site survey is also furnished that shows all lot development as it currently exists. The scale drawing must depict lot(s) boundaries, location of easements and outside appliances, location of existing and proposed improvements with front, rear and side yards set back shown.
- (4) A complete description of improvements to be made.
- (5) An architectural rendering and a floor plan of a new single family residence for the city files.
- (6) A FEMA floodplain certificate by a licensed engineer or surveyor. (See Ordinance #051)
- (7) LCRA floodplain compliance certificate approved by the City Floodplain Administrator. (See Ordinance #051)

- (8) A Certified Engineering Drainage Survey or City Engineer Approval if required by Ordinance #021.
- (9) A water well permit issued by the Central Texas Ground Water Conservation District when the District so requires.
- (10) A City Form, signed by both the property owner and the contractor, to acknowledge the setback and survey requirements for waterfront facilities.
- (11) Contractor licensing information for all electrical, mechanical, plumbing, irrigation system and/or water well drilling/pump installation work, unless the work is actually performed by the property owner.

**Note: If the as-built permitted item will deviate from the drawings or surveys presented to the City, such changes must be provided to the City for approval prior to proceeding with construction or pouring of any cement.**

- D. Building permit placard: A copy of the approved permit placard will be posted so that it is visible from the street and remain posted until a Certificate of Occupancy is issued.

**SECTION 9. VARIANCE REQUEST**

**Any request for a variance from an ordinance will be submitted in writing to the City Board of Aldermen. The request will detail the hardship (medical, health, safety, security or extreme financial circumstances) the petitioner needs to overcome. Approval of any individual variance will not automatically extend to other property owners.**

**SECTION 10. ENFORCEMENT**

The Board of Aldermen, building official and/or the building inspector will administer the provisions of this ordinance. Control will normally be exercised through the use of permits, which will assure that construction conforms to applicable regulations. See Ordinance #043 for the enforcement process.

**NOTE 1. REMOVAL OF CONSTRUCTION FOUND TO BE IN VIOLATION OF EXISTING ORDINANCES COULD BE REQUIRED.**

**NOTE 2. PROPERTY OWNERS AND CONTRACTORS ARE ENCOURAGED TO CHECK WITH CITY OFFICIALS IF THERE ARE ANY QUESTIONS CONCERNING PERMIT REQUIREMENTS. BOTH PROPERTY OWNERS AND CONTRACTORS ARE RESPONSIBLE FOR MEETING ORDINANCE AND CODE REQUIREMENTS.**

**SECTION 11. FEES** - Fees for building permits, inspections and cleanup deposits shall be set by Resolution by the Board of Aldermen. The building permit fee shall be doubled or \$100 whichever is greater for permits obtained after the building project has started.

**SECTION 12. PENALTY FOR VIOLATION** - See Ordinance #043.

**SECTION 13. ERRORS AND OMISSIONS** - If any section, part, subdivision, clause or provision of this ordinance is adjudged invalid or held to be unconstitutional, it will not affect the validity of this ordinance as a whole, or any part or provision of it, other than the part or parts held or adjudged invalid or unconstitutional.

**SECTION 14. AUTHORIZATION** - The Board of Aldermen hereby authorizes implementation of this ordinance.

**SECTION 15. APPLICATION** - This ordinance applies to all lots and tracts of land found within the City Limits of Highland Haven, Texas.



**SECTION 16. EFFECTIVE DATE** - The Aldermen, by vote, determined that Ordinance #020 (Revision #23) will, for the health, safety, and welfare of the citizens of the City of Highland Haven, Texas, become effective immediately on passage.

**PASSED AND APPROVED** on the 16<sup>th</sup> day of *February 2015* during a scheduled meeting of the Board of Aldermen of The City of Highland Haven, Texas.

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Irene Dauphin, Mayor

ATTEST:

Seal

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Dana Turner, City Secretary