

Town Council Regular Meeting

September 15, 2025



Town Hall
2121 Cross Timbers Road
Flower Mound, TX 75028

6:00 p.m.

In accordance with section 551.127 of the Texas Government Code (Open Meeting Act) this meeting will be an in-person meeting with either a member of Town Council, staff, or consultant, participating by video conference. The public meeting location will be Flower Mound Town Hall, 2121 Cross Timbers Rd, Flower Mound, Texas. The Mayor, as presiding officer of Town Council, and a quorum of the Town Council will be physically present at this location. The location where the Mayor is physically present shall be open to the public during the open portions of the meeting.

Comments regarding any agenda item can be sent to the Town Council by emailing towncouncil@flowermound.gov or by calling 972.874.6005 and leaving a message.

AGENDA

A. CALL TO ORDER

B. INVOCATION

C. PLEDGES

D. PRESENTATION(S)

1. Constitution Week Proclamation - Daughters of the American Revolution
2. National Service Dog Month Proclamation

E. PUBLIC COMMENT

The purpose of this item is to allow the public an opportunity to address the Town Council regarding any item on this agenda that is not a "Public Hearing." Issues regarding daily operational or administrative matters should first be dealt with by calling Town Hall at 972.874.6000 during business hours.

In accordance with the Texas Open Meetings Act, the Town Council is restricted from discussing or acting on items not listed on the agenda.

To speak to Council during public comment, please fill out a [comment form \(PDF\)](#).

- Speakers are limited to 3 minutes, a tone will sound at 30 seconds left and when time has expired, and times may be adjusted by the mayor
- Speakers must address their comments to the Town Council
- Please state your name and address when speaking

F. ANNOUNCEMENTS

1. Announcements from the mayor and council members

G. TOWN MANAGER'S REPORT

1. Capital Improvement Projects
2. Economic Development Projects
3. Organizational Updates
 - a. Employee Service Recognition
4. 2025 Resident Survey

H. FUTURE AGENDA ITEM(S)

The purpose of this item is to allow the Mayor and members of Council an opportunity to bring forward items they wish to discuss at a future meeting, with the understanding that a consensus of Council is needed in order for that item to be placed on a future agenda and in accordance with the Town Council Agenda Setting Policy (Ord. 65-15).

I. COORDINATION OF CALENDARS

1. September 16 - Board & Commission Interview Session #1
2. September 18 - Board & Commission Interview Session #2
3. October 6 - Regular Meeting

J. CONSENT ITEM(S)

This part of the agenda consists of non-controversial or "housekeeping" items required by law. Items may be removed from Consent by any council member by making such request prior to a motion and vote.

1. Minutes - 8/18 - Consider approval of the minutes from a Town Council regular meeting held on August 18, 2025.
2. Minutes - 8/21 - Consider approval of the minutes from Town Council Work Session meeting held on August 21, 2025.
3. Wastewater Pretreatment Ordinance Amendment - Consider approval of an ordinance amending Division 2, "Industrial Wastes and Pretreatment Requirements," of Article III, "Sanitary Sewer Service," of chapter 70, "Utilities," of Subpart A, "General Ordinances," of the Code of Ordinances, Town of Flower Mound, Texas; and updates to the Town's Pretreatment Program in accordance with Trinity River Authority of Texas Agreement with the Town.
4. Emergency Notification Contract Renewal - Consider approval of a three (3) year Contract Renewal Quotation for the Everbridge emergency notification system in the amount of \$83,141.10, with \$27,713.70 billed annually, and authorization for the Mayor to execute same on behalf of the Town.
5. 2025 Mound Throw Down Event - Beer/Wine Request - Consider approval for the sale and consumption of alcoholic beverages (beer and wine) at the Heritage Park of Flower Mound during Therapeutic Recreation Group's 2025 Mound Throw Down event. The Parks Board recommended approval by a vote of 6 to 0 at its September 4, 2025 regular meeting.

6. Investment Policy - Consider approval of a resolution adopting an Investment Policy for funds for the Town of Flower Mound as required annually by the Public Funds Investment Act.
7. Water and Sewer Service Rates - Consider approval of an ordinance amending Appendix A of the Code of Ordinances by amending the charges for residential and non-residential water and sewer service; providing a severability clause; providing for publication; and providing an effective date.
8. Firefighter Personal Protective Equipment - Consider approval of the purchase of bunker gear, replacement gloves and suspenders as needed from NAFECO, Inc. through Buy Board Purchasing Contract No. 698-23 in the total amount of \$159,740.00 and authorization for the Mayor to approve same on behalf of the Town.
9. Lakeside Parkway Capacity Improvement - ICA - Consider the approval of Amendment #1 to the Interlocal Cooperation Agreement with Denton County for the construction of the Lakeside Parkway Capacity Improvement project, and authorize the Mayor to execute the same on behalf of the Town.
10. FM 2499 at FM 3040 Intersection Improvements Project - ICA - Consider approval of the Interlocal Cooperation Agreement with Denton County for the FM 2499 at FM 3040 Intersection Improvements project, and authorize the Mayor to execute the same on behalf of the Town.
11. Kirkpatrick Lane - ICA - Consider approval of Amendment #1 to the Interlocal Cooperation Agreement with Denton County for the extension of Kirkpatrick Lane, and authorize the Mayor to execute the same on behalf of the Town.
12. Ordinance amending Division 6 - Animal Services Board - Consider approval of an ordinance amending Division 6 "Animal Services Board" of Article III, Chapter 2, Section 2-201, of the Town of Flower Mound Code of Ordinances, updating the powers and duties of the Animal Services Board, releasing all conflicting ordinances; providing a severability clause; and providing an effective date.
13. TIRZ #2 Creation Ordinance Amendment - Consider approval of an ordinance amending ordinance 47-23 which created Tax Increment Reinvestment Zone No. 2 (TIRZ #2), to amend Section 3, entitled Board of Directors, by increasing the number of members appointed by the Commissioners Court of Denton County from one (1) to two (2) members.
14. Interlocal Agreement for Youth Diversion and Teen Court - Consider the approval of an Interlocal Agreement with the City of Lewisville for a Youth Services Program to include teen court and youth diversion, and authorize the Mayor to execute the same on behalf of the Town.
15. Fire Station #5 - Emergency Repairs - Consider approval of a payment to Freedom Construction for emergency repairs at Fire Station #5 in the amount of \$123,143.18.
16. 2024 amendments to International Fire Code - Consider approval of an ordinance amending Chapter 38 of the code of ordinances, entitled "Fire Prevention and Protection" to provide for adoption of the *International Fire Code*, 2024 edition and local amendments thereto.

K. REGULAR ITEM(S)

1. WWTP Effluent Filter Rehab - Construction Agreement - Consider approval of a Construction Agreement with Urban Infraconstruction, LLC, for the Wastewater Treatment Plant Effluent Filter Rehabilitation project, in the amount of \$5,260,000.00; and authorization for the Mayor to execute same on behalf of the Town.
2. ZPD25-0006 - Whyburn PD-189 Text Amendment - Public Hearing to consider an ordinance amending the zoning (ZPD25-0006 – Whyburn PD-189 Text Amendment) by amending Planned Development District No.189 (PD-189) with Single Family District-15 (SF-15) and Single Family District-10 (SF-10) uses by increasing maximum lot coverage allowed. The property is generally located east of Whyburn Drive and south of Dixon Lane. (PZ recommended denial by a vote of 4 to 2 at its August 25, 2025, meeting.)
3. 2023 NEC and 2024 I-Code Adoptions - Public Hearing to consider approval of an ordinance adopting the 2023 National Electrical Code, 2024 International Building Code, 2024 International Energy Conservation Code, 2024 International Mechanical Code, 2024 International Plumbing Code, 2024 International Fuel Gas Code, 2024 International Residential Code, and the 2024 International Swimming Pool and Spa Code, with local amendments.
4. FY25-26 Budget Public Hearing - Public Hearing to consider the proposed budget for the fiscal year beginning on October 1, 2025, and ending on September 30, 2026.
5. FY 25-26 Crime District Budget Adoption - Town Council acting as the Board of Directors for the Town of Flower Mound Crime Control and Prevention District to consider approval of a resolution adopting the Town of Flower Mound Crime Control and Prevention District budget for the fiscal year beginning on October 1, 2025, and ending on September 30, 2026.
6. FY 25-26 Fire District Budget Adoption - Town Council acting as the Board of Directors for the Town of Flower Mound Fire Control, Prevention, and Emergency Medical Services District to consider approval of a resolution adopting the Town of Flower Mound Fire Control, Prevention, and Emergency Medical Services District budget for the fiscal year beginning on October 1, 2025, and ending on September 30, 2026.
7. FY 25-26 Budget Adoption - Consider approval of an ordinance adopting the budget for the fiscal year beginning on October 1, 2025, and ending on September 30, 2026, providing a taxpayer impact statement, and making appropriations for each fund.
8. FY 25-26 Tax Rate Adoption - Public Hearing to consider approval of an ordinance adopting the 2025 tax rolls and fixing and levying municipal ad valorem taxes for the fiscal year beginning on October 1, 2025, and ending on September 30, 2026, and for each fiscal year thereafter until otherwise provided, at the rate of \$0.387277 per \$100 assessed valuation on all taxable property within the corporate limits of the Town of Flower Mound as of January 1, 2025.

9. Atmos RRM Rate Tariffs - Consider approval of a resolution adopting Atmos Energy Corp., Mid-Tex Division's rate tariffs that reflect the negotiated rate change pursuant to the Rate Review Mechanism process.

L. BOARDS/COMMISSIONS

Discuss and consider resignations, appointments, evaluations, reassignments, discipline, or dismissals for the following boards or commissions: Animal Services Board, Capital Improvements Advisory Committee, Community Development Corporation, Cultural Arts Commission, Denton County Transportation Authority, Environmental Conservation Commission, Historical Commission, Parks Board, School Liaison Committee, SMARTGrowth Commission, Tax Increment Reinvestment Zone Number (TIRZ #1), Tax Increment Reinvestment Zone Number (TIRZ #2), Transportation Commission, and Veterans Liaison Board.

M. CLOSED MEETING

The Town Council to convene into closed meeting pursuant to Texas Government Code Chapter 551, including, but not limited to, Sections 551.071, 551.072, 551.074, and 551.087 for consultation with Town Attorney, and to discuss matters relating to real property, personnel, and economic development negotiations, as indicated below. The Town Council may convene in executive session to conduct a private consultation with its attorney on any legally posted agenda item, when the Town Council seeks the advice of its attorney about pending or contemplated litigation, a settlement offer, or on a matter in which the duty of the attorney to the governmental body under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas clearly conflicts with the provisions of Chapter 551, including the below-referenced items.

1. Consultation with Town Attorney.
 - a. Trinity Park - TRP25-0002
2. Discuss and consider purchase, exchange, lease or value of real property for parks, cultural arts, public safety, public rights-of-way, and/or other municipal purposes, including real property located north of FM 1171 and west of US 377, and all matters incident and related thereto.
3. Discuss and consider resignations, appointments, evaluations, reassignments, discipline, or dismissals for the following boards or commissions: Board of Adjustment/Oil & Gas Board of Appeals, and Planning and Zoning Commission.
4. Discuss and consider economic development incentives, including retail centers, grocers, corporate relocation/expansion/retention, hospitality projects, health care facilities, construction of public improvements, requests for incentive related proposals to develop real property, and Tax Increment Reinvestment Zone (TIRZ) #1, TIRZ #2, River Walk PID No. 1, Proposed PID, MMDs, and MUDs.

N. RECONVENE

O. ADJOURN

I do hereby certify that the notice of above meeting for the Town of Flower Mound was posted at Town Hall, Town of Flower Mound, Texas, and on the Town's website in compliance with Chapter 551, Texas Government Code on September 9, 2025, by 5:00 p.m.

Anne Carnes, Deputy Town Secretary

In accordance with section 551.043 of the Texas Government Code, the Taxpayer Impact Statement can be viewed by clicking [HERE](#).

The Flower Mound Town Hall and Jody Smith Hall are wheelchair accessible. Requests for accommodation or interpretive services must be made 48 hours prior to this meeting by contacting Town Hall at 972.874.6000. Additional time limits will be provided for members of the public that need to address the Town Council through a translator.

To preview upcoming items of business that may appear on future agendas click [HERE](#).

**FLOWER MOUND TOWN COUNCIL REGULAR MEETING;
TOWN OF FLOWER MOUND FIRE CONTROL, PREVENTION,
AND EMERGENCY MEDICAL SERVICES DISTRICT SPECIAL MEETING;
AND CRIME CONTROL AND PREVENTION DISTRICT SPECIAL MEETING**



August 18, 2025

Town Hall
2121 Cross Timbers Road
Flower Mound, TX 75028

6:00 p.m.

DRAFT MINUTES

A. CALL TO ORDER

Mayor Moore called the meeting to order at 6:00 p.m. with the following members present:

Cheryl Moore, Mayor
Ann Martin, Mayor Pro Tem
Adam Schiestel, Deputy Mayor Pro Tem
Chris Drew, Councilmember Place 2 (via video conference)
Brian Taylor, Councilmember Place 3 (via video conference)
Janvier Werner, Councilmember Place 4

Town Council member(s) absent:

Town Staff present:

James W. Childers, Town Manager
Bryn Meredith, Town Attorney
Traci Henderson, Town Secretary
Tommy Dalton, Assistant Town Manager
Tiffany Bruce, Assistant Town Manager/Town Engineer
Lexin Murphy, Director of Development Services
John Zagurski, Chief Financial Officer
JP Walton, Strategic Services Officer

B. INVOCATION

Chaplain Will Langstaff Jr. gave the invocation.

C. PLEDGES

Mayor Moore led the Pledge of Allegiance to the United States and Texas flags.

D. PRESENTATION(S)

1. Hometown Hero Proclamation - Victor Flores
Mayor Moore recited the proclamation and presented to Victor Flores.
2. Proclamation of September as National Senior Center Month
Mayor Moore recited the proclamation and presented to Senior Center Manager, Jaime Jaco Cooper.

E. PUBLIC COMMENT

Names listed below don't necessarily reflect the order in which each person spoke and all addresses are located in Flower Mound unless otherwise indicated.

	Speaker name and address	Subject (as written on the form)
1.	Michelle McMahon, 9204 Cherokee Trail	Thank council/Duck Derby 9/20
2.	Debra Heinsins, 2332 Lakeshore Drive	Rheudasil Park Disarray
3.	Carolyn Auburn, 7500 Arabian Circle	Dangerous Dog Ordinance

** Indicates person did not wish to speak*

F. ANNOUNCEMENTS

There were announcements from the Mayor or Council members regarding:

Mayor Pro Tem Martin:

Animal Services Board meeting on Wednesday, August 27 with guest speaker, LauriAnn Cash on service dogs.

G. TOWN MANAGER'S REPORT

1. Capital Improvement Projects
2. Economic Development Projects
3. Organizational Updates

a. Employee Service Recognition

Town Manager James W. Childers recognized the following employees:

Twenty (20) years of service:

Michelle Horridge, Police Officer Detective

Laura Schein, Police Officer

4. Update on TxDOT Projects

Mr. Childers introduced Matt Hotelling, Assistant Director of Public Works/Transportation, to give a general update on Texas Department of Transportation (TxDOT) projects in the area.

Mr. Hotelling provided an overview of the projects located at Farm to Market Road (FM) 2499 and FM 407; FM 2499 Panel Replacement; Denton striping contract, scope to be determined; U.S. Route (US) 377/Argyle (South of FM 1171/ north to Crawford Road); US 377 creek section/south of 1171; and Interstate 35 (I-35) Frontage Road South. Mr. Hotelling also shared other projects, beginning with Furst Ranch signal project; FM 1171 west of I-35W; FM1171 and I-35E; and FM 2499 at FM 3040.

Town Council and staff discussed Grapevine cooperation, signal issue, and contact information for residents.

H. FUTURE AGENDA ITEM(S)

There were no requests for future agenda items.

I. COORDINATION OF CALENDARS

Mayor Moore confirmed that all Council members plan to be at the following meetings:

1. August 21 - Work Session (Budget)
2. September 1 - Regular Meeting (Canceled due to Labor Day weekend)
3. September 15 - Regular Meeting

J. CONSENT ITEM(S)

ACTION:	Deputy Mayor Pro Tem Adam Schiestel moved to approve items J.1 - J.17 as presented in the agenda caption. Council member Janvier Werner seconded the motion.
AYES:	Janvier Werner, Ann Martin, Adam Schiestel, Chris Drew, Brian Taylor
NAYS:	None
ABSTAIN:	None
RESULT:	5 : 0

1. Minutes - 7/31 - Consider approval of the minutes from a Town Council Strategic Planning Retreat held on July 31, 2025.
2. Minutes - 8/2 - Consider approval of the minutes from a Town Council Strategic Planning Retreat held on August 2, 2025.
3. Minutes - 8/4 - Consider approval of the minutes from a Town Council regular meeting held on August 4, 2025.
4. SPAN Transportation Contract - Consider approval of a Service Agreement for Demand Response Transit Service with SPAN, Inc., in an amount not-to-exceed \$81,164.13, to provide transportation service for Town citizens who are age 65 or older and Town citizens with verifiable disabilities that prevent them from driving; and authorization for the Mayor to execute same on behalf of the Town.
5. CIP Amendment No. 3 - Consider approval of Amendment No. 3 to the fiscal year 2024-2025 Capital Improvement Program.
6. Northshore Park - Playground Surfacing - Consider approval of the purchase and installation of artificial turf surfacing for the 2024-2025 Playground Replacements project, for Northshore Park Playground, from We Build Fun, Inc., through the Texas Local Government Purchasing Cooperative, in the amount of \$149,466.35.
7. Certified Collection Rate FY 25-26 Budget - Consider accepting the submission of the certified collection rate of 100 percent for the fiscal year beginning October 1, 2025, and ending September 30, 2026.
8. 2025 Certified Appraisal Roll - Consider approval of an ordinance establishing the 2025 certified appraisal roll.

ORDINANCE NO. 25-25

AN ORDINANCE OF THE TOWN OF FLOWER MOUND, TEXAS, APPROVING THE 2025 APPRAISAL ROLL; REPEALING CONFLICTING ORDINANCES; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

9. No-New-Revenue and Voter-Approval Tax Rates - Consider accepting the submission of the notice of a no-new-revenue tax rate of \$0.372129 per \$100 assessed valuation and a voter-approval tax rate of \$0.388067 per \$100 assessed valuation for the fiscal year beginning October 1, 2025, and ending September 30, 2026.
10. Schedule Budget and Tax Rate Meetings - Consider proposing a maximum tax rate of \$0.387278 per \$100 valuation for the fiscal year beginning October 1,

2025, and ending September 30, 2026; and scheduling September 15, 2025, public hearing on the budget, scheduling September 15, 2025, public hearing on the tax rate, and scheduling the September 15, 2025, adoption of said budget and tax rate; with each meeting to be held at 6:00 PM, at Town Hall, located at 2121 Cross Timbers Road.

11. Purchase of Work Truck for Public Works - VERF - Consider approval of the purchase of one 2026 Ford F-350 Super Cab service body work truck from Sames Bastrop Ford through TIPS Cooperative Contract #240901, for Public Works Utility Operations Division, VERF recommendation for a total of \$65,895.00.
12. Purchase of Crew Pickups for Parks Division - VERF - Consider approval of the purchase of one (1) 2026 Ford F250 Crew Cab Pick-Up and one (1) 2026 Ford F350 Crew Cab Pick-Up from Sames Bastrop Ford through TIPS Cooperative Contract #240901, for the Parks Division, a VERF recommendation for a total of \$105,391.00.
13. Historical Items Donation - Consider approval of the donation of two historical maps; authorizing the Town of Flower Mound to accept the items into their collection.
14. Fuel Contract - Consider approval of the purchase of unleaded and diesel fuels for Town Fleet Vehicles through an existing Inter-local Agreement with The City of Fort Worth in the estimated annual amount of \$900,000.
15. CAC water slide restoration project - Consider approval of a Community Activity Center water slide restoration project with Amusement Restoration Companies, LLC under Buy Board contract #701-23 in the amount of \$82,875.00.
16. Furst Road - ICA - Consider approval of the Interlocal Cooperation Agreement with Denton County for the construction of Furst Road, and authorize the mayor to execute the same on behalf of the Town
17. Audit Services Engagement Letter - Consider approval of the engagement letter with Forvis Mazars, LLP, to perform external auditing services for the fiscal year ending September 30, 2025 at a cost of \$70,000; and authorization for the Mayor to execute same on behalf of the Town.

K. REGULAR ITEM(S)

1. Crime District FY 25-26 Budget Public Hearing - Public Hearing by the Town Council acting as the Board of Directors for the Town of Flower Mound Crime Control and Prevention District to consider the Flower Mound Crime Control and

Prevention District proposed budget for the fiscal year beginning on October 1, 2025, and ending on September 30, 2026.

Meg Jakubik, Director of Budget Services presented agenda items K.1 and K.2 together, identifying or noting:

2024 Actuals, 2025 Estimates, and 2026 Proposed for Crime Control and Prevention District and Fire Control Prevention and Emergency Medical Services District budgets.

Mayor Moore opened the public hearing, there being no requests to speak, Mayor Moore closed the public hearing.

No action is required for this item.

2. Fire District FY25-26 Budget Public Hearing - Public Hearing by the Town Council acting as the Board of Directors for the Town of Flower Mound Fire Control, Prevention, and Emergency Medical Services District to consider the Flower Mound Fire Control, Prevention, and Emergency Medical Services District proposed budget for the fiscal year beginning on October 1, 2025, and ending on September 30, 2026.

This item was presented with agenda item K.1.

Mayor Moore opened the public hearing, there being no requests to speak, Mayor Moore closed the public hearing.

No action is required for this item.

3. MIWD Holding Company, LLC (MI Windows and Doors) Chapter 380 - Public Hearing to consider approval of a Chapter 380 Agreement with MIWD Holding Company, LLC (MI Windows and Doors) for the economic development of Flower Mound, and authorization for the Mayor to execute same on behalf of Town.

Ray Watson, Director of Economic Development, gave a presentation identifying or noting:

Site photos; incentives; cost benefit analysis;

Applicant JR Minnich, Vice President of Operations - Northeast Region, gave a presentation identifying or noting:

Miter Brands video; company overview; vision; common purpose; quality pillars; Miter Brands DNA; Miter Foundation and philanthropy; volunteering; and expansion.

Town Council, applicant and staff discussed plans for expansion and grant

discussions.

Mayor Moore opened the public hearing, there being no requests to speak, Mayor Moore closed the public hearing.

ACTION: Mayor Pro Tem Ann Martin moved to approve K.3. as presented in the agenda caption. Deputy Mayor Pro Tem Adam Schiestel seconded the motion.

AYES: Janvier Werner, Ann Martin, Adam Schiestel, Chris Drew, Brian Taylor

NAYS: None

ABSTAIN: None

RESULT: 5 : 0

L. BOARDS/COMMISSIONS

1. Capital Improvements Advisory Committee - Presentation and discussion to update the membership of the Capital Improvement Advisory Committee to comply with SB 1883 adopted by the 89th Texas Legislature.

Brian Waltenburg, Director of Public Works, gave a presentation identifying or noting:

Capital Improvements Advisory Committee (CIAC) purpose; review; current membership requirements; Senate Bill 1883 resulting in new membership requirements; impact; and recommendations

Town Council and staff discussed staff reviewing board and commission applications applicable to new requirements; timing and compliance; voting and non-voting member options; Planning and Zoning (PZ) appointment of members; chair of PZ and Transportation Commission chair; and legal considerations/limits for the designee option.

M. WORK SESSION ITEM

Mayor Moore announced that the Town Council is convening into a closed meeting at 7:05 p.m., pursuant to Texas Government Code Chapter 551, Section 551.071.

Mayor Moore reconvened into the open meeting at 8:09 p.m.

1. Dangerous Dog Ordinance - Presentation and discussion regarding the Town's Dangerous Dog Ordinance.

Blake Manuel, Management Analyst, gave a presentation identifying or noting:

Dangerous dog State code overview; dangerous dog definition; 2019 ordinance update; town history of dangerous dogs; dangerous dog declaration process; post-determination process; and comparison with benchmark cities.

Town Council and staff discussed enforcement of dogs leaving town and returning; owner notifying town of return; definitions of injury; option for separate ordinance for animal on animal; unprovoked attacks; determinations made by the court; ownership definition; care, custody and control definitions; dangerous owners; impound fees/ recuperation of fees; responsibility of turning in a dangerous dog, inspections; process options for the follow-up process; town providing civil case support documentation; penalty severity; and emergency vet care definition.

N. CLOSED MEETING

The Town Council to convene into closed meeting pursuant to Texas Government Code Chapter 551, including, but not limited to, Sections 551.071, 551.072, 551.074, and 551.087 for consultation with Town Attorney, and to discuss matters relating to real property, personnel, and economic development negotiations, as indicated below. The Town Council may convene in executive session to conduct a private consultation with its attorney on any legally posted agenda item, when the Town Council seeks the advice of its attorney about pending or contemplated litigation, a settlement offer, or on a matter in which the duty of the attorney to the governmental body under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas clearly conflicts with the provisions of Chapter 551, including the below-referenced items.

Mayor Moore announced that the Town Council is convening into a closed meeting at 8:49 p.m., pursuant to Texas Government Code Chapter 551, including, but not limited to, Sections 551.071, 551.072, 551.074, and 551.087.

1. Consultation with Town Attorney.
 - a. Fire Code Update
2. Discuss and consider purchase, exchange, lease or value of real property for parks, cultural arts, public safety, public rights-of-way, and/or other municipal purposes, including real property located north of FM 1171 and west of US 377, and all matters incident and related thereto.
3. Discuss and consider resignations, appointments, evaluations, reassignments, discipline, or dismissals for the following boards or commissions: Board of Adjustment/Oil & Gas Board of Appeals, and Planning and Zoning Commission.
4. Discuss and consider economic development incentives, including retail centers, grocers, corporate relocation/expansion/retention, hospitality projects, health care facilities, construction of public improvements, requests for incentive related

proposals to develop real property, and Tax Increment Reinvestment Zone (TIRZ) #1, TIRZ #2, River Walk PID No. 1, Proposed PID, MMDs, and MUDs.

O. RECONVENE

The Town Council reconvened into the open meeting at 9:50 p.m.; There was no action taken as a result of the closed meeting.

P. ADJOURN

Mayor Moore adjourned the meeting at 9:50 p.m.

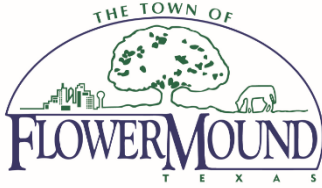
TOWN OF FLOWER MOUND, TEXAS

CHERYL MOORE, MAYOR

ATTEST:

TRACI HENDERSON, TOWN SECRETARY

Town Council Work Session



August 21, 2025

Town Hall
2121 Cross Timbers Road
Flower Mound, TX 75028

6:00 p.m.

DRAFT MINUTES

A. CALL TO ORDER

Mayor Moore called the meeting to order at 6:00 p.m. with the following members present:

Cheryl Moore, Mayor
Ann Martin, Mayor Pro Tem
Adam Schiestel, Deputy Mayor Pro Tem
Chris Drew, Councilmember Place 2 (via video conference)
Brian Taylor, Councilmember Place 3 (via video conference)
Janvier Werner, Councilmember Place 4

Town Council member(s) absent:

Town Staff present:

James W. Childers, Town Manager
Bryn Meredith, Town Attorney
Traci Henderson, Town Secretary
Tommy Dalton, Assistant Town Manager
Tiffany Bruce, Assistant Town Manager/Town Engineer
Lexin Murphy, Director of Development Services
John Zagurski, Chief Financial Officer
JP Walton, Chief Strategic Officer
David Coulon, Police Chief
Paul Henley, Fire Chief
Matt Woods, Director of Environmental Services
Ray Watson, Director of Economic Development
Melissa Demmitt, Director of Communications
Rachel Hadidi, Director of Library Services
Sarah Luxton, Senior Management Analyst
Brian Waltenburg, Director of Public Works
Blake Manuel, Management Analyst

Chuck Jennings, Director of Parks and Recreation
 Travis Cunniff, Assistant Director of Parks and Recreation
 Dale Crown, Assistant Director of Engineering
 Jose Mendez, Director of Information Technology
 Lynda Bolitho, Director of Human Resources
 Joy Franklin, Human Resources Manager
 Davina Tomlinson, Assistant Director of Human Resources
 Jeremy Brudwick, Grants and Budget Analyst
 Mary Huning, Director of Accounting Services
 Julie Taylor, Director of Treasury Operations
 Meg Jakubik, Director of Budget Services
 Christa Crowe, Property Standards Manager
 Robert Pegg, Town Engineer
 Leandro Rodriguez, CIP/TIRZ Manager
 Matt Hotelling, Assistant Director of Public Works/Transportation

Consultant: Chris Ekrut, CRRRA NewGen Strategies and Solutions (water, wastewater, stormwater drainage - rates and fees)

B. PUBLIC COMMENT

The purpose of this item is to allow the public an opportunity to address the Town Council regarding any item on this agenda that is not a "Public Hearing." Issues regarding daily operational or administrative matters should first be dealt with by calling Town Hall at 972.874.6000 during business hours.

In accordance with the Texas Open Meetings Act, the Town Council is restricted from discussing or acting on items not listed on the agenda.

To speak to Council during public comment, please fill out a [comment form \(PDF\)](#).

- Speakers are limited to 3 minutes, a tone will sound at 30 seconds left and when time has expired, and times may be adjusted by the mayor
- Speakers must address their comments to the Town Council
- Please state your name and address when speaking

Names listed below don't necessarily reflect the order in which each person spoke and all addresses are located in Flower Mound unless otherwise indicated.

	Speaker name and address	Subject (as written on the form)
1.	Jeannie Farrier, 6604 Sunset Trail	Budget
2.	Cody Smith (minor)	Sidewalks

** Indicates person did not wish to speak*

C. WORK SESSION ITEM

1. Hold a discussion and provide direction regarding the [FY 2025-2026 Proposed Budget](#).

Town Manager James W. Childers provided the FY 2025-2026 proposed budget overview.

John Zagurski, Chief Financial Officer, gave the financial update and outlook presentation, identifying or noting:

Financial stability and operational soundness; long-term financial planning; decrease in major revenue sources; revenue limitations; economic uncertainty; low home sales; less than 1% new growth; cost drivers; service levels; near-term impacts; impact of Senate Bill 2 on general fund; service evaluation; revenue diversification; benefits of commercial development, new home and existing home sales.

Meg Jakubik gave the operating budget presentation, identifying or noting:

Phases of the budget cycle; operating budget structure; benchmark city's population, tax rate, citizens served per F.T.E. and personnel vs. population comparisons; financial overview; on-going vs. one-time revenues; revenues by source; expenditures by category; financial goals; current service levels; strategic focus; strategic objective by decision packages; proposed capital projects; financial stability and operational soundness; full-time equivalent (F.T.E.) summary; funding sources for proposed decision packages; unfunded/unmet needs; community support funding; proposed tax rate; exemptions; no new revenue rate; voter approval tax rate; interest and sinking (I&S)/maintenance and operations (M&O) revenues; estimated impact of exemptions; monthly cost breakdown; September 15 is public hearing on budget and tax rate; budget adoption for Town, Crime Control District and Fire District; and tax rate adoption.

Dale Crown, Assistant Director of Engineering, gave the capital budget presentation identifying or noting the following projects:

Street reconstruction/maps; signals; parks/maps and funding sources; water/wastewater/maps and funding source; drainage study; facilities and funding source; recurring capital projects; development projects/maps - Brookview, Canyon Fall (Village 3); Furst Ranch (Furst Road); grant opportunities; and funding sources/summary.

Chris Ekrut, Chief Financial Officer and Director of NewGen Strategies and Solutions, presented information on water, wastewater, and stormwater drainage, identifying or noting:

Propose a 5.25% overall increase in water/water rates; rate structure; funding; wholesale expenses; residential and non-residential bill impacts; drainage utility fee benchmark cities comparison; proposed \$6.50 monthly residential and non-residential stormwater drainage fees; method of billing; and benchmark cities comparison.

Town Council and staff discussed radio encryption/upgrade purpose; Independence Fest funding options; park funding for Peters Colony Memorial Park and Riverwalk Park; motorcycles/motorcycle officers/safety enforcement and funding options; sign cutter, reflective button installation efficiency; signal

systems operation role; sidewalk priorities/funding; Tax Increment Reinvestment Zone(TIRZ) funding options for performing arts center/manager/ timing of hiring/programming goals/community input/ timing of project; fee/rate study related to senior center program coordinator funding; drainage study/ funding/implementation of study; stormwater rates; reallocation of funds; fire equipment (boat) request; residential benefits from community funding; inflationary increases in capital project costs over five (5) years; hidden valley park feedback and gazebo request; parks masterplan; overview of extending life of roads, water and project criteria selection; proposed asset management analyst position responsibilities; potential consequences of proposed legislation; privatization of utility; wholesale providers; e-billing and legal considerations; drainage study funding and timeline; street maintenance; and future rates under proposed legislative limitations.

D. ADJOURN

Mayor Moore adjourned the meeting at 8:33 p.m.

TOWN OF FLOWER MOUND, TEXAS

CHERYL MOORE, MAYOR

ATTEST:

TRACI HENDERSON, TOWN SECRETARY



TOWN COUNCIL AGENDA J.3. CONSENT ITEM(S)

DATE: September 15, 2025

FROM: Brian Waltenburg, Director of Public Works

ITEM: **Consider approval of an ordinance amending Division 2, "Industrial Wastes and Pretreatment Requirements," of Article III, "Sanitary Sewer Service," of chapter 70, "Utilities," of Subpart A, "General Ordinances," of the Code of Ordinances, Town of Flower Mound, Texas; and updates to the Town's Pretreatment Program in accordance with Trinity River Authority of Texas Agreement with the Town.**

BACKGROUND: The Town of Flower Mound contracts with The Trinity River Authority (TRA) Denton Creek Regional Wastewater System (DCRWS) for wastewater service in the Town's Denton Creek and Prairie Vista service areas. TRA is requiring all TRA DCRWS member cities to adopt or update their pretreatment ordinances to align with each other. TRA has been coordinating with the Texas Commission on Environmental Quality for over 20 years to develop and implement this wastewater pretreatment program. Wastewater pretreatment programs act as a frontline defense, ensuring that harmful pollutants are controlled at the source, protecting our wastewater system, the environment, and public health. A wastewater pretreatment program also provides for cost benefits to a wastewater system by reducing operational expenses and avoiding regulatory fines.

Implementation of the wastewater pretreatment program inclies the approval of following requirements:

- Proposed Industrial Wastewater Discharge Ordinance
- Funding Resolution
- Attorney Statement
- Enforcement Response Plan

The following members of TRA DCRWS are required to implement this program:

- Town of Flower Mound
- Town of Northlake
- Town of Westlake
- Circle T MUD 1
- Circle T MUD 3
- City of Fort Worth
- City of Haslet
- City of Justin
- City of Keller
- City of Roanoke
- City of Southlake

BOARD REVIEW/CITIZEN FEEDBACK: N/A

ALTERNATIVES:

FISCAL IMPACT: N/A

N/A

LEGAL REVIEW: Jennifer Drysdale of Taylor, Olson, Adkins, Sralla, & Elam L.L.P., has reviewed the ordinance and resolution as to form and legality.

ATTACHMENTS:

1. Existing Industrial Wastewater Discharge Ordinance
2. Proposed Industrial Wastewater Discharge Ordinance
3. Flower Mound Funding Resolution
4. Enforcement Response Plan
5. Flower Mound Attorney Statement

DRAFT MOTION: Move to approve as presented in the agenda caption.

Subpart A - GENERAL ORDINANCES
Chapter 70 - UTILITIES
ARTICLE III. - SANITARY SEWER SERVICE
DIVISION 2. INDUSTRIAL WASTES PRETREATMENT REQUIREMENTS

~~**DIVISION 2. INDUSTRIAL WASTES PRETREATMENT REQUIREMENTS¹**~~

~~**Subdivision I. In General**~~

~~**Sec. 70-111. Definitions.**~~

~~The following words, terms and phrases, when used in this division, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:~~

~~*Abbreviations.* The following abbreviations shall have the designated meanings:~~

- ~~(1) —BOD: biochemical oxygen demand.~~
- ~~(2) —CFR: Code of Federal Regulations.~~
- ~~(3) —COD: chemical oxygen demand.~~
- ~~(4) —EPA: Environmental Protection Agency.~~
- ~~(5) —l: liter.~~
- ~~(6) —mg: milligrams.~~
- ~~(7) —mg/l: milligrams per liter.~~

~~*Act or the Act.* means the Federal Water Pollution Control Act, also known as the Clean Water Act, as amended, 33 USC 1251 et seq;~~

~~*Approving authority* means the town or its duly authorized representative, either of which are the authorized agent of the town.~~

~~*Authorized representative of industrial user* means:~~

- ~~(1) —A principal executive officer of at least the level of vice-president if the industrial user is a corporation;~~
- ~~(2) —A general partner or proprietor, respectively;~~
- ~~(3) —A duly authorized representative of the individual designated above if such representative is responsible for the overall operation of the facilities from which the indirect discharge originates.~~

~~*Biochemical oxygen demand (BOD)* means the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure, five days at 20 degrees Celsius, expressed in terms of weight and concentration (milligrams per liter (mg/l)).~~

~~*Building sewer* means a sewer conveying wastewater from the premises of a user to the POTW.~~

~~*Categorical standards* means National Categorical Pretreatment Standards or pretreatment standard.~~

¹State law reference(s)—Authority to control and regulate waste discharges and require pretreatment, V.T.C.A., Water Code §§ 26.176 and 26.177.

Cooling water means the water discharged from any use such as air conditioning, cooling or refrigeration, or to which the only pollutant added is heat.

Control authority means the approval authority.

Control manhole means a manhole giving access to a building sewer at some point before the building sewer discharge mixes with other discharges in the public sewer.

Control point means a point of access to a course of discharge before the discharge mixes with other discharges in the public sewer.

Direct discharge means the discharge of treated or untreated wastewater directly to the waters of the state.

Director of utilities means the person designated by the town manager to supervise the operator of the POTW and who is charged with certain duties and responsibilities by this division, or his duly authorized representative.

Environmental Protection Agency (EPA) means the U.S. Environmental Protection Agency, or, where appropriate, the term may also be used as a designation for the manager or other duly authorized official of such agency.

Garbage means animal and vegetable wastes and residue from preparation, cooking and dispensing of food; and from the handling, processing, storage and sale of food products and produce.

Grab sample means a sample which is taken from a waste stream on a one-time basis with no regard to the flow in the waste stream and without consideration of time.

Holding tank waste means any waste from holding tanks such as vessels, chemical toilets, campers, trailers, septic tanks and vacuum pump tank trucks.

Indirect discharge means the discharge or the introduction of nondomestic pollutants from any source regulated under section 307(b) or (c) of the Act, (33 USC 1317), into the POTW (including holding tank waste discharged into the system).

Industrial user means a source of indirect discharge which does not constitute a discharge of pollutants under regulations issued pursuant to section 402, of the Act (33 USC 1342).

Industrial waste means waste resulting from any process of industry, manufacturing, trade or business from the development of any natural resource, or any mixture of the waste with water or normal wastewater, or district from normal wastewater.

Industrial waste charge means the charge made on those persons who discharge industrial wastes into the town's sewer system.

Interference means the inhibition or disruption of the POTW treatment processes or operations which contributes to a violation of any requirement of the town's NPDES permit. The term "interference" includes prevention of sewage sludge use or disposal by the POTW in accordance with 405 of the Act, (33 USC 1345) or any criteria, guidelines or regulations developed pursuant to the Solid Waste Disposal Act (SWDA), the Clean Air Act, the Toxic Substances Control Act, or more stringent state criteria (including those contained in any state sludge management plan prepared pursuant to Title IV of SWDA) applicable to the method of disposal or use employed by the POTW.

Milligrams per liter (mg/l) means the same as parts per million and is a weight of volume ratio; the milligram per liter value multiplied by the factor 8.34 shall be equivalent to pounds per million gallons of water.

National Categorical Pretreatment Standard or pretreatment standard means any regulation containing pollutant discharge limits promulgated by the EPA in accordance with section 307(b) and (c) of the Act (33 USC 1347) which applies to a specific category of industrial users.

~~National Prohibitive Discharge Standard or prohibitive discharge standard~~ means any regulation developed under the authority of 307(b) of the Act and 40 CFR 3.5.

~~Natural outlet~~ means any outlet into a watercourse, ditch, lake or other body of surface water or groundwater.

~~New source~~ means any source, the construction of which commences after the publication of proposed regulations prescribing a section 307(c) (33 USC 1217) categorical pretreatment standard which will be applicable to such source, if such standard is thereafter promulgated within 120 days of proposal in the Federal Register. Where the standard is promulgated later than 120 days after the proposal, a new source means any source, the construction of which is commenced after the date of promulgation of the standard.

~~National Pollution Discharge Elimination System or NPDES permit~~ means a permit issued pursuant to section 402 of the Act (33 USC 1342).

~~Normal domestic wastewater~~ means wastewater excluding industrial wastewater discharged by a person into sanitary sewers and in which the average concentration of total suspended solids is not more than 250 mg/l and BOD is not more than 250 mg/l.

~~Overload~~ means the imposition of organic or hydraulic loading on a treatment facility in excess of its engineered design capacity.

~~Person~~ means any individual, partnership, copartnership, firm, company, corporation, association, joint stock company, trust, estate, governmental entity or any other legal entity, or their legal representatives, agents or assigns. The masculine gender shall include the feminine, the singular shall include the plural where indicated by the context.

~~pH~~ means the logarithm (base ten) of the reciprocal of the concentration of hydrogen ions expressed in grams per liter of solution.

~~Pollution~~ means the manmade or man-induced alteration of the chemical, physical, biological and radiological integrity of water.

~~Pollutant~~ means any dredged spoil, solid waste, incinerator residue, sewage, garbage, sewage sludge, munitions, chemical wastes, biological materials, radioactive materials, heat, wrecked or discharged equipment, rock, sand, cellar dirt and industrial, municipal and agricultural waste discharged into water.

~~Pretreatment or treatment~~ means the reduction of the amount of pollutants, the elimination of pollutants, or the alteration of the nature of pollutant properties in wastewater to a less harmful state prior to or in lieu of discharging or otherwise introducing such pollutants into a POTW. The reduction or alteration can be obtained by physical, chemical or biological processes, or process changes by other means, except as prohibited by 40 CFR 403.6(d);

~~Pretreatment requirements~~ means any substantive or procedural requirement related to pretreatment, other than a National Pretreatment Standard imposed on an industrial user.

~~Publicly owned treatment works (POTW)~~ means a treatment works as defined by section 212 of the Act, (33 USC 1291) which is owned in this instance by the town. This definition includes any sewers that convey wastewater to the POTW treatment plant, but does not include pipes, sewers or other conveyances not connected to a facility providing treatment. For the purposes of this section, the term "POTW" shall also include any sewers that convey wastewaters to the POTW from persons outside the town who are, by contract or agreement with the town, users of the town's POTW.

~~POTW treatment plant~~ means that portion of the POTW designed to provide treatment to wastewater.

~~Public sewer~~ means a pipe or conduit carrying wastewater or unpolluted drainage in which owners of abutting properties shall have the use, subject to control by the town.

~~Sanitary sewer means a public sewer that conveys domestic wastewater or industrial wastes, or a combination of both, and into which stormwater, surface water, groundwater and other unpolluted wastes are not intentionally passed.~~

~~Shall is mandatory; may is permissive.~~

~~Significant industrial user means any industrial user of the town's wastewater disposal system who has a discharge flow of 25,000 gallons or more per average workday, or has a flow greater than five percent of the flow in the town's wastewater treatment system, or has in his wastes toxic pollutants as defined pursuant to section 307 of the Act of state statutes and rules or is found by the town, (state control agency) or the U.S. Environmental Protection Agency (EPA) to have significant impact, either singly or in combination with other contribution industries, on the wastewater treatment system, the quality of sludge, the system's effluent quality, or air emissions generated by the system.~~

~~Slug means any discharge of water, wastewater or industrial waste which in connection of any given constituent or in quantity of flow, exceeds for any period of duration longer than 15 minutes more than five times the average 24-hour concentration or flows during normal operation.~~

~~Standard industrial classification (SIC) means a classification pursuant to the Standard Industrial Classification Manual issued by the Executive Office of the President, Office of Management and Budget, 1972.~~

~~Standard Methods means the examination and analytical procedures set forth in the latest edition, at the time of analysis, of "Standard Methods for the Examination of Water and Wastewater," as prepared, approved and published jointly by the American Public Health Association, the American Water Works Association and the Water Pollution Control Federation.~~

~~Storm sewer means a public sewer which carries stormwater and surface water and drainage and into which domestic wastewater or industrial waste are not intentionally passed.~~

~~Stormwater means any flow occurring during or following any form of natural precipitation and resulting therefrom.~~

~~Suspended solids means the total suspended matter that floats on the surface of, or is suspended in, water, wastewater or other liquids, and which is removable by laboratory filtering.~~

~~To discharge means to deposit, conduit, drain, emit, throw, run, allow to seep, or otherwise release or dispose of, or to allow, permit or suffer any of these acts or omissions.~~

~~Town means the Town of Flower Mound, Texas, or the town council of Flower Mound, Texas.~~

~~Toxic pollutant means any pollutant or combination of pollutants listed as toxic in regulations promulgated by the manager of the Environmental Protection Agency under the provisions of GWA 307(a) or other Acts.~~

~~Trap means a device designed to skim, settle or otherwise remove grease, oil, sand, flammable wastes or other harmful substances.~~

~~Unpolluted wastewater means water containing:~~

- ~~(1) — No free or emulsified grease or oil;~~
- ~~(2) — No acids or alkalies;~~
- ~~(3) — No phenols or other substances producing taste or odor in receiving water;~~
- ~~(4) — No toxic or poisonous substances in suspension, colloidal state or solution;~~
- ~~(5) — No noxious or otherwise obnoxious or odorous gases;~~
- ~~(6) — Not more than ten mg/l each of suspended solids and BOD;~~

~~(7) — Color not exceeding 50 units as measured by the Platinum-Cobalt method of determination as specified in Standard Methods.~~

~~User means any person who contributes, causes or permits the contribution of wastewater into the town's POTW.~~

~~Waste means rejected, unutilized or superfluous substances in liquid, gaseous or solid form resulting from domestic, agricultural or industrial activities.~~

~~Wastewater means the liquid and water carried industrial or domestic wastes from dwellings, commercial buildings, industrial facilities and institutions, together with drainage water which may be present, whether treated or untreated, which is contributed into or permitted to enter the POTW.~~

~~Wastewater contribution permit means as set forth in section 70-161.~~

~~Wastewater facilities means all facilities for collection, pumping, treatment and disposing of wastewater and industrial wastes.~~

~~Wastewater service charge means the charge on all users of the public sewer system whose wastes do not exceed in strength the concentration values established as representative of normal wastewater.~~

~~Wastewater treatment plant means any town-owned facilities, devices and structures used for receiving, processing and treating wastewater, industrial waste and sludges from the sanitary sewers same as POTW treatment plant defined in this section.~~

~~Watercourse means a natural or manmade channel in which a flow of water occurs, either continuously or intermittently.~~

~~Waters of the state means all streams, lakes, ponds, marshes, watercourses, waterways, wells, springs, reservoirs, aquifers, irrigation systems, drainage systems and all other bodies or accumulations of water, surface or underground, natural or artificial, public or private, which are contained within, flow through or border upon the state or any of its portions.~~

~~(Code 1989, ch. 11, § 14.01)~~

~~Cross reference(s) — Definitions generally, § 1-2.~~

~~Secs. 70-112 — 70-130. Reserved.~~

Subdivision II. Administration and Enforcement²

~~Sec. 70-131. Power to enter property.~~

- ~~(a) — The director of utilities and other duly authorized employees of the town bearing proper credential and identification are entitled to enter any public or private property at any reasonable time for the purpose of enforcing this division.~~
- ~~(b) — Anyone acting under this authority shall observe the establishment's rules and regulations concerning safety, internal security and fire protection.~~
- ~~(c) — Except when caused by negligence or failure of the company to maintain safe conditions, the town shall indemnify the company against loss or damage to its property by town employees and against liability claims~~

²Cross reference(s) — Administration, ch. 2.

and demands for personal injury or property damage asserted against the company and growing out of the sampling operation.

~~(d) The director of utilities and other duly authorized employees of the town, bearing proper credentials and identification, are entitled to enter all private properties through which the town holds a negotiated easement for the purposes of:~~

~~(1) Inspection, observation, measurement, sampling or repair;~~

~~(2) Maintenance of any portion of the sewerage system lying with the easements; and~~

~~(3) Conducting any other authorized activity.~~

~~All activities shall be conducted in full accordance with the terms of the negotiated easement pertaining to the private property involved.~~

~~(e) No person acting under authority of this section may inquire into any processes, including metallurgical, chemical, oil refining, ceramic, paper or other industries beyond that point having a direct bearing on the kind and source of discharge to the public sewers. Information and data on a user obtained from reports, questionnaires, permit applications, permits and monitoring programs and from inspections shall be available to the public or other governmental agency without restriction unless the user specifically requests and is able to demonstrate to the satisfaction of the town that the release of such information would divulge information, processes or methods of production entitled to protection as trade secrets of the user. When requested by the person furnishing a report, the portions of a report which might disclose trade secrets or secret processes shall not be made available for inspection by the public but shall be made available upon written request to governmental agencies for uses related to this division, the National Pollutant Discharge Elimination System (NPDES) Permit; state disposal system permit and/or the pretreatment programs; provided, however, that such portions of a report shall be available for use by the state or any state agency in judicial review or enforcement proceedings involving the person furnishing the report. Wastewater constituents and characteristics will not be recognized as confidential information. Information accepted by the town as confidential shall not be transmitted to any governmental agency or to the general public by the town until and unless a ten-day notification is given to the user.~~

~~(Code 1989, ch. 11, § 14.23)~~

Sec. 70-132. Authority to disconnect service.

~~(a) The town may terminate water and wastewater disposal service and disconnect an industrial customer from the system when:~~

~~(1) Acids or chemicals damaging to sewer lines or treatment process are released to the sewer causing rapid deterioration of these structures or interfering with proper conveyance and treatment of wastewater;~~

~~(2) A governmental agency informs the town that the effluent from the wastewater treatment plant is no longer of a quality permitted for discharge to a watercourse, and it is found that the customer is delivering wastewater to the town's system that cannot be sufficiently treated or requires treatment that is not provided by the town as normal domestic treatment; or~~

~~(3) The industrial customer:~~

~~a. Discharges industrial waste or wastewater that is in violation of the permit issued by the approving authority;~~

~~b. Discharges wastewater at an uncontrolled, variable rate in sufficient quantity to cause an imbalance in the wastewater treatment system;~~

-
- ~~c. Fails to pay monthly bills for water and sanitary sewer services when due; or~~
 - ~~d. Repeats a discharge of prohibited wastes to public sewers.~~
- ~~(b) If service is disconnected pursuant to subsection (a)(2) of this section, the town shall:~~
- ~~(1) Disconnect the customer;~~
 - ~~(2) Supply the customer with the governmental agency's report and provide the customer with all pertinent information; and~~
 - ~~(3) Continue disconnection until such time as the industrial customer provides additional pretreatment or other facilities designed to remove the objectionable characteristic from his industrial wastes.~~
- ~~(c) Revocation of permit. Any user who violates the following conditions, or applicable state and federal regulations, is subject to having his permit revoked:~~
- ~~(1) Failure of a user to factually report the wastewater constituents and characteristics of his discharge;~~
 - ~~(2) Failure of the user to report significant changes in operations or wastewater constituents and characteristics;~~
 - ~~(3) Refusal of reasonable access to the user's premises for the purpose of inspection or monitoring; or~~
 - ~~(4) Violation of conditions of the permit.~~
- ~~(Code 1989, ch. 11, § 14.24)~~

~~Sec. 70-133. Notice.~~

~~The town shall serve persons discharging in violation of this division with written notice stating the nature of the violation and providing a reasonable time limit for satisfactory compliance.~~

~~(Code 1989, ch. 11, § 14.25)~~

~~Sec. 70-134. Continuing prohibited discharges.~~

~~No person may continue discharging in violation of this division beyond the time limit provided in the notice.~~

~~(Code 1989, ch. 11, § 14.26)~~

~~Sec. 70-135. Show cause hearing.~~

- ~~(a) The town may order any user who causes or allows an unauthorized discharge to enter the POTW to show cause before the town council why the proposed enforcement action should not be taken. A notice shall be served on the user specifying the time and place of a hearing to be held by the town council regarding the violation, the reasons why the action is to be taken, the proposed enforcement action, and directing the user to show cause before the town council why the proposed enforcement action should not be taken. The notice of the hearing shall be served personally or by registered or certified mail, return receipt requested, at least ten days before the hearing. Service may be made on any agent or officer of a corporation.~~
- ~~(b) The town council may itself conduct the hearing and take the evidence, or may designate any of its members or any officer or employee of the (assigned department) to:~~
 - ~~(1) Issue in the name of the town council notices of hearings requesting the attendance and testimony of witnesses and the production of evidence relevant to any matter involved in such hearings;~~

-
- ~~(2) — Take the evidence;~~
 - ~~(3) — Transmit a report of the evidence and hearing, including transcripts and other evidence, together with recommendations to the town council for action thereon.~~
 - ~~(c) — At any hearing held pursuant to this division, testimony taken must be under oath and recorded stenographically. The transcript, so recorded, will be made available to any member of the public or any party to the hearing upon payment of the usual charges.~~
 - ~~(d) — After the town council has reviewed the evidence, it may issue an order to the user responsible for the discharge directing that, following a specified time period, the sewer service be discontinued unless adequate treatment facilities, devices or other related appurtenances shall have been installed on existing treatment facilities, devices or other related appurtenances are properly operated. Further orders and directives as are necessary and appropriate may be issued.~~

~~(Code 1989, ch. 11, § 14.27)~~

~~Sec. 70-136. False statement or misrepresentation.~~

~~Any person who knowingly makes any false statements, representation or certification in any application, record, report, plan or other document filed or required to be maintained pursuant to this division, or wastewater contribution permit, or who falsifies, tampers with or knowingly renders inaccurate any monitoring device or method required under this division shall, upon conviction, be punished by a fine or by imprisonment for not more than six months, or by both.~~

~~(Code 1989, ch. 11, § 14.28)~~

~~Sec. 70-137. Failure to pay.~~

~~In addition to sanctions provided for by this division, the town is entitled to exercise sanctions provided for by the other orders of the town for failure to pay the bill for water and sanitary sewer service when due.~~

~~(Code 1989, ch. 11, § 14.29)~~

~~Sec. 70-138. Penalty for violation of division.~~

- ~~(a) — Any person violating any of the provisions of this division shall be deemed guilty of a misdemeanor and, upon conviction in the municipal court of the town, shall be punishable by a fine, and each day of such violation shall constitute a separate offense.~~
- ~~(b) — In addition to proceeding under the authority of subsection (a) of this section, the town is entitled to pursue all other criminal and civil remedies to which it is entitled under authority of statutes under this division or other ordinances of the town.~~

~~(Code 1989, ch. 11, § 14.30)~~

~~Secs. 70-139 — 70-160. Reserved.~~

~~Subdivision III. Wastewater Contribution Permits~~

~~Sec. 70-161. Required.~~

~~All significant users proposing to connect to or to contribute to the POTW shall obtain a wastewater discharge permit before connecting to or contributing to the POTW. All existing significant users connected to or contributing to the POTW shall obtain a wastewater contribution permit within 180 (optional) days after the effective date of the ordinance from which this division is derived.~~

~~(Code 1989, ch. 11, § 14.21(a))~~

~~Sec. 70-162. Application.~~

~~(a) Users required to obtain a wastewater contribution permit shall complete and file with the town, an application in the form prescribed by the town, and accompanied by a review fee as provided for in the fee schedule found in appendix A of this Code and a letter requesting connection to the town's sewer system. Existing users shall apply for a wastewater contribution permit within 30 (optional) days after the effective date of the ordinance from which this division is derived, and proposed the new users shall apply at least 90 (optional) days prior to connecting to or contributing to the POTW. In support of the application, the user shall submit, in units and terms appropriate for evaluation, the following information:~~

- ~~(1) Name, address and location, if different from the address;~~
- ~~(2) SIC number according to the Standard Industrial Classification Manual, Bureau of the Budget, 1972, as amended;~~
- ~~(3) Wastewater constituents and characteristics as determined by a reliable analytical laboratory; sampling and analysis shall be performed in accordance with procedures established by the EPA pursuant to section 304(g) of the Act and contained in 40 CFR 136, as amended;~~
- ~~(4) Time and duration of contribution;~~
- ~~(5) Average daily and 30 minute peak wastewater flow rates, including daily, monthly and seasonal variations, if any;~~
- ~~(6) Site plans, floor plans, mechanical and plumbing plans and details to show all sewers, sewer connections and appurtenances by the size, location and elevation;~~
- ~~(7) Description of activities, facilities and plant processes on the premises, including all materials which are or could be discharged;~~
- ~~(8) Where known, the nature and concentration of any pollutants in the discharge which are limited by any town, state or federal pretreatment standards, and a statement regarding whether or not the pretreatment standards are being met on a consistent basis and, if not, whether additional operation and maintenance (O&M) and/or additional pretreatment is required for the user to meet applicable pretreatment standards;~~
- ~~(9) If additional pretreatment and/or O&M will be required to meet the pretreatment standards; the shortest schedule by which the user will provide such additional pretreatment. The completion date in this schedule shall not be later than the compliance date established for the applicable pretreatment standard. The following conditions shall apply to this schedule:~~
 - ~~a. The schedule shall contain increments of progress in the form of dates or the commencement and completion of major events leading to the construction and operation of additional pretreatment required for the user to meet the applicable pretreatment standards (e.g., hiring an engineer, completing preliminary plans, completing final plans, executing contract for major components, commencing construction, completing construction, etc.).~~

-
- b. ~~No increment referred to in subsection (9)a of this section shall exceed nine months.~~
- c. ~~Not later than 14 days following each date in the schedule and the final date for compliance, the user shall submit a progress report to the director of utilities including, as a minimum, whether or not it complied with the increment of progress to be met on such date and, if not, the date on which it expects to comply with this increment of progress, the reason for delay, and the steps being taken by the user to return the construction to the schedule established. In no event shall it be more than nine months elapse between such progress reports to the director of utilities.~~

~~(10) Each product produced by type, amount, process or processes and rate of production;~~

~~(11) Type and amount of raw materials processed (average and maximum per day);~~

~~(12) Number and type of employees, and hours of operation of plant and proposed or actual hours of operation of pretreatment system;~~

~~(13) Any other information as may be deemed by the town to be necessary to evaluate the permit application.~~

(Code 1989, ch. 11, § 14.21(b))

~~Sec. 70-163. Evaluation of data; issuance.~~

~~The town's engineer will evaluate the data furnished by the user and may require additional information. After evaluation and acceptance of the data furnished, the town may issue a wastewater contribution permit subject to terms and conditions provided in this subdivision.~~

(Code 1989, ch. 11, § 14.21(c))

~~Sec. 70-164. Application deadline.~~

~~Within nine months of the promulgation of a National Categorical Pretreatment Standard, the wastewater contribution permit of users subject to such standards shall be revised to require compliance with such standard. Where a user, subject to a National Categorical Pretreatment Standard, has not previously submitted an application for a wastewater contribution permit, the user shall apply for a wastewater contribution permit within 180 days after the promulgation of the Applicable National Categorical Pretreatment Standard. In addition, the user with an existing wastewater contribution permit shall submit to the director of utilities within 180 days after the promulgation of an applicable federal categorical pretreatment standard the information required.~~

(Code 1989, ch. 11, § 14.21(c))

~~Sec. 70-165. Duration.~~

~~Permits shall be issued for a specified time period, not to exceed five years. A permit may be issued for a period less than a year or may be stated to expire on a specific date. The user shall apply for permit reissuance a minimum of 180 days prior to the expiration of the user's existing permit. The terms and conditions of the permit may be subject to modification by the town during the term of the permit as limitations or requirements are modified or other just cause exists. The user shall be informed of any proposed changes in his permit at least 30 days prior to the effective date of change. Any changes or new conditions in the permit shall include a reasonable time schedule for compliance.~~

(Code 1989, ch. 11, § 14.21(d))

~~Sec. 70-166. Transfer.~~

~~Wastewater discharge permits are issued to a specific user for a specific operation. A wastewater discharge permit shall not be reassigned or transferred or sold to a new owner, new user, different premises, or a new or changed operation without the approval of the town. Any succeeding owner or user shall also comply with the terms and conditions of the existing permit.~~

~~(Code 1989, ch. 11, § 14.21(e))~~

~~Sec. 70-167. Reporting requirements for permittee.~~

~~(a) — *Compliance date report.* Within 90 days following the date for final compliance with applicable pretreatment standards or, in the case of a new source, following commencement of the introduction of wastewater into the POTW, any user subject to pretreatment standards and requirements shall submit to the director of utilities a report indicating the nature and concentration of all pollutants in the discharge from the regulated process which are limited by pretreatment standards or requirements. The report shall state whether the applicable pretreatment standards or requirements are being met on a consistent basis and, if not, what additional O&M and/or pretreatment is necessary to bring the user into compliance with the applicable pretreatment standards or requirements. This statement shall be signed by an authorized representative of the industrial user, and certified to by a qualified professional.~~

~~(b) — *Periodic compliance reports.*~~

~~(1) — Any user subject to a pretreatment standard, after the compliance date of such pretreatment standard, or, in the case of a new source, after commencement of the discharge into the POTW, shall submit to the director of utilities during the months of June and December, unless required more frequently in the pretreatment standard or by the director of utilities, a report indicating the nature and concentration, of pollutants in the effluent which are limited by such pretreatment standards. In addition, this report shall include a record of all daily flows which during the reporting period exceeded the average daily flow report in section 70-162(a)(4). At the discretion of the director of utilities and in consideration of such factors as local high or low flow rates, holidays, budget cycles, etc., the director of utilities may agree to alter the months during which the above reports are to be submitted.~~

~~(2) — The director of utilities may impose mass limitations on users which are using dilution to meet applicable pretreatment standards or requirements, or in other cases where the imposition of mass limitations are appropriate. In such cases, the report required by subsection (a) of this section shall indicate the mass of pollutants regulated by pretreatment standards in the effluent of the user. These reports shall contain the results of sampling and analysis of the discharge, including the flow and mass where requested by the director of utilities, of pollutants contained in this division which are limited by the applicable pretreatment standards. The frequency of monitoring shall be prescribed in the applicable pretreatment standard. All analysis shall be performed in accordance with procedures established by the manager pursuant to section 304(g) of the Act and contained in 40 CFR 136, and amendments thereto, or with any other test procedures approved by the manager. Sampling shall be performed in accordance with the techniques approved by the manager.~~

~~(Code 1989, ch. 11, § 14.21(f))~~

~~Sec. 70-168. Conditions.~~

~~(a) — The town may grant a permit to discharge to persons meeting all requirements of the savings clause, provided that the person:~~

-
- ~~(1) Submit an application within 60 days after the effective date of the ordinance from which this division is derived on forms supplied by the approving authority;~~
 - ~~(2) Secure approval by the approving authority of plans and specifications for pretreatment facilities when required; and~~
 - ~~(3) Has complied with all requirements for agreements or arrangements including, but not limited to, provisions for:
 - ~~a. Payment of charges;~~
 - ~~b. Installation and operation of pretreatment facilities;~~
 - ~~c. Sampling and analysis to determine quantity and strength; and~~~~
 - ~~(4) Provides a sampling point subject to the provisions of this division and approval of the approving authority.~~
- ~~(b) A person applying for a new discharge shall:~~
- ~~(1) Meet all conditions of subsection (a) of this section; and~~
 - ~~(2) Secure a permit prior to discharging any waste.~~
- ~~(Code 1989, ch. 11, § 14.22)~~

~~Secs. 70-169—70-190. Reserved.~~

~~Subdivision IV. Discharge Regulations~~

~~Sec. 70-191. Compliance with existing authority.~~

- ~~(a) Unless exception is granted by the approving authority, the public sewer system shall be used by all persons discharging:
 - ~~(1) Wastewater;~~
 - ~~(2) Industrial waste;~~
 - ~~(3) Polluted liquids; or~~
 - ~~(4) Unpolluted waters or liquids.~~~~
- ~~(b) Unless authorized by the Texas Water Control Board, no person may deposit or discharge any waste included in subsection (a) of this section on public or private property in or adjacent to any:
 - ~~(1) Natural outlet;~~
 - ~~(2) Watercourse;~~
 - ~~(3) Storm sewer;~~
 - ~~(4) Other area within the jurisdiction of the town.~~~~
- ~~(c) The approving authority shall verify, prior to discharge, that wastes authorized to be discharged will receive suitable treatment within the provisions of law, regulations, ordinances, rules and order of federal, state and local governments.~~

-
- ~~(d) Upon the promulgation of the federal categorical pretreatment standards for a particular industrial subcategory, the federal standard, if more stringent than limitations imposed under this division for sources in that subcategory, shall immediately supersede the limitations imposed under this division. The director of utilities shall notify all affected users of the applicable reporting requirements under 40 CFR 403.12. State requirements and limitations on discharge shall apply in any case where they are more stringent than federal requirements and limitations or those in this division.~~

~~(Code 1989, ch. 11, § 14.09)~~

~~Sec. 70-192. Approving authority requirements.~~

- ~~(a) If discharge or proposed discharges to public sewers may deleteriously affect wastewater facilities, processes, equipment or receiving waters, create a hazard to life or health, or create a public nuisance, the approving authority may require:~~
- ~~(1) Pretreatment to an acceptable condition for discharge to the public sewers; or~~
- ~~(2) Control over the quantities and rates of discharge whereby:~~
- ~~a. No user shall ever increase the use of process water or, in any way, attempt to dilute a discharge as a partial or complete substitute for adequate treatment to achieve compliance with the limitations contained in the federal categorical pretreatment standards, or in any other pollutant-specific limitation developed by the town or state.~~
- ~~b. Each user shall provide protection from accidental discharge of prohibited materials or other substances regulated by this division. Facilities to prevent accidental discharge of prohibited materials shall be provided and maintained at the owner or user's own cost and expense. Detailed plans showing facilities and operating procedures to provide this protection shall be submitted to the town for review, and shall be approved by the town before construction of the facility. No user who commences contribution to the POTW after the effective date of the ordinance from which this division is derived shall be permitted to introduce pollutants into the system until accidental discharge procedures have been approved by the town. Review and approval of such plans and operating procedures shall not relieve the industrial user from the responsibility to modify the user's facility as necessary to meet the requirements of this division. In the case of an accidental discharge, it is the responsibility of the user to immediately telephone and notify the POTW of the incident. The notification shall include location of discharge, type of waste, concentration and volume, and corrective actions.~~
- ~~(3) Payment to cover the cost of handling and treating the wastes.~~
- ~~(b) The approving authority is entitled to determine whether a discharge or proposed discharge is included under subsection (a) of this section. The approving authority reserves the right to establish by ordinance more stringent limitations or requirements on discharges to the wastewater disposal system if deemed necessary to comply with the objectives of this division.~~
- ~~(c) The approving authority shall reject wastes when:~~
- ~~(1) It determines that a discharge or proposed discharge is included under subsection (a) of this section; and~~
- ~~(2) The discharger does not meet the requirements of subsection (a) of this section.~~

~~(Code 1989, ch. 11, § 14.10)~~

~~Sec. 70-193. Approving authority review and approval.~~

- ~~(a) If pretreatment or control is required, the approving authority shall review and approve design and installation of equipment and processes.~~
- ~~(b) The design and installation of equipment and processes must conform to all applicable statutes, codes, ordinances and other laws.~~
- ~~(c) Any person responsible for discharges requiring pretreatment flow equalization or other facilities shall provide and maintain the facilities in effective operating conditions at his expense.~~

~~(Code 1989, ch. 11, § 14.11)~~

~~Sec. 70-194. Requirements for traps.~~

- ~~(a) Discharges requiring a trap include:
 - ~~(1) Grease or waste containing grease in excessive amounts;~~
 - ~~(2) Oil;~~
 - ~~(3) Sand;~~
 - ~~(4) Flammable wastes; and~~
 - ~~(5) Other harmful ingredients.~~~~
- ~~(b) Any person responsible for discharges requiring a trap shall, at his own expense and as required by the approving authority:
 - ~~(1) Provide equipment and facilities of a type and capacity approved by the approving authority;~~
 - ~~(2) Locate the trap in a manner that provides ready and easy accessibility for cleaning and inspection; and~~
 - ~~(3) Maintain the trap in effective operating condition.~~~~

~~(Code 1989, ch. 11, § 14.12)~~

~~Sec. 70-195. Chemical discharges.~~

- ~~(a) No discharge to public sewers may contain:
 - ~~(1) Cyanide greater than 0.5 mg/l;~~
 - ~~(2) Fluoride other than that contained in the public water supply;~~
 - ~~(3) Chlorides in concentrations greater than 250 mg/l;~~
 - ~~(4) Any liquids, solids or gases which by reason of their nature or quantity are, or may be, sufficient, either alone or by interaction with other substances, to cause fire or explosion or be injurious in any other way to the POTW or to the operations of the POTW. At no time, shall two successive readings on an explosion hazard meter, at the point of discharge into the system (or at any point in the system) be more than five percent nor any single reading over ten percent of the lower explosive limit (LEL) of the meter. Prohibited materials include, but are not limited to, gasoline, kerosene, naphtha, benzene, toluene, xylene, ethers, alcohols, ketones, aldehydes, peroxides, chlorates, perchlorates, bromates, carbides, hydrides and sulfides, and any other substances which the town, the state or EPA has notified the user is a fire hazard or a hazard to the system;~~~~

-
- (5) ~~Substances causing a chemical oxygen demand (COD) greater than 500 mg/l.~~
- (b) ~~No waste or wastewater discharged to public waters may contain:~~
- (1) ~~Strong acids, iron pickling wastes or concentrated plating solutions, whether neutralized or not;~~
 - (2) ~~Fats, wax, grease or oils, whether emulsified or not, in excess of 100 mg/l or containing substances which may solidify or become viscous at temperatures between 32 and 150 degrees Fahrenheit (0 and 65 degrees Celsius);~~
 - (3) ~~Objectionable or toxic substances, exerting an excessive chlorine requirements, to such degree that any such material received in the composite wastewater at the wastewater treatment works exceeds the limits established by the approving authority for such materials; and~~
 - (4) ~~Obnoxious, toxic or poisonous solids, liquids or gases in quantities sufficient to violate the provisions of this section.~~
- (c) ~~No waste, wastewater or other substance may be discharged into public sewers which have a pH lower than 5.5 or higher than 9.5, or any other corrosive property capable of causing damage or hazard to structures, equipment and personnel at the wastewater facilities.~~
- (d) ~~All waste, wastewater or other substance containing phenols, hydrogen sulfide, or other taste and odor-producing substances, shall conform to concentration limits established by the approving authority. After treatment of the composite wastewater, concentration limits may not exceed the requirements established by state, federal or other agencies, with jurisdiction over discharge to receiving waters.~~
- (Code 1989, ch. 11, § 14.02)

Sec. 70-196. Heavy metals and toxic materials.

- (a) ~~No discharges may contain concentrations of heavy metals greater than amounts specified in subsection (b) of this section.~~
- (b) ~~The maximum allowable concentrations of heavy metals stated in terms of milligrams per liter (mg/l), determined on the basis of individual sampling in accordance with Standard Methods are:~~

(1)	Arsenic	0.05 mg/l;
(2)	Barium	5.0 mg/l;
(3)	Boron	1.0 mg/l;
(4)	Cadmium	0.02 mg/l;
(5)	Chromium (total)	0.5 mg/l;
(6)	Copper	0.5 mg/l;
(7)	Iron	1.0 mg/l;
(8)	Lead	0.1 mg/l;
(9)	Manganese	1.0 mg/l;
(10)	Mercury	0.005 mg/l;
(11)	Nickel	0.5 mg/l;
(12)	Selenium	0.02 mg/l;
(13)	Silver	1.0 mg/l;
(14)	Zinc	0.5 mg/l;

Note: In determining the concentration parameters to be included in this section, current state, federal and other appropriate agency rules, regulations and orders should be consulted, including Texas Water Quality Board Order No. 70-0828-5, regulating the discharge of hazardous metals into or adjacent to state waters.

(c) ~~No other heavy metals or toxic materials may be discharged into public sewers without a permit from the approving authority specifying conditions of pretreatment, concentrations, volume and other applicable provisions.~~

(d) ~~Prohibited heavy metals and toxic materials include, but are not limited to:~~

- ~~(1) Antimony;~~
- ~~(2) Beryllium;~~
- ~~(3) Bismuth;~~
- ~~(4) Cobalt;~~
- ~~(5) Molybdenum;~~
- ~~(6) Tin;~~
- ~~(7) Uranyl ion;~~
- ~~(8) Rhenium;~~
- ~~(9) Strontium;~~
- ~~(10) Tellurium;~~
- ~~(11) Herbicides;~~
- ~~(12) Fungicides; and~~
- ~~(13) Pesticides.~~

(Code 1989, ch. 11, § 14.03)

~~Sec. 70-197. Garbage.~~

(a) ~~No person may discharge garbage into public sewers unless it is shredded to a degree that all particles can be carried freely under the flow conditions normally prevailing in public sewers. Particles greater than one-half of an inch in any dimensions are prohibited.~~

(b) ~~The approving authority is entitled to review and approve the installation and operation of any garbage grinder equipped with a motor of three-fourths horsepower (0.76 hp metric) or greater.~~

(Code 1989, ch. 11, § 14.04)

~~Sec. 70-198. Stormwater and other unpolluted drainage.~~

(a) ~~No person may discharge to public sanitary sewers:~~

- ~~(1) Unpolluted stormwater, surface water, groundwater, roof runoff or subsurface drainage;~~
- ~~(2) Unpolluted cooling water;~~
- ~~(3) Unpolluted industrial process waters; or~~
- ~~(4) Other unpolluted drainage.~~

-
- ~~(b) — The approving authority may designate storm sewers and other watercourses into which unpolluted drainage described in subsection (a) of this section may be discharged with the approval of the town in areas on which that town has jurisdiction.~~

~~(Code 1989, ch. 11, § 14.05)~~

~~Sec. 70-199. Temperature.~~

~~No person may discharge liquid or vapor having a temperature higher than 104 degrees Fahrenheit (40 degrees Celsius), or any substance which causes the temperature of the total wastewater treatment plant influent to increase at a rate of ten degrees Fahrenheit or more per hour.~~

~~(Code 1989, ch. 11, § 14.06)~~

~~Sec. 70-200. Radioactive wastes.~~

- ~~(a) — No person may discharge radioactive wastes or isotopes into public sewers without the permission of the approving authority.~~

- ~~(b) — The approving authority may establish, in compliance with applicable state and federal regulations, regulations for discharge of radioactive wastes into public sewers.~~

~~(Code 1989, ch. 11, § 14.07)~~

~~Sec. 70-201. Impairment of facilities.~~

- ~~(a) — No person may discharge into public sewers any substance capable of causing:~~

- ~~(1) — Obstruction to the flow of sewers;~~
- ~~(2) — Interference with the operation of treatment processes of facilities; or~~
- ~~(3) — Excessive loading of treatment facilities.~~

- ~~(b) — Discharges prohibited by subsection (a) of this section include, but are not limited to, materials which exert or cause concentrations of:~~

- ~~(1) — Inert suspended solids greater than 250 mg/l including, but not limited to:~~

- ~~a. — Fuller's earth;~~
- ~~b. — Lime slurries; and~~
- ~~c. — Lime residues;~~

- ~~(2) — Dissolved solids greater than 500 mg/l including, but not limited to:~~

- ~~a. — Sodium chloride; and~~
- ~~b. — Sodium sulfate;~~

- ~~(3) — Excessive discoloration including, but not limited to:~~

- ~~a. — Dye wastes; and~~
- ~~b. — Vegetable tanning solutions; or~~

- ~~(4) — BOD, COD or chlorine demand in excess of normal plant capacity.~~

-
- ~~(c) — No person may discharge into public sewers any substance that may:~~
- ~~(1) — Deposit grease or oil in the sewer lines in such a manner as to clog the sewers.~~
 - ~~(2) — Overload skimming and grease handling equipment.~~
 - ~~(3) — Pass to the receiving waters without being effectively treated by normal wastewater treatment processes due to the nonamenability of the substance to bacterial action.~~
 - ~~(4) — Cause the POTWs effluent or any other product of the POTW such as residues, sludges or scums, to be unsuitable for reclamation and reuse or to interfere with the reclamation process. In no case, shall substance discharged to the POTW cause the POTW to be in noncompliance with sludge use or disposal criteria, guidelines or regulations developed under section 405 of the Act; any criteria, guidelines or regulations affecting sludge use or disposal developed pursuant to the Solid Waste Disposal Act, the Clean Air Act, the Toxic Substances Control Act, or state criteria applicable to the sludge management method being used.~~
 - ~~(5) — Cause the POTW to violate its NPDES and/or state disposal system permit or the receiving water quality standards.~~
 - ~~(6) — Deleteriously affect the treatment process due to excessive quantities.~~
- ~~(d) — No person may discharge any substance into public sewers which:~~
- ~~(1) — Is not amenable to treatment or reduction by the facilities employed; or~~
 - ~~(2) — Is amenable to treatment only to such a degree that the treatment plant effluent cannot meet the requirements of other agencies having jurisdiction over discharge to the receiving waters.~~
- ~~(e) — In no case shall a slug load have a flow rate or contain concentration or qualities of pollutants that exceed for any time period longer than 15 minutes more than five times the average 24-hour concentration, quantities or flow during normal operation.~~
- ~~(f) — The approving authority shall regulate the flow and concentration of slugs when they may:~~
- ~~(1) — Impair the treatment process;~~
 - ~~(2) — Cause damage to collection facilities;~~
 - ~~(3) — Incur treatment costs exceeding those for normal wastewater;~~
 - ~~(4) — Render the waste unfit for stream disposal or industrial use.~~
- ~~(g) — No person may discharge into public sewers solid or viscous substances which may violate subsection (a) of this section if present in sufficient quantity or size including, but not limited to:~~
- ~~(1) — Ashes;~~
 - ~~(2) — Cinders;~~
 - ~~(3) — Sand;~~
 - ~~(4) — Mud;~~
 - ~~(5) — Straw;~~
 - ~~(6) — Shavings;~~
 - ~~(7) — Metal;~~
 - ~~(8) — Glass;~~
 - ~~(9) — Rags;~~

-
- ~~(10) Feathers;~~
 - ~~(11) Tar;~~
 - ~~(12) Plastics;~~
 - ~~(13) Wood;~~
 - ~~(14) Unground garbage;~~
 - ~~(15) Whole blood;~~
 - ~~(16) Paunch manure;~~
 - ~~(17) Hair and fleshings;~~
 - ~~(18) Entrails;~~
 - ~~(19) Paper products, either whole or ground by garbage grinders;~~
 - ~~(20) Slops;~~
 - ~~(21) Chemical residues;~~
 - ~~(22) Paint residues; or~~
 - ~~(23) Bulk solids.~~

~~(Code 1989, ch. 11, § 14.09)~~

~~Sec. 70-202. Requirements for building sewers.~~

~~Any person responsible for discharges through a building sewer carrying industrial wastes shall, at his own expense and as required by the approving authority:~~

- ~~(1) Install an accessible and safely located control manhole;~~
- ~~(2) Install meters and other appurtenances to facilitate observation samplings and measurement of the waste; and~~
- ~~(3) Maintain the equipment and facilities.~~

~~(Code 1989, ch. 11, § 14.13)~~

~~Sec. 70-203. Sampling and testing.~~

- ~~(a) Sampling shall be conducted according to customarily accepted methods, reflecting the effect of constituents upon the sewage works and determining the existence of hazards of health, life, limb and property.~~

~~Note: The particular analyses involved will determine whether a 24-hour composite sample from all outfalls of a premises is appropriate or whether a grab sample should be taken. Normally, but not always, BOD and suspended solids analyses are obtained from 24-hour composites of all outfalls. Where applicable, 16-hour, eight-hour or some other period may be required. Periodic grab samples are used to determine pH.~~

- ~~(b) Examination and analyses of the characteristics of waters and wastes required by this division shall be:~~
 - ~~(1) Conducted in accordance with the latest edition of Standard Methods; and~~
 - ~~(2) Determined from suitable samples taken at the control manhole provided or other control point authorized by the approving authority.~~

-
- ~~(c) BOD and suspended solids shall be determined from composite sampling.~~
 - ~~(d) The approving authority may select an independent firm or laboratory to determine from BOD and suspended solids.~~
 - ~~(e) The approving authority may select the time of sampling at his sole discretion, so long as at least annual samples are taken.~~

~~(Code 1989, ch. 11, § 14.14)~~

~~Sec. 70-204. Grandfather clause.~~

~~A person discharging industrial wastes into public sewers prior to the effective date of the ordinance from which this division is derived (5-13-1985) may continue without penalty so long as he:~~

- ~~(1) Does not increase the quantity or decrease the quality of discharge, without permission of the approving authority;~~
- ~~(2) Has discharged the industrial waste at least six months prior to the effective date of the ordinance from which this division is derived (5-13-1985); and~~
- ~~(3) Applies for and is granted a permit no later than 90 days after the effective date of the ordinance from which this division is derived (5-13-1985).~~

~~(Code 1989, ch. 11, § 14.20)~~

~~Secs. 70-205—70-220. Reserved.~~

~~Subdivision V. Calculation of Rates and Charges~~

~~Sec. 70-221. Payment and agreement required.~~

- ~~(a) Persons making discharges of industrial waste shall pay a charge to cover the cost of collection and treatment.~~
- ~~(b) When discharges of industrial waste are approved by the approving authority, the town or its authorized representative shall enter into an agreement or arrangement providing:~~
 - ~~(1) Terms of acceptance by the town;~~
 - ~~(2) Payment by the person making the discharge; and~~
 - ~~(3) Approval of rates by the town council.~~

~~(Code 1989, ch. 11, § 14.15)~~

~~Sec. 70-222. Industrial waste charge and added costs.~~

- ~~(a) If the volume or character of the waste to be treated by the town does not cause overloading to sewage collection, treatment or disposal facilities of the town, then, prior to approval, the town and the person making the discharge shall enter into an agreement which provides that the discharger pay an industrial waste charge to be determined from the schedule of charges.~~

~~(b) If the volume or character of the waste to be treated by the town requires that wastewater collection, treatment or other disposal facilities of the town be improved, expanded or enlarged in order to treat the waste, then, prior to approval, the town and the person making the discharge shall enter into an agreement which provides that the discharger pay in full all added costs the town may incur due to acceptance of the waste.~~

~~(c) The agreement entered into pursuant to subsection (a) of this section shall include, but not be limited to:~~

~~(1) Amortization of all capital outlay for collecting and treating the waste, including new capital outlay and the proportionate part of the value of the existing system used in handling and treating the waste;~~

~~(2) Operation and maintenance costs, including salaries and wages, power costs, costs of chemicals and supplies, proper allowances for maintenance, depreciation, overhead and office expense; and~~

~~(d) Amortization shall be completed in a period represented by "n," in years, and payment shall include all debt service costs.~~

~~(Code 1989, ch. 11, § 14.16)~~

~~Sec. 70-223. Schedule of charges.~~

~~The method of cost allocation or derivation of industrial waste charges may be found fully described in appendix A of this Code.~~

~~(Code 1989, ch. 11, § 14.17)~~

~~Sec. 70-224. Adjustment of charges.~~

~~(a) The town shall adjust charges at least annually to reflect changes in the characteristics of wastewater based on the result of sampling and testing.~~

~~(b) Increases in charges shall be retroactive for two billing periods and shall continue for six billing periods unless subsequent tests determine that the charge should be further increased.~~

~~(c) The town shall review at least annually the basis for determining charges and shall adjust the unit treatment cost in the formula to reflect increases or decreases in wastewater treatment costs based on the previous year's experience.~~

~~(d) The town shall bill the discharger by the month and shall show industrial waste charges as a separate item on the regular bill for water and sewer charges. The discharger shall pay monthly in accordance with practices existing for payment of sewer charges.~~

~~(Code 1989, ch. 11, § 14.18)~~

~~Sec. 70-225. Fees.~~

~~(a) *Purpose.* It is the purpose of this division to provide for the recovery of costs from users of the town's wastewater disposal system for the implementation of the program established in this division. The applicable charges or fees shall be set forth in the town's schedule of charges and fees in appendix A of this Code.~~

~~(b) *Charges and fees.* The town may adopt charges and fees which may include:~~

~~(1) Fees for reimbursement of costs of setting up and operating the town's pretreatment program;~~

-
- ~~(2) Fees for monitoring, inspections and surveillance procedures;~~
 - ~~(3) Fees for reviewing accidental discharge procedures and construction;~~
 - ~~(4) Fees for permit applications and review of application by the town's engineer;~~
 - ~~(5) Fees for filing appeals;~~
 - ~~(6) Fees for consistent removal (by the town) of pollutants otherwise subject to federal pretreatment standards;~~
 - ~~(7) Other fees as the town may deem necessary to carry out the requirements contained in this division.~~

~~These fees relate solely to the matters covered by this division and are separate from all other fees chargeable by the town.~~

~~(Code 1989, ch. 11, § 14.19)~~

~~Secs. 70-226—70-260. Reserved.~~

**TOWN OF FLOWER MOUND, TEXAS
ORDINANCE NO. _____**

AN ORDINANCE OF THE TOWN OF FLOWER MOUND, TEXAS, AMENDING DIVISION 2, "INDUSTRIAL WASTES AND PRETREATMENT REQUIREMENTS," OF ARTICLE III., "SANITARY SEWER SERVICE," OF CHAPTER 70, "UTILITIES," OF SUBPART A, "GENERAL ORDINANCES," OF THE CODE OF ORDINANCES, TOWN OF FLOWER MOUND, TEXAS; IN ACCORDANCE WITH TRINITY RIVER AUTHORITY OF TEXAS AGREEMENT WITH THE TOWN; PROVIDING THIS ORDINANCE SHALL BE CUMULATIVE OF ALL ORDINANCES; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A PENALTY FOR VIOLATIONS; PROVIDING A SAVINGS CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Town of Flower Mound, Texas, (the "Town") is a home rule municipality acting under its charter adopted by the electorate pursuant to Article XI, Section 5, of the Texas Constitution and Chapter 9 of the Local Government Code; and,

WHEREAS, the Town operates publicly owned treatment works ("POTWs"); and,

WHEREAS, the Town is required to develop pretreatment programs to regulate industrial discharges into its system; and,

WHEREAS, the Town Council of the Town previously adopted an agreement between Trinity River Authority of Texas and the Town; and

WHEREAS, the Town Council finds that it is in the best interest of the health, safety, and general welfare of the citizens of the Town to adopt regulations and procedures for water and sewer treatment facilities within the Town;

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF FLOWER MOUND, TEXAS, THAT:

SECTION 1

All the above premises are true and correct legislative and factual findings of the Town Council, and they are hereby approved, ratified, and incorporated into the body of this Ordinance as if copied in their entirety.

SECTION 2

Division 2, "Industrial Wastes and Pretreatment Requirements," Of Article III., "Sanitary Sewer Service," Of Chapter 70, "Utilities," of Subpart A, "General Ordinances," of The Code of Ordinances, Town of Flower Mound, Texas, is hereby amended to read as follows:

“Subdivision I. – General Provisions**Sec. 70-111. - Purpose and policy.**

This ordinance sets forth uniform requirements for users of the Publicly Owned Treatment Works for the **Town of Flower Mound** and enables **the Town** to comply with all applicable State and Federal laws, including the Clean Water Act (33 United States Code § 1251 *et seq.*) and the General Pretreatment Regulations (40 Code of Federal Regulations Part 403). The objectives of this ordinance are:

- (a) To prevent the introduction of pollutants into the Publicly Owned Treatment Works that will interfere with its operation;
- (b) To prevent the introduction of pollutants into the Publicly Owned Treatment Works that will pass through the Publicly Owned Treatment Works, inadequately treated, into receiving waters, or otherwise be incompatible with the Publicly Owned Treatment Works;
- (c) To protect both Publicly Owned Treatment Works personnel who may be affected by wastewater and sludge in the course of their employment and the general public;
- (d) To promote reuse and recycling of industrial wastewater and sludge from the Publicly Owned Treatment Works;
- (e) To provide for fees for the equitable distribution of the cost of operation, maintenance, and improvement of the Publicly Owned Treatment Works; and
- (f) To enable the Control Authority to comply with its National Pollutant Discharge Elimination System permit conditions, sludge use and disposal requirements, and any other Federal or State laws to which the Publicly Owned Treatment Works is subject.

This ordinance shall apply to all users of the Publicly Owned Treatment Works. The ordinance authorizes the issuance of wastewater discharge permits; provides for monitoring, compliance, and enforcement activities; establishes administrative review procedures; requires user reporting; and provides for the setting of fees for the equitable distribution of costs resulting from the program established herein.

Sec. 70-112. - Administration.

Except as otherwise provided herein, Town Manager shall administer, implement, and enforce the provisions of this ordinance. Any powers granted to or duties imposed upon the Town Manager may be delegated by the Town Manager to other Town personnel.

Sec. 70-113. - Abbreviations.

The following abbreviations, when used in this ordinance, shall have the designated meanings:

- BMP - Best Management Practice
- BMR - Baseline Monitoring Report
- BOD - Biochemical Oxygen Demand
- CFR - Code of Federal Regulations
- CIU - Categorical Industrial User
- COD - Chemical Oxygen Demand
- DCRWS – Trinity River Authority of Texas Denton Creek Regional Wastewater System
- EPA - U.S. Environmental Protection Agency
- gpd - Gallons per day
- IU - Industrial User
- mg/l - Milligrams per liter
- NAICS - North American Industrial Classification System
- NPDES - National Pollutant Discharge Elimination System
- NSCIU - Non-Significant Categorical Industrial User
- POTW - Publicly Owned Treatment Works
- RCRA- Resource Conservation and Recovery Act
- SIC - Standard Industrial Classification
- SIU - Significant Industrial User
- SNC - Significant Noncompliance
- TCEQ - Texas Commission on Environmental Quality

- TPDES - Texas Pollutant Discharge Elimination System
- TRA - Trinity River Authority of Texas
- TSS - Total Suspended Solids
- TTO - Total Toxic Organics
- U.S.C. - United States Code

Sec. 70-114. - Definitions.

Unless a provision explicitly states otherwise, the following terms and phrases, as used in this ordinance, shall have the meanings hereinafter designated.

- (a) *Act or "the Act"* means the Federal Water Pollution Control Act, also known as the Clean Water Act, as amended, 33 U.S.C. § 1251 *et seq.*
- (b) *Approval authority* means the Executive Director of TCEQ where the state has been delegated NPDES permit authority and has an approved pretreatment program.
- (c) *Authorized representative of the user*
 - (1) If the user is a corporation:
 - a. The president, secretary, treasurer, or a vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy or decision-making functions for the corporation; or
 - b. The manager of one (1) or more manufacturing, production, or operating facilities, provided the manager is authorized to make management decisions that govern the operation of the regulated facility including having the explicit or implicit duty of making major capital investment recommendations, and initiate and direct other comprehensive measures to assure long-term environmental compliance with environmental laws and regulations; can ensure that the necessary systems are established or actions taken to gather complete and accurate information for individual wastewater discharge permit requirements; and where authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures.

- (2) If the user is a partnership or sole proprietorship: a general partner or proprietor, respectively.
 - (3) If the user is a Federal, State, or local governmental facility: a director or highest official appointed or designated to oversee the operation and performance of the activities of the government facility, or their designee.
 - (4) The individuals described in subsections (1) through (3), above, may designate another authorized representative if the authorization is in writing, the authorization specifies the individual or position responsible for the overall operation of the facility from which the discharge originates or having overall responsibility for environmental matters for the company, and the written authorization is submitted to the Town.
- (d) *Biochemical oxygen demand or BOD* means the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedures for five (5) days at 20° centigrade, usually expressed as a concentration (e.g., mg/l).
- (e) *Best management practices or BMPs* means schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to implement the prohibitions listed in Section 70-115 (a) and (b) [40 CFR 403.5(a)(1) and (b)]. BMPs include treatment requirements, operating procedures, and practices to control plant site runoff, spillage or leaks, sludge or waste disposal, or drainage from raw materials storage.
- (f) *Categorical pretreatment standard or categorical standard* means any regulation containing pollutant discharge limits promulgated by EPA in accordance with Sections 307(b) and (c) of the Act (33 U.S.C. § 1317) which apply to a specific category of users and which appear in 40 CFR Chapter I, Subchapter N, Parts 405-471.
- (g) *Categorical Industrial User (CIU)* means an Industrial User subject to a categorical Pretreatment Standard or Categorical Standard.
- (h) *Composite sample* means a sample that is collected over time, formed either by continuous sampling or by mixing discrete samples. The sample may be composited either as a time composite sample: composed of discrete sample aliquots collected at constant time intervals providing a sample irrespective of stream flow; or as a flow proportional composite sample: collected either as a constant sample volume at time intervals proportional to flow, or collected by increasing the volume of each aliquot as the flow increases while maintaining a constant time interval between the aliquots.
- (i) *Control authority* means Trinity River Authority of Texas and or the Town of Flower

Mound as holders of the respective TPDES permit.

- (j) *Daily maximum limit* means the maximum allowable discharge limit of a pollutant during a calendar day. Where daily maximum limits are expressed in units of mass, the daily discharge is the total mass discharged over the course of the day. Where daily maximum limits are expressed in terms of a concentration, the daily discharge is the arithmetic average measurement of the pollutant concentration derived from all measurements taken that day.
- (k) *Environmental Protection Agency or EPA means* the U.S. Environmental Protection Agency or, where appropriate, the Regional Water Management Division Director, or other duly authorized official of said agency.
- (l) *Existing source means* any source of discharge, the construction or operation of which commenced prior to the publication by EPA of proposed categorical pretreatment standards, which will be applicable to such source if the standard is thereafter promulgated in accordance with Section 307 of the Act.
- (m) *Extrajurisdictional user means* a user the Town has determined requires a permit to discharge, other than a local government, which is located outside the jurisdiction of the Town, and which discharges or plans to discharge to the POTW.
- (n) *Grab sample means* a sample which is taken from a wastestream without regard to the flow in the wastestream and over a period of time not to exceed fifteen (15) minutes.
- (o) *Indirect discharge or discharge means* the introduction of pollutants into the POTW from any nondomestic source regulated under Section 307(b), (c), or (d) of the Act.
- (p) *Instantaneous maximum allowable discharge limit means* the maximum concentration of a pollutant allowed to be discharged at any time, determined from the analysis of any discrete or composited sample collected, independent of the industrial flow rate and the duration of the sampling event.
- (q) *Interference means* a discharge, which alone or in conjunction with a discharge or discharges from other sources, inhibits or disrupts the POTW, its treatment processes or operations or its sludge processes, use or disposal; and therefore, is a cause of a violation of the Control Authority's TPDES permit or of the prevention of sewage sludge use or disposal in compliance with any of the following statutory/regulatory provisions or permits issued thereunder, or any more stringent State or local regulations: Section 405 of the Act; the Solid Waste Disposal Act, including Title II commonly referred to as the Resource Conservation and Recovery Act (RCRA); 40 CFR 503 sludge regulations; any State regulations contained in any State sludge management plan prepared pursuant to Subtitle D of the Solid Waste Disposal Act and 30 TAC 312; the Clean Air Act; the Toxic

Substances Control Act; and the Marine Protection, Research, and Sanctuaries Act.

- (r) *Medical waste* means isolation wastes, infectious agents, human blood and blood products, pathological wastes, sharps, body parts, contaminated bedding, surgical wastes, potentially contaminated laboratory wastes, and dialysis wastes.
- (s) *Monthly average* means the sum of all “daily discharges” measured during a calendar month divided by the number of “daily discharges” measured during that month.
- (t) *National Pollutant Discharge Elimination System (NPDES)* means National Pollutant Discharge Elimination System permit program of the Environmental Protection Agency, and/or the permit program of the state agency delegated to act on EPA’s behalf with an approved pretreatment program (e.g. TPDES or Texas Pollutant Discharge Elimination System).
- (u) *New source*
 - (1) Any building, structure, facility, or installation from which there is (or may be) a discharge of pollutants, the construction of which commenced after the publication of proposed pretreatment standards under Section 307(c) of the Act which will be applicable to such source if such standards are thereafter promulgated in accordance with that section, provided that:
 - a. The building, structure, facility, or installation is constructed at a site at which no other source is located; or
 - b. The building, structure, facility, or installation totally replaces the process or production equipment that causes the discharge of pollutants at an existing source; or
 - c. The production or wastewater generating processes of the building, structure, facility, or installation are substantially independent of an existing source at the same site. In determining whether these are substantially independent, factors such as the extent to which the new facility is integrated with the existing plant, and the extent to which the new facility is engaged in the same general type of activity as the existing source, should be considered.
 - (2) Construction on a site at which an existing source is located results in a modification rather than a new source if the construction does not create a new building, structure, facility, or installation meeting the criteria of Section (1)B. or subsection(1)c. above but otherwise alters, replaces, or adds to existing process or production equipment.

- (3) Construction of a new source as defined under this paragraph has commenced if the owner or operator has:
- a. Begun, or caused to begin, as part of a continuous onsite construction program
 - (i) any placement, assembly, or installation of facilities or equipment; or
 - (ii) significant site preparation work including clearing, excavation, or removal of existing buildings, structures, or facilities which is necessary for the placement, assembly, or installation of new source facilities or equipment; or
 - b. Entered into a binding contractual obligation for the purchase of facilities or equipment which are intended to be used in its operation within a reasonable time. Options to purchase or contracts which can be terminated or modified without substantial loss, and contracts for feasibility, engineering, and design studies do not constitute a contractual obligation under this paragraph.
- (v) *Noncontact cooling water* means water used for cooling which does not come into direct contact with any raw material, intermediate product, waste product, or finished product.
- (w) *Normal wastewater* means wastewater which the average concentration of suspended solids and five (5)-day BOD does not exceed two hundred and fifty (250) mg/l each.
- (x) *North American Industry Classification System (NAICS)* is a system used by the Federal Government for collecting and organizing industry-related statistics. The NAICS codes are updated every five years to stay current with industry developments.
- (y) *Pass through* means a discharge which exits the POTW into waters of the United States in quantities or concentrations which, alone or in conjunction with a discharge or discharges from other sources, is a cause of a violation of any requirement of the Control Authority's TPDES permit, including an increase in the magnitude or duration of a violation.
- (z) *Person* means any individual, partnership, copartnership, firm, company, corporation, association, joint stock company, trust, estate, governmental entity, or any other legal entity; or their legal representatives, agents, or assigns. This definition includes all Federal, State, and local governmental entities.

- (aa) *pH* means measure of the acidity or alkalinity of a solution, expressed in standard units.
- (bb) *Pollutant* means redged spoil, solid waste, incinerator residue, filter backwash, sewage, garbage, sewage sludge, munitions, medical wastes, chemical wastes, biological materials, radioactive materials, heat, wrecked or discarded equipment, rock, sand, cellar dirt, municipal, agricultural and industrial wastes, and certain characteristics of wastewater (e.g., pH, temperature, TSS, turbidity, color, BOD, COD, toxicity, or odor).
- (cc) *Pretreatment* means the reduction of the amount of pollutants, the elimination of pollutants, or the alteration of the nature of pollutant properties in wastewater prior to, or in lieu of, introducing such pollutants into the POTW. This reduction or alteration can be obtained by physical, chemical, or biological processes; by process changes; or by other means, except by diluting the concentration of the pollutants unless allowed by an applicable pretreatment standard.
- (dd) *Pretreatment requirements* means any substantive or procedural requirement related to pretreatment imposed on a user, other than a pretreatment standard.
- (ee) *Pretreatment standards or standards* means pretreatment standards shall mean prohibited discharge standards, categorical pretreatment standards, and local limits.
- (ff) *Process wastewater* means water that comes into direct contact with or results from the production or use of any raw material, intermediate product, finished product, byproduct, waste product, or wastewater; and/or as defined in a National Pretreatment Standard.
- (gg) *Prohibited discharge standards or prohibited discharges* means absolute prohibitions against the discharge of certain substances; these prohibitions appear in subdivision II, section 70-115 of this ordinance.
- (hh) *Publicly owned treatment works* or POTW means a "treatment works," as defined by Section 212 of the Act (33 U.S.C. §1292) which is owned by the Town or the Trinity River Authority, and specifically including the Flower Mound wastewater treatment plant system and the Denton Creek Regional wastewater system (TRA). This definition includes any devices or systems used in the collection, storage, treatment, recycling, and reclamation of sewage or industrial wastes of a liquid nature and any conveyances which convey wastewater to a treatment plant.
- (ii) *Septic tank waste* means any sewage from holding tanks such as vessels, chemical toilets, campers, trailers, and septic tanks.
- (jj) *Sewage* means human excrement and gray water (household showers, dishwashing operations, etc.).

(kk) *Shall* is mandatory; *may* is permissive.

(ll) *Significant industrial user or SIU*

(1) SIUs

- a. A user subject to categorical pretreatment standards; or
- b. A user that:
 - (i) Discharges an average of twenty-five thousand (25,000) gpd or more of process wastewater to the POTW (excluding sanitary, noncontact cooling, and boiler blowdown wastewater);
 - (ii) Contributes a process wastestream which makes up five (5) percent or more of the average dry weather hydraulic or organic capacity of the POTW treatment plant; or
 - (iii) Is designated as such by the Town on the basis that it has a reasonable potential for adversely affecting the POTW's operation or for violating any pretreatment standard or requirement.
- c. Upon a finding that a user meeting the criteria in Subsection (2) has no reasonable potential for adversely affecting the POTW's operation or for violating any pretreatment standard or requirement, the Town may at any time, on its own initiative or in response to a petition received from a user, and in accordance with procedures in 40 CFR 403.8(f)(6), determine that such user should not be considered a significant industrial user.

(2) NSCIUs

- a. The town may determine that an Industrial User subject to categorical Pretreatment Standards is a NSCIU rather than a SIU on a finding of any of the three criteria below:
 - (i) The Industrial User never discharges more than one hundred (100) gallons per day (gpd) of total categorical wastewater (excluding sanitary, non-contact cooling and boiler blowdown wastewater, unless specifically included in the Pretreatment Standard);
 - (ii) The Industrial User is required by a categorical Pretreatment Standard to not discharge categorical wastewater unless the town has determined there is no potential for the Industrial User to discharge the prohibited categorical wastewater;

- (iii) The Industrial User is subject to numeric categorical Pretreatment Standard(s) and does not discharge categorical wastewater unless the Town has determined there is no potential for the Industrial User to discharge categorical wastewater;
 - b. The following conditions must be met for an Industrial User classified as a NSCIU:
 - (i) The Industrial User, prior to town's finding, has consistently complied with all applicable categorical Pretreatment Standards and Requirements;
 - (ii) The Industrial User annually submits the certification statement required in section 70-131.(c) [see 40 CFR 403.12(q)], together with any additional information necessary to support the certification statement; and
 - (iii) The Industrial User never discharges any untreated concentrated wastewater.
- (mm) *Slug load or slug discharge* means any discharge of a non-routine, episodic nature, including but not limited to accidental spill or a non-customary batch discharge, which has a reasonable potential to cause Interference or Pass Through, or in any other way violate the POTW's regulations, Local Limits or Permit conditions.
- (nn) *Standard Industrial Classification (SIC) Code* means a classification pursuant to the *Standard Industrial Classification Manual* issued by the United States Office of Management and Budget.
- (oo) *Stormwater* means any flow occurring during or following any form of natural precipitation, and resulting from such precipitation, including snowmelt.
- (pp) *Texas Pollutant Discharge Elimination System (TPDES)* means Texas Pollutant Discharge Elimination System permit program of the Texas Commission on Environmental Quality with federal regulatory authority to act on an approved pretreatment program.
- (qq) *Total Suspended Solids (TSS) or suspended solids* means the total suspended matter that floats on the surface of, or is suspended in, water, wastewater, or other liquid, and which is removable by laboratory filtering.
- (rr) *Total toxic organics (TTO)* means the sum of the masses or concentration of the toxic organic compounds listed in 40 CFR 122 Appendix D, Table II found in

industrial users' discharge at a concentration greater than 0.01 mg/L with categorical industries, TTOs will be sampled for as stipulated in the particular category or those parameters reasonably suspected to be present, at the discretion of the Town Manager, where not stipulated.

- (ss) *Town* means the Town of Flower Mound, Texas or the Town Council, and a contracting party of the Trinity River Authority Denton Creek Regional Wastewater System.
- (tt) *User or Industrial User (IU)* means a source of indirect discharge.
- (uu) *Town manager* means the person designated by the Town who is charged with certain duties and responsibilities by this ordinance, or a duly authorized representative.
- (vv) *Wastewater* means liquid and water-carried industrial wastes and sewage from residential dwellings, commercial buildings, industrial and manufacturing facilities, and institutions, whether treated or untreated, which are contributed to the POTW.
- (ww) *Wastewater treatment plant or treatment plant* means that portion of the POTW which is designed to provide treatment of municipal sewage and industrial waste.

(1) Service Locations.

- i. TRA DCRWS wastewater treatment plant will serve Prairie Vista and Denton Creek service areas.
- ii. Town of Flower Mound wastewater treatment plant will serve the Long Prairie and Lakeside service areas

Subdivision II.- General Sewer Use Requirements

Sec. 70-115. - Prohibited discharge standards.

- (a) General prohibitions. No user shall introduce or cause to be introduced into the POTW any pollutant or wastewater which causes pass through or interference. These general prohibitions apply to all users of the POTW whether or not they are subject to categorical pretreatment standards or any other national, state, or local pretreatment standards or requirements.
- (b) Specific prohibitions. No user shall introduce or cause to be introduced into the POTW the following pollutants, substances, or wastewater:
 - (1) Pollutants which create a fire or explosive hazard in the POTW, including, but not limited to, wastestreams with a closed-cup flashpoint of less than

one hundred and forty degrees Fahrenheit (140°F or 60°C) using the test methods specified in 40 CFR 261.21.

- (2) Wastewater having a pH specified in the applicable local limits in Section 70-118, or otherwise having corrosive properties capable of causing damage or injury to structures, equipment, and/or personnel of the POTW.
- (3) Solid or viscous substances in amounts that will cause obstruction of the flow in the POTW resulting in interference, blockage, or damage to the POTW.
- (4) Pollutants, including oxygen-demanding pollutants (BOD, etc.), released in a discharge at a flow rate and/or pollutant concentration which, either singly or by interaction with other pollutants, will cause interference with the POTW.
- (5) Wastewater having a temperature greater than one hundred and fifty degrees Fahrenheit (150°F or 65°C), or which will inhibit biological activity in the treatment plant resulting in interference, but in no case wastewater which causes the temperature at the introduction into the treatment plant to exceed one hundred and four degrees Fahrenheit (104°F or 40°C).
- (6) Petroleum oil, nonbiodegradable cutting oil, or products of mineral oil origin, in amounts that will cause interference and/or pass through; and in amounts specified in Section 70-118 of this Ordinance.
- (7) Pollutants which result in the presence of toxic gases, vapors, or fumes within the POTW in a quantity that may cause acute worker health and safety problems.
- (8) Trucked or hauled pollutants, except at discharge points designated by the Town Manager and the Control Authority in accordance with Section 70-125 of this Ordinance.
- (9) Noxious or malodorous liquids, gases, solids, or other wastewater which, either singly or by interaction with other wastes, are sufficient to create a public nuisance or a hazard to life, or to prevent entry into the sewers for maintenance or repair.
- (10) Wastewater that imparts color which cannot be removed by the treatment process, such as, but not limited to, dye wastes and vegetable tanning solutions, which consequently imparts color to the treatment plant's effluent, thereby violating the applicable TPDES permit;
- (11) Wastewater containing any radioactive wastes or isotopes except in compliance with applicable State or Federal regulations.

- (12) Storm water, surface water, ground water, artesian well water, roof runoff, subsurface drainage, and unpolluted wastewater, unless specifically authorized by the Town Manager.
 - (13) Sludges, screenings, or other residues from the pretreatment of industrial wastes.
 - (14) Medical wastes, except as specifically authorized by the Town Manager, that do not cause or contribute to Pass Through and/or Interference.
 - (15) Wastewater causing, alone or in conjunction with other sources, the treatment plant's effluent to fail a toxicity test.
 - (16) Detergents, surface-active agents, or other substances which may cause excessive foaming in the POTW.
 - (17) Fats, oils, or greases of animal or vegetable origin in concentrations greater than that specified in the applicable local limits in Section 70-118.
 - (18) A discharge of water, normal domestic wastewater, or industrial waste that which in quantity of flow exceeds, for a duration of longer than fifteen minutes, more than four times the average twenty-four (24) hour flow during normal operations of the industry.
 - (19) Insecticides and herbicides in concentrations that are not amenable to treatment.
 - (20) Garbage that is not properly shredded to such an extent that all particles will be carried freely under the flow conditions normally prevailing in wastewater mains, with no particle having greater than one-half inch (1/2") cross-sectional dimension.
 - (21) Wastewater or industrial waste generated or produced outside the Town, unless approval in writing from the Town Manager has been given to the person discharging the waste.
 - (22) Without the approval of the Town Manager, a substance or pollutant other than industrial waste, normal domestic wastewater, septic tank waste or chemical toilet waste that is of a toxic or hazardous nature, regardless of whether or not it is amenable to treatment, including but not limited to bulk or packaged chemical products.
- (c) Processing and storage. Pollutants, substances, or wastewater prohibited by this section shall not be processed or stored in such a manner that they could be discharged to the POTW.

Sec. 70-116. - National Categorical pretreatment standards.

The categorical pretreatment standards found at 40 CFR Chapter I, Subchapter N, Parts 405-471 are hereby incorporated.

- (a) Where a categorical pretreatment standard is expressed in terms of either the mass or the concentration of a pollutant in wastewater, Town Manager may impose equivalent concentration or mass limits in accordance with 40 CFR 403.6(c)(1).
- (b) When wastewater subject to a categorical pretreatment standard is mixed with wastewater not regulated by the same standard, Town Manager shall impose an alternate limit using the combined wastestream formula in 40 CFR 403.6(e).
- (c) A user may obtain a variance from a categorical pretreatment standard if the user can prove, pursuant to the procedural and substantive provisions in 40 CFR 403.13, that factors relating to its discharge are fundamentally different from the factors considered by EPA when developing the categorical pretreatment standard.
- (d) A user may obtain a net gross adjustment to a categorical standard in accordance with 40 CFR 403.15.

Sec. 70-117. – Reserved.**Sec. 70-118. - Local limits.**

- (a) TRA Denton Creek Regional Wastewater System

The following pollutant limits are established to protect against pass through and interference and apply at the point where the wastewater is discharged to the TRA Denton Creek Regional Wastewater System. No person shall discharge or cause or permit to be discharged, wastewater containing in excess of the following instantaneous or daily maximum allowable discharge limits into the POTW:

(1) Toxic Pollutants discharge limits for TRA DCRWS WWTP

Toxic Pollutant	TRA Denton Creek Regional Wastewater System Instantaneous Maximum Allowable Discharge Limit (mg/L)
Cadmium	0.047
Chromium	10.0
Copper	3.51
Cyanide	1.0
Lead	0.22
Mercury	0.005
Nickel	2.98
Zinc	2.99
Oil and Grease	100
pH	5.5 to 11.0 Standard Units

(2) All concentrations for metallic substances are for "total" metal unless indicated otherwise. The Town Manager may impose mass limitations in addition to, or in place of, the concentration-based limitations above.

(b) Flower Mound Wastewater Treatment Plant System

The following pollutant limits are established to protect against pass through and interference and apply at the point where the wastewater is discharged to the Flower Mound Wastewater Treatment Plant System. No person shall discharge or cause or permit to be discharged, wastewater containing in excess of the following instantaneous or daily maximum allowable discharge limits into the POTW:

(3) Toxic Pollutants discharge limits for FLOWER MOUND WWTP

No discharges may contain concentrations of heavy metals greater than amounts specified in subsection (b) of this section.

The maximum allowable concentrations of heavy metals stated in terms of milligrams per liter (mg/l), determined on the basis of individual sampling in accordance with Standard Methods are;

	Flower Mound Wastewater Treatment Plant System Instantaneous Maximum Allowable Discharge Limit (mg/L)
Arsenic	0.05
Barium	5.0
Boron	1.0
Cadmium	0.02
Chromium (total)	0.5
Copper	0.5
Iron	1.0
Lead	0.1
Manganese	1.0
Mercury	0.005
Nickel	0.5
Selenium	0.02
Silver	1.0
Zinc	0.5
Arsenic	0.05
Barium	5.0
Boron	1.0
Cadmium	0.02
Chromium (total)	0.5
Copper	0.5
Iron	1.0
Oil and Grease	100
pH	5.5 to 9.5 Standard Units

Note: In determining the concentration parameters to be included in this section, current state, federal and other appropriate agency rules, regulations and orders should be consulted, including Texas Water Quality Board Order No. 70-0828-5, regulating the discharge of hazardous metals into or adjacent to state waters.

No other heavy metals or toxic materials may be discharged into public sewers without a permit from the approving authority specifying conditions of pretreatment, concentrations, volume and other applicable provisions.

(4) Prohibited heavy metals and toxic materials include, but are not limited to:

- i. Antimony;
- ii. Beryllium;
- iii. Bismuth;
- iv. Cobalt;
- v. Molybdenum;
- vi. Tin;
- vii. Uranyl ion;
- viii. Rhenium;
- ix. Strontium;
- x. Tellurium;
- xi. Herbicides;
- xii. Fungicides; and
- xiii. Pesticides.

(5) All concentrations for metallic substances are for "total" metal unless indicated otherwise. The Town Manager may impose mass limitations in addition to, or in place of, the concentration-based limitations above.

Sec. 70-119. - Town's right of revision.

The town reserves the right to establish, by ordinance or in wastewater discharge permits, more stringent standards or requirements on discharges to the POTW.

Sec. 70-120. – Dilution.

No user shall ever increase the use of process water, or in any way attempt to dilute a discharge, as a partial or complete substitute for adequate treatment to achieve compliance with a discharge limitation unless expressly authorized by an applicable pretreatment standard or requirement. The Town Manager may impose mass limitations on users who are using dilution to meet applicable pretreatment standards or requirements, or in other cases when the imposition of mass limitations is appropriate.

Sec. 70-121. - Plant loading.

No industry shall discharge wastewater containing a BOD or TSS loading that causes the town's pro rata share of the total BOD or TSS loading to the POTW system to exceed the town's pro rata share of the total flow to the POTW system.

Any industry with a wastewater strength that will cause the town's cumulative wastewater loading, at the town's points of entry to the TRA system, to exceed the town's pro rata share of the total wastewater loading based upon flow, shall be required to install pretreatment facilities to reduce its wastewater strength to an acceptable level.

Subdivision III. - Pretreatment of Wastewater**Sec. 70-122. - Pretreatment facilities.**

Users shall provide wastewater treatment as necessary to comply with this ordinance and shall achieve compliance with all categorical pretreatment standards, local limits, and the prohibitions set out in Section 70-115 of this ordinance within the time limitations specified by EPA, the state, the Control Authority, or the Town Manager, whichever is more stringent. Any facilities necessary for compliance shall be provided, operated, and maintained at the user's expense. Detailed plans describing such facilities and operating procedures shall be submitted to the Town Manager for review and shall be acceptable to the Town Manager before such facilities are constructed. The review of such plans and operating procedures shall in no way relieve the user from the responsibility of modifying such facilities as necessary to produce a discharge acceptable to the town Manager under the provisions of this ordinance.

Sec. 70-123. - Additional pretreatment measures.

- (a) Whenever deemed necessary, the Town Manager may require users to restrict their discharge during peak flow periods, designate that certain wastewater be discharged only into specific sewers, relocate and/or consolidate points of discharge, separate sewage wastestreams from industrial wastestreams, and require such other conditions as may be necessary to protect the POTW and determine the user's compliance with the requirements of this ordinance.
- (b) The Town Manager may require any person discharging into the POTW to install and maintain, on their property and at their expense, a suitable storage and flow-control facility to ensure equalization of flow. A wastewater discharge permit may be issued solely for flow equalization.
- (c) Grease, oil, and sand interceptors shall be provided when, in the opinion of the Town Manager, they are necessary for the proper handling of wastewater containing excessive amounts of grease and oil, or sand; except that such interceptors shall not be required for residential users. All interception units shall be of type and capacity approved by Town Manager and shall be easily accessible for cleaning and inspection. Such interceptors shall be inspected, cleaned, and repaired regularly, as needed, by the user at their expense.
- (d) Users with the potential to discharge flammable substances may be required to install and maintain an approved combustible gas detection meter, or other control device as deemed necessary by the Town Manager.
- (e) The Town Manager may develop Best Management Practices ("BMP") and require Users to implement such BMP's if necessary to protect the POTW. Such BMP's would be supplemental and not used for compliance with Local Limits listed in section 70-118 and Prohibited Discharge Standards in section 70-115.

Sec. 70-124. Accidental discharge/slug control plans.

The Town Manager shall evaluate whether each permitted significant industrial user needs an accidental discharge/slug control plan or other action to control slug discharges no later than one (1) year of the SIU determination. Town Manager may require any user to develop, submit for approval, and implement such a plan. All the activities associated with slug control evaluation and results are to be kept in the Industrial User file. An accidental discharge/slug control plan shall address, at a minimum, the following:

- (a) Description of discharge practices, including non-routine batch discharges;
- (b) Description of stored chemicals;
- (c) Procedures for immediately notifying the Town Manager and Control Authority of any accidental or slug discharge, as required by section 70-147 of this ordinance; and
- (d) Procedures to prevent adverse impact from any accidental or slug discharge. Such procedures include, but are not limited to, inspection and maintenance of storage areas, handling and transfer of materials, loading and unloading operations, control of plant site runoff, worker training, building of containment structures or equipment, measures for containing toxic organic pollutants, including solvents, and/or measures and equipment for emergency response.

Sec. 70-125. - Hauled wastewater.

- (a) Septage waste may be introduced into the POTW only at Service Locations designated by the Town Manager and Control Authority, and at such times as are established by the Town Manager and Control Authority. Such waste shall not violate any provisions of this ordinance or any other requirements established by Town Manager. The Town Manager and/or Control Authority may require septic tank waste haulers to obtain wastewater discharge permits.
- (b) Both nonhazardous and RCRA hazardous liquid wastes transported within the town shall comply with applicable federal, state, and local laws, regulations, and requirements. Septage waste haulers must provide a waste-tracking form for every load. This form shall include, at a minimum, the name and address of the waste hauler, permit number, truck identification, names and addresses of sources of waste, and volume and characteristics of waste. The form shall identify the type of generator, known or suspected waste constituents, and whether any wastes are RCRA hazardous wastes.

Subdivision IV. - Wastewater Discharge Permit Application**Sec. 70-126. - Wastewater analysis.**

When requested by the Town Manager, a user must submit at the user's expense information on the nature and characteristics of its wastewater by the deadline stipulated, and on forms or in a format specified by the Town Manager. The Town Manager is authorized to prepare a form for this purpose and may periodically require users to update this information.

Sec. 70-127. - Wastewater discharge permit requirement.

- (a) No significant industrial user or nonsignificant categorical industrial user (NSCIU) shall discharge wastewater into the POTW without first obtaining a wastewater discharge permit from the Town Manager, who may disallow any or all discharges until a wastewater discharge permit is issued, except that a significant industrial user or a NSCIU that has filed a timely application pursuant to section 70-128 of this ordinance may continue to discharge for the time period specified therein.
- (b) The Town Manager may require other users to submit a completed permit application or survey form, including monitoring data, and to obtain wastewater discharge permits as necessary to carry out the purposes of this ordinance. To determine the status of a user in relation to this ordinance, users may be required to perform sampling as specified by the Town Manager.
- (c) Any violation of the terms and conditions of a wastewater discharge permit shall be deemed a violation of this ordinance and subjects the wastewater discharge permittee to the sanctions set out in Subdivision IX through VII of this ordinance. Obtaining a wastewater discharge permit does not relieve a permittee of its obligation to comply with all federal and state pretreatment standards or requirements with any other requirements of federal, state, and local law.

Sec. 70-128. - Wastewater discharge permitting: existing connections.

- (a) Changes in the nature of pollutants from an existing user, such as new or increased contributions or pollutants to the POTW, must be reported to the town prior to discharge. A permitted user shall be required to submit an amendment to the discharge permit application. A user without a permit shall be required to submit a permit application. The requested changes may be denied or placed under special permit conditions by the PWD if they may be deemed to have an adverse affect upon the POTW, or do not meet the applicable pretreatment standards or requirements.
- (b) Any user required to obtain a wastewater discharge permit who was discharging wastewater into the POTW prior to the effective date of this ordinance and who wishes to continue such discharges in the future, shall, apply to the Town Manager

for a wastewater discharge permit in accordance with section 70-130 of this ordinance, and shall not cause or allow discharges to the POTW to continue after ninety (90) days of the effective date of this ordinance except in accordance with a wastewater discharge permit issued by the Town Manager. If, in the Town Manager judgement, the passing of this ordinance does not significantly affect the industrial user's current permit, then the existing permit will continue through to the expiration date.

Sec. 70-129. - Wastewater discharge permitting: new connections.

Any user required to obtain a wastewater discharge permit who proposes to begin or recommence discharging into the POTW must obtain such permit prior to the beginning or recommencing of such discharge. An application for this wastewater discharge permit, in accordance with section 70-130 of this ordinance, must be filed prior to the date upon which any discharge will begin or recommence.

Sec. 70-130. - Wastewater Discharge Permit Application Contents

All users required to obtain a wastewater discharge permit must submit a permit application. The Town Manager may require all users to submit as part of an application the following information:

- (a) All information required by section 70-142 (b) of this ordinance;
- (b) Description of activities, facilities, and plant processes on the premises, including a list of all raw materials and chemicals used or stored at the facility which are, or could be accidentally or intentionally, discharged to the POTW;
- (c) Number and type of employees, hours of operation, and proposed or actual hours of operation;
- (d) Each product produced by type, amount, process or processes, and rate of production;
- (e) Type and amount of raw materials processed (average and maximum per day);
- (f) Site plans, floor plans, mechanical and plumbing plans, and details to show all sewers, floor drains, and appurtenances by size, location, and elevation, and all points of discharge;
- (g) Time and duration of discharges;
- (h) Information on ownership and authorized representative of the user; and
- (i) Any other information as may be deemed necessary by the Town Manager to evaluate the wastewater discharge permit application, as determined by the Town

Manager.

Incomplete or inaccurate applications will not be processed and will be returned to the user for revision. It shall be a violation of this ordinance to not submit the completed or corrected application when required.

Sec. 70-131. - Application signatories and certification.

- (a) All wastewater discharge permit applications and user reports as identified in 40 CFR §403.12(1), must be signed by an authorized representative of the user, as defined in section 70-114 (c) of the ordinance, and contain the following certification statement: "I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."
- (b) If the designation of an Authorized Representative is no longer accurate because a different individual or position has responsibility for the overall operation of the facility or overall responsibility for environmental matters for the company, a new written authorization satisfying the requirements of this section must be submitted to the Town Manager prior to or together with any reports to be signed by an Authorized Representative.
- (c) A facility determined to be a Non-Significant Categorical Industrial User (NSCIU) by the Town Manager pursuant to 70-114 (II) (2) must annually submit the signed certification statement signed in accordance with the signatory requirements in 70-114 (c). This certification must accompany an alternative report required by the Town Manager, and contain the following statement:

"Based on my inquiry of the person or persons directly responsible for managing compliance with the categorical Pretreatment Standards, I certify that, to the best of my knowledge and belief that during the period from _____, _____ to _____, _____ [months, days, year]:

- (a) The facility described as _____ [facility name] met the definition of a Non-Significant Categorical Industrial User as described in 70-114 (II) (2); **[See 40 CFR 403.3(v)(2)]**

(b) The facility complied with all applicable Pretreatment Standards and requirements during this reporting period; and (c) the facility never discharged more than one hundred (100) gallons of total categorical wastewater on any given day during this reporting period.

This compliance certification is based on the following information.

_____“

- (d) It shall be a violation of this article to submit an application, survey, or user report with false, misleading, or fraudulent information.

Sec. 70-132. - Wastewater discharge permit decisions.

The Town Manager will evaluate the data furnished by the user and may require additional information. The PWD may also require the installation of necessary devices to facilitate monitoring. Within a reasonable time from receipt of a complete wastewater discharge permit application, the Town Manager will determine whether or not to issue a wastewater discharge permit. The Town Manager may deny any application for a wastewater discharge permit.

Subdivision V. - Wastewater discharge permit issuance process

Sec. 70-133. - Wastewater discharge permit duration.

- (a) A wastewater discharge permit shall be issued for a specified time period, not to exceed five (5) years from the effective date of the permit. A wastewater discharge permit may be issued for a period less than five (5) years, at the discretion of the Town Manager. Each wastewater discharge permit will indicate a specific date upon which it will expire. The permit shall be valid until revised and reissued, suspended, revoked, or voided.
- (b) All wastewater discharge permits issued to a particular user are void upon the issuance of a new wastewater discharge permit to that user.
- (c) Wastewater discharge permits shall be voidable upon cessation of operations.
- (d) Wastewater discharge permits shall not be transferred to a new owner or operator.
- (e) A user with an expiring wastewater discharge permit shall apply for wastewater discharge permit reissuance by submitting a complete permit application, prior to the expiration of the user's existing wastewater discharge permit.

- (f) The PWD may at any time require a user to submit a revised wastewater discharge permit application or survey form, or updated application or survey information.

Sec. 70-134. - Wastewater discharge permit contents.

A wastewater discharge permit shall include such conditions as are deemed reasonably necessary by the Town Manager to prevent pass through or interference, protect the quality of the water body receiving the treatment plant's effluent, protect worker health and safety, facilitate sludge management and disposal, and protect against damage to the POTW.

- (a) Wastewater discharge permits must contain:
 - (1) A statement that indicates wastewater discharge permit duration, which in no event shall exceed five (5) years;
 - (2) A statement that the wastewater discharge permit is nontransferable without prior notification to the Town in accordance with section 70-137 of this ordinance, and provisions for furnishing the new owner or operator with a copy of the existing wastewater discharge permit;
 - (3) Effluent limits including BMPs based on applicable pretreatment standards;
 - (4) Self-monitoring, sampling, reporting, notification, and record-keeping requirements including BMPs. These requirements shall include an identification of pollutants to be monitored, sampling location, sampling frequency, and sample type based on Federal, State, and local law; and
 - (5) A statement of applicable civil and criminal penalties for violation of pretreatment standards and requirements, and any applicable compliance schedule. Such schedule may not extend the time for compliance beyond that required by applicable federal, state, or local law.
 - (6) Requirements to control Slug Discharge, if determined by the Town Manager to be necessary.
- (b) Wastewater discharge permits may contain, but need not be limited to, the following conditions:
 - (1) Limits on the average and/or maximum rate of discharge, time of discharge, and/or requirements for flow regulation and equalization;
 - (2) Requirements for the installation of pretreatment technology, pollution control, or construction of appropriate containment devices, designed to reduce, eliminate, or prevent the introduction of pollutants into the treatment

works;

- (3) Requirements for the development and implementation of spill control plans or other special conditions including management practices necessary to adequately prevent accidental, unanticipated, or non-routine discharges;
 - (4) Development and implementation of plans for waste minimization, pollution prevention, and/or recycling of industrial wastewater and sludge to reduce the amount of pollutants discharged to the POTW;
 - (5) The unit charge or schedule of user charges and fees for the management of the wastewater discharged to the POTW;
 - (6) Requirements for installation and maintenance of inspection and sampling facilities and equipment;
 - (7) A statement that compliance with the wastewater discharge permit does not relieve the permittee of responsibility for compliance with all applicable federal and state pretreatment standards, including those which become effective during the term of the wastewater discharge permit;
 - (8) Requirements to implement BMP's if determined by the Town Manager to be necessary; and
 - (9) Other conditions as deemed appropriate by the Town Manager to ensure compliance with this ordinance, and state and federal laws, rules, and regulations.
- (c) All conditions in, or modifications to, a wastewater discharge permit are enforceable as part of this article.

Sec. 70-135. - Reserved.

Sec. 70-136. - Wastewater discharge permit modification.

The Town Manager may modify a wastewater discharge permit for good cause, including, but not limited to, the following reasons:

- (a) To incorporate any new or revised federal, state, or local pretreatment standards or requirements;
- (b) To address significant alterations or additions to the user's operation, processes, or wastewater volume or character since the time of wastewater discharge permit issuance;
- (c) A change in the POTW that requires either a temporary or permanent reduction or

elimination of the authorized discharge;

- (d) Information indicating that the permitted discharge poses a threat to POTW, POTW personnel, or the receiving waters;
- (e) Violation of any terms or conditions of the wastewater discharge permit;
- (f) Misrepresentations or failure to fully disclose all relevant facts in the wastewater discharge permit application or in any required reporting;
- (g) Revision of or a grant of variance from categorical pretreatment standards pursuant to 40 CFR 403.13;
- (h) To correct typographical or other errors in the wastewater discharge permit; or
- (i) To reflect a transfer of the facility ownership or operation to a new owner or operator.
- (j) Other conditions as deemed appropriate by the PWD to ensure compliance with this article, and state and federal laws, rules, and regulations.

Sec. 70-137. - Wastewater discharge permit transfer.

Wastewater discharge permits may be transferred to a new owner or operator only if the permittee gives a minimum of sixty (60) days' advance notice to the Town Manager and the Town Manager approves the wastewater discharge permit transfer. The notice to the Town Manager must include a written certification by the new owner or operator that:

- (a) States that the new owner and/or operator has no immediate intent to change the facility's operations and processes;
- (b) Identifies the specific date on which the transfer is to occur; and
- (c) Acknowledges full responsibility for complying with the existing wastewater discharge permit.

Failure to provide advance notice of a transfer renders the wastewater discharge permit void as of the date of facility transfer.

Sec. 70-138. - Wastewater discharge permit revocation.

The Town Manager may revoke a wastewater discharge permit for good cause, including, but not limited to, the following reasons, each of which are a violation of this ordinance:

- (a) Failure to notify the Town Manager of significant changes to the wastewater prior to the changed discharge;
- (b) Failure to provide prior notification to the Town Manager of changed conditions pursuant to section 70-146 of this ordinance;
- (c) Falsification, misrepresentation, or failure to fully disclose all relevant facts in the wastewater discharge permit application or any other requested documents;
- (d) Falsifying self-monitoring reports;
- (e) Tampering with monitoring equipment;
- (f) Refusing to allow the Town Manager timely access to the facility premises and records;
- (g) Failure to meet effluent limitations;
- (h) Failure to pay fines;
- (i) Failure to pay monitoring, water and/or sewer charges;
- (j) Failure to pay for all costs incurred by the town in abatement, cleanup, and/or remediation of pretreatment violations and/or any other prohibited discharge;
- (k) Failure to meet compliance schedules;
- (l) Failure to complete a wastewater survey or the wastewater discharge permit application;
- (m) Failure to provide advance notice of the cessation of business, lease, sale, or transfer of business ownership of a permitted facility; or
- (n) Violation of any pretreatment standard or requirement, or any terms of the wastewater discharge permit or this ordinance.

Wastewater discharge permits shall be voidable upon cessation of operations or transfer of business ownership. All wastewater discharge permits issued to a particular user are void upon the issuance of a new wastewater discharge permit to that user.

Sec. 70-139. - Wastewater discharge permit reissuance.

A user with an expiring wastewater discharge permit shall apply for wastewater discharge permit reissuance by submitting a complete permit application, in accordance with section 70-130 of this ordinance, a minimum of sixty (60) days prior to the expiration of the user's existing wastewater discharge permit.

Sec. 70-140. - Regulation of waste received from other jurisdictions.

- a. A municipality which contributes wastewater to the POTW, shall enter into an interlocal agreement with the town prior to contributing such wastewater.
- b. Prior to the town entering into an interlocal agreement as provided in subsection A, the town may request the following information from the contributing municipality:
 - (1) A description of the quality and volume of wastewater discharged to the POTW by the contributing municipality
 - (2) An inventory of all users located within the contributing municipality that are discharging to the POTW; and
 - (3) Such other information as the town may deem necessary.

Sec. 70-141. - Extrajurisdictional users.

- a. An extrajurisdictional user shall apply for a permit in accordance with this ordinance at least ninety (90) days prior to discharging to the POTW in accordance with this ordinance.
- b. This section does not apply to extrajurisdictional users in jurisdictions which have an agreement with the town pursuant to section 70-140.
- c. A wastewater discharge permit issued to an extrajurisdictional user shall be in the form of a contract, and must include, at a minimum, the components found in 40 CFR 403.8(f)(1)(iii) and shall require the approval of the town's council. An extrajurisdictional user shall agree to all the terms of this ordinance and the terms of its wastewater discharging contract in accordance with the procedures set forth in section 70-134 of this Ordinance prior to discharging into the POTW.

Subdivision VI. - Reporting Requirements**Sec. 70-142. - Baseline monitoring reports.**

- (a) Within either one hundred eighty (180) days after the effective date of a categorical pretreatment standard, or the final administrative decision on a category determination under 40 CFR 403.6(a)(4), whichever is later, existing categorical users currently discharging to or scheduled to discharge to the POTW shall submit to the Town Manager a report which contains the information listed in paragraph (b), below. At least ninety (90) days prior to commencement of their discharge, new sources, and sources that will become categorical users subsequent to the promulgation of an applicable categorical standard, shall submit to the Town

Manager a report which contains the information listed in paragraph (b), below. A new source shall report the method of pretreatment it intends to use to meet applicable categorical standards. A new source also shall give estimates of its anticipated flow and quantity of pollutants to be discharged.

(b) Users described above shall submit the information set forth below.

- (1) Identifying information. The name and address of the facility, including the name of the operator and owner.
- (2) Environmental permits. A list of any environmental control permits held by or for the facility.
- (3) Description of operations. A brief description of the nature, average rate of production, and standard industrial classifications and/or North American Industry Classifications of the operation(s) carried out by such user. This description should include a schematic process diagram which indicates points of discharge to the POTW from the regulated processes.
- (4) Flow measurement. Information showing the measured or estimated average daily and maximum daily flow, in gallons per day, to the POTW from regulated process streams and other streams, as necessary, to allow use of the combined wastestream formula set out in 40 CFR 403.6(e).
- (5) Measurement of pollutants.
 - a. The categorical pretreatment standards applicable to each regulated process (and any new categorically regulated processes for Existing Sources.)
 - b. The results of sampling and analysis identifying the nature and concentration, and/or mass, where required by the standard or by the Town Manager, of regulated pollutants in the discharge from each regulated process.
 - c. Instantaneous, daily maximum, and long-term average concentrations, or mass, where required, shall be reported.
 - d. The sample shall be representative of daily operations and shall be analyzed in accordance with procedures set out in section 70-151 of this ordinance. Where the Standard requires compliance with a BMP or pollution prevention alternative, the user shall submit documentation as required by the Town Manager or the applicable Standards to determine compliance with the Standard.
 - e. If discharge flow conditions are representative of daily operations,

the user shall take a minimum of one representative sample to compile that data necessary to comply with the requirements of this section. The Town Manager may require additional representative sampling to be conducted.

- f. Representative samples should be taken immediately downstream from pretreatment facilities if such exist or immediately downstream from the regulated process if no pretreatment exists. If other wastewaters are mixed with the regulated wastewater prior to pretreatment the user should measure the flows and concentrations necessary to allow use of the combined wastestream formula in 40CFR 403.6(e) to evaluate compliance with Pretreatment Standards.
 - g. The Town Manager may allow the submission of a baseline report which utilizes only historical data so long as the data provides information sufficient to determine the need for industrial pretreatment measures
 - h. The baseline report shall indicate the time, date and place of sampling and method of analysis, and shall certify that such sampling and analysis is representative of normal work cycle and expected pollutant discharges to the POTW.
 - i. Sampling must be performed in accordance with procedures set out in section 70-152 of this ordinance.
- (6) Certification. A statement, reviewed by the user's authorized representative and certified by a qualified professional, indicating whether pretreatment standards are being met on a consistent basis, and, if not, whether additional operation and maintenance (O&M) and/or additional pretreatment is required to meet the pretreatment standards and requirements.
- (7) Compliance Schedule. If additional pretreatment and/or O&M will be required to meet the pretreatment standards, the shortest schedule by which the user will provide such additional pretreatment and/or O&M. The completion date in this schedule shall not be later than the compliance date established for the applicable pretreatment standard. A compliance schedule pursuant to this section must meet the requirements set out in section 70-143 of this ordinance.
- (8) Signature and Certification. All baseline monitoring reports must be signed and certified in accordance with section 70-131 of this ordinance.

Sec. 70-143. - Compliance schedule progress reports.

The following conditions shall apply to the compliance schedule required by section 70-142 (B)(7) of this ordinance:

- a. The schedule shall contain progress increments in the form of dates for the commencement and completion of major events leading to the construction and operation of additional pretreatment required for the user to meet the applicable pretreatment standards (such events include, but are not limited to, hiring an engineer, completing preliminary and final plans, executing contracts for major components, commencing and completing construction, and beginning and conducting routine operation);
- b. No increment referred to above shall exceed nine (9) months;
- c. The user shall submit a progress report to the Town Manager no later than fourteen (14) days following each date in the schedule and the final date of compliance including, as a minimum, whether or not it complied with the increment of progress, the reason for any delay, and, if appropriate, the steps being taken by the user to return to the established schedule; and
- d. In no event shall more than nine (9) months elapse between such progress reports to the Town Manager.

Sec. 70-144. - Reports on compliance with categorical pretreatment standard deadline

Within ninety (90) days following the date for final compliance with applicable categorical pretreatment standards, or in the case of a new source following commencement of the introduction of wastewater into the POTW, any user subject to such pretreatment standards and requirements shall submit to the Town Manager a report containing the information described in section 70-142 (B)(4-6) of this ordinance. For users subject to equivalent mass or concentration limits established in accordance with the procedures in 40 CFR 403.6(c), this report shall contain a reasonable measure of the user's long-term production rate. In cases where the Categorical Pretreatment Standard requires compliance with a BMP or pollution prevention alternative, the User shall submit documentation as required by the applicable Categorical Pretreatment Standard necessary to determine the compliance status of the User. For all other users subject to categorical pretreatment standards expressed in terms of allowable pollutant discharge per unit of production (or other measure of operation), this report shall include the user's actual production during the appropriate sampling period. All compliance reports must be signed and certified in accordance with section 70-131 of this ordinance. All sampling will be done in conformance with section 70-152 of the ordinance.

Sec. 70-145. - Periodic compliance reports.

- (a) All significant industrial users shall, at a frequency determined by the Town Manager but in no case less than twice per year, submit a report indicating the nature and concentration of pollutants in the discharge which are limited by pretreatment standards and the measured or estimated average and maximum daily flows for the reporting period. In cases where the Categorical Pretreatment Standard or the Town Manager requires compliance with a BMP or pollution prevention alternative, the user shall submit documentation as required by the Town Manager or the applicable Categorical Pretreatment Standard necessary to determine the compliance status of the user. All periodic compliance reports must be signed and certified in accordance with section 70-131 of this ordinance.
- (b) All Non-significant Categorical Industrial Users (NSCIU) shall submit a report annually in the month specified by the Town Manager. The report shall be completed according to the Town's current reporting requirements, including the submittal of the applicable certification statement found in section 70-131 of this ordinance.
- (c) All wastewater samples must be representative of the user's discharge. Wastewater monitoring and flow measurement facilities shall be properly operated, kept clean, and maintained in good working order at all times. The failure of a user to keep its monitoring facility in good working order shall not be grounds for the user to claim that sample results are unrepresentative of its discharge.
- (d) If a user subject to the reporting requirement in this section monitors any pollutant more frequently than required by the Town Manager, using the procedures prescribed in sections 70-151 and 70-152 of this ordinance, the results of this monitoring shall be included in the report.

Sec. 70-146. - Reports of changed conditions.

Each user must notify the Town Manager of any planned significant changes to the user's operations or system which might alter the nature, quality, or volume of its wastewater before the change is made.

- (a) The Town Manager may require the user to submit such information as may be deemed necessary to evaluate the changed condition, including the submission of a wastewater discharge permit application under section 70-130 of this ordinance.
- (b) The Town Manager may issue a wastewater discharge permit under section 70-132 of this ordinance or modify an existing wastewater discharge permit under section 70-136 of this ordinance in response to changed conditions or anticipated changed conditions.
- (c) For purposes of this requirement, significant changes include, but are not limited

to, flow increases of twenty percent (20%) or greater, and the discharge of any previously unreported pollutants that are determined to be of concern.

Sec. 70-147. - Reports of potential problems.

- (a) In the case of any discharge, including, but not limited to, accidental discharges, discharges of a nonroutine, episodic nature, a noncustomary batch discharge, or a slug load, that may cause potential problems for the POTW, the user shall immediately telephone and notify the town and the Control Authority of the incident. This notification shall include the location of the discharge, type of waste, concentration and volume, if known, and corrective actions taken by the user.
- (b) Within five (5) days following such discharge, the user shall, unless waived by the Town Manager, submit a detailed written report describing the cause(s) of the discharge and the measures to be taken by the user to prevent similar future occurrences. Such notification shall not relieve the user of any expense, loss, damage, or other liability which may be incurred as a result of damage to the POTW, natural resources, or any other damage to person or property; nor shall such notification relieve the user of any fines, penalties, or other liability which may be imposed pursuant to this ordinance.
- (c) A notice shall be permanently posted on the user's bulletin board or other prominent place advising employees whom to call in the event of a discharge described in paragraph (a), above. Employers shall ensure that all employees, who may cause such a discharge to occur, are advised of the emergency notification procedure.
- (d) Significant Industrial Users are required to notify the Town Manager immediately of any changes at its facility affecting the potential for a Slug Discharge.

Sec. 70-148. - Reports from unpermitted users.

All users not required to obtain a wastewater discharge permit shall provide appropriate reports to the Town Manager as the Town Manager may require.

Sec. 70-149. - Notice of violation/repeat sampling and reporting.

If sampling performed by a user indicates a violation, the user must notify the Town Manager within twenty-four (24) hours of becoming aware of the violation. The user shall also repeat the sampling and analysis and submit the results of the repeat analysis to the Town Manager within thirty (30) days after becoming aware of the violation. The user is not required to resample if the Town Manager monitors at the user's facility at least once a month, if the Town Manager samples between the user's initial sampling and when the user receives the results of this sampling, if the Town Manager has performed the sampling and analysis in lieu of the user. The Town Manager may require a user to perform additional sampling and/or reporting by giving written notice to the user or

modifying a user's permit.

Sec. 70-150. - Notification of the discharge of hazardous waste.

- (a) Any user who commences the discharge of hazardous waste shall notify the POTW, the EPA Regional Waste Management Division Director, and State hazardous waste authorities, in writing, of any discharge into the POTW of a substance which, if otherwise disposed of, would be a hazardous waste under 40 CFR Part 261. Such notification must include the name of the hazardous waste as set forth in 40 CFR Part 261, the EPA hazardous waste number, and the type of discharge (continuous, batch, or other). Such notification must demonstrate how the user will ensure the hazardous wastes discharged to the POTW are adequately controlled to protect human health and the environment. If the user discharges more than one hundred (100) kilograms of such waste per calendar month to the POTW, the notification also shall contain the following information to the extent such information is known and readily available to the user:
 - (b) an identification of the hazardous constituents contained in the wastes,
 - (c) an estimation of the mass and concentration of such constituents in the wastestream discharged during that calendar month, and
 - (d) an estimation of the mass of constituents in the wastestream expected to be discharged during the following twelve (12) months. All notifications must take place no later than one hundred and eighty (180) days after the discharge commences. Any notifications under this paragraph need be submitted only once for each hazardous waste discharged. However, notifications of changed conditions must be submitted under section 70-146 of this ordinance. The notification requirement in this section does not apply to pollutants already reported by users subject to categorical pretreatment standards under the self-monitoring requirements of sections 70-142, 70-144, and 70-145 of this ordinance.
- (e) Dischargers are exempt from the requirements of paragraph (a), above, during a calendar month in which they discharge no more than fifteen (15) kilograms of hazardous wastes, unless the wastes are acute hazardous wastes as specified in 40 CFR 261.30(d) and 261.33(e). Discharge of more than fifteen (15) kilograms of nonacute hazardous wastes in a calendar month, or of any quantity of acute hazardous wastes as specified in 40 CFR 261.30(d) and 261.33(e), requires a one-time notification. Subsequent months during which the user discharges more than such quantities of any hazardous waste do not require additional notification.
- (f) In the case of any new regulations under Section 3001 of RCRA identifying additional characteristics of hazardous waste or listing any additional substance as a hazardous waste, the user must notify the Town Manager, the POTW, the EPA Regional Waste Management Waste Division Director, and State hazardous waste authorities of the discharge of such substance within ninety (90) days of the

effective date of such regulations.

- (g) In the case of any notification made under this section, the user shall certify that it has a program in place to reduce the volume and toxicity of hazardous wastes generated to the degree it has determined to be economically practical.
- (h) This provision does not create a right to discharge any substance not otherwise permitted to be discharged by this ordinance, a permit issued thereunder, or any applicable federal or state law.

Sec. 70-151. - Analytical requirements.

All pollutant analyses, including sampling techniques, to be submitted as part of a wastewater discharge permit application or report shall be performed in accordance with the techniques prescribed in 40 CFR Part 136, and amendments thereto, unless otherwise specified in an applicable categorical pretreatment standard. If 40 CFR Part 136 does not contain sampling or analytical techniques for the pollutant in question, or where the EPA determines that the Part 136 sampling and analytical techniques are inappropriate for the pollutant in question sampling and analyses shall be performed by using validated analytical methods or any applicable sampling and analytical procedures, including procedures suggested by the Town Manager, TCEQ, or other parties approved by EPA. The Town Manager may require the approved laboratories be used for analysis.

Sec. 70-152. - Sample collection.

- (a) Except as indicated in section (b) and (c) below, the user must collect wastewater samples using twenty-four (24) hour flow-proportional composite sampling techniques, unless time-proportional composite sampling or grab sampling is authorized by the Town Manager. Where time-proportional composite sampling or grab sampling is authorized by the town, the samples must be representative of the discharge. Using protocols (including appropriate preservation) specified in 40 CFR Part 136 and appropriate EPA guidance, multiple grab samples collected during a twenty-four (24) hour period may be composited prior to the analysis as follows: for cyanide, total phenols, and sulfides the samples may be composited in the laboratory or in the field; for volatile organics and oil and grease, the samples may be composited in the laboratory. Composite samples for other parameters unaffected by the compositing procedures as documented in approved EPA methodologies may be authorized by the town, as appropriate. In addition, grab samples may be required to show compliance with Instantaneous Limits.
- (b) Samples for oil and grease, temperature, pH, cyanide, phenols, sulfides, and volatile organic compounds must be obtained using grab collection techniques.
- (c) For sampling required in support of baseline monitoring and 90-day compliance reports required in section 70-142 and 70-144 [40 CFR 403.12(b) and (d)], a minimum of four (4) grab samples must be used for pH, cyanide, total phenols, oil

and grease, sulfide and volatile organic compounds for facilities for which historical sampling data do not exist; for facilities for which historical sampling data are available, the Town Manager may authorize a lower minimum. For the reports required by paragraphs section 70-145 (40 CFR 403.12(e) and 403.12(h)), the industrial user is required to collect the number of grab samples necessary to assess and assure compliance by with applicable Pretreatment Standards and Requirements.

Sec. 70-153. – Timing.

Written reports will be deemed to have been submitted on the date postmarked. For reports which are not mailed, postage prepaid, into a mail facility serviced by the United States Postal Service, or submitted by another method approved by the Town Manager, the date of receipt of the report shall govern.

Sec. 70-154. - Record keeping.

Users subject to the reporting requirements of this ordinance shall retain, and make available for inspection and copying, all records of information obtained pursuant to any monitoring activities required by this ordinance and any additional records of information obtained pursuant to monitoring activities undertaken by the user independent of such requirements, and documentation associated with Best Management Practices established in this ordinance.. Records shall include the date, exact place, method, and time of sampling, and the name of the person(s) taking the samples; the dates analyses were performed; who performed the analyses; the analytical techniques or methods used; and the results of such analyses. These records shall remain available for a period of at least three (3) years. This period shall be automatically extended for the duration of any litigation concerning the user or the town, or where the user has been specifically notified of a longer retention period by the Town Manager.

Subdivision VII. - Compliance Monitoring

Sec. 70-155. - Right of entry: inspection and sampling.

The Town Manager and/or the Control Authority, State and Federal representatives, or their designated representative shall have the right to enter the premises of any user, or future user during construction, at any time and without delay, to determine whether the user is complying with all requirements of this ordinance and any wastewater discharge permit or order issued hereunder. Users shall allow inspecting or sampling person ready access to all parts of the premises for the purposes of inspection, sampling, records examination and copying, and the performance of any additional duties. The Town Manager and/or the Control Authority shall inspect and sample the effluent from each significant industrial user at least once a year.

- (a) Users shall allow persons authorized to perform inspecting or monitoring ready access to all parts of the premises for the purposes of inspection, sampling,

records examination and copying, photographic or video documentation, maintenance of any portion of the water or sewage system lying within easements, and the performance of any additional duties under this article.

- (b) Where a user has security measures in force which require proper identification and clearance before entry into its premises, the user shall make necessary arrangements with its security guards so that, upon presentation of suitable identification, the Town, Control Authority, State and Federal representatives, will be permitted to enter without delay for the purposes of performing specific responsibilities.
- (c) The Town Manager shall have the right to set up on the user's property, or require installation of, such devices as are necessary to conduct sampling and/or metering of the user's operations. All sampling and analysis performed by the Town Manager and/or Control Authority to monitor compliance shall be at the expense of the user.
- (d) The Town Manager may require the user to install monitoring equipment as necessary. The facility's sampling and monitoring equipment shall be maintained at all times in a safe and proper operating condition by the user at its own expense. All devices used to measure wastewater flow and quality shall be calibrated, at a minimum, annually to ensure their accuracy.
- (e) Any temporary or permanent obstruction to safe and easy access to the facility to be inspected and/or sampled shall be promptly removed by the user at the written or verbal request of the Town Manager and shall not be replaced. The costs of clearing such access shall be born by the user.
- (f) Unreasonable delays in allowing the inspecting or sampling person access to the user's premises shall be a violation of this ordinance.
- (g) In accordance with 40 CFR 403, the town shall inspect and monitor each significant industrial user a minimum of once per year. If the town elects to perform compliance monitoring for the significant industrial user then the Town will monitor the industry a minimum of semi-annually.
- (h) The town shall inspect each NSCIU a minimum of once per year. If the town elects to perform compliance monitoring for the NSCIU then the Town will monitor the industry a minimum of one time each permit cycle.

Sec. 70-156. - Search warrants.

If the Town Manager and/or Control Authority has been refused access to a building, structure, or property, or any part thereof, and is able to demonstrate probable cause to believe that there may be a violation of this ordinance, or that there is a need to inspect and/or sample as part of a routine inspection and sampling program of the town designed

to verify compliance with this ordinance or any permit or order issued hereunder, or to protect the overall public health, safety and welfare of the community, then the Town Manager and/or Control Authority may seek issuance of a search warrant from the an appropriate court.

Subdivision VIII. - Confidential Information

Information and data on a user obtained from reports, surveys, wastewater discharge permit applications, wastewater discharge permits, and monitoring programs, and from inspection and sampling activities, shall be available to the public without restriction, unless the user specifically requests, and is able to demonstrate to the satisfaction of the Town and/or Control Authority, that the release of such information would divulge information, processes, or methods of production entitled to protection as trade secrets under applicable state law. Any such request must be asserted at the time of submission of the information or data. When requested and demonstrated by the user furnishing a report that such information should be held confidential, the portions of a report which might disclose trade secrets or secret processes shall only be available pursuant to the requirements of the Texas Public Information Act, but shall be made available immediately upon request to governmental agencies for uses related to the TPDES program or pretreatment program, and in enforcement proceedings involving the person furnishing the report. Wastewater constituents and characteristics and other "effluent data" as defined by 40 CFR 2.302 will not be recognized as confidential information and will be available to the public without restriction.

Subdivision IX. - Publication of Users In Significant Noncompliance

The Town Manager shall publish annually, in a newspaper of general circulation that provides meaningful public notice within the jurisdictions served by the POTW, a list of the users which, at any time during the previous twelve (12) months, were in significant noncompliance with applicable pretreatment standards and requirements. The term Significant Noncompliance shall be applicable to all Significant Industrial Users (or any other Industrial User that violates the following paragraphs) of this Section and shall mean:

- (1) Chronic violations of wastewater discharge limits, defined here as those in which sixty-six percent (66%) or more of all the measurements taken for the same pollutant parameter taken during a six (6) month period exceed (by any magnitude) a numeric pretreatment standard or requirement, including instantaneous limits, the daily maximum limit, or average limit for the same pollutant parameter by any amount;
- (2) Technical Review Criteria (TRC) violations, defined here as those in which thirty-three percent (33%) or more of wastewater measurements taken for each pollutant parameter during a six (6) month period equals or exceeds the product of the numeric pretreatment standard or requirement including Instantaneous

Limits; daily maximum limit or average limit multiplied by the applicable criteria 1.4 for BOD, TSS, fats, oils and grease, and 1.2 for all other pollutants except pH);

- (3) Any other discharge violation of a pretreatment standard or requirement (Daily Maximum, long-term average, Instantaneous Limit, or narrative standard) that the Town Manager determines has caused, alone or in combination with other discharges, interference or pass through, including endangering the health of POTW personnel or the general public;
- (4) Any discharge of a pollutant that has caused imminent endangerment to the public or to the environment, or has resulted in the town or Town Manager's exercise of its emergency authority to halt or prevent such a discharge;
- (5) Failure to meet, within ninety (90) days of the scheduled date, a compliance schedule milestone contained in an individual wastewater discharge permit or enforcement order for starting construction, completing construction, or attaining final compliance;
- (6) Failure to provide within forty-five (45) days after the due date, any required reports, including baseline monitoring reports, reports on compliance with categorical Pretreatment Standard deadlines, periodic self-monitoring reports, and reports on compliance with compliance schedules;
- (7) Failure to accurately report noncompliance; or
- (8) Any other violation(s), which may include a violation of Best Management Practices, which the Town Manager determines will adversely affect the operation or implementation of the local pretreatment program.

Subdivision X. - Administrative Enforcement Remedies

Sec. 70-157. - Notification of violation.

When the Town Manager finds that a user has violated, or continues to violate, any provision of this ordinance, a wastewater discharge permit or order issued hereunder, or any other pretreatment standard or requirement, the Town Manager may serve upon that user a written notice of violation. Within the time frame specified in the notice, an explanation of the violation and a plan for the satisfactory correction and prevention thereof, to include specific required actions, shall be submitted by the user to the Town Manager. Submission of this plan in no way relieves the user of liability for any violations occurring before or after receipt of the notice of violation. Nothing in this section shall limit the authority of the Town Manager to take any action, including emergency actions or any other enforcement action, without first issuing a notice of violation.

Sec. 70-158. - Consent order.

- (a) The Town Manager may enter into consent orders, assurance of compliance, or similar documents establishing an agreement with any user responsible for noncompliance. Such documents shall include specific action to be taken by the user to correct the noncompliance within a time period specified by the document. Such documents shall have the same force and effect as the administrative orders issued pursuant to sections 70-160 and 70-161 of the ordinance and shall be judicially enforceable. The consent order may also stipulate fines, remedial actions, or other terms that both parties consent to, and shall be signed by authorized representatives for the town and the user.
- (b) If the user does not come into compliance within the time provided, sewer and/or water service may be discontinued unless adequate approved treatment facilities, devices, or other related apparatus are installed and properly operated.
- (c) Consent orders also may contain other requirements to address the noncompliance, including additional self-monitoring and management practices designed to minimize the amount of pollutants discharged to the sewer.
- (d) A consent order may not extend the deadline for compliance established for a pretreatment standard or requirement, nor does a consent order relieve the user of liability for any violations, including any continuing violation. Issuance of a consent order shall not be a bar against, or a prerequisite for, taking any other action against the user.

Sec. 70-159. - Show cause hearing.

The Town Manager may order a user which has violated, or continues to violate, any provision of this ordinance, a wastewater discharge permit or order issued hereunder, or any other pretreatment standard or requirement, to appear before the Town Manager and show cause why the proposed enforcement action should not be taken. Notice shall be served on the user specifying the time and place for the meeting, the proposed enforcement action, the reasons for such action, and a request that the user show cause why the proposed enforcement action should not be taken. The notice of the meeting shall be served personally or by registered or certified mail (return receipt requested) at least ten (10) days prior to the hearing. Such notice may be served on any authorized representative of the user. A show cause hearing shall not be a bar against, or prerequisite for, taking any other action against the user.

Sec. 70-160. - Compliance orders.

When the Town Manager finds that a user has violated, or continues to violate, any provision of this ordinance, a wastewater discharge permit or order issued hereunder, or any other pretreatment standard or requirement, the Town Manager may issue an order to the user responsible for the discharge directing that the user come into compliance

within a specified time. If the user does not come into compliance within the time provided, sewer service may be discontinued unless adequate treatment facilities, devices, or other related appurtenances are installed and properly operated. Compliance orders also may contain other requirements to address the noncompliance, including additional self-monitoring and management practices designed to minimize the amount of pollutants discharged to the sewer. A compliance order may not extend the deadline for compliance established for a pretreatment standard or requirement, nor does a compliance order relieve the user of liability for any violation, including any continuing violation. Issuance of a compliance order shall not be a bar against, or a prerequisite for, taking any other action against the user.

Sec. 70-161. - Cease and desist orders.

When the Town Manager finds that a user has violated, or continues to violate, any provision of this ordinance, a wastewater discharge permit or order issued hereunder, or any other pretreatment standard or requirement, or that the user's past violations are likely to recur, the Town Manager may issue an order to the user directing it to cease and desist all such violations and directing the user to:

- (a) Immediately comply with all requirements; and
- (b) Take such appropriate remedial or preventive action as may be needed to properly address a continuing or threatened violation, including halting operations and/or terminating the discharge.

Issuance of a cease and desist order shall not be a bar against, or a prerequisite for, taking any other action against the user.

Sec. 70-162. – Reserved.

Sec. 70-163. - Emergency suspensions.

The Town Manager may immediately suspend a user's discharge, after informal notice to the user, whenever such suspension is necessary to stop an actual or threatened discharge which reasonably appears to present or cause an imminent or substantial endangerment to the health or welfare of persons. The Town Manager may also immediately suspend a user's discharge, after notice and opportunity to respond, that threatens to interfere with the operation of the POTW, or which presents, or may present, an endangerment to the environment.

- (a) Any user notified of a suspension of its discharge shall immediately stop or eliminate its contribution. In the event of a user's failure to immediately comply voluntarily with the suspension order, the Town Manager may take such steps as deemed necessary, including immediate severance of the sewer connection, to prevent or minimize damage to the POTW, its receiving stream, or endangerment to any individuals. The Town Manager may allow the user to recommence its

discharge when the user has demonstrated to the satisfaction of the Town Manager that the period of endangerment has passed, unless the termination proceedings in section 70-164 of this ordinance are initiated against the user.

- (b) A user that is responsible, in whole or in part, for any discharge presenting imminent endangerment shall submit a detailed written statement, describing the causes of the harmful contribution and the measures taken to prevent any future occurrence, to the Town Manager prior to the date of any show cause or termination hearing under sections 70-159 or 70-164 of this ordinance.

Nothing in this section shall be interpreted as requiring a hearing prior to any emergency suspension under this section.

Sec. 70-164. - Termination of discharge.

In addition to the provisions in section 70-138 of this ordinance, any user who violates the following conditions is subject to discharge termination:

- (a) Violation of wastewater discharge permit conditions, including discharge of wastewater that should be, but is not, under permit;
- (b) Failure to accurately report the wastewater constituents and characteristics of its discharge;
- (c) Failure to report significant changes in operations or wastewater volume, constituents, and characteristics prior to discharge;
- (d) Refusal of reasonable access to the user's premises for the purpose of inspection, monitoring, or sampling; or
- (e) Violation of the pretreatment standards in this ordinance.

Such user will be notified of the proposed termination of its discharge and be offered an opportunity to show cause under section 70-159 of this ordinance why the proposed action should not be taken. Exercise of this option by the Town Manager shall not be a bar to, or a prerequisite for, taking any other action against the user.

Subdivision XI. - Judicial Enforcement Remedies

Sec. 70-165. - Injunctive relief.

When the Town Manager finds that a user has violated, or continues to violate, any provision of this ordinance, a wastewater discharge permit, or order issued hereunder, or any other pretreatment standard or requirement, the Town Manager may petition the appropriate court of competent jurisdiction through the Town's Attorney for the issuance of a temporary or permanent injunction, as appropriate, which restrains or compels the

specific performance of the wastewater discharge permit, order, or other requirement imposed by this ordinance on activities of the user. The Town Manager may also seek such other action as is appropriate for legal and/or equitable relief, including a requirement for the user to conduct environmental remediation. A petition for injunctive relief shall not be a bar against, or a prerequisite for, taking any other action against a user.

Sec. 70-166. - Civil penalties.

- (a) A user who has violated, or continues to violate, any provision of this ordinance, a wastewater discharge permit, or order issued hereunder, or any other pretreatment standard or requirement shall be liable to the town for a maximum civil penalty allowed by law per violation, per day. In the case of a monthly or other long-term average discharge limit, penalties shall accrue for each day during the period of the violation.
- (b) The Town Manager may recover reasonable attorneys' fees, court costs, and other expenses associated with enforcement activities, including sampling and monitoring expenses, and the cost of any actual damages incurred by the town.
- (c) In determining the amount of civil liability, the court shall take into account all relevant circumstances, including, but not limited to, the extent of harm caused by the violation, the magnitude and duration of the violation, any economic benefit gained through the user's violation, corrective actions by the user, the compliance history of the user, and any other factor as justice requires.
- (d) Filing a suit for civil penalties shall not be a bar against, or a prerequisite for, taking any other action against a user.

Sec. 70-167. - Criminal prosecution.

- (a) A user who intentionally, knowingly, recklessly, or negligently violates any provision of this ordinance, a wastewater discharge permit, or order issued hereunder, or any other pretreatment standard or requirement shall, upon conviction, be guilty of a misdemeanor, punishable by a fine of not more than two thousand dollars (\$2,000.00) per violation.
- (b) A user who intentionally, knowingly, recklessly, or negligently introduces any substance into the POTW which causes personal injury or property damage shall, upon conviction, be guilty of a misdemeanor and be subject to the same penalties described in section 70-167(a) of this Ordinance. This penalty shall be in addition to any other cause of action for personal injury or property damage available under State law.
- (c) A user who makes any false statements, representations, or certifications in any application, record, report, plan, or other documentation filed, or required to be maintained, pursuant to this ordinance, wastewater discharge permit, or order

issued hereunder, or who falsifies, tampers with, or renders inaccurate any monitoring device or method required under this ordinance shall, upon conviction, be subject to the same penalties described in section 70-167(a) of this Ordinance.

- (d) **CRIMINAL RESPONSIBILITY.** A person is criminally responsible for a violation of this Ordinance if that person intentionally, knowingly, recklessly, or negligently:
- (1) commits or assists in the commission of a violation, or causes or permits another person to commit a violation; or
 - (2) owns or manages the property or facilities determined to be the cause of the illegal discharge under sections 70-115, 70-116, 70-118, 70-125, or 70-127.

Sec. 70-168. - Remedies nonexclusive.

The remedies provided for in this ordinance are not exclusive. The Town Manager may take any, all, or any combination of these actions against a noncompliant user. Enforcement of pretreatment violations will generally be in accordance with the Town's enforcement response plan. However, the Town Manager may take other action against any user when the circumstances warrant. Further, the Town Manager is empowered to take more than one enforcement action against any noncompliant user.

Sec. 70-169. - Applicability of more stringent regulations.

- (a) If national pretreatment standards, categorical or otherwise, more stringent than the discharge limits prescribed in this article are promulgated by the EPA certain industries, the more stringent national pretreatment standards will apply to the affected industrial user. A violation of the more stringent national pretreatment standards will also be considered a violation of this Ordinance.
- (b) Applicability of more stringent discharge limits. A user within the town who discharges industrial waste ultimately received and treated by another governmental entity pursuant to a wholesale wastewater contract or a reciprocal agreement with the town is subject to the following additional rules:
- (1) If the governmental entity has more stringent discharge limits than those prescribed by this Ordinance, or by a discharge permit issued hereunder, because the EPA or TCEQ requires the more stringent discharge limits as part of the governmental entity's wastewater pretreatment program, the more stringent discharge limits shall prevail.
 - (2) The Town Manager is authorized to issue a discharge permit to an industrial user affected by subsection (1) above, to ensure notice of and compliance with the more stringent discharge limits. If the industrial user already has a discharge permit, the Town Manager may amend the permit to apply and

enforce the more stringent discharge limits. An industrial user shall submit to the Town Manager an expected compliance date and an installation schedule if the more stringent discharge limits necessitate technological or mechanical adjustments to discharge facilities or plant processes.

- (3) If the Town Manager receives notice from the governmental entity of a change to the instantaneous maximum allowable discharge limits or to other applicable requirements, the director shall notify the affected significant industrial user in writing of the change in the instantaneous maximum allowable discharge limits and the effective date of the change. The Town Manager shall amend the permit to include the new discharge limits. If the change results in more stringent instantaneous maximum allowable discharge limits, an industrial user shall be given a reasonable opportunity to comply with the more stringent instantaneous maximum allowable discharge limits.
 - (4) The more stringent discharge limits cease to apply upon termination of the town's wholesale wastewater contract or reciprocal agreement with the governmental entity, or upon modification or elimination of the limits by the government entity or the EPA. The Town Manager shall take the appropriate action to notify the affected industrial user of an occurrence under this subsection (4).
- (c) Variances in compliance dates. The Town Manager may grant a variance in compliance dates to an industry when, in the Town Manager's opinion, such action is necessary to achieve pretreatment or corrective measures. In no case shall the Town Manager grant a variance in compliance dates to an industry affected by national categorical pretreatment standards beyond the compliance dates established by the United States Environmental Protection Agency.
 - (d) Authority to regulate. The Town Manager may establish regulations, not in conflict with this Ordinance other laws, to control the disposal and discharge of industrial waste into the wastewater system and to ensure compliance with the town's pretreatment enforcement program with all applicable pretreatment regulations promulgated by the EPA. The regulations established shall, where applicable, be made part of any discharge permit issued to an industrial user by the Town Manager.

Subdivision XII. – Secs 70-170 – 70-179. – Reserved.**Subdivision XIII. - Affirmative Defenses to Discharge Violations****Sec. 70-180. - Act of god provision.**

In an action brought in municipal or state court only:

- (a) An event that would otherwise be a violation that is caused solely by an act of God, war, strike, riot, or other catastrophe, as defined in Texas Water Code (TWC) § 7.251, is an affirmative defense to prosecution for a violation of this Ordinance.
- (b) In any enforcement proceeding, the user seeking to establish the occurrence of an act of God, war, strike, riot, or other catastrophe shall have the burden of proof.
- (c) In the event that a user satisfies the conditions set forth in subsections (a) and (b) above, the user shall control production of all discharges to the extent necessary to maintain compliance with pretreatment standards upon reduction, loss, or failure of its treatment facility until the facility is restored or an alternative method of treatment is provided.

Sec. 70-181. – Bypass.

- (a) For the purposes of this section:
 - (1) "Bypass" means the intentional diversion of wastestreams from any portion of a user's treatment facility.
 - (2) "Severe property damage" means substantial physical damage to property, damage to the treatment facilities which causes them to become inoperable, or substantial and permanent loss of natural resources which can reasonably be expected to occur in the absence of a bypass. Severe property damage does not mean economic loss caused by delays in production.
- (b) A user may allow any bypass to occur which does not cause pretreatment standards or requirements to be violated, but only if it also is for essential maintenance to assure efficient operation. These bypasses are not subject to the provision of subsections (c) and (d) of this section.
- (c) Bypass notification
 - (1) If a user knows in advance of the need for a bypass, it shall submit prior notice to the Town Manager, at least ten (10) days before the date of the bypass, if possible.

- (2) A user shall submit oral notice to the Town Manager of an unanticipated bypass that exceeds applicable pretreatment standards within twenty-four (24) hours from the time it becomes aware of the bypass. A written submission shall also be provided within five (5) days of the time the user becomes aware of the bypass. The written submission shall contain a description of the bypass and its cause; the duration of the bypass, including exact dates and times, and, if the bypass has not been corrected, the anticipated time it is expected to continue; and steps taken or planned to reduce, eliminate, and prevent reoccurrence of the bypass. The Town Manager may waive the written report on a case-by-case basis if the oral report has been received within twenty-four (24) hours.

(d) Bypass

- (1) Bypass is prohibited, and the Town Manager may take an enforcement action against a user for a bypass, unless
 - a. Bypass was unavoidable to prevent loss of life, personal injury, or severe property damage;
 - b. There were no feasible alternatives to the bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes, or maintenance during normal periods of equipment downtime. This condition is not satisfied if adequate back-up equipment should have been installed in the exercise of reasonable engineering judgment to prevent a bypass which occurred during normal periods of equipment downtime or preventive maintenance; and
 - c. The user submitted notices as required under subsections (c) of this section.
- (2) The Town Manager may approve an anticipated bypass, after considering its adverse effects, if the Town Manager determines that it will meet the three conditions listed in this section.

Subdivision XIV. - Wastewater Treatment Rates

Secs 70-182-70-189. – Reserved.

Subdivision XV. - Miscellaneous Provisions

Sec. 70-190 - Pretreatment charges and fees.

- (a) The town may adopt reasonable fees for reimbursement of costs of setting up and operating the town's Pretreatment Program which may include:

- (1) Fees for wastewater discharge permit applications including the cost of processing such applications;
 - (2) Fees for monitoring, inspection, and surveillance procedures including the cost of collection and analyzing a user's discharge, and reviewing monitoring reports submitted by users;
 - (3) Fees for reviewing and responding to accidental discharge procedures and construction;
 - (4) Fees for filing appeals;
 - (5) Disconnection and/or reconnection for service resulting from noncompliance;
 - (6) Recovery of administrative and legal costs associated with enforcement activity taken by the Town Manager to address industrial user noncompliance.
 - (7) Fees for treating abnormal strength wastes
 - (8) Fees incurred from an upset, bypass or unauthorized discharge;
 - (9) Costs incurred by the town under administrative enforcement remedies in this ordinance, including abatement and remediation expenses; and
 - (10) Other fees as the town may deem necessary to carry out the requirements contained herein. These fees relate solely to the matters covered by this ordinance and are separate from all other fees, fines, and penalties chargeable by the town.
- (b) Surcharge

The Town may surcharge industrial users for the treatment of abnormal strength wastes, either as a single user surcharge or as a class recharge.

The Town Manager shall have the authority to review and approve the discharge of all water or wastes having high strength concentration of:

- (1) a five (5) day biochemical oxygen demand greater than two hundred fifty (250) parts per million (ppm) by weight; or
- (2) containing more than two hundred fifty (250) parts per million by weight of total suspended solids shall be subject to the review and approval of the Town Manager.

- (3) Where the Town Manager has approved the admission of (1) and/or (2) above into the POTW, that discharge may be subject to a surcharge as determined by the Town Manager. In no case shall a discharge be accepted that will prevent the POTW from meeting it's TPDES limits.

The surcharge will be assessed according to the following formula each month using the most current pollutant concentration data and the current months' wastewater flow:

$$\text{Surcharge} = \frac{Q}{1,000,000} \times [a(\text{BOD} - x) + b(\text{TSS} - y)][8.34]$$

Where:

Q = flow in gallons
 8.34= weight in pounds of one gallon of water
 x = normal limits of BOD in domestic wastewater expressed in milligrams per liter
 y = normal limits of TSS in domestic wastewater expressed in milligrams per liter
 a = unit cost of treatment per pound of BOD
 b = unit cost of treatment per pound of TSS
 BOD = measured amount of BOD, in mg/l
 TSS = measured amount of TSS, in mg/l

A surcharge is an additional charge by the POTW for the increased cost of handling discharge of unusual strength and character and shall not serve as a variance to the requirements of this ordinance. Exercise of this provision shall not be a bar to, or a prerequisite for, taking any other action against the user."

SECTION 3

This Ordinance shall be cumulative of all provisions of ordinances of the Code of Ordinances, Town of Flower Mound, Texas, as amended, except when the provisions of this Ordinance are in direct conflict with the provisions of such ordinances and such Code, in which event the conflicting provisions of such ordinances and such Code are hereby repealed.

SECTION 4

It is hereby declared to be the intention of the Town Council that the sections, paragraphs, sentences, clauses, and phrases of this Ordinance are severable, and if any section, paragraph, sentence, clause, or phrase of this Ordinance shall be declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining sections, paragraphs, sentences, clauses, and phrases of this Ordinance, since the same would have been enacted by the Town Council without the incorporation in this Ordinance of any such

unconstitutional section, paragraph, sentence, clause, or phrase.

SECTION 5

Any person, firm, or corporation who violates any provision of this Ordinance as adopted by the Town Council of the Town shall be deemed guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine as provided in Section 1-13 of the Code of Ordinances, Town of Flower Mound, Texas. Each day any such violation or violations exist shall constitute a separate offense and shall be punishable as such.

SECTION 6

All rights and remedies of the Town are expressly saved as to any and all violations of the provisions of Code of Ordinances, Town of Flower Mound, Texas or any ordinances governing the matters regulated herein that have accrued at the time of the effective date of this Ordinance; and, as to such accrued violations and all pending litigation, both civil and criminal, whether pending in court or not, under such ordinances, same shall not be affected by this Ordinance but may be prosecuted until final disposition by the courts.

SECTION 7

This Ordinance shall take effect and be in full force from and after the date of its passage, and it is so ordained.

DULY PASSED AND APPROVED BY THE TOWN COUNCIL OF THE TOWN OF FLOWER MOUND, TEXAS, BY A VOTE OF ____ TO ____, ON THIS THE ____ DAY OF _____, 2025.

APPROVED:

Cheryl Moore, MAYOR

ATTEST:

Traci Henderson, TOWN SECRETARY

TOWN OF FLOWER MOUND, TEXAS

RESOLUTION NO. _____

A RESOLUTION OF THE TOWN OF FLOWER MOUND, TEXAS, ENDORSING THE IMPLEMENTATION AND ENFORCEMENT OF A CONTINUING PRETREATMENT PROGRAM FOR ITS WASTEWATER COLLECTION SYSTEM; ENDORSING THE IMPLEMENTATION OF CONTINUING PRETREATMENT PROGRAM AS REQUIRED BY 40 CFR 403 FOR THE DENTON CREEK REGIONAL WASTEWATER SYSTEM; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Town of Flower Mound, Texas (the "Town"), is a home rule municipality acting under its charter adopted by the electorate pursuant to Article XI, Section 5, of the Texas Constitution and Chapter 9 of the Texas Local Government Code; and,

WHEREAS, on June 26, 1978, the United States Environmental Protection Agency ("EPA") published a rule (Amended January 28, 1981) which established mechanisms and procedures for enforcing National Pretreatment Standards controlling the introduction of wastes from non-domestic sources into Publicly Owned Treatment Works (POTWs); and,

WHEREAS, 40 CFR 403, requires that a Pretreatment Program be developed for the Regional Wastewater System; and,

WHEREAS, the Trinity River Authority of Texas, as the owner and operator of a POTW, maintains a Texas Pollutant Discharge Elimination System ("TPDES") permit issued by the Texas Commission on Environmental Quality ("TCEQ"), must comply with rule 40 CFR 403; and,

WHEREAS, the TCEQ manages and enforces the EPA's National Pretreatment Program of the State of Texas; and,

WHEREAS, the Trinity River Authority of Texas's POTW must establish and maintain a wastewater pretreatment program as a condition of its TPDES permit; and,

WHEREAS, the Town owns, operates, and maintains wastewater collection system pipelines and related facilities, all of which are connected to the POTW; and,

WHEREAS, the Town, as a contracting party of the Regional Wastewater System, has entered into an Amendatory Wastewater Contract with the Trinity River Authority of Texas whereby the Town has enacted ordinances that are necessary to implement and enforce the National Pretreatment Standards for Prairie Vista and Denton Creek service areas; and,

WHEREAS, 40 CFR 403.9 (b)(2) requires a statement or resolution reflecting the endorsement or approval of the local boards or councils responsible for supervising and/or funding the POTW that endorses or approves its funding, implementation, and enforcement

of its wastewater pretreatment program;

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF FLOWER MOUND, TEXAS, THAT;

SECTION 1

All the above premises are true and correct of the Town Council, and they are hereby approved, ratified, and incorporated into the body of this Resolution as if copied in their entirety.

SECTION 2.

The Town hereby endorses the implementation of a pretreatment program as required by 40 CFR 403 for the Regional Wastewater System, with such program to continue as long as 40 CFR 403 remains in effect for Prairie Vista and Denton Creek service areas.

SECTION 3

This Resolution shall take effect immediately upon its adoption by the Town Council.

DULY PASSED AND APPROVED BY THE TOWN COUNCIL OF THE TOWN OF FLOWER MOUND, TEXAS, BY A VOTE OF _____ TO _____, ON THIS THE _____ DAY OF _____, 2025.

APPROVED:

Cheryl Moore, MAYOR

ATTEST:

Traci Henderson, TOWN SECRETARY

TRINITY RIVER AUTHORITY OF TEXAS
TOWN OF FLOWER MOUND

ENFORCEMENT RESPONSE PLAN

PREPARED BY
PUBLIC WORKS
UTILITY SERVICES

**TRINITY RIVER AUTHORITY OF TEXAS
DENTON CREEK REGIONAL WASTEWATER SYSTEM
TOWN OF FLOWER MOUND**

TABLE OF CONTENTS

<u>Chapter</u>	<u>Title</u>	<u>Page</u>
I.	OVERVIEW AND PURPOSE	1
II.	IDENTIFICATION OF RESPONSIBLE PERSONNEL	2
	A. Control Authority	2
	B. Contracting Party	2
III.	INDUSTRIAL USER INVENTORY	3
IV.	COMPLIANCE MONITORING PROCEDURES	4
	A. Compliance Data Collected	4
	B. Inspections	6
V.	PROCEDURES TO SCREEN AND TRACK COMPLIANCE DATA	8
	A. Control Authority and Contracting Party Responsibilities	8
	B. Submission of Data	11
VI.	RESPONSE CRITERIA	13
VII.	ENFORCMENT RESPONSES	13
	A. Severity of Violation	13
	B. Enforcement Response Evaluation	14
	C. Enforcement Response Actions	15
	1. Informal Notice	15
	2. Notice of Violation	15
	3. Review Meeting	15
	4. Compliance Schedule	15
	5. Administrative Orders	16
	6. Civil Litigation	17
	7. Criminal Prosecution	17
	8. Termination of Wastewater Services	17
	9. Supplemental Enforcement Responses	18
VIII.	ENFORCEMENT RESPONSE GUIDE	19

LIST OF EXHIBITS

<u>Exhibit No.</u>	<u>Description</u>
1.	Trinity River Authority-Contracting Party NOV Request Example
2.	Contracting Party NOV Example
3.	Contracting Party Cease and Desist Order Example
4.	Contracting Party Consent Order Example
5.	Contracting Party Show Cause Order Example
6.	Contracting Party Compliance Order Example

I. OVERVIEW AND PURPOSE

A. The United States Environmental Protection Agency (EPA) promulgated regulations to require all Publicly Owned Treatment Works (POTWs) to adopt an Enforcement Response Plan (ERP) as part of their Approved Pretreatment Program. These regulations are found in Title 40 of the Code of Federal Regulations (CFR) §403.8(f)(5). The purpose of the ERP is to provide consistent enforcement responses for similar violations and circumstances. The ERP describes violations, defines a range of appropriate enforcement actions based on the nature and severity of the violation and other relevant factors, and identifies personnel responsible for finalizing enforcement responses. All users discharging non-domestic waste to the POTW are subject to the provisions of this ERP.

B. Definitions are found in the Town of Flower Mound (Town) Code of Ordinances, Section 70-114 or defined in the text. Titles and formats of forms and reports currently in use or in the Town's files may vary from those herein, but the functions will be consistent with the terminology and definitions in this document.

C. List of Acronyms

• AO	Administrative Order
• BMP	Best Management Practices
• CA	Control Authority
• CFR	Code of Federal Regulations
• CIU	Categorical Industrial User
• DCRWS	Denton Creek Regional Wastewater System
• EPA	United States Environmental Protection Agency
• ERG	Enforcement Response Guide
• ERP	Enforcement Response Plan
• EMNR	Executive Manager Northern Region
• Gpd	Gallons per Day
• IU	Industrial User
• IUMI	Industrial User Master Inventory
• NOV	Notice of Violation
• NPDES	National Pollutant Discharge Elimination System
• NSCIU	Non-significant Categorical Industrial Users
• POTW	Publicly Owned Treatment Works
• RSA	Regulatory Services Agreement
• RS&CM	Regulatory Services & Compliance Manager
• TRA	Trinity River Authority
• SA	Staff Attorney
• SIU	Significant Industrial User
• SNC	Significant Noncompliance
• TAC	Texas Administrative Code
• TCEQ	Texas Commission on Environmental Quality
• TPDES	Texas Pollutant Discharge Elimination System
• RSA	Regulatory Services Agreement

II. IDENTIFICATION OF RESPONSIBLE PERSONNEL

A. CONTROL AUTHORITY

The Control Authority (CA) is the Trinity River Authority of Texas (TRA) as the operator of a multi-jurisdictional regional wastewater facility, Denton Creek Regional Wastewater System (DCRWS), which provides wastewater transportation and treatment, by contract, to individual Contracting Parties. The CA also implements an Approved Pretreatment Program as part of its existing Texas Pollutant Discharge Elimination System (TPDES) or National Pollutant Discharge Elimination System (NPDES) permit requirements. TRA's enforcement capabilities originate from the contractual obligations of the Contracting Party. The Contracting Party will initiate and pursue any enforcement actions against an Industrial User (IU).

1. Executive Manager Northern Region

The Executive Manager Northern Region (EMNR), or designated representative, is responsible for the operation and maintenance of the receiving wastewater treatment plant. The EMNR, or designated representative is also responsible for meeting TPDES or NPDES requirements.

2. Staff Attorney

The Staff Attorney (SA) is responsible for both the review of and commentary on any potential or ongoing judicial proceedings that the CA may become involved in pertaining to the pretreatment program. The Staff Attorney also supplies legal counsel as needed on other issues, such as the CA's legal obligations and rights.

3. Regulatory Services & Compliance Manager

The Regulatory Services & Compliance Manager (RS&CM) is responsible for the overall staffing and funding of the CA's pretreatment program. The RS&CM is responsible for the development and implementation of the Approved Pretreatment Program and appoints designated personnel for ongoing duties and tasks.

B. CONTRACTING PARTY

A Contracting Party is a member Town that contracts with the CA for services. The Town of Flower Mound is a Contracting Party of the CA. All contracts include wastewater treatment. Pursuant to this wastewater contract, Contracting Parties are responsible for the overall implementation of the Approved Pretreatment Program within their jurisdiction. The Contracting Party is responsible for maintaining a Town Ordinance that grants adequate legal authority to maintain, implement, and enforce the Approved Pretreatment Program. This Ordinance must contain current local limits. The Contracting Party must provide to the CA, in a timely manner, all relevant documents pertaining to the current IU's, as well as newly identified IU's. The CA shall receive from the Contracting Party a copy of all significant industrial users' (SIUs) and non-significant categorical industrial users' (NSCIUs) permit applications and industrial wastewater permits. Further, the Contracting Party shall furnish to the CA all documents and records as necessary, when required by the CA to

demonstrate compliance by all IUs. The Contracting Party must initiate and follow through with all IU enforcement.

1. Public Works Director

The Public Works Director (Director), or the duly authorized representative of the Director, is the designated official that is responsible for ongoing implementation and monitoring of the Approved Pretreatment Program within the Town's jurisdiction. The Director, or the duly authorized representative of the Director, will also serve as the contact for the CA.

2. TRA-Contracting Party Regulatory Services Agreement

The TRA may assist the Contracting Party through a Regulatory Services Agreement (RSA) that delineates pretreatment services, and/or laboratory services provided to assist the Contracting Party with certain implementation aspects of the Approved Pretreatment Program within their jurisdiction. This includes such things as IU survey activities, reviewing IU permit applications, assistance with drafting wastewater permits, conducting IU inspections, sampling, and reviewing IU reports. TRA will provide support services for legal activities; however, the TRA will rely, through contractual obligations, upon the Contracting Parties to bring legal action and enforcement against noncompliant IUs. The RS&CM and associated TRA staff will initiate the RSA and its subsequent renewals with the Contracting Party. Both the TRA and the Contracting Party sign the RSA contract.

III. INDUSTRIAL USER INVENTORY

- A. Industrial User Master Inventory

Contracting Parties shall maintain an Industrial User Master Inventory (IUMI) list that contains existing and potential IUs. The Contracting Party will conduct ongoing updates to the IUMI to allow for the identification of new IUs. The CA will periodically request a copy of the IUMI. The TRA, through the RSA, can conduct the procedures for maintaining the IUMI for the Contracting Party. IU identification procedures shall consist of a combination of the following:

1. Review of Town water use records,
2. Review of building permits issued in commercial/industrial areas,
3. Review of area phone books,
4. Review of the industrial list service for manufacturing facilities within the Contracting Party's jurisdiction,
5. On-site inspections of commercial/industrial areas to detect and define any new industries; and

6. An IU Survey, performed by the Contracting Party a minimum of once every five (5) years.

B. Coordination of IU Information

In order to form a close association with the Contracting Party and to receive the appropriate information required to maintain a current IUMI, it is necessary to designate personnel responsible for the transfer of data. A TRA representative will coordinate with the Director, or the duly authorized representative of the Director, to obtain information concerning new IU's.

IV. COMPLIANCE MONITORING PROCEDURES

It is the intent and purpose of the DCRWS's Approved Pretreatment Program that compliance monitoring activities be established to identify noncompliance with pretreatment standards. Compliance monitoring and its results must be done appropriately as to ensure it can be used as admissible evidence in any judicial proceedings that may result due to noncompliance. Sample monitoring and inspections assist in determining the compliance status of an IU.

A. Sample Monitoring

Sampling requirements, analytical methods, time schedules for submission of data to the Contracting Party, certification statement requirements, and other reporting requirements are established and set forth in the issued permits of IUs. Regardless of the permitted IU self-monitoring, the Contracting Party has legal authority to conduct sampling events to evaluate and verify compliance. Sample collection and analysis shall be in accordance with the Town's Code of Ordinances, Chapter 18, Article IV, Sections 18-179 and 18-180 and 40CFR §136 unless otherwise specified in an applicable Categorical Pretreatment Standard. All analytical results submitted to demonstrate compliance shall meet the requirements of Title 30 of the Texas Administrative Code Chapter 25, Environmental Testing Laboratory Accreditation and Certification.

1. Submitting Monitoring Data

The Director, or the duly authorized representative of the Director, and the CA, receives monitoring data in the following ways:

- a. The permitted IU collects self-monitoring data and forwards the data to the Contracting Party. The Contracting Party, if required, will forward the self-monitoring data to the CA as required. Additionally, with the RSA, the TRA can receive self-monitoring data directly from the permitted IU; and/or
- b. The Director, or the duly authorized representative of the Director, samples the permitted IU. The Contracting Party, if required, will forward the monitoring data to the CA as required. Additionally, with the RSA, the TRA can sample the permitted IU to assist the Contracting Party.

2. Sample Frequency Requirements

The Director, or the duly authorized representative of the Director, identifies in the permit self-monitoring requirements for the IU. In some instances, the permit directs the IU to sample parameters at different frequencies with additional independent verification sampling by the Contracting Party. Optionally, an IU's permit can indicate the Contracting Party will conduct the sampling. This allows the Contracting Party to fulfil sample requirements for the IU as well as independent verification sample requirements for the Contracting Party. The following details the minimum requirements for SIUs and NSCIUs.

a. SIU Requirements

i. Permit Requires the SIU to Conduct Self-Monitoring

1) SIU Monitoring Requirements

The SIU will self-monitor for the parameters at the frequency identified in their permit if the permit requires the SIU to conduct its own self-monitoring. At a minimum, the permit will direct an SIU to conduct self-monitoring semiannually for some or all parameters. Semiannual monitoring means sample collection occurs once in the first six months of the Pretreatment Year and once in the second six months of the Pretreatment Year.

2) Contracting Party Monitoring Requirements

The Director, or the duly authorized representative of the Director, will sample the SIU's effluent, at minimum, annually for parameters in the permit with a frequency designation of semiannual or greater. Annual monitoring means sample collection will occur once in the Pretreatment Year. The TRA, through the RSA, can conduct the sample monitoring for the Contracting Party.

- ii. Permit Identifies that the Contracting Party Conducts Self-Monitoring in lieu of the SIU (“Sampling in lieu of”)

- 1) SIU Monitoring Requirements

- The SIU does not sample. The permit identifies the Contracting Party with all monitoring responsibilities.

- 2) Contracting Party Monitoring Requirements

- The Director, or the duly authorized representative of the Director, will sample for the parameters at the frequency identified in the SIU’s permit. At a minimum, the permit will identify semiannual sampling for some or all parameters. As stated above, semiannual monitoring means sample collection occurs once in the first six months of the Pretreatment Year and once in the second six months of the Pretreatment Year. The TRA, through the RSA, can conduct the sample monitoring for the Contracting Party.

- b. NSCIU Requirements

- i. Permit Identifies only Self-Monitoring for Contracting Party

- 1) NSCIU Monitoring Requirements

- The NSCIU does not sample. The permit will identify the Contracting Party has sample monitoring responsibilities. The NSCIU will have to meet a flow restriction of <100 gallons per day (gpd) of categorical wastewater.

- 2) Contracting Party Monitoring Requirements

- The Director, or the duly authorized representative of the Director, will sample the NSCIU’s effluent once per permit cycle. This monitoring allows the Contracting Party to verify the NSCIU is not discharging untreated concentrated wastewater. Untreated concentrated wastewater means wastewater discharges over the categorical limit. If representative sampling is unachievable at the permitted outfall(s) due to no flow or insufficient flow, sampling personnel documents such conditions on the chain of custody. In this instance, the NSCIU is compliant with its effluent limitations. The TRA, through the RSA, can conduct the sample monitoring for the Contracting Party.

- 3. Sample Data Review

The Director, or the duly authorized representative of the Director, is responsible for reviewing all sampling data to determine its validity and the IU’s compliance status. Also, the TRA, though the RSA, can review all sampling data for the Contracting Party. In this instance, TRA will inform the Director, or the duly authorized representative of the Director, of the compliance status of the IU based on the data.

4. Resample Requirements for Violations

Violations may result in increased sampling frequency. Within thirty (30) calendar days of becoming aware of a discharge limit violation, the SIU or NSCIU will be resampled for the parameter in question. Resampling will not be required if sampling is already being performed at a frequency of at least once per month or additional sampling has already been conducted between the time when the initial sampling was conducted and the time when the sampling results were received.

B. Inspections

The CA's Approved Pretreatment Program provides procedures for conducting inspections at permitted IUs.

1. Contracting Party Inspection Frequency for SIU and NSCIU

The Director, or the duly authorized representative of the Director, shall conduct inspections at each of the permitted IUs at a minimum frequency of one inspection event per year. In addition, the TRA through the RSA, can conduct the inspection at permitted IUs for the Contracting Party.

Additionally, the Director, the duly authorized representative of the Director, or the TRA, if contracted to conduct pretreatment services, will conduct inspections more often if deemed necessary. Other reasons to conduct an inspection can be for purposes of reviewing IU construction activities, and/or to investigate noncompliance issues.

2. Documentation of an Inspection

For each inspection, the Contracting Party will complete the inspection form approved under the CA's Approved Pretreatment Program. During inspections, the Contracting Party will commonly review the following:

- a. Manufacturing processes and waste treatment units;
- b. Chemical storage areas and amounts of chemicals kept on site;
- c. Comparison of water usage with semi-annual reports, permit applications, and/or water use records;
- d. Need for development or update of a slug control plan;
- e. Need for the development of a Toxic Organic Management Plan or assessment of how well the current plan is implemented; and
- f. Need for or adherence to best management practices (BMPs) required by the Director, or the duly authorized representative of the Director, or Categorical Pretreatment Standard.

3. Addressing Deficiencies

The Director, or the duly authorized representative of the Director, will inform the IU of any deficiencies identified in the inspection process and will follow proper enforcement action identified in the Enforcement Response Guide (ERG).

4. Access Denied

The Director, the duly authorized representative of the Director, CA, State and/or Federal agent will obtain a warrant if the IU does not allow entry/access or denies copies of records after displaying the proper credentials.

V. PROCEDURES TO SCREEN AND TRACK COMPLIANCE DATA

A. Contracting Party and Control Authority Responsibilities for Screening Data

The methods and designated personnel responsible for tracking the compliance status of IUs are defined in this ERP. The Contracting Party and/or CA will have responsibilities associated with screening all notices, reports, and data from the IUs. The Contracting Party will address identified violations with appropriate responses as required by this ERP and ERG.

1. Contracting Party Responsibilities

The Contracting Party is responsible for complying with the CA's Approved Pretreatment Program requirements including, issuing permits, conducting inspections, sample monitoring, receiving required reports, and the evaluation of incidents of noncompliance. The role of the Director, or the authorized representative of the Director, will vary based on whether the Contracting Party has entered a RSA with the TRA to assist with implementation of the CA's Approved Pretreatment Program.

a. Contracting Party Without a RSA

The Director, or the duly authorized representative of the Director, will screen data and reports for violations as soon as possible after receipt of the data and/or report, in order to initiate any necessary enforcement action in the timeframe identified in the ERG. As part of this evaluation process, the Director, or the duly authorized representative of the Director, will track non-discharge violations, such as reporting deficiencies or falsification. In addition, the Director, or the duly authorized representative of the Director, will address incomplete or inaccurate reports with an appropriate response and follow-up enforcement actions if necessary. All enforcement actions undertaken by the Contracting Party will follow the guidelines of this ERP and the ERG. The Contracting Party will submit, as required, reports to the CA in a timely manner.

i. SNC Tracking and Public Notice Responsibilities

The Contracting Party shall publish IUs in the month specified in the CA's TPDES or NPDES permit using the criteria for determining Significant Noncompliance (SNC) found in the Contracting Party's Ordinance or at 40 CFR §403.8(f)(2)(viii)(A)-(H), whichever is more stringent.

1) Determining SNC

SNC status of permitted IUs for criteria at 40 CFR §403.8(f)(2)(viii)(A) and (B) shall be determined quarterly in accordance with the following EPA Memorandums:

- Cook, M. (September 9, 1991), *Application and Use of the Regulatory Definition of Significant Noncompliance for Industrial Users*.
- Charles, M. (January 17, 1992), *Determining Industrial User Significant Noncompliance – One Page Summary*

2) Documenting SNC

- a) The Director, or the duly authorized representative of the Director, will document the calculation of the criteria at 40 CFR §403.8(f)(2)(viii)(A) and (B) each quarter and retain this documentation with the SIU file system.
- b) The Director, or the duly authorized representative of the Director, will evaluate the SNC status of permitted IUs for criteria at 40 CFR §403.8(f)(2)(viii)(C)–(H) at the time of each violation. The Contracting Party will document the reports associated with the qualifying violations and retain this documentation in the SIU file system.
- c) The Director, or the duly authorized representative of the Director, will evaluate the SNC status of unpermitted IUs for criteria at 40 CFR §403.8(f)(2)(viii)(C)(D)and/or(H) at the time of each violation. The Contracting Party will document the reports associated with the qualifying violation and retain this documentation in the SIU file system.

3) SNC Notification to CA and SNC Public Notice

- a) Each quarter, the Director, or the duly authorized representative of the Director, shall submit an update on the SNC status of each permitted SIU and if applicable, any unpermitted IUs, to the CA.
- b) The Contracting Party shall publish in the month specified in the CA's TPDES or NPDES permit those IUs which are in SNC. Once published, the Director, or duly authorized representative of the Director, shall forward to the CA an original newspaper publication of the public notice or copy of the newspaper publication with official affidavit of the list of IUs that meet the criteria of SNC. The

newspaper publication provided to the CA must include the name of the newspaper and the publication date of the list.

b. Contracting Party With an Existing RSA

If the TRA is providing contractual pretreatment services to the Contracting Party, the TRA will screen data and reports for violations as soon as possible after receipt of the report/data. When the TRA detects a violation of an IU permit condition and/or the violation qualifies for SNC, TRA will notify the Director, or duly authorized representative of the Director. Exhibit 4 provides a notification example. The Director, or duly authorized representative of the Director, will initiate any necessary enforcement action in a timely manner by following the guidelines of this ERP and the ERG.

i. SNC Tracking and Public Notice Responsibilities

Although the TRA will conduct the evaluation of SNC, the Contracting Party is responsible for publishing IUs in the month specified in the CA's TPDES or NPDES permit. SNC will be determined using the criteria for determining SNC found in the Contracting Party's Ordinance or at 40 CFR §403.8(f)(2)(viii)(A)-(H), whichever is more stringent.

1) Determining SNC

The TRA will evaluate SNC status of permitted IUs for criteria at 40 CFR §403.8(f)(2)(viii)(A) and (B) quarterly in accordance with the following EPA Memorandums:

- Cook, M. (September 9, 1991), *Application and Use of the Regulatory Definition of Significant Noncompliance for Industrial Users*.
- Charles, M. (January 17, 1992), *Determining Industrial User Significant Noncompliance – One Page Summary*.

2) Documenting SNC

- a) The TRA will document the calculation of the criteria at 40 CFR §403.8(f)(2)(viii)(A) and (B) each quarter, and the TRA will retain this documentation with the TRA Contracting Party's file system.
- b) The TRA will evaluate the SNC status of permitted IUs for criteria at 40CFR §403.8(f)(2)(viii)(C)–(H) at the time of each violation. The TRA will document the reports associated with qualifying violations, and the TRA will retain this documentation in the TRA Contracting Party's SIU file system.
- c) The TRA will evaluate the SNC status of unpermitted IUs for criteria at 40 CFR §403.8(f)(2)(viii)(C)(D) and/or (H) at the time of each violation. The TRA will document the reports associated

with qualifying violations, and the TRA will retain this documentation in the TRA Contracting Party's file system.

- 3) SNC Notification to the Contracting Party and SNC Public Notice
 - a) The TRA will identify and notify the Director, or the duly authorized representative of the Director, when IUs are in SNC. The Director, or the duly authorized representative of the Director, will then notify the IUs of their SNC status. At the end of the Pretreatment Year, the TRA will submit a list of IUs that are considered to be in SNC to the Director, or the duly authorized representative of the Director, for publication.
 - b) The Contracting Party shall publish in the month specified in the CA's TPDES or NPDES permit, the IUs who are in SNC. Once published, the Director, or the duly authorized representative of the Director, shall forward an original newspaper publication of the public notice or copy of the newspaper publication with an official affidavit of the list of IUs that meet the criteria of SNC to the CA. The newspaper publication provided to the CA must include the name of the newspaper and the publication date of the list.

2. CA Responsibilities

The Contracting Party is responsible for submitting to the CA all IU documents required by the wastewater contract and the CA's Approved Pretreatment Program. The CA is responsible for screening these documents received from the Contracting Party in a timely manner and notifying the Director, or the duly authorized representative of the Director, of any deficiencies. The CA will file documents from the Contracting Party in the TRA Contracting Party IU file system. The CA will submit required reports on compliance to the Approval Authority. The CA may also provide pretreatment and laboratories services to the Contracting Party on a contractual basis to assist the Contracting Party in its compliance verification activities identified in this ERP. The Contracting Party will be responsible for conducting enforcement actions.

B. Contracting Party and Control Authority Responsibilities for Submission of Data

1. Contracting Party Responsibilities

a. Contracting Party Without a RSA

The Director, or the duly authorized representative of the Director, is responsible for maintaining complete files on each permitted IU and applicable unpermitted IUs. The Contracting Party will note the date of receipt on all notices, reports, and data received from IUs. The Director, or the duly authorized representative of the Director, will submit to the CA copies of documents required by the wastewater contract or the CA's Approved Pretreatment Program as necessary.

b. Contracting Party with a RSA

If the TRA is providing contractual pretreatment services to the Contracting Party, the TRA will directly receive and review notices, reports and data submitted by permitted IUs and unpermitted IUs. The TRA will maintain complete files on each permitted IU and applicable unpermitted IUs. The Director, or the duly authorized representative of the Director, will forward any enforcement documents, signed wastewater permits, and other documents related to IUs which were not sent directly to TRA. The TRA will note the date of receipt on all notices, reports, and data received from IUs. The TRA is responsible for reviewing incoming notices, reports, and data from Contracting Parties and/or IUs. The TRA will address incomplete reports in accordance with procedures outlined in this ERP.

2. CA Responsibilities

The CA will note the date of receipt on all notices, reports, and data from Contracting Parties. All notices, data, and reports sent and received by the CA are kept in a file system that contains additional delineated IU files. The CA will adhere, at minimum, to document review as stipulated in the wastewater contract. The CA will notify the Director, or the duly authorized representative of the Director, of any reporting deficiencies. The Contracting Party will address incomplete reports according to procedures outlined in this ERP and the CA's Approved Pretreatment Program.

3. Tracking Information

The CA and/or Contracting Party will track dates associated with IU notices, data, and reports with a computer, a monthly update log, and/or the IU files. The CA and/or Contracting Party will address incomplete reports according to procedures outlined in this ERP. The following notices and reports require date tracking:

- a. Notification of a violation from a permittee within twenty-four (24) hours of the permittee becoming aware of the violation;
- b. Compliance schedule progress reports;
- c. Baseline monitoring reports, including required BMP compliance information (Categorical Industrial User [CIU] and NSCIU only);

- d. Ninety (90) day compliance reports, including required BMP compliance information (CIU and NSCIU only);
- e. Periodic reports on continued compliance, including any applicable self-monitoring and required BMP compliance information (SIU and NSCIU);
- f. NSCIU annual reports and certification statement;
- g. Notifications of changed discharge;
- h. Permit applications;
- i. Notices of potential problems, including slug loading;
- j. Notices of changes at the permitted facility affecting the potential for slug discharge;
- k. Notifications of hazardous waste discharge;
- l. Requested inspection follow up reports;
- m. Thirty (30) day re-sampling for effluent related noncompliance, and
- n. Other reports as required by permit and/or requested by the Director, or the duly authorized representative of the Director, from permitted IUs and unpermitted IUs.

VI. RESPONSE CRITERIA

This ERP establishes a proper range of enforcement responses that identify many common discharge and non-discharge violations. The Contracting Party will often choose from between several applicable responses. The Contracting Party will consider, among other factors, the following criteria when determining a proper response to IU violations:

- A. Magnitude of the violation;
- B. Duration of the violation;
- C. Effect on the receiving water;
- D. Effect on the POTW, its treatment processes or operations, or its sludge processes, use or disposal;
- E. Compliance history of the IU,
- F. Economic benefit to the IU of noncompliance; and

G. Good Faith of the IU

“Good Faith” means the Contracting Party’s perception of the IU’s honest intention to remedy any noncompliance, combined with actions that reflect this intention. An IU’s demonstrated willingness to comply may predispose the Contracting Party to select less stringent enforcement responses. “Good Faith” will not eliminate the necessity for enforcement action. Compliance with any previous enforcement orders will not necessarily demonstrate “Good Faith”.

VII. ENFORCEMENT RESPONSES

A. Severity of Violation

The Contracting Party may initially rely on informal actions such as telephone calls or Notices of Violation (NOVs) where violations are not significant, or do not result in immediate harm. However, when the violation is significant, or when the IU does not promptly undertake corrective action, the Contracting Party shall respond with more severe enforcement actions. In either case, enforcement response will promote a return to compliance in a timely manner.

For Contracting Parties with a RSA, the TRA can provide enforcement guidance based on the requirements of this ERP, but the Director, or the duly authorized representative of the Director, must conduct formal enforcement actions.

1. Determining Magnitude of the Violation

The Director, or the duly authorized representative of the Director, will determine if IU violations are significant or not significant. In addition, the Director, or the duly authorized representative of the Director, will assess the severity of the violation for impact on the POTW and receiving stream. Finally, the Director, or the duly authorized representative of the Director, will evaluate the frequency in regards to the same type of violation.

a. Significant Violations

A significant violation meets the criteria for classifying an IU as in SNC, as defined in the Town's Ordinance, and requires additional supplemental enforcement action of public notice. The Director, or the duly authorized representative of the Director, will respond to significant violations based on severity, which requires evaluating the violation for harmful impact to the POTW.

b. Harm

An IU violation is considered to cause harm if it has negative impacts on the POTW that interfere, harm, or damage POTW personnel, equipment, processes, operations, or cause biosolids contamination resulting in increased disposal costs. Additionally, an IU violation that has the potential to affect the receiving stream, impact the receiving stream, and/or contributes to a violation of the CA's TPDES or NPDES permit is considered harmful.

c. Recurring Violations

Recurring violations indicate that chronic problem(s) exist(s) at the IU. The Director, or the duly authorized representative of the Director, will escalate its enforcement response when follow-up activities indicate either the violation persists or the IU is not achieving satisfactory progress.

Recurring, for purposes of this ERP, means three noncompliant events for each separate parameter or non-effluent violation over a twelve (12) month period from the date of the initial same type violation. For example, three recurring zinc violations would be evaluated separately from other recurring effluent violations and other recurring non-effluent violations. The Director, or the duly authorized representative of the Director, shall increase enforcement on the third violation for the same type of noncompliant event, unless the second violation qualifies as a significant violation and/or a violation that will harm the POTW.

2. Consistent Compliance

The Director, or the duly authorized representative of the Director, conducts enforcement actions to remedy IU violations of the CA's Approved Pretreatment Program and return the IU to consistent compliance in a timely manner. For purposes of this ERP, consistent compliance means no IU violations of the same type in a twelve (12) month period.

B. Enforcement Response Evaluation

The Contracting Party may use several initial and follow-up actions in responding to noncompliance issues. Which response, or combination of responses the Contracting Party uses will depend on the violation's severity, event duration, effect on the environment and/or POTW, the IU's economic benefit received from remaining in noncompliance, and the IU's compliance history including past "Good Faith" in taking corrective action. The Director, or the duly authorized representative

of the Director, may assess penalties to IUs committing significant violations based upon the economic benefit received. The following document may be used to calculate the amount of the penalty.

- United States Environmental Protection Agency. *Guidance Manual for POTW's to Calculate the Economic Benefit of Noncompliance*, Office of Water Enforcement and Permits. (September 1990)

C. Enforcement Response Actions

The Director, or the duly authorized representative of the Director, will use the ERG to determine an appropriate enforcement action. When the IU fails to return to compliance following the initial enforcement response, the Contracting Party will escalate its enforcement in a follow-up action in response to subsequent noncompliance within the guidelines provided in this ERP. Possible enforcement actions are as follows:

1. Informal Notice

This is an informal communication between the Contracting Party with the IU to discuss noncompliance. This discussion is a starting point for situations that are not a significant violation. This can be a verbal or written notification. For Contracting Parties with a RSA, the TRA can provide informal notice, but must also inform the Director, or the duly authorized representative of the Director, of the notification.

2. Notice of Violation (See Exhibit 2)

The NOV is an official communication from the Contracting Party to the noncompliant IU informing the IU of a pretreatment violation. The purpose of the NOV is to notify the IU of the violation(s) and to request a response within a given time period, usually within ten (10) business days.

3. Review meeting

A review meeting is a meeting between the IU and Contracting Party usually preceding an increased enforcement action. This meeting can be at the request of the IU and/or Contracting Party. The meeting serves as an avenue for discussion of the current situation and/or the sequence of events on impending action. For Contracting Parties with a RSA, the Director, or the duly authorized representative of the Director, can have the TRA conduct a review meeting on behalf of the Contracting Party. In this instance, the TRA will provide a summary of the meeting to the Director, or the duly authorized representative of the Director.

4. Compliance Schedule

A compliance schedule is a schedule that contains increments of progress in the form of milestones and corresponding dates for the commencement and completion of those milestones. Milestones are often major events leading to the construction and operation of additional pretreatment required for the IU to meet

an applicable Pretreatment Standards. Such events include, but are not limited to, hiring an engineer, completing preliminary and final plans, executing contracts for major components, commencing and completing construction, and beginning and conducting routine operation. An IU's permit or an administrative order (AO) may contain a compliance schedule. In addition, the Director, or the duly authorized representative of the Director, can require a standalone compliance schedule.

5. Administrative Order

An Administrative Order (AO) is an enforcement documents that direct an IU to undertake and/or cease specific activities. The Director, or the duly authorized representative of the Director, may or may not negotiate the terms of the AO with the IU. The AO may incorporate compliance schedules, civil or criminal penalties, and termination of service orders. There are four types of AOs that the Contracting Party may utilize alone or in combination.

a. Cease and Desist Order (See Exhibit 3)

A Cease and Desist Order directs an IU to cease illegal unauthorized discharges immediately or terminate its discharge altogether. The Director, or the duly authorized representative of the Director, uses this order in situations where the discharge could cause harm such as interference or pass-through at the treatment plant, or otherwise causes an emergency at the treatment plant or in the collection system. The Contracting Party can order immediate cessation of any discharge to its collection system, regardless of an IU's compliance status and may revoke any wastewater discharge permits held by the IU. If the user fails to comply with the order, the Contracting Party may take independent action to halt the discharge, such as terminating water service, conducting physical severance, or blocking the IU's connection point.

b. Consent Order (See Exhibit 4)

A Consent Order is an agreement between the Contracting Party and the IU normally containing three elements:

- i. Compliance schedule(s);
- ii. Stipulated fines or remedial actions; and
- iii. Signatures of the Contracting Party and IU representatives.

c. Show Cause Order (See Exhibit 5)

A Show Cause Order directs the IU to appear before the Contracting Party to explain its noncompliance, and show cause as to why more severe enforcement actions against the IU should not be pursued. The CA may be present during the hearing. The Director, or the duly authorized representative of the Director, can use this order to investigate violations of previous AOs.

d. Compliance Order (See Exhibit 6)

A Compliance Order directs the IU to achieve or restore compliance by a date specified in the order. The Director, or the duly authorized representative of the Director, need not discuss the terms of this order with the IU prior to issuance. The Contracting Party may use this order to require an IU to develop management practices, spill prevention programs, and any other Approved Pretreatment Program requirements.

6. Civil Litigation

Civil litigation is the formal process of filing a lawsuit(s) against an IU to secure court ordered actions to correct violations and to secure penalties for violations including the recovery of costs to the POTW impacted by the noncompliance. Civil litigation also includes enforcement measures that require involvement or approval by the courts, such as injunctive relief and settlement agreements. The Contracting Party can pursue civil litigation when the corrective action required is costly and complex, or when the IU is unmanageable and/or unwilling to cooperate.

a. The following three general situations demonstrate when civil litigation is an appropriate enforcement action:

- i. Situations in which injunctive relief is necessary to halt or prevent discharges which threaten human health or the environment, or interfere with the POTW;
- ii. Situations in which efforts to restore compliance through cooperation with the IU have failed and a court supervised settlement (consent decree) is necessary to enforce Approved Pretreatment Program requirements;
- iii. Situations in which it is necessary to impose civil penalties and/or to recover losses incurred due to the noncompliance.

b. The Contracting Party will utilize three types of civil litigation either alone or in conjunction. They are as follows:

i. Consent Decree

A consent decree is an agreement between the Contracting Party and the IU reached after the Contracting Party files a lawsuit. The consent decree is signed by the judge assigned to the case. The Contracting Party uses a consent decree when the violator is willing to acknowledge and correct the noncompliance and the Contracting Party and the violator agree on the penalty. The agreement can be formalized prior to a full hearing on the issue(s).

ii. Injunction

An injunction is a court order that directs parties to follow an established procedure and/or to refrain from specific actions. A Contracting Party

uses an injunction if the delays involved in filing a suit would result in irreparable harm. A cease and desist order may be used in place of injunctive relief.

iii. Civil Penalties and Cost Recovery

Civil penalties and cost recovery are forms of reimbursement to the Contracting Party and/or the CA by the IU to pay for all expenses incurred while responding to noncompliance. This may include restoration of the physical treatment plant and collection system, payment for medical treatment of injured personnel, and indemnification for all fines assessed for NPDES or TPDES permit violations. Civil penalties and cost recovery may be court ordered.

7. Criminal Prosecution

Criminal prosecution is the formal process of charging individuals and/or organizations with violations of Ordinance provisions that are punishable, upon conviction, by citation/fines and/or imprisonment. The purpose is to punish established noncompliance through court proceedings and to deter future noncompliance.

a. Citations

Town Ordinance allows the Contracting Party to issue citations as court summons for Class C Misdemeanors. Maximum fines should be the maximum allowed by state law, currently \$2,000 per day, per violation. If applicable, the Contracting Party can pursue higher charges under the appropriate state law, which could result in higher fines or imprisonment.

8. Termination of Wastewater Services

Termination of wastewater service is the revocation of an IU's privilege to discharge industrial wastewater into the Contracting Party's wastewater system. Termination may be accomplished by physical severance or blocking of the industry's connection to the collection system, by issuance of an AO that requires the IU to terminate its discharge, or by a court ruling. The Contracting Party should consider termination of wastewater service as an appropriate response to IUs that have not responded adequately to previous enforcement remedies. The Contracting Party issues a notice to the IU, when possible, to fulfill the due process requirements associated with service termination and enables the IU to halt production in time to avoid backflows, spills, and other harm to the IU's facility, as well as time to look for alternative means of wastewater disposal.

9. Supplemental Enforcement Actions

The Director, or the duly authorized representative of the Director, shall determine on an individual basis to use supplement enforcement responses to reinforce the compliance obligations of IUs. The three categories below identity these supplemental actions:

a. Public Notice

As a requirement of 40 CFR §403.8(f)(2)(viii) there will be an annual publication of a list of IUs which were in SNC. The Director, or the duly authorized representative of the Director, shall evaluate IUs for SNC four times a year, in accordance with EPA guidelines as shown in the “rolling” quarter’s method for SNC criteria at 40 CFR §403.8(f)(2)(viii)(A) and (B). In addition, the Director, or the duly authorized representative of the Director, shall evaluate IUs for SNC at the time of the qualifying violation for criteria 40 CFR §403.8(f)(2)(viii)(A)-(H). Publication of the list satisfies the public’s right to know of violations affecting the immediate environment and causing additional expenditures of public funds to operate and maintain the POTW. Additionally, publication discourages IUs from committing pretreatment violations.

b. Increased Monitoring and Reporting

The Director, or the duly authorized representative of the Director, may increase surveillance activities (i.e., sampling and inspections) when an IU demonstrates a history of noncompliance. Additionally, the Director, or the duly authorized representative of the Director, may require the IU to conduct more self-monitoring and reporting until the problem is corrected and consistent compliance is demonstrated. Increased monitoring should be ordered for a specified time period or until a compliance milestone is achieved.

c. Cost Recovery for Damages, Abatement, and Remediation

Users or responsible persons may be required to make reimbursement to the Contracting Party and/or CA to pay for all expenses incurred in responding to violations. This may include restoration of the physical treatment plant and collection system, repairs or replacement of equipment, payment for medical treatment of injured personnel, and indemnification for all fines assessed for NPDES or TPDES permit violations. This may also include costs for abatement, cleanup, or remediation from prohibited discharges to the sanitary sewer or any area that drains to the sanitary sewer. The Contracting Party may conduct cost recovery through administrative action or court ordered civil penalties.

VIII. ENFORCEMENT RESPONSE GUIDE

The ERG shall serve as a matrix describing violations and indicates a range of appropriate enforcement options. It defines the range of enforcement actions based on the nature and severity of the violations and other relevant factors and will promote consistent and timely use of enforcement remedies. The guide allows the Contracting Party to select from several alternative initial and follow-up actions. When an IU fails to return to compliance following enforcement response, the Contracting Party shall escalate its enforcement response.

A. The Contracting Party shall consider the following criteria when determining a

proper enforcement action:

1. Magnitude of the violation;
2. Duration of the violation;
3. Effect of the violation on the receiving water;
4. Effect of the violation on the POTW processes and sludge disposal;
5. Compliance history of the IU;
6. Economic benefit to the IU of noncompliance; and
7. . Good Faith of the IU.

B. The attached ERG identifies types of common violations the Contracting Party anticipates, determines which responses are appropriate for many of the common discharge and non-discharge violations, identifies initial and follow-up responses to the violations, and designates personnel responsible for administering each of these responses. The following guidelines are a tool and will be used as follows:

1. Locate the type of violation in the first column and identify the most accurate description of the violation in the second column.
2. Assess the appropriateness of the recommended response(s) in the second column. First offenders or IUs demonstrating "Good Faith" efforts may merit a more lenient response. Similarly, repeat offenders or those demonstrating negligence may require an escalated response.
3. Apply the chosen enforcement action to the IU from the third column. Specify if any supplemental enforcement actions are chosen.
4. Determine appropriate personnel for the enforcement action. The fourth column indicates personnel responsible for delivery each response.
5. Follow-up with escalated enforcement action if the IU does not respond or violations continue.

**ENFORCEMENT RESPONSE GUIDE
SUMMARY OF ACTION**

Violation	Nature of the Violation	Enforcement Action	Personnel
1. Failure to apply for discharge permit <u>Applies to:</u> Unpermitted Users	Not Significant, if classified as SIU-non CIU	- Informal Notice with Application - NOV with Application	Director ^e
	Significant, if classified as CIU	- NOV with Application - Review Meeting with Application	
	Recurring	- AO - Civil Litigation - Criminal Prosecution - Terminate Service	
2. Failure to apply for renewal discharge permit <u>Applies to:</u> Permitted Users	Not Significant; Has not submitted application within specified time frame required in permit	- Informal Notice	Director ^e
	Significant; >45 days late in submitting application in regards to specified time frame required in permit	- NOV - Review Meeting - AO - Criminal Prosecution	
	Significant Permit is expired; IU continues to discharge	- Show Cause Order - Civil Litigation - Criminal Prosecution - Terminate Service	
3. Late reports <u>Applies to:</u> Permitted Users	Not Significant; <45 days	- Informal Notice - NOV	Director ^e
	Significant; >45 days	- NOV - Review Meeting	
	Recurring; Not Significant; > 45 Days	- AO - Civil Litigation - Criminal Prosecution - Terminate Service	
	Recurring; Significant; > 45 Days	- AO - Civil Litigation - Criminal Prosecution - Terminate Service	

ENFORCEMENT RESPONSE GUIDE SUMMARY OF ACTION			
Violation	Nature of the Violation	Enforcement Action	Personnel
4. Failure to properly sign reports with certification statement. Designated signatory must sign required report, or report is incomplete. <u>Applies to:</u> Permitted Users Dental Dischargers	First and Second Occurrence	- Informal Notice	Director ^e
	Recurring	- NOV - Review Meeting - AO - Civil Litigation - Criminal Prosecution - Terminate Service	
5. Failure to report changed discharge or changed conditions <u>Applies to:</u> Permitted Users	Significant; No Harm	- NOV - Review Meeting	Director ^e
	Recurring; Significant; No Harm	- Review Meeting - AO - Civil Litigation - Criminal Prosecution - Terminate Service	
	Significant; Harm	- AO - Civil Litigation - Criminal Prosecution - Terminate Service	
	Recurring; Significant; Harm	- Show Cause Order - Civil Litigation - Criminal Prosecution - Terminate Service	

ENFORCEMENT RESPONSE GUIDE SUMMARY OF ACTION			
Violation	Nature of the Violation	Enforcement Action	Personnel
6. Failure to report discharge of hazardous waste <u>Applies to:</u> Unpermitted Users Permitted Users	Significant; No Harm	- NOV - Review Meeting	Director ^e
	Recurring; Significant; No Harm	- Review Meeting - AO - Civil Litigation - Criminal Prosecution - Terminate Service	
	Significant; Harm	- AO - Civil Litigation - Criminal Prosecution - Terminate Service	
	Recurring; Significant; Harm	- Show Cause Order - Civil Litigation - Criminal Prosecution - Terminate Service	
7. Missed dates in compliance schedules <u>Applies to:</u> Unpermitted Users undergoing permit process Permitted Users	Missed milestone by < 45 days; Not Significant	- Informal Notice - NOV	Director ^e
	Recurring; Not Significant	- NOV - Review Meeting - Civil Litigation - Criminal Prosecution - Terminate Service	
	Missed milestone by >45 days; Significant	- NOV - Review Meeting	
	Recurring; Significant; Missed final milestone with no reasonable cause for delay	- AO - Civil Litigation - Criminal Prosecution - Terminate Service	

ENFORCEMENT RESPONSE GUIDE SUMMARY OF ACTION			
Violation	Nature of the Violation	Enforcement Action	Personnel
8. Falsification of Information to POTW <u>Applies to:</u> Unpermitted Users Permitted Users	Good Faith; No intent; No Harm	- Informal Notice - Review Meeting	Director ^e
	Proven; No Harm	- Review Meeting - AO - Civil Litigation - Criminal Prosecution	
	Proven; Harm	- AO - Civil Litigation - Criminal Prosecution - Terminate Service	
9. Violation of pretreatment standards (effluent limitations, BMPs, etc) <u>Applies to:</u> Permitted Users	Not Significant; No Harm	- Informal Notice - NOV - Compliance Schedule	Director ^e
	Significant; No Harm	- NOV - Review Meeting - Compliance Schedule	
	Recurring; Not Significant or Significant; No Harm	- Review Meeting - AO - Civil Litigation - Criminal Prosecution - Terminate Service	
	Significant; Harm	- AO - Civil Litigation - Criminal Prosecution - Terminate Service	
	Recurring; Significant; Harm	- Show Cause Order - Civil Litigation - Criminal Prosecution - Terminate Service	

ENFORCEMENT RESPONSE GUIDE

SUMMARY OF ACTION

Violation	Nature of the Violation	Enforcement Action	Personnel
10. Failure to sample or monitor correctly if IU is required to conduct self-monitoring <u>Applies to:</u> Permitted Users	Failure to monitor all pollutants as required by permit	- Informal Notice and require retest - NOV and require retest	Director ^e
	Recurring, Failure to monitor all pollutants as required by permit	- NOV - Review Meeting - AO - Civil Litigation - Criminal Prosecution - Terminate Service	
	Improper sampling procedure and/or improper analysis method	- Informal Notice and require retest - NOV and require retest	
	Recurring, improper sampling procedure and/or improper analysis method	- NOV - Review Meeting - AO - Civil Litigation - Criminal Prosecution - Terminate Service	
	Failure to monitor in correct location	- Informal Notice and require retest - NOV and require retest	
	Recurring, failure to monitor in correct location	- NOV - Review Meeting - AO - Civil Litigation - Criminal Prosecution - Terminate Service	
11. Failure to report required or voluntary monitoring of any regulated pollutant at permitted sampling location <u>Applies to:</u> Permitted Users	Not Significant	- Informal Notice - NOV	Director ^e
	Significant or Recurring	- NOV - Review Meeting - AO - Civil Litigation - Criminal Prosecution - Terminate Service	

**ENFORCEMENT RESPONSE GUIDE
SUMMARY OF ACTION**

Violation	Nature of the Violation	Enforcement Action	Personnel
12. Failure to develop and or implement BMP required by permit <u>Applies to:</u> Permitted Users	Not Significant; No Harm	- Informal Notice - NOV	Director ^e
	Significant; No Harm	- NOV - Review Meeting	
	Recurring; Not Significant or Significant; No Harm	- Review Meeting - AO - Civil Litigation - Criminal Prosecution - Terminate Service	
	Significant; Harm	- AO - Civil Litigation - Criminal Prosecution - Terminate Service	
	Recurring; Significant; Harm	- Show Cause Order - Civil Litigation - Criminal Prosecution - Terminate Service	
13. Violates prohibited discharge criteria or specific discharge prohibitions <u>Applies to:</u> Permitted Users	Not Significant; No Harm	- NOV	Director ^e
	Significant; No Harm	- NOV - Review Meeting	
	Recurring; Not Significant or Significant; No Harm	- Review Meeting - AO - Civil Litigation - Criminal Prosecution - Terminate Service	
	Significant; Harm	- AO - Civil Litigation - Criminal Prosecution - Terminate Service	
	Recurring; Significant; Harm	- Show Cause Order - Civil Litigation - Criminal Prosecution - Terminate Service	

ENFORCEMENT RESPONSE GUIDE SUMMARY OF ACTION			
Violation	Nature of the Violation	Enforcement Action	Personnel
14. Slug load discharges <u>Applies to:</u> Unpermitted Users Permitted Users	No Harm	- Informal Notice - Slug Control Plan	Director ^e
	Recurring; No Harm	- NOV and Slug Control Plan - Review Meeting and Slug Control Plan - AO - Civil Litigation - Criminal Prosecution - Terminate Service	
	Harm	- AO - Civil Litigation - Criminal Prosecution - Terminate Service	
	Recurring; Harm	- Show Cause Order - Civil Litigation - Criminal Prosecution - Terminate Service	
15. Violation of local limit or prohibited discharge criteria <u>Applies to:</u> Unpermitted Users	No Harm	- Informal Notice - Permit Application	Director ^e
	Recurring; Not Significant or Significant; No Harm	- NOV and Permit Application - Review Meeting and Permit Application	
	Significant; Harm	- AO - Civil Litigation - Criminal Prosecution - Terminate Service	
	Recurring; Significant; Harm	- Show Cause Order - Civil Litigation - Criminal Prosecution - Terminate Service	
16. Failure to allow access to the facility, facility area, or facility records <u>Applies to:</u>	Entry denied or consent withdrawn; Copies of records denied	- Obtain warrant and return to IU	Director ^e

Unpermitted Users			
Permitted Users			
ENFORCEMENT RESPONSE GUIDE SUMMARY OF ACTION			
Violation	Nature of the Violation	Enforcement Action	Personnel
17. Failure to install and/or maintain monitoring equipment <u>Applies to:</u> Permitted Users	Not Significant	- Informal Notice - NOV	Director ^e
	Significant	- NOV - Review Meeting	
	Recurring Not Significant	- NOV - Review Meeting - AO - Civil Litigation - Criminal Prosecution - Terminate Service	
	Recurring; Significant	- AO - Civil Litigation - Criminal Prosecution - Terminate Service	
18. Failure to properly operate and/or maintain treatment equipment <u>Applies to:</u> Permitted Users	Not Significant; No Harm	- Informal Notice - NOV	Director ^e
	Significant; No Harm	- NOV - Review Meeting	
	Recurring; Not Significant or Significant; No Harm	- Review Meeting - AO - Civil Litigation - Criminal Prosecution - Terminate Service	
	Significant; Harm	- AO - Civil Litigation - Criminal Prosecution - Terminate Service	
	Recurring; Significant; Harm	- Show Cause Order - Civil Litigation - Criminal Prosecution - Terminate Service	

ENFORCEMENT RESPONSE GUIDE SUMMARY OF ACTION			
Violation	Nature of the Violation	Enforcement Action	Personnel
19. Wastestreams are diluted in lieu of proper treatment <u>Applies to:</u> Permitted Users	Good Faith; No intent; No Harm	- Informal Notice - NOV	Director ^e
	Recurring or Proven; No Harm	- Review Meeting - AO - Civil Litigation - Criminal Prosecution - Terminate Service	
	Proven; Harm	- Show Cause Order - Civil Litigation - Criminal Prosecution - Terminate Service	
20. Failure to maintain sample point that allows for and does not interfere with representative sample collection <u>Applies to:</u> Permitted Users	First and Second Occurrence	- Informal Notice	Director ^e
	Recurring	- NOV - Review Meeting - AO - Citation - Civil Litigation - Criminal Prosecution - Terminate Service	
21. Inadequate recordkeeping <u>Applies to:</u> Permitted Users	IU's recordkeeping/files are incomplete and/or missing documents, Good Faith	- Informal Notice - NOV	Director ^e
	IU's recordkeeping/files continue to be incomplete and/or missing documents or No Good Faith	- NOV - Review Meeting - AO - Citation - Civil Litigation - Criminal Prosecution - Terminate Service	

ENFORCEMENT RESPONSE GUIDE SUMMARY OF ACTION			
Violation	Nature of the Violation	Enforcement Action	Personnel
22. Failure to mitigate noncompliance or halt production <u>Applies to:</u> Permitted Users	Good Faith effort demonstrated	-Review Meeting -AO	Director ^e
	Recurring or No Good Faith	- AO - Citation - Civil Litigation - Criminal Prosecution - Terminate Service	
23. Any other violation not elsewhere described in the Enforcement Response Guide	Any	- NOV - Review Meeting - AO - Show Cause Order - Civil Litigation - Criminal Prosecution - Terminate Service	Director ^e
a. All violations may be subject to supplemental enforcement actions as defined in this ERP and include public notice, increased monitoring and reporting, and cost recovery for damages, abatement and remediation.			
b. All violations will be identified and documented within thirty (30) days of receiving compliance information.			
c. Violations which threaten health, property or environmental quality are considered emergencies and will receive immediate responses such as halting the discharge or termination of service.			
d. The Town's enforcement actions will include specified date(s) at which the Town expects a response from a user that has violated provisions of the ordinance. All violations will normally be addressed by the user within ten (10) to thirty (30) business days of the identification of noncompliance. The Town will pursue users return to compliance as quickly as seems practical, taking into account as many factors as appropriate for the situation.			
e. Director of Public Works or the duly authorized representative of the Director of Public Works.			

[Insert TRA File Number]

[Insert Date]

[Insert Contract Party Pretreatment Representative Name]

[Insert Contract Party Pretreatment Representative Title]

Town of [Insert name of Town]

[Insert Street Address]

[Insert Town], Texas [Insert Zip Code]

Dear [Mr./Ms.] [Insert Contracting Party Representative Last Name]:

Monitoring activities were conducted at [Insert name of SIU as it appears on Permit]. The enclosed analysis indicates noncompliance with the [Insert name of SIU as it appears on Permit]'s "Permit to Discharge Industrial Wastewaters to the Sanitary Sewer" at the time of the monitoring activity. [Note this opening paragraph can be adjusted to accommodate or explain other types of violations besides a violation(s) of a numeric permit limit.]

The Town of [Insert name of Town] (Town) is responsible for the administration and enforcement of Ordinance No. [Insert all current Ordinance Nos. that were approved for the Town under the TRA-DCRWS Pretreatment Program]. The Town and the Trinity River Authority (TRA) must also comply with the Environmental Protection Agency's (EPA) General Pretreatment Regulations (40CFR §403) and the Ordinance.

Therefore, a Notice of Violation (NOV) should immediately be sent to the industry with a request to submit within ten (10) business days of receiving this notice a report containing the following:

1. The problems(s) per the NOV issued.
2. The possible cause(s) of the problem(s).
3. The steps being taken to minimize or curtail the reoccurrence of the problem(s).

A copy of the NOV issued to the industry and the industry's report must be sent to the TRA's Pretreatment Division within one (1) month of the Town's receipt of the TRA monitoring report.

The NOV must also be addresses by the Town as to what its actions against the industry may be. This may entail a progressive enforcement, a fine, etc. Progressive enforcement is an essential part of the pretreatment enforcement program as required by the General Pretreatment Regulations.

[Insert Contract Party Pretreatment Representative Name]

[Insert Date of Letter]

[Insert TRA File Number]

Page 2

It is not the intent of the TRA to cause undue hardship for the industries in your Town; however, enforcement of Ordinance No. [Insert all current Ordinance Nos. that were approved for the Town under the TRA-DCRWS Pretreatment Program] is a requirement of the TRA Denton Creek Regional Wastewater System's (DCRWS) Texas Pollutant Discharge Elimination System (TPDES) Permit No. WQ0013457001.

Sincerely,

[Insert Name of TRA Environmental Specialist]

Environmental Specialist

Enclosure [Enclose a copy of the summary of the results identifying noncompliance and lab report if needed]

cc: [Insert Name], Manager, DCRWS
[Insert Name], Environmental Supervisor, CRWS

[Insert Date]

[Insert SIU's Designated Signatory's Name]

[Insert SIU's Designated Signatory's Title]

[Insert name of SIU as it appears on the Town's issued permit]

[Insert Street Address]

[Inset Town], Texas [Insert Zip Code]

Re: Noncompliant Wastewater Discharge

Dear [Mr./Ms.] [Insert SIU's Designated Signatory's Last Name]:

Monitoring activities were conducted on [insert date(s) of sample collection event that is in noncompliance] at [Insert name of SIU as it appears on the Town's issued permit] "Permit to Discharge Industrial Wastewater to the Sanitary Sewer" at the time of the monitoring activity.

This letter shall serve as an OFFICIAL NOTICE OF VIOLATION

[Note the opening paragraph and the "To Wit:" section can be adjusted to accommodate or explain other types of violations besides a violation(s) of a numeric permit limit.]

To Wit:

<u>Date</u>	<u>Parameter</u>	<u>Outfall</u>	<u>Result (mg/L)</u>	<u>Daily Limit (mg/L)</u>	<u>Monthly Limit (mg/L)</u>
01/02/2014	Oil and Grease	001	205	200	NA

A report addressing the following must be submitted within ten (10) business days of the receipt of this letter:

1. Nature of the violation;
2. Cause(s) or possible cause(s) of problem(s) which resulted in the violation(s), and
3. Corrective action(s) taken to ensure compliance.

This notification shall not relieve the user of any expense, loss, damage, or other liability which may have incurred as a result of damage to the Town's collection line, POTW, or any other damage to person(s) or property, nor shall this notification relieve the user of any fine, civil penalties, or other liabilities which may be imposed.

[Insert SIU's Designated Signatory's Name]

[Insert Date of Letter]

Page 2

It is not the intent of the Town or the Trinity River Authority (TRA) to cause undue hardship for its industries; however, enforcement of Ordinance No. *[Insert all current Ordinance Nos. that were approved for the Town under the TRA-DCRWS Pretreatment Program]* is a requirement of the TRA Denton Creek Regional Wastewater System's (DCRWS) Texas Pollutant Discharge Elimination System (TPDES) Permit No. WQ0013457001.

Sincerely,

[Insert Contract Party Pretreatment Representative Name]

[Insert Contract Party Pretreatment Representative Title]

Enclosure *[Enclose a copy of the summary of the results identifying noncompliance and lab report if needed]*

cc: *[Insert Name of Normal onsite contact]*, *[Insert Title of this contact]*, *[Insert Name of SIU]*
[Insert Name], Environmental Specialist, TRA

TOWN OF FLOWER MOUND

IN THE MATTER OF

*

*

CEASE AND DESIST ORDER

[INSERT NAME OF INDUSTRY]

*

[INSERT ADDRESS OF INDUSTRY]*

LEGAL AUTHORITY

The following findings are made and order issued pursuant to the powers, duties and responsibilities vested in and imposed upon the Director of Public Works by provisions of the Town's Industrial Wastewater Ordinance. This order is based on findings of violation of the conditions of the wastewater discharge permit issued under the Town's Industrial Wastewater Ordinance.

FINDINGS

1. The Town of Flower Mound (hereafter, "Town") discharges wastewater to the Trinity River Authority Denton Creek Regional Wastewater Treatment System which has implemented a pretreatment program to control industrial discharges in accordance with the Texas Pollutant Discharge Elimination System Permit No. WQ0013457001.
2. [Insert name of Industry] discharges non-domestic wastewater containing pollutants into the sanitary sewer system of the Town of Flower Mound.
3. [Insert name of Industry] is a [Insert either "significant industrial user" or "industrial user" depending on the classification of the User.] as defined by the Town's Industrial Wastewater Ordinance.
[If the User is a permitted significant industrial user utilize the language in 4. If the User is an unpermitted Industrial User, utilize the language in 4a.]
4. [Insert name of Industry] was issued a wastewater discharge permit on [Insert the issuance date on the current wastewater permit] which contains prohibitions, restrictions and other limitations on

the quality of the wastewater it discharges to the sanitary sewer.

- 4a. *[Insert name of Industry]* is subject to the Town Industrial Wastewater Ordinance, *[Insert all current Ordinance Nos. that were approved for the Town under the TRA-DCRWS Pretreatment Program]* which contains prohibitions, restrictions and other limitations on the quality of the wastewater it discharges to the sanitary sewer.
5. Pursuant to the ordinance *[Insert “and the above-referenced permit” if the User is permitted]*, data is routinely collected or submitted on the compliance status of *[Insert name of Industry]*.
6. This data shows that *[Insert name of Industry]* has violated the Industrial Wastewater Ordinance in the following manner:

[Note the violations could vary from examples provided below]

- a. *[Insert name of Industry]* has continuously violated its *[Insert either “permit limits” if user is permitted or “ordinance limits” if user is not permitted]* for *[Insert Pollutant Type; e.g., copper and zinc]* in each sample collected from *[Insert Date]* to *[Insert Date]*.
- b. *[Insert name of Industry]* has also failed to comply with an administrative compliance order requiring the installation of a pretreatment system and the achievement of compliance with its permit limits by *[Insert Date]*.
- c. *[Insert name of Industry]* has failed to appear at a show cause hearing pursuant to an order requiring said attendance.

ORDER

THEREFORE, BASED ON THE ABOVE FINDINGS, *[INSERT NAME OF INDUSTRY]* IS HEREBY ORDERED TO:

1. Within 24 hours of receiving this order, cease all non-domestic discharges into the Town's sanitary sewer. Such discharges shall not recommence until such times as *[Insert name of Industry]* is able to demonstrate that it will comply with its current *[Insert “permit limits” if the User is permitted or “ordinance limits” if not permitted]*.
2. Failure to comply with this order may subject *[Insert name of Industry]* to having its connection to the sanitary sewer sealed by the Town and assessed the costs therefore.
3. Failure to comply with this order shall also constitute a further violation of the Industrial

Exhibit 3 - Contracting Party Cease and Desist Order Example

Wastewater Ordinance and may subject *[Insert name of Industry]* to civil or criminal penalties or such other enforcement response as may be appropriate.

4. This order, entered this _____ day of _____ 20____, shall be effective upon receipt by *[Insert name of Industry]*.

Signed: _____

[Insert Name of Director of Public Works]

Director of Public Works

Town of Flower Mound

[Insert address of Director of Public Works]

TOWN OF FLOWER MOUND

IN THE MATTER OF	*	CONSENT ORDER
	*	
[<i>INSERT NAME OF INDUSTRY</i>]	*	DIRECTOR OF PUBLIC WORKS
[<i>INSERT ADDRESS OF INDUSTRY</i>]*		[<i>INSERT ADDRESS OF PUBLIC WORKS</i>
	*	<i>Director</i>]

CONSENT ORDER

WHEREAS, the Town of Flower Mound pursuant to the powers, duties and responsibilities vested in and imposed upon the Director of Public Works by provisions of the Town's Industrial Wastewater Ordinance, have conducted an ongoing investigation of *[Insert name of Industry]* and has determined that:

1. The Town of Flower Mound (hereafter, “Town”) discharges wastewater to the Trinity River Authority Denton Creek Regional Wastewater Treatment System which has implemented a pretreatment program to control industrial discharges in accordance with the Texas Pollutant Discharge Elimination System Permit No. WQ0013457001.
2. *[Insert name of Industry]* discharges non-domestic wastewater containing pollutants into the sanitary sewer system of the Town of Flower Mound and is an industrial user as defined by the Town’s Industrial Wastewater Ordinance.
3. *[Insert name of Industry]* is subject to the Town Industrial Wastewater Ordinance, *[Insert all current Ordinance Nos. that were approved for Town under the TRA-DCRWS Pretreatment Program]* which contains prohibitions, restrictions and other limitations on the quality of the wastewater it discharges to the sanitary sewer.
4. *[Insert name of Industry]* has consistently violated the pollutant limits in its wastewater discharge permit as set forth in Exhibit I, attached hereto.
5. Therefore, to ensure that *[Insert name of Industry]* is brought into compliance with its permit limits at the earliest possible date, IT IS HEREBY AGREED AND ORDERED, BETWEEN *[INSERT NAME OF INDUSTRY]* AND THE DIRECTOR OF PUBLIC WORKS, FOR THE TOWN OF FLOWER MOUND, that *[Insert name of Industry]* shall:

[Note, the tasks that an industrial user will need to accomplish to return to compliance can vary

and the Town may have additional requirements. The contents of a Consent order are going to be unique depending on the situation. The Town can also choose to add additional penalties if steps are not completed; Two Example formats are given below. First example addresses the use of a compliance schedule. The second example places specific milestones/requirements in the body of the Consent Order].

Example 1:

- a. By *[Insert Date]*, submit a Compliance Schedule to the Town with detailed timely increments of progress (hereafter, milestone) for the purpose of bringing *[Insert name of Industry]* into compliance with its wastewater discharge permit. Each milestone will need to have a specific start and completion date.
- b. Within *[Insert milestone report due dates, due date cannot be more than 14 days]* working days after each date, *[Insert name of Industry]* must submit to the Town, in writing, a process report detailing the measures taken to comply with the requirements of the milestone.
- c. Beginning in *[Insert Month, Year]*, *[Insert name of Industry]* shall self-monitor at *[Identify location; e.g. Outfall 001]* for *[Insert parameter(s); e.g. copper and zinc]* using 40 CFR Part 136 approved methodologies at least *[insert frequency, e.g., once a month]*, and submit those results by *[Insert a timeframe of submittal]* for a period of *[insert duration]*.
- d. By *[Insert Date]*, *[Insert name of Industry]* must achieve compliance with the limits set forth in the industry's permit to discharge industrial wastewater to the sanitary sewer system.
- e. *[Insert name of Industry]* shall pay a maximum of One Thousand Dollars (\$1000.00) for each and every day it fails to comply with the schedule set out in items a through d above. *[Insert how payment shall be made, to whom, and by what timeframe within the Town, e.g., The \$1,000 per day penalty shall be paid to the cashier of the Town's Water Department within 5 days of being demanded by the Town.].*

Example 2:

- a. By *[Insert Date]*, obtain the services of a registered professional engineer specializing in wastewater treatment for the purposes of designing a pretreatment system, which will bring *[Insert name of Industry]* into compliance with its wastewater discharge permit.
- b. By *[Insert Date]*, submit plans and specifications for the proposed pretreatment system to

the Town for review.

- c. By *[Insert Date]*, install the pretreatment system in accordance with the plans and specifications submitted in item b above.
 - d. Beginning in *[Insert Month, Year]*, *[Insert name of Industry]* shall self-monitor at *[Identify location; e.g. Outfall 001]* for *[Insert parameter(s); e.g. copper and zinc]* using 40 CFR Part 136 approved methodologies at least *[insert frequency]*, and submit those results by *[Insert a timeframe of submittal]* for a period of *[Insert duration]*.
 - e. By *[Insert Date]*, *[Insert name of Industry]* must achieve compliance with the limits set forth in the industry's permit to discharge industrial wastewater to the sanitary sewer system.
 - f. *[Insert name of Industry]* shall pay a maximum of One Thousand Dollars (\$1000.00) for each and every day it fails to comply with the schedule set out in items a through e above. *[Insert how payment shall be made, to whom, and by what timeframe within the Town, e.g., The \$1,000 per day penalty shall be paid to the cashier of the Town's Water Department within 5 days of being demanded by the Town.]*.
4. In the event *[Insert name of Industry]* fails to comply with any of the deadlines set forth. *[Insert name of Industry]* shall within *[Specify number of days]* working day(s) after expiration of the deadline, notify the Town in writing. This notice shall describe the reasons for *[Insert name of Industry]* failure to comply, the additional amount of time needed to complete the remaining work, and the steps to be taken to avoid future delays. This notification in no way excuses *[Insert name of Industry]* from its responsibility to meet any later milestones required by this Consent Order.
 5. Compliance with the terms and conditions of this Consent Order shall not be construed to relieve *[Insert name of Industry]* of its obligation to comply with its wastewater discharge permit, which remains in full force and effect. The Town reserves the right to seek any and all remedies available to it under Section *[List applicable Ordinance Section Numbers]* of the Town's Industrial Wastewater Ordinance for any violation cited by this order.
 6. Violation of this Consent Order shall constitute a further violation of the Town's Industrial Wastewater Ordinance and subjects *[Insert name of Industry]* to all penalties described by Section *[List applicable Ordinance Section Numbers]* of the Industrial Wastewater Ordinance.
 7. Nothing in this Consent Order shall be construed to limit any authority of the Town to issue any other orders or take any other action which it deems necessary to protect the wastewater treatment

plant, the environment or the public health and safety.

SIGNATORIES

FOR *[INSERT NAME OF INDUSTRY]*

Date

[Insert Designated Signatory's Name]

[Insert Name of Industry]

FOR TOWN OF FLOWER MOUND

Date

[Insert Name of Director of Public Works]

Director of Public Works

Town of Flower Mound

[Insert address of Director of Public Works]

TOWN OF FLOWER MOUND

IN THE MATTER OF

*

*

ADMINISTRATIVE

[*INSERT NAME OF INDUSTRY*]

*

SHOW CAUSE ORDER

[*INSERT ADDRESS OF INDUSTRY*]

*

LEGAL AUTHORITY

The following findings are made and order issued pursuant to the powers, duties and responsibilities vested in and imposed upon the Director of Public Works by provisions of the Town's Industrial Wastewater Ordinance. This order is based on findings of violation of the conditions of the wastewater discharge permit issued under the Town's Industrial Wastewater Ordinance.

FINDINGS

1. The Town of Flower Mound (hereafter, "Town") discharges wastewater to the Trinity River Authority Denton Creek Regional Wastewater Treatment System which has implemented a pretreatment program to control industrial discharges in accordance with the Texas Pollutant Discharge Elimination System Permit No. WQ0013457001.
2. [*Insert name of Industry*] discharges non-domestic wastewater containing pollutants into the sanitary sewer system of the Town of Flower Mound.
3. [*Insert name of Industry*] is a "significant industrial user" as defined by the Town's Industrial Wastewater Ordinance.
4. [*Insert name of Industry*] was issued a wastewater discharge permit on [*Insert the issuance date on the current wastewater permit*] which contains prohibitions, restrictions, and other limitations on the quality of the wastewater it discharges to the sanitary sewer.
5. Pursuant to the ordinance and the above-referenced permit, data is routinely collected or submitted on the compliance status of [*Insert name of Industry*].
6. This data shows that [*Insert name of Industry*] has violated its wastewater discharge permit in the following manner: [*Note the following are examples*]
 - a. [*Insert name of Industry*] has violated its permit limits for [*Insert Pollutant Type; e.g., copper and zinc*] in each sample collected on [*Insert Date*] for a total of [*Insert number of*

violations] separate violations of this permit.

- b. [Insert name of Industry] has failed to submit a periodic compliance report due [Insert Date].
- c. All of these violations satisfy the Town's definition of significant violation.

ORDER

THEREFORE, BASED ON THE ABOVE FINDINGS, [INSERT NAME OF INDUSTRY] IS HEREBY ORDERED TO:

- 1. Appear at a meeting with the Director of Public Works to be held on [Insert Date], at [Insert Time] in [Insert Description of meeting location, e.g., the Water Department Conference Room at the Town of Flower Mound Municipal Building].
- 2. At this meeting, the industry must demonstrate why the Town should not pursue judicial enforcement action against the industry at this time.
- 3. This meeting will be closed to the public.
- 4. Representatives of [Insert name of Industry] may be accompanied by legal counsel if they so choose.
- 5. Failure to comply with this order shall also constitute a further violation of the Industrial Wastewater Ordinance and may subject [Insert name of Industry] to civil or criminal penalties or such other appropriate enforcement response as may be appropriate.
- 6. This order, entered this _____ day of _____ 20____, shall be effective upon receipt by [Insert name of Industry]

Signed: _____

[Insert Name of Director of Public Works]

Director of Public Works

Town of Flower Mound

[Insert address of Director of Public Works]

TOWN OF FLOWER MOUND

IN THE MATTER OF

*

*

[INSERT NAME OF INDUSTRY]

*

ADMINISTRATIVE

[INSERT ADDRESS OF INDUSTRY]

*

COMPLIANCE ORDER

LEGAL AUTHORITY

The following findings are made and order issued pursuant to the powers, duties and responsibilities vested in and imposed upon the Director of Public Works by provisions of the Town's Industrial Wastewater Ordinance. This order is based on findings of violation of the conditions of the wastewater discharge permit issued under the Town's Industrial Wastewater Ordinance.

FINDINGS

1. The Town of Flower Mound (hereafter, "Town") discharges wastewater to the Trinity River Authority Denton Creek Regional Wastewater Treatment System which has implemented a pretreatment program to control industrial discharges in accordance with the Texas Pollutant Discharge Elimination System Permit No. WQ0013457001.
2. [Insert name of Industry] discharges non-domestic wastewater containing pollutants into the sanitary sewer system of the Town of Flower Mound.
3. [Insert name of Industry] is a "significant industrial user" as defined by the Town's Industrial Wastewater Ordinance.
4. [Insert name of Industry] was issued a wastewater discharge permit on [Insert the issuance date on the current wastewater permit] which contains prohibitions, restrictions and other limitations on the quality of the wastewater it discharges to the sanitary sewer.
5. Pursuant to the ordinance and the above-referenced permit, data is routinely collected or submitted on the compliance status of [Insert name of Industry].
6. This data shows that [Insert name of Industry] has violated its wastewater discharge permit in the following manner: [Note the following are examples]
 - a. [Insert name of Industry] has violated its permit limits for [Insert Pollutant Type; e.g., copper and zinc] in each sample collected on [Insert Date] for a total of [Insert number of violations] separate violations of

this permit.

- b. [Insert name of Industry] has failed to submit a periodic compliance report due since [Insert Date].
- c. All of these violations satisfy the Town's definition of significant violation.

ORDER

THEREFORE, BASED ON THE ABOVE FINDINGS, [INSERT NAME OF INDUSTRY] IS HEREBY ORDERED TO:
[Note, the tasks that an industrial user will need to accomplish to return to compliance can vary and the Town may have additional requirements. The contents of a Compliance Order are going to be unique depending on the situation.]

- 1. Within [Insert a specific number of days, e.g. 180] days, install pretreatment technology which will adequately treat [Insert name of Industry]'s wastewater to a level which will comply with its wastewater discharge permit.
- 2. Within [Insert a specific number of days, e.g. 5] days submit all periodic compliance reports due since [Insert Date].
- 3. Within [Insert a specific number of days, e.g. 10] days, pay to the cashier's office of the Municipal Court, Town of Flower Mound, a fine of \$2,000.00 for the above-described violations in accordance with [List applicable Ordinance Section Number from Industrial Wastewater Ordinance], of the Industrial Waste Ordinance.
- 4. Report, on a monthly basis, the wastewater quality and the corresponding flow and production information as described on Page [Insert appropriate page number of permit] of the wastewater discharge permit, [Insert Permit No.] for a period of one year from the effective date of this order.
- 5. All reports and notices required by this order shall be sent in writing to the Town and copied to the Trinity River Authority of Texas at the following addresses:

[Insert Name of Director of Public Works] [Insert Name of TRA Environmental Specialist]

Director of Public Works

Environmental Specialist

Town of Flower Mound

Trinity River Authority of Texas

[Insert address of Director of Public Works]

6500 W. Singleton Blvd.

Dallas, Texas 75212

- 6. This order does not constitute a waiver of the wastewater discharge permit which remains in full force and effect.

Exhibit 5 - Contracting Party Show Cause Order Example

The Town of Flower Mound reserves the right to seek any and all remedies available to it under Section [*List applicable Ordinance Section Number from Industrial Wastewater Ordinance*] of the Industrial Wastewater Ordinance for any violation cited by this order.

7. Failure to comply with the requirements of this order shall constitute a further violation of the Industrial Wastewater Ordinance and may subject [*Insert name of Industry*] to civil or criminal penalties or such other appropriate enforcement response as may be appropriate.
8. This order, entered this _____ day of _____ 20____, shall be effective upon receipt by [*Insert name of Industry*]

Signed: _____

[*Insert Name of Director of Public Works*]

Director of Public Works

Town of Flower Mound

[*Insert address of Director of Public Works*]

September 15, 2025

Matthew Jalbert, P.E.
P.O. Box 60
Arlington, TX 76004

Re: Town of Flower Mound, Texas Legal Authority

Dear Mr. Jalbert:

We represent and write on behalf of the Town of Flower Mound, Texas (hereinafter the "Town"). The Town is a home rule municipality in Denton County, Texas, and has legal authority to enact the Industrial Wastewaters Discharge Ordinance and enforce the provisions of the Ordinance by both civil and criminal means. The Town also has the legal authority to implement the Enforcement Response Plan.

Very truly yours,

Bryn Meredith
Town Attorney



TOWN COUNCIL AGENDA J.4. CONSENT ITEM(S)

DATE: September 15, 2025

FROM: Paul Henley, Fire Chief

ITEM: Consider approval of a three (3) year Contract Renewal Quotation for the Everbridge emergency notification system in the amount of \$83,141.10, with \$27,713.70 billed annually, and authorization for the Mayor to execute same on behalf of the Town.

BACKGROUND: The Town utilizes the Everbridge system for sending automatic weather alerts to staff and citizens. Additionally, the system is used to notify residents of road closures and any other emergency notification that is deemed necessary. Everbridge is also set-up for mass notification and recall of personnel in the Police and Fire Departments, as well as key Town staff that could serve in the Emergency Operations Center or need to be recalled after a disaster to maintain continuity of operations for the Town.

The renewal will be for three (3) years with an annual expenditure of \$27,713.70.

BOARD REVIEW/CITIZEN FEEDBACK: N/A

ALTERNATIVES: N/A

FISCAL IMPACT: \$83,141.10 over 3 years (\$27,713.70 annually)

Proposed Expenditure/(Revenue)
\$27,713.70

Account Number(s):
100-660-64000-5110

LEGAL REVIEW: N/A

ATTACHMENTS:

1. Everbridge renewal quotation

DRAFT MOTION: Move to approve as presented in the agenda caption.

Prepared for:

Brandon Barth
 Town of Flower Mound, TX
 2121 Cross Timbers Rd.
 Flower Mound TX 75028
 United States
 Ph: 972-874-6203
 Fax: (972) 874-6470
 Email: brandon.barth@flower-mound.com

Quotation

Quote #: Q-218528
Date: 6/13/2025
Expires On: 10/30/2025
Confidential

Salesperson: James Kwan
Phone:
Email: james.kwan@everbridge.com
Payment Term: Net 30
Entity ID: Everbridge, Inc. - 26-1919312

Contract Summary Information:

Contract Period:	36 Months
Contract Start Date:	10/1/2025
Contract End Date:	9/30/2028

Year 1

QTY	DESCRIPTION
73,920	Public Communications Advanced - US
73,920	Resident Connection - Phonebook Data
Year 1 TOTAL:	USD 27,713.70

Year 2

QTY	DESCRIPTION
73,920	Public Communications Advanced - US
73,920	Resident Connection - Phonebook Data
Year 2 TOTAL:	USD 27,713.70

Year 3

QTY	DESCRIPTION
73,920	Public Communications Advanced - US

QTY	DESCRIPTION
73,920	Resident Connection - Phonebook Data
Year 3 TOTAL:	USD 27,713.70

Pricing Summary:

Year One Fees:	USD 27,713.70
One-time Implementation and Setup Fees:	USD 0.00
Professional Services:	USD 0.00
Total Year One Fees Due:	USD 27,713.70

Ongoing Fees:

Year Two Fees:	USD 27,713.70
Year Three Fees:	USD 27,713.70

Messaging Credits Summary:

	Initial Credits Allowance	Additional Credits Purchased	Total Credits
Year 1	3,500,000	0	3,500,000
Year 2	3,500,000	0	3,500,000
Year 3	3,500,000	0	3,500,000

Quote Terms:

1. Quote subject to the terms and conditions of the Master Services Agreement, including any amendments, executed between the relevant Everbridge entity and the customer listed above (the "Agreement"). Client accepts this by signing the Quote or issuing a Purchase Order referencing the Quote or the services in this quote.
2. Subject to sales taxes where applicable.
3. Except for currency designation, the supplemental notes below, if any, supplied in this Quote are for informational purposes and not intended to be legally binding or override the language of the Agreement.

Please, Sign, Date and Return:

Signature:

Date:

Name (Print):

Cheryl Moore

Title:

Mayor

Everbridge, Inc.
8300 Boone Blvd, Suite 800
Vienna, VA 22182
(818) 230-9700
THANK YOU FOR YOUR BUSINESS!



TOWN COUNCIL AGENDA J.5. CONSENT ITEM(S)

DATE: September 15, 2025
FROM: Travis Cunniff, Assistant Director of Parks and Recreation
ITEM: **Consider approval for the sale and consumption of alcoholic beverages (beer and wine) at the Heritage Park of Flower Mound during Therapeutic Recreation Group's 2025 Mound Throw Down event. The Parks Board recommended approval by a vote of 6 to 0 at its September 4, 2025 regular meeting.**

BACKGROUND: Therapeutic Recreation Group, a Flower Mound based 501 C3 focused on local veterans & first responders is requesting permission to hold their second annual Mound Throw Down cornhole tournament at Heritage Park on Saturday, November 8, 2025. All proceeds from the event will go directly to Therapeutic Recreation Group to continue their mission.

The event will be held from 11:30am – 6pm (with registration opening at 10:30am) and beyond the cornhole tournament, will include a variety of activities and games for families and participants. Event objectives include:

- Building a network of veterans, first responders, and their families who can gather and share similar life experiences.
- Raising awareness that the combination of a strong community blended with outdoor activity will bring down rates of suicide and other significant health issues amongst our veterans and first responders.

This will be the third time that Therapeutic Recreation Group has hosted their event at Heritage Park, and they expect to have over 300 in attendance with 175 or more cornhole players. Approximately 14 businesses and nonprofits will be on site to network with attendees. Activities will be set up for attendees, including a kids' zone and an entertainment area for those who are not actively participating in the tournament. There will also be a food vendor on site and, if approved, beer and wine will be served in a regulated area for event participants 21 and older.

Therapeutic Recreation Group is proposing to fence in a portion of the site so that beer can be sold and consumed during the event. There will be manned gates for entrance and exit into the area to ensure no alcohol is brought into or taken out of the designated area. The group will be hiring a Texas Alcohol & Beverage Commission (TABC) licensed server to provide the beverages. Therapeutic Recreation Group will be required to secure a TABC Permit for the event and provide security at the entrance/exit gates. Therapeutic Recreation Group and/or a third party retailer will take on the risk and liability of selling alcohol at the event. The Town will be named as an additional insured on their liability insurance.

The sale of beer or wine on park property requires Parks Board consideration and the Town Council's approval since the event will be held at The Heritage Park of Flower Mound. An excerpt from the Code of Ordinances states: It shall be unlawful to possess alcoholic beverages in any portion of a public park or recreation facility, with the exception that the use of alcoholic beverages

may be permitted during designated activities upon recommendation of the Town's Parks Board and with approval of the Town Council.

BOARD REVIEW/CITIZEN FEEDBACK: The Parks Board recommended approval by a unanimous vote of 6 to 0 at its September 4, 2025, regular meeting.

ALTERNATIVES: The Town Council can deny the request and Therapeutic Recreation Group can work with Town staff to host their event without offering alcoholic beverages.

FISCAL IMPACT: \$220 (revenue)

The Town's Parks and Recreation Department will receive revenue from the Therapeutic Recreation Group in accordance with the rental policy which outlines pavilion rental fees.

LEGAL REVIEW: N/A

ATTACHMENTS:

1. Mound Throw Down Site Plan 2025
2. Permit#R54274

DRAFT MOTION: Move to approve as presented in the agenda caption.



Local Business
Tents

Tournament Area

Sitting Area

Food / Drink
Area under
cover

Kid Zone

Security Fence

TV Screen for Games

Permit



Community Activity Center (CAC) PHONE:(972) 874-7275
1200 Gerault Road EMAIL:cac@flowermound.gov
Flower Mound, TX 75028

Permit # R54274
Status Approved
Date Aug 11, 2025 3:58 PM

Customer Name	PJ Kratochvil - 24745	Home Phone Number	(214) 735-1515
Customer Type	General Public	Email Address	pj@therapeuticrg.org
Mailing Address	1031 Oak Dr Flower Mound, TX 75028		
System User	David Powell		

	Rental Fee	\$220.00
	Discounts	\$0.00
	Subtotal	\$220.00
	Deposits	\$0.00
	Deposit Discounts	\$0.00
	Total Permit Fee	\$220.00
	Total Payment	\$0.00
	Refunds	\$0.00
	Balance	\$220.00

TRG Cornhole Event	1 resource(s)	1 booking(s)	Subtotal: \$220.00
---------------------------	---------------	--------------	---------------------------

Booking Summary

Heritage A and B (Pavilion Rental)		Center: Pavilions	
START DATE/TIME	END DATE/TIME	ATTENDEE	AMT W/O TAX
Sat, Nov 8, 2025 9:00 AM	Sat, Nov 8, 2025 7:00 PM	1	\$0.00
Resource level fees			\$220.00

Custom Questions

QUESTION	ANSWER
Are any of the following applicable to your rental? (Continued) Other outside activities /entertainment must be submitted and have prior approval before date of event.	Setting Up Tent - No Stakes Allowed in Ground Grills - Propane Only Except Twin Coves Pavilions
Are any of the following applicable to your rental? Other outside activities /entertainment must be submitted and have prior approval before date of event.	Bounce House - Insurance Required Prior to Event

Waivers and Information

WAIVER NAME	DUE DATE	FOR	SIGNING STATUS
Pavilion Rental Waiver Attachment	Nov 8, 2025		Waiver Signed
Town of Flower Mound Park Facility Rules and Regulations			
The following are some of the rules and regulations that govern the use of the Town's park facilities. If you are planning some activity which			

does not appear below, please call (972)874?6300 or (972)874?7275 for clarification.

For after?hours assistance, please contact the Flower Mound Police non?emergency line, (972)539?0525.

Alcoholic Beverages

It shall be unlawful to possess alcoholic beverages in any portion of a public park or recreation facility, with the exception that the use of alcoholic beverages may be permitted during designated activities upon recommendation of the Parks Board and with approval of the Town Council.

Glass Containers

It shall be unlawful to possess glass beverage containers in any portion of a public park or recreation facility.

Activity Disruption

It shall be unlawful for any individual or group to prevent, disrupt, interfere with or obstruct in any manner any authorized, permissible and /or organized activities, programs or uses in any public park.

Refuse/Litter

It shall be unlawful to leave garbage, cans, paper or other refuse in a public park or recreation facility anywhere other than in the receptacles provided. Receptacles must be emptied and bags removed to the dumpster provided. Clean trash bags must be placed in trash receptacles using bags provided.

Motor Vehicle Operation

It shall be unlawful for any person to operate a motor vehicle in, on, upon, over, across, and/or through any public park or recreation facility.

Parking of Motor Vehicles

It shall be unlawful for any person to leave, stand or park any motor vehicle in any area not designated for such purpose. If designated parking areas do not exist and if not prohibited by appropriate signage, motor vehicles shall be parked on street, adjacent to the curb, or, if there is not a curb, adjacent to the edge of the roadway, whether improved or unimproved.

Parking Obstruction

It shall be unlawful for any person to leave, stand or park any motor vehicle in any public park, or on or along any street, in or adjacent to a public park in such a manner as to block, obstruct or otherwise render inaccessible or unusable a vehicle entryway or exit or traffic circulation lane. The Town shall be authorized to have such vehicle removed at the owners? expense.

Fees Charges or Solicitation of Donations

It shall be unlawful for any person to charge fees or solicit donations or contributions for any activity; to sell or offer for sale any food, drinks, confections, merchandise or commercial services; to conduct any commercial business activities of any kind; and/or to post, place or erect on any public park or recreation facility any advertising, notice, billboard, paper or other advertising device without the written consent and approval of the Town?s Park, Arts, and Library Services Board.

Weapons Possession

It shall be unlawful for any person other than a federal, state or local law enforcement officer or agent, to possess a loaded or unloaded firearm, (excluding handguns as authorized by the state concealed handgun statute), ammunition, bow and arrow, cross bow and arrows, any other type of loaded or unloaded projectile firing devices, in any public park or recreation facility.

Damage Assessment

Any person convicted of damaging or defacing any improvements, equipment, structures, or authorized materials in any public park or recreation facility, regardless of whether such items are the property of the Town or of an individual or entity, or convicted of removing such items from any public park or recreation facility, shall be required to pay damage fees to include the cost of materials and labor for repair or replacement.

Fires

It shall be unlawful for any person to make or kindle a fire in any public park or recreation facility except in picnic stoves, grills or other receptacles provided for such purpose, or as authorized in writing by the director of parks and recreation or his designee.

Unauthorized Trespass

It shall be unlawful to enter any portion of a public park or recreation facility posted as ?CLOSED ? DO NOT ENTER \$50 ? \$500 Penalty for Violation? unless approved in writing by the Executive Director of Community Services or his/her designee.

Pavilion Rentals (excluding CAC)

Pavilion rental fees, in the amount set forth in the Town's Code of Ordinances, appendix A, "fee schedule," for reservations by residents and/or nonresidents shall be paid in advance at the time of reservation of any pavilion(s). Pavilion rental fees shall not be refunded, exchanged, transferred or assigned except as specifically provided herein below due to inclement weather only.

Refunds are available due to inclement weather; provided however, that a request for a refund is submitted to the recreation and leisure services division, in writing, no later than seven days after the scheduled reservation. Failure to timely submit a request for refund forfeits the refund. Rescheduling in lieu of a refund is permitted based upon the availability of time slots and the reservation has to be rescheduled no later than

seven days after the scheduled reservation to be considered. Failure to timely submit a request to reschedule forfeits the opportunity for rescheduling. Reservations may be rescheduled to another available time and date provided that any such revision or rescheduling is completed at least two weeks in advance of the original reservation date. Use of a pavilion through a reservation shall take priority over any other use of the same pavilion by any other person(s) or parties.

Failure to Comply
Failure to comply with park rules and regulations may cause the cancellation of the pavilion rental and possible denial of the use of pavilions in the future. Some rules and regulations carry misdemeanor penalties for violations and, upon conviction, shall be fined as provided in section 17.13 of the Town of Flower Mound Code of Ordinances.

RELEASE AND WAIVER OF LIABILITY AND INDEMNIFICATION AGREEMENT
In consideration of the use and availability of the services and facilities, Licensee agrees to release, waive, and discharge any and all claims and damages for personal injury, death, or property damage that Licensee has and that may hereafter accrue to Licensee due to Licensee's use of the services and facilities. This agreement is intended to discharge, in advance, the Town, including its officers, employees, agents, co-sponsors or volunteers, from any and all liability that may arise from Licensee's use of the services and facilities, even if that liability arises out of negligence or carelessness on the part of the Town, or its officers, employees, agents, co-sponsors or volunteers. Licensee further agrees to indemnify and hold harmless the Town, including its officers, employees, agents, co-sponsors or volunteers, from, against, and for any claims, suits, judgments, proceedings, losses, liabilities, damages, or expenses arising out of any injury, death or property damage that occurs while using the services and facilities, even if the injury, death or property damage arises out of the sole negligence of the Town, or its officers, employees, agents, co-sponsors or volunteers. Licensee understands that the use of the services and facilities involves an element of risk and that there is a real potential for injuries or accidents. Knowing and understanding those risks, Licensee hereby agrees to assume those risks. Licensee further agrees that this agreement to waive and release the Town from liability, to indemnify and hold harmless the Town, and to assume the risks of using the services and facilities is to be binding on Licensee's heirs and assigns.

LICENSEE HAS CAREFULLY READ THIS RELEASE AND WAIVER OF LIABILITY, ASSUMPTION OF RISK, AND INDEMNITY AGREEMENT, FULLY UNDERSTANDS ITS TERMS, UNDERSTANDS THAT LICENSEE HAS GIVEN UP SUBSTANTIAL RIGHTS BY SIGNING IT, AND HAS SIGNED IT FREELY AND VOLUNTARILY WITHOUT ANY INDUCEMENT, ASSURANCE OR GUARANTEE BEING MADE TO LICENSEE AND INTENDS LICENSEE'S SIGNATURE TO BE A COMPLETE AND UNCONDITIONAL RELEASE OF ALL LIABILITY TO THE GREATEST EXTENT ALLOWED BY LAW. LICENSEE UNDERSTANDS THAT THIS IS A BINDING CONTRACT BETWEEN THE TOWN OF FLOWER MOUND AND LICENSEE.

Further, Licensee has read and agrees to be bound by this Permit and the Terms and Conditions contained herein and attached hereto. The undersigned warrants and represents the he or she executes this Permit on behalf of Licensee and has sufficient power, authority and capacity to bind the Licensee with his or her signature.

Signature _____

Payment Schedules					Original Balance: \$220.00	Current Balance: \$220.00
DUE DATE	AMOUNT DUE	AMOUNT PAID	WITHDRAWAL ADJUSTMENT	BALANCE		
Oct 1, 2025	\$220.00	\$0.00	\$0.00	\$220.00		

X: _____

X: _____

Date: _____

Date: _____

Community Activity Center (CAC)
Mailing Address: 1200 Gerault Road, Flower Mound, TX 75028
Phone Number: (972) 874-7275
Email Address: cac@flowermound.gov

PJ Kratochvil
Customer ID: 24745
Home Phone Number: (214) 735-1515
Email Address: pj@therapeuticrg.org



TOWN COUNCIL AGENDA J.6. CONSENT ITEM(S)

DATE: September 15, 2025
FROM: Julie Taylor, Director of Treasury Operations
ITEM: **Consider approval of a resolution adopting an Investment Policy for funds for the Town of Flower Mound as required annually by the Public Funds Investment Act.**

BACKGROUND: The Town Council is required by the Public Funds Investment Act of 1987 (“Act”) and the Town’s Investment Policy (“Policy”) to review the investment policy and strategies, not less than annually, and adopt a resolution stating that the investment policy has been reviewed and revised if required.

The Policy provides the guidelines by which the Town of Flower Mound will maintain the minimum amount of cash in its bank accounts to meet daily needs and to provide protection for its principal while maximizing the investment of all available cash. The Policy was adopted pursuant to the provisions of the Act, as amended, Chapter 2256, Texas Government Code.

The Town Council is required by the Act and the Policy to review the investment policy and strategies, not less than annually, and adopt a resolution stating that the Policy has been reviewed. No revisions are recommended at this time.

Approval of the attached proposed resolution will not only continue compliance with the Act; but will also continue the Town’s safe and prudent investment of available funds.

BOARD REVIEW/CITIZEN FEEDBACK: N/A

ALTERNATIVES: N/A

FISCAL IMPACT: N/A

LEGAL REVIEW: This standard investment policy resolution was approved in the past by Taylor, Olson, Adkins, Sralla, & Elam L.L.P. No alteration to the legal content of this form document was made in preparation of this document.

ATTACHMENTS:

1. Proposed Resolution and Investment Policy

DRAFT MOTION: Move to approve as presented in the agenda caption.

TOWN OF FLOWER MOUND, TEXAS

RESOLUTION NO. _____

A RESOLUTION BY THE TOWN COUNCIL OF THE TOWN OF FLOWER MOUND, TEXAS (“TOWN”), ADOPTING AN INVESTMENT POLICY FOR FUNDS FOR THE TOWN AS REQUIRED ANNUALLY BY THE PUBLIC FUNDS INVESTMENT ACT; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Director of Treasury Operations for the Town has prepared, and the Town Council has previously adopted, a policy regarding the investment of Town funds to comply with the Public Funds Investment Act of 1987, located in Title 2, Chapter 11, of the Town’s Personnel and Administrative Regulations Manual (“Investment Policy”); and,

WHEREAS, the purpose of the Investment Policy is to provide guidelines by which the Town will maintain the minimum amount of cash in its bank accounts to meet daily needs, and to provide protection for the Town’s principal while receiving the highest yield possible from investing all temporary excess cash; and,

WHEREAS, the Town Council is required by the Public Funds Investment Act, Chapter 2256, Texas Government Code, as amended, and the Investment Policy to review the investment policies and strategies, not less than annually, and adopt a resolution stating that the Investment Policy has been reviewed and updated if updates are required; and,

WHEREAS, the Director of Treasury Operations has determined that no revisions to the Investment Policy are necessary; and,

WHEREAS, the Town Council has reviewed and desires to adopt the Investment Policy, pursuant to the recommendation by the Director of Treasury Operations, as the official Town policy regarding investment of Town funds;

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF FLOWER MOUND, TEXAS, THAT:

SECTION 1

The following policy, attached hereto as Exhibit A and made a part hereof by reference, has been reviewed by the Town Council and is hereby adopted as the official Investment Policy of the Town pursuant to the provisions of the Public Funds Investment Act.

SECTION 2

The attached policy shall be filed with the Town Secretary as an official record of the Town.

SECTION 3

The attached policy replaces the Investment Policy which was adopted by the Town by Resolution No.12-24 and became effective September 16, 2024.

SECTION 4

This resolution shall take effect immediately from and after the date of its passage.

DULY PASSED AND APPROVED BY THE TOWN COUNCIL OF THE TOWN OF FLOWER MOUND, TEXAS, ON THIS 15th DAY OF SEPTEMBER, 2025.

APPROVED:

Cheryl Moore, MAYOR

ATTEST:

Traci Henderson, TOWN SECRETARY

TITLE II ADMINISTRATIVE POLICIES

CHAPTER 11: INVESTMENT POLICY

11.01 Purpose

This policy shall provide the guidelines by which the Town of Flower Mound will maintain the minimum amount of cash in its bank accounts to meet daily needs, and to provide protection for its principal while receiving the highest yield possible from investing all temporary excess cash. The Town Council on an annual basis shall consider a resolution stating they reviewed the policy and investment strategies. This policy is being adopted pursuant to the provisions of the Public Funds Investment Act of 1987, Chapter 2256 of the Texas Government Code, as amended, and supersedes all other investment policies.

11.02 Scope

This Investment Policy applies to the investment activities of the Town of Flower Mound, excluding the specific funds cited hereafter.

This policy shall not govern funds which are managed under separate investment programs. Such funds currently include Employees' Retirement Funds of the Town of Flower Mound, other funds established by the Town for deferred employee compensation, and certain private donations. The Town shall and will maintain responsibility for these funds to the extent required by Federal and State Law, the Town Charter, and donor stipulations.

The following funds, as well as other funds that may be created from time to time, shall be administered in accordance with the provisions of this policy: cash equivalent assets of the General Fund, Utility Fund, Capital Project Funds, Debt Service Fund, Special Revenue Funds and any other fund of the Town not specifically excluded in these policy guidelines.

11.03 Investment Strategy

The overall strategy of the Town's investment objective shall be to ensure a) the understanding of suitability of investment to the financial requirements of the Town, b) preservation and safety of principal, c) liquidity, d) marketability of the investment, if the need arises to liquidate the investment before maturity, e) diversification of the investment portfolio; and f) yield.

The Town maintains portfolios which utilize four specific investment strategy considerations designed to address the unique characteristics of the fund groups represented in the portfolios:

- A. Investment strategies for operating funds and commingled pools containing operating funds have as their primary objective to assure that anticipated cash flows are matched with adequate investment liquidity.

The Town may invest various types of funds in a commingled pool in order to achieve efficiencies in the investment program. The secondary objective is to create a portfolio structure which will experience minimal volatility during economic cycles. This may be accomplished by purchasing high quality, short to medium-term securities which will compliment each other in a ladder or barbell maturity structure. A dollar weighted average maturity of 365 days or less will be maintained and calculated by using the stated final maturity date of each security.

- B. Investment strategies for debt service funds, if invested separately, shall have as the primary objective the assurance of investment liquidity adequate to cover the debt service obligation on the required payment date. Securities purchased shall not have a stated final maturity date which exceeds the debt service payment date. The dollar weighted average maturity will be 180 days or less to accomplish this goal.
- C. Investment strategies for debt service reserve funds shall have as the primary objective the ability to generate a dependable revenue stream to the appropriate debt service fund from securities with a low degree of volatility. Securities should be of high quality and, except as may be required by the bond ordinance specific to an individual issue, of short to intermediate-term maturities. Volatility shall be further controlled through the purchase of securities carrying the highest coupon available, within the desired maturity and quality range, without paying a premium. Such securities will tend to hold their value during economic cycles. The dollar weighted average maturity will be no greater than 730 days.
- D. Investment strategies for special projects or special purpose fund portfolios, if invested separately, will have as their primary objective to assure that anticipated cash flows are matched with adequate investment liquidity. These portfolios should include at least 10% in highly liquid securities to allow for flexibility and unanticipated project outlays. The stated final maturity dates of securities held should not exceed the estimated project completion date. The dollar weighted average maturity will be 90 days or less to accomplish this goal.
- E. Investment strategies for capital project funds will have as their primary objective to assure that anticipated cash flows are matched with adequate investment liquidity. These portfolios should include at least 10% in highly liquid securities to allow for flexibility and unanticipated project outlays. The stated final maturity dates of securities held should not exceed the estimated project completion date. The dollar weighted average maturity will be 365 days or less to accomplish this goal.

11.04 Objective

In terms of day-to-day investment purposes, the core objectives of the Town's investment policy shall be to first preserve the capital in the overall portfolio. Each investment transaction shall seek to first ensure that capital losses are

avoided, whether they are from securities defaults or erosion of market value. The second objective shall be liquidity and the final objective shall be the yield of the investment.

- A. To prevent the possibility of loss of resources, the Town will attempt to identify and limit exposure to market price risk and default risk, or not invest in a manner which is contrary to applicable Federal and State regulations. To further protect the Town's resources, credit rating changes for securities held by the Town will be monitored in coordination with the Town's financial advisor.
- B. To enable the Town to meet operating requirements that might be reasonably anticipated, the Town's investment portfolio will remain sufficiently liquid. Liquidity shall be achieved by matching investment maturities with forecasted cash flow requirements and by investing in securities with active secondary markets.
- C. Management of the investment portfolio will strive to achieve a rate of return commensurate with the legal, safety and liquidity considerations. In any return of event, yield should exceed the average rate of secondarily-traded three (3) months U.S. Treasury Bills, or the monthly average of the Federal Funds Effective rate, whichever is higher. The first measure of success in this area will be the attainment of enough income to offset inflationary increases. Even though steps will be taken to obtain this goal, the Town's staff shall constantly be cognizant of risk limitations pursuant to the provisions of the amended Public Funds Investment Act, Section 2256.006(a) of the Texas Government Code.
- D. All participants in the investment process shall seek to act responsibly as stewards of public assets. Officers and employees involved in the investment process shall refrain from personal business activity that could conflict with proper execution of the investment programs, or which could impair their ability to make impartial investment decisions. Any investment officer who is related within the second degree by affinity or consanguinity as determined pursuant to the Texas nepotism statute, Chapter 573 of the Texas Government Code, as amended, to an individual seeking to sell an investment to the Town, or who has a prohibited personal business relationship, as defined in Section 2256.005 of the Texas Government Code, as amended, shall file a statement disclosing that relationship and any personal business relationship or material financial interests with the Town Council and the Texas Ethics Commission. The Director of Treasury Operations, or anyone involved in investment activity, shall avoid any transactions that might impair public confidence in the Town's ability to govern effectively. The governing body recognizes that in diversifying the portfolio, occasional measured losses due to market volatility are inevitable, and must be considered within the content of the overall portfolio's investment return, provided that adequate diversification has been implemented.

11.05 Investment Committee

There is hereby created an Investment Committee consisting of the Town Manager and/or his designee, the Chief Financial Officer (CFO) and/or his designee, and the Director of Treasury Operations. The Investment Committee shall meet at least quarterly to determine general strategies and to monitor results. Included in its deliberations will be such topics as: economic outlook, portfolio diversification, maturity structure, potential risk to the Town's funds, authorization of brokers and dealers, and the target rate of return on the investment portfolio. The committee shall establish its own rules of procedures, including, but not limited to maintaining a record of their meetings and discussions included therein.

11.06 Responsibility and Standard

- A. The management responsibility for the investment program is hereby delegated to the CFO who shall establish written procedures for the operation of the investment program, consistent with this investment policy. Such procedures shall include explicit delegation of authority to the individual(s) responsible for investment transactions. The primary individual who shall be involved in investment activities will be the Director of Treasury Operations. Both the CFO and the Director of Treasury Operations are designated as investment officers. To ensure the maturity and the quality and capability of the investment management, the investment officers are required to have three years of progressively responsible experience. Accordingly, the investment officers shall attend at least one training session containing at least 10 hours of instruction relating to their responsibility under the Act within 12 months after assuming duties. Thereafter, the investment officers shall attend additional investment training sessions containing at least 8 hours of instruction relating to investment responsibilities under the Act not less than once every two years, beginning on the first day of the Town's fiscal year, October 1, and consisting of the two consecutive fiscal years after that date. The training sessions must include education in investment controls, security risks, strategy risks, market risks, diversification of investment portfolio and compliance with the Public Funds Investment Act. The investment training sessions shall be provided by an independent source approved by the Investment Committee. For purposes of this policy, an "independent source" from which investment training shall be obtained shall include a professional organization, an institute of higher learning or any other sponsor other than a business organization with whom the Town may engage in an investment transaction. No persons may engage in investment transactions except as provided under the terms of this policy and the procedures established by the CFO. The CFO shall be responsible for all transactions undertaken, and shall establish a system of control to regulate the activities of the Director of Treasury Operations. The controls shall include a monthly review and an annual review by an external auditor. The reviews will provide internal control by assuring compliance with policies and procedures.

- B. The Town Manager, CFO, Director of Treasury Operations, and other Town employees associated with investment functions shall be personally indemnified in the event of investment loss provided the Investment Policies and Guidelines are followed.
- C. The standard of prudence to be used by the investment officials shall be the Prudent Investor Rule, and will be applied in the context of managing an overall portfolio: Investments shall be made with judgment and care under circumstances then prevailing, which persons of prudence, discretion and intelligence exercise in the management of their own affairs, not for speculation, but for investment, considering the probable safety of their capital as well as the probable income to be derived.

Investment officials meeting this standard will be relieved of personal responsibilities for an individual security's credit risk or market price change, provided deviations from expectations are reported in a timely fashion and appropriate action is taken to control adverse developments.

- D. The CFO shall direct the preparation and presentation of a written report on the Town's investment transactions for the preceding reporting period for the Town Council and Town Manager. The report shall be provided quarterly, and shall contain the following:
 - 1. A detailed description of the investment position of the Town as of the end of the reporting period.
 - 2. A summary statement of each pooled fund covering:
 - a. Beginning market value for the period (monitored by the Wall Street Journal and software).
 - b. The book and market value of each invested asset at the end of the reporting period by type of fund.
 - 3. The maturity date of each invested asset.
 - 4. Fully accrued interest for the period.
 - 5. The fund group for each individual investment.
 - 6. The compliance of the investment portfolio of the Town as it relates to the investment strategy of the Town and the Public Funds Investment Act.
 - 7. Signatures of all investment officers.
- E. The guidelines of retaining records for seven years, as recommended in the Texas State Library Municipal Records Manual should be followed. The Director of Treasury Operations shall oversee the filing and/or storing

of investment records.

- F. Wire transfer authorization forms shall be kept on file with banking institutions. The authorization form shall identify individuals authorized to make wire transfers and the institutions designated to receive the wire transfer. The Director of Treasury Operations or other authorized representative of the Town should complete a transfer notice and give it to the proper Finance Department personnel. The transfer confirmation received from the bank should be agreed with this notice and the appropriate journal entry made. Wire transfers shall not be executed without written confirmation from authorized Town staff and the proper exchange and verification of personal identification numbers. The Director of Treasury Operations will be authorized to execute repetitive transfers based on appropriate security measures, as established by the CFO.
- G. In the event of the absence of the Director of Treasury Operations, the authority to invest shall be regulated by the controls and procedures outlined by the CFO.

11.07 Investment

- A. Idle funds of the Town of Flower Mound may be invested in:
 - 1. Obligations of the United States of America, its agencies and instrumentalities (maturing in five (5) years or less).
 - 2. Direct obligations of the State of Texas and agencies thereof (maturing in two (2) years) or less.
 - 3. Other obligations, the principal of and interest on which are unconditionally guaranteed or insured by the State of Texas or United States of America or their agencies and instrumentalities (maturing in less than two (2) years) including obligations that are fully guaranteed or insured by the Federal Deposit Insurance Corporation or by the explicit full faith and credit of the United States.
 - 4. Obligations of the states, agencies thereof, counties, cities, and other political subdivisions of any state having been rated as investment quality by a nationally recognized investment rating firm, and having received a rating of not less than "A" or its equivalent (maturing in two (2) years or less).
 - 5. Certificates of deposit and share certificates (maturing in two (2) years or less) issued by state and/or national banks or savings and loans associations with main or branch offices in Texas that are:
 - a. Guaranteed or insured by the Federal Deposit Insurance Corporation (FDIC) or National Credit Union Share

Insurance Fund (NCUSIF) or their successors; or

- b. Secured as described in section 11.09 Principal Protection and Safekeeping.

In addition to the authority to invest funds in certificates of deposit, funds which are secured as described in Section 11.09 Principal Protection and Safekeeping, are invested through:

- a. A broker that has its main office or branch office in Texas and is selected from a list adopted by the Investment Committee; or
- b. A depository institution that has its main office or branch office in Texas and is selected by the Town.

- 6. Fully collateralized direct repurchase agreements with a defined termination date secured by a combination of cash and obligations of the United States or its agencies and instrumentalities. Purchases are required to be pledged to the entity, held in the entity's name and deposited at the time investment is made with the entity or a third party, selected by the Director of Treasury Operations, other than an agency for the pledgor. Repurchase agreements must be purchased through a primary government securities dealer, as defined by the Federal Reserve, or a bank domiciled in Texas. Each issuer of repurchase agreements must sign a copy of the Town's Master Repurchase Agreement (termination date must be 30 days or less).
- 7. An eligible investment pool, if the Town Council by official Town action authorizes investment in the particular pool. An investment pool shall invest the funds it receives from entities in authorized investments permitted by state statutes. Funds may be invested in money market mutual funds to the extent permitted by and consistent with state statutes and the investment policies and objectives adopted by the investment pool and by providing, at a minimum, the following information:
 - a. The types of investments in which money is allowed to be invested.
 - b. The maximum average dollar-weighted maturity allowed, based on the stated maturity date, of the pool.
 - c. The maximum stated maturity date of any investment security within the portfolio.
 - d. The objectives of the pool.
 - e. The size of the pool.

- f. The names of the members of the advisory board of the pool and the dates their terms expire.
- g. The custodian bank that will safekeep the pool's assets.
- h. Whether the intent of the pool is to maintain a net asset value of \$1 and the risk of market price fluctuation.
- i. Whether the only source of payment is the assets of the pool at market value or whether there is a secondary source of payment, such as insurance or guarantees, and a description of the secondary source of payment.
- j. The name and address of the independent auditor of the pool.
- k. The requirements to be satisfied for an entity to deposit funds in and withdraw funds from the pool and any deadlines or other operating policies required for the entity to invest funds in and withdraw funds from the pool.
- l. The performance history of the pool, including yield, average dollar weighted average maturities, and expense ratios.
- m. Information presented in disclosure instruments or reports must be posted on Internet websites.
- n. Annual audited financial statements must be made available.
- o. Disclose fee breakpoints and state the lowest possible level of return based on the smallest level of funds invested.

To be eligible to receive funds from and investments on behalf of the Town, an investment pool must be rated no lower than AAA or AAA-m or at an equivalent rating by at least one nationally recognized rating service. (Maximum dollar average weighted maturity must be 60 days or less).

To maintain eligibility to receive funds from and invest funds on behalf of the Town, an investment pool must furnish to the investment officer investment transaction confirmations and a monthly report that contains, at a minimum, the following information:

- a. The types and percentage breakdown of securities in which the pool has invested.
- b. The current average dollar-weighted maturity, based on the

stated maturity date, of the pool.

- c. The current percentage of the pool's portfolio in investments that have stated maturities more than one year.
- d. The book value verses the market value of the pool's portfolio, using amortized cost valuation.
- e. The size of the pool.
- f. The number of participants in the pool.
- g. The custodian bank that is safekeeping the assets of the pool.
- h. A listing of daily transaction activity of the entities participating in the pool.
- i. The yield and expense ratio of the pool and a statement regarding how yield is calculated.
- j. The portfolio managers of the pool.
- k. Any changes or addenda to the offering circular.

The Town, by contract, may delegate to an investment pool the authority to hold legal title as custodian of investments purchased with its local funds.

For purposes of investment in an investment pool, yield shall be calculated in accordance with regulations governing the registration of open-end management investment companies under the Investment Company Act of 1940, as promulgated from time to time by the Federal Securities and Exchange Commission ("SEC"). If an investment pool is functioning as a money market mutual fund, yield must be reported in accordance with the SEC.

- 8. No-load money market mutual funds regulated by the Securities and Exchange Commission which have a dollar weighted average stated maturity of 90 days or fewer and include in their investment objectives the maintenance of a stable net asset value of \$1 for each share. A no-load mutual fund is an authorized investment under this subchapter if the mutual fund is registered with the Securities and Exchange Commission, has an average weighted maturity less than two years, is invested exclusively in obligations approved by Chapter 2256.014, Government Code, is continuously rated as to investment quality by at least one nationally recognized investment rating firm of not less than AAA or its equivalent, and conforms to the requirements set forth in Sections 2256.016(b) and (c), Government Code, relating to the eligibility of investment pools

to receive and invest funds of investing entities. The Town of Flower Mound is not authorized to invest in the aggregate more than 15% of its monthly average fund balance, excluding bond proceeds and reserves and other funds held for debt service, in mutual funds as herein set forth above, or invest its funds or funds under its control, including bond proceeds and reserves and other funds held for debt service, in any one mutual fund as herein set out above in an amount that exceeds 10% of the total assets of the mutual fund.

- B. The Town's authorized investment options are more restrictive than those allowed by state law. Furthermore, this policy specifically prohibits investment in the following investment securities:
1. Obligations whose payment represents the coupon payments on the outstanding principal balance of the underlying mortgage-backed security collateral and pays no principal.
 2. Obligations whose payment represents the principal stream of cash flow from the underlying mortgage-backed security collateral and bears no interest.
 3. Collateralized mortgage obligations that have a stated final maturity date of greater than 10 years.
 4. Collateralized mortgage obligations, the interest rate of which is determined by an index that adjusts opposite to the changes in a market index.
- C. It is the policy of the Town of Flower Mound to diversify its investment portfolios. The diversification will protect interest income from the volatility of interest rates and the avoidance of undue concentration of assets in a specific maturity sector; therefore, portfolio maturities shall be staggered. Securities shall also be selected which provide for stability of income and reasonable liquidity. Diversification strategies shall be determined and revised periodically by the Investment Committee. In establishing specific diversification strategies, the following general policies and constraints shall apply:
1. Risk of market price volatility shall be controlled through maturity diversification such that aggregate price losses on instruments with maturities exceeding one (1) year shall not be greater than coupon interest and investment income received from the balance of the portfolio.
 2. The Investment Committee shall establish strategies and guidelines for the percentage of the total portfolio that may be invested in U.S. Treasury Securities, federal agencies instrumentalities, repurchase agreements, insured/collateralized certificates of deposit and other

securities or obligations. The Investment Committee shall conduct a quarterly review of these guidelines and shall evaluate the probability of market and default risk in various investment sectors as part of its considerations.

Risk of principal loss in the portfolio as a whole shall be minimized by diversifying investment types according to the following limitations:

<u>Investment Type</u>	<u>% of Portfolio</u>
• U.S. Treasury Notes/Bonds/Bills	100%
• U.S. Agencies and Instrumentalities	75%
• State of Texas Obligations & Agencies	10%
• No-Load Money Market Mutual Fund	25%
• Local Government Investment Pools	70%
• Local Government Obligations	10%
• Repurchase Agreements - Operating	10%
• Repurchase Agreements - Construction	100%
• Certificates of Deposit	100%

- D. Investments will be solicited on a competitive basis with at least three (3) institutions. The Investment Committee can approve exceptions on a case by case basis or on a general basis in the form of guidelines. These guidelines shall take into consideration the investment type maturity date, amount, and potential disruptiveness to the Town's investment strategy. The investment will be made with the broker/dealer offering the best yield/quality to the Town.

11.08 Selection of Banks and Dealers

- A. Town Council shall, by ordinance, select and designate one banking institution as the primary depository for the monies and funds of the Town. The primary depository shall be selected based on solvency and stability and secondly, on rate of interest, services, and cost.
- B. The Director of Treasury Operations shall conduct a comprehensive review of the prospective primary depository's credit characteristics and financial history.
- C. The primary depository shall be selected through a formalized bidding process in response to the Town's request for proposal (RFP) outlining all services required. The Investment Committee shall have the discretion to determine the time span for rebidding the banking services contract; however, a five-year period will be the maximum length of time between rebidding, as permitted by state law.
- D. Banks and savings and loans associations seeking to establish eligibility for the Town's competitive certificate of deposit purchase program, shall submit financial statements, evidence of federal insurance and other

information as required by the Director of Treasury Operations.

- E. The Investment Committee shall be responsible for selecting brokers and dealers of government securities. Their selection shall be among only primary government securities dealers that report directly to the New York Federal Reserve Bank or other secondary firms that are adequately financed to conduct public business. The Investment Committee shall base its evaluation of security dealers and financial institutions upon:
 - 1. Financial conditions, strength and capability to fulfill commitments.
 - 2. Overall reputation with other dealers and investors.
 - 3. Regulatory status of the dealer.
 - 4. Background and expertise of the individual representatives.
- F. Approved brokers and dealers must complete Exhibit A and return it to the Director of Treasury Operations. In dealing with Town funds, the Director of Treasury Operations shall conduct business with securities dealers approved annually by the Investment Committee or with banks selected as outlined above.

11.09 Principal Protection and Safekeeping

- A. All bank and savings and loan associations deposits and investments of Town funds shall be secured by pledged collateral with a market value equal to no less than 103 percent of the principal plus accrued interest less an amount insured by FDIC or NCUSIF. Evidence of proper collateralization in the form of original safekeeping receipts held in institution's trust department or at a third party institution not affiliated with the bank or bank holding company will be maintained in the office of the Director of Treasury Operations at all times. The CFO, Director of Treasury Operations, or other authorized Town representative will approve and release all pledged collateral. Collateral will be reviewed monthly to assure the market value of the securities pledged exceeds the related bank balances. The Town shall request additional collateral in the event that deposits are not sufficiently protected by the pledged collateral.
- B. Safekeeping procedures shall be established by the Investment Committee which clearly define steps for gaining access to the collateral should the Town determine that the Town's funds are in jeopardy. Collateral safekeeping and substitution agreements will be a part of the procedure.
- C. Only securities allowed by the Public Funds Collateral Act shall be eligible to be pledged as collateral. The CFO has the discretion to additionally restrict the securities used as collateral.

- D. All security transactions will be accomplished with authorized security dealers and financial institutions on a delivery-versus-payment (DVP) basis. Securities will be held by the Town's safekeeping agent, which shall be selected through a competitive process (RFP) or that agent's representative in New York City, or in its account at the Federal Reserve Bank.

EXHIBIT A

TEXAS PUBLIC FUNDS INVESTMENT ACT CERTIFICATION BY BUSINESS ORGANIZATION

This certification is executed on behalf of the **Town of Flower Mound** (the Investor) and _____ (the Business Organization) pursuant to the Public Funds Investment Act, Chapter 2256, Texas Government Code (the Act), in connection with investment transactions conducted between the Investor and the Business Organization.

The undersigned Qualified Representative of the Business Organization hereby certifies on behalf of the Business Organization that:

1. The undersigned is a Qualified Representative of the Business Organization offering to enter into an investment transaction with the Town of Flower Mound as such terms are used in the Public Funds Investment Act, Chapter 2256, Texas Government Code;
2. The Qualified Representative of the Business Organization has received and reviewed the Investment Policy furnished by the Town of Flower Mound; and
3. The Qualified Representative of the Business Organization has implemented reasonable procedures and controls in an effort to preclude investment transactions conducted between the Business Organization and the Town of Flower Mound that are not authorized by the entity's investment policy, except to the extent that this authorization is dependent on an analysis of the makeup of the entity's entire portfolio or requires an interpretation of subjective investment standards.

Qualified Representative of the Business Organization

Name: _____

Title: _____

Date: _____

EXHIBIT B

INVESTMENT GLOSSARY

AGENCIES: Federal agency securities.

ASKED: The price at which securities are offered.

BANKERS' ACCEPTANCE (BA): A draft, bill, or exchange accepted by a bank or trust company. The accepting institution guarantees payment of the bill, as well as the issuer.

BID: The price offered by a buyer of securities. (When you are selling securities, you ask for a bid.) See Offer.

BROKER: A broker brings buyers and sellers together for a commission.

CERTIFICATE OF DEPOSIT (CD): A time deposit with a specific maturity evidenced by a certificate. Large denomination CD's are typically negotiable.

COLLATERAL: Securities, evidence of deposit or other property which a borrower pledges to secure repayment of a loan. Also refers to securities pledged by a bank to secure deposits of public monies.

ANNUAL COMPREHENSIVE FINANCIAL REPORT: The official annual report for the Town of Flower Mound. It includes combined statements for each individual fund and account group prepared in conformity with GAAP. It also includes supporting schedules necessary to demonstrate compliance with finance related legal and contractual provisions, extensive introductory material, and a detailed Statistical Section.

COUPON: (a) The annual rate of interest that a bond's issuer promises to pay the bondholder on the bond's face value. (b) A certificate attached to a bond evidencing interest due on a payment date.

DEALER: A dealer, as opposed to a broker, acts as a principal in all transactions, buying and selling for his own account.

DEBENTURE: A bond secured only by the general credit of the issuer.

DELIVERY VERSUS PAYMENT: There are two

methods of delivery of securities: delivery versus payment and delivery versus receipt. Delivery versus payment is delivery of securities with an exchange of money for the securities. Delivery versus receipt is delivery of securities with an exchange of a signed receipt for the securities.

DISCOUNT: The difference between the cost price of a security and its maturity when quoted at lower than face value. A security selling below original offering price shortly after sale also is considered to be at a discount.

DISCOUNT SECURITIES: Non-interest bearing money instruments that are issued at a discount and redeemed at maturity for full face value, e.g. U.S. Treasury Bills.

DIVERSIFICATION: Dividing investment funds among a variety of securities offering independent returns.

FEDERAL CREDIT AGENCIES: Agencies of the federal government set up to supply credit to various classes of institutions and individuals, e.g., S&L's, small business firms, students, farmers, farm cooperatives, and exporters.

FEDERAL DEPOSIT INSURANCE CORPORATION (FDIC): A federal agency that insures bank deposits, currently up to \$250,000 per deposit.

FEDERAL FUNDS RATE: The rate of interest at which Fed funds are traded. This rate is currently pegged by the Federal Reserve through open-market operations.

FEDERAL HOME LOAN BANKS (FHLB): The institutions that regulate and lend to savings and loan associations. The Federal Home Loan Banks play a role analogous to that played by the Federal Reserve Banks vis-a-vis member commercial banks.

FEDERAL NATIONAL MORTGAGE ASSOCIATION (FNMA): FNMA, like GNMA was chartered under the Federal National Mortgage Association Act in 1938. FNMA is a federal corporation working under the auspices of the Department of Housing and Urban Development (HUD). It is the largest single provider of residential mortgage funds in the United States.

Fannie Mae, as the corporation is called, is a private stockholder-owned corporation. The corporation's purchases include a variety of adjustable mortgages and second loans, in addition to fixed-rate mortgages. FNMA's securities are also highly liquid and are widely accepted. FNMA assumes and guarantees that all security holders will receive timely payment of principal and interest.

FEDERAL OPEN MARKET COMMITTEE (FOMC): Consists of seven members of the Federal Reserve Board and five of the twelve Federal Reserve Bank Presidents. The President of the New York Federal Reserve Bank is a permanent member, while the other Presidents serve on a rotating basis. The Committee periodically meets to set Federal Reserve guidelines regarding purchases and sales of Government Securities in the open market as a means of influencing the volume of bank credit and money.

FEDERAL RESERVE SYSTEM: The central bank of the United States created by Congress and consisting of a seven member Board of Governors in Washington, D.C., 12 regional banks and about 5,700 commercial banks that are members of the system.

GOVERNMENT NATIONAL MORTGAGE ASSOCIATION (GNMA or Ginnie Mae): Securities influencing the volume of bank credit guaranteed by GNMA and issued by mortgage bankers, commercial banks, savings and loan associations, and other institutions. Security holder is protected by full faith and credit of the U.S. Government. Ginnie Mae securities are backed by the FHA, VA or FMHM mortgages. The term "pass throughs" is often used to describe Ginnie Maes.

LETTERS OF CREDIT: A financial instrument in which the issuing bank promises to pay a third party on behalf of a second party.

LIQUIDITY: A liquid asset is one that can be converted easily and rapidly into cash without a substantial loss of value. In the money market, a security is said to be liquid if the spread between bid and asked prices is narrow and reasonable sized can be done at those quotes.

LOCAL GOVERNMENT INVESTMENT POOL (LGIP): The aggregate of all funds from political subdivisions that are placed in the custody of the State Treasurer for investment and reinvestment.

MARKET VALUE: The price at which a security is trading and could presumably be purchased or sold.

MASTER REPURCHASE AGREEMENT: A written contract covering all future transactions between the parties to repurchase-reverse repurchase agreements that establishes each party's rights in the transactions. A master agreement will often specify, among other things, the right of the buyer-lender to liquidate the underlying securities in the event of default by the seller-borrower.

MATURITY: The date upon which the principal or stated value of an investment becomes due and payable.

MONEY MARKET: The market in which short-term debt instruments (bills, commercial paper, bankers' acceptances, etc.) are issued and traded.

OFFER: The price asked by a seller of securities. (When you are buying securities, you ask for an offer.) See Asked and Bid.

OPEN MARKET OPERATIONS: Purchases and sales of government and certain other securities in the open market by the New York Federal Reserve Bank as directed by the FOMC in order to influence the volume of money and credit in the economy. Purchases inject reserves into the bank system and stimulate growth of money and credit; sales have the opposite effect. Open market operations are the Federal Reserve's most important and most flexible monetary policy tool.

NATIONAL CREDIT UNION SHARE INSURANCE FUND: The federal fund to insure member's deposits in federally insured credit unions. Administered by the National Credit Union Administration, and is backed by the "full faith and credit" of the U.S. Government.

PORTFOLIO: Collection of securities held by an investor.

PRIMARY DEALER: A group of government securities dealers who submit daily reports of market activity and positions and monthly financial statements to the Federal Reserve Bank of New York and are subject to its informal oversight. Primary dealers include Securities and Exchange Commission (SEC)-registered securities broker-dealers, banks, and a few

unregulated firms.

PRUDENT PERSON RULE: An investment standard. In some states, the law requires that a fiduciary, such as a trustee, may invest money only in a list of securities selected by the custody state the so-called legal list. In other states the trustee may invest in a security if it is one which would be bought by a prudent person of discretion and intelligence who is seeking a reasonable income and preservation of capital.

QUALIFIED PUBLIC DEPOSITORIES: A financial institution which does not claim exemption from the payment of any sales or compensating use or ad valorem taxes under the laws of this state, which has segregated for the benefit of the commission eligible collateral having a value of not less than its maximum liability and which has been approved by the Public Deposit Protection Commission to hold public deposits.

RATE OF RETURN: The yield obtainable on a security based on its purchase price or its current market price. This may be the amortized yield to maturity on a bond or the current income return.

REPURCHASE AGREEMENT (RP OR REPO): A holder of securities sells these securities to an investor with an agreement to repurchase them at a fixed price on a fixed date. The security "buyer" in effect lends the "seller" money for the period of the agreement, and the terms of the agreement are structured to compensate him for this. Dealers use RP extensively to finance their positions. Exception: When the Fed is said to be doing RP, it is lending money, that is, increasing bank reserves.

SAFEKEEPING: A service to customers rendered by banks for a fee whereby securities and valuables of all types and descriptions are held in the bank's vaults for protection.

SECONDARY MARKET: A market made for the purchase and sale of outstanding issues following the initial distribution.

SECURITIES & EXCHANGE COMMISSION: Agency created by Congress to protect investors in securities transactions by administering securities legislation.

SEC RULE 15C3-1: See Uniform Net Capital Rule.

TREASURY BILLS: A non-interest-bearing discount security issued by the U.S. Treasury to finance the national debt. Most bills are issued to mature in three months, six months, or one year.

TREASURY BONDS: Long-term coupon bearing U.S. Treasury securities issued as direct obligations of the U.S. Government and having initial maturities of more than 10 years.

TREASURY NOTES: A medium-term coupon-bearing U.S. Treasury securities issued as direct obligation of the U.S. Government and having initial maturities from two to 10 years.

UNIFORM NET CAPITAL RULE: Securities and Exchange Commission requirement that member firms as well as nonmember broker-dealers in securities maintain a maximum ratio of indebtedness to liquid capital of 15 to 1; also called *net capital rule* and *net capital ratio*. Indebtedness covers all money owed to a firm, including margin loans and commitments to purchase securities, one reason new public issues are spread among members of underwriting syndicates. Liquid capital includes cash and assets easily converted into cash.

YIELD: The rate of annual income return on an investment, expressed as a percentage. (a) **INCOME YIELD** is obtained by dividing the current dollar income by the current market price for the security. (b) **NET YIELD** or **YIELD TO MATURITY** is the current income yield minus any premium above par or plus any discount from par in purchase price, with the adjustment spread over the period from the date of purchase to the date of maturity of the bond.

The Town of Flower Mound Investment Policy is hereby approved this 15th day of September 2025.

James W. Childers, Town Manager



TOWN COUNCIL AGENDA J.7. CONSENT ITEM(S)

DATE: September 15, 2025

FROM: Julie Taylor, Director of Treasury Operations

ITEM: **Consider approval of an ordinance amending Appendix A of the Code of Ordinances by amending the charges for residential and non-residential water and sewer service; providing a severability clause; providing for publication; and providing an effective date.**

BACKGROUND: The proposed water and sewer service (System) rate structure is designed to bring long-term financial stability to the System and fully fund all costs from user rates. The Town of Flower Mound owns and operates a sewer treatment plant and purchases treated water with up to 11 MGD from the City of Dallas (DWU) and up to 30 MGD from the Upper Trinity Regional Water District, (UTRWD). The majority of the cost increases are attributed to inflation, including rising costs for treated water and for infrastructure improvements to the System.

The Town adopted an ordinance on September 17, 2024, to amend the System's rates and set the revenues through FY 2024-25. The attached ordinance revises the rates for FY 2024-25 to recover the full costs of the Town's water and sewer systems and is designed to meet the following criteria:

1. Implement the necessary capital improvements to meet customer needs for utility services.
2. Have the System pay its full cost of services provided by the Town's General Fund.
3. Maintain the quality of water and sewer services required by the Town's customers.
4. Financially position the System to be able to replace necessary infrastructure as the system ages.

The following table displays the rate changes contained within the attached ordinance, which are effective in October:

	<u>Current</u> <u>FY 2025</u>	<u>Proposed</u> <u>FY 2026</u>
<u>Water</u>		
Minimum Bill*	\$ 44.31	\$ 46.64
2,001-10,000	\$ 5.04	\$ 5.30
10,001-15,000	\$ 6.82	\$ 7.17
15,001-50,000	\$ 7.76	\$ 8.16
over 50,000	\$ 8.71	\$ 9.16
<u>Sewer</u>		
Minimum Bill - Residential	\$ 25.10	\$ 26.42
Minimum Bill - Commercial	\$ 25.10	\$ 26.42
over 2,000 - Residential	\$ 5.10	\$ 5.37
over 2,000 - Commercial	\$ 5.62	\$ 5.92

* For residential 3/4 inch meter. All other minimum bills will increase in same proportion.

BOARD REVIEW/CITIZEN FEEDBACK: N/A

ALTERNATIVES: N/A

FISCAL IMPACT: \$62,710,255

Proposed Expenditure/(Revenue)

\$(47,053,664)

\$(15,656,591)

Account Number(s):

200-4205

200-4210

LEGAL REVIEW: This standard ordinance was approved in the past by Taylor, Olson, Adkins, Sralla, & Elam L.L.P. No alteration to the legal content of this form document was made in preparation of this document.

ATTACHMENTS:

1. Proposed Utility Rate Ordinance FY 25-26

DRAFT MOTION: Move to approve as presented in the agenda caption.

TOWN OF FLOWER MOUND, TEXAS

ORDINANCE NO. _____

AN ORDINANCE OF THE TOWN OF FLOWER MOUND, TEXAS, AMENDING APPENDIX A, "FEE SCHEDULE," OF THE CODE OF ORDINANCES OF THE TOWN OF FLOWER MOUND BY AMENDING THE CHARGES CONTAINED THEREIN FOR RESIDENTIAL AND NON-RESIDENTIAL WATER AND SEWER SERVICE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR PUBLICATION; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Town of Flower Mound is a home rule municipal corporation organized and existing by virtue of the Constitution and laws of the State of Texas and by its Home Rule Charter adopted November 3, 1981; and,

WHEREAS, the Town of Flower Mound possesses all the rights, powers, and authorities possessed by all home rule municipalities to regulate utility billing services and the fees for services provided; and,

WHEREAS, the Town of Flower Mound enacted Ordinance No. 66-85 on September 30, 1985 to establish rates for water service provided by the Town of Flower Mound; and,

WHEREAS, the Town of Flower Mound has from time to time amended the water service rate fee schedule as well as the sewer service rate fee schedule applicable to residential and non-residential water consumption and sewer service; and,

WHEREAS, the Town of Flower Mound desires to amend the water service rate fee schedule as well as the sewer service rate fee schedule applicable to residential and non-residential water consumption and sewer service and hereby finds that it is in the best interest of the health, safety and general welfare of the citizens of the Town to amend the fees as outlined herein;

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF FLOWER MOUND, TEXAS, THAT:

SECTION 1

All of the above premises are hereby found to be true and correct legislative and factual findings of the Town of Flower Mound, and they are hereby approved and incorporated into the body of this Ordinance, as if copied in their entirety.

SECTION 2

That Appendix A-Fee Schedule of the Code of Ordinances, Town of Flower Mound, Texas, is hereby amended by amending the schedule of fees corresponding to Section 70-361, "Water Service Rates," to read as follows:

Code Section Number	Description
70-361	Water service rates:

The minimum monthly charge for each sized meter in the Town, which amount includes 2,000 gallons of water is as follows:

Water Meter Size (inches)	Minimum Bills Water Usage Beginning 10/01/2025 Thereafter
3/4 or 5/8	\$ 46.64
1	76.76
1 1/2	126.91
2	187.14
3	347.70
4	528.31
6 and larger	1,000.05

The monthly volume charge per 1,000 gallons after the first 2,000 gallons of water usage is as follows:

Volumetric Rates	Per 1,000 Gallons Water Usage Beginning 10/01/2025 and Thereafter
2,000 – 10,000 Gallons	\$ 5.30
10,001 – 15,000 Gallons	7.17
15,001 – 50,000 Gallons	8.16
Over 50,000 Gallons	9.16
Town Meters	2.76
Fire Hydrants	9.16

SECTION 3

That Appendix A-Fee Schedule of the Code of Ordinances, Town of Flower Mound, Texas, is hereby amended by amending the schedule of fees corresponding to Section 70-381, "Sewer Service Rates," to read as follows:

Code Section Number	Description
70-381	Sewer service rates:

The minimum monthly charge for sewer service for each sized water meter in the Town, which amount includes 2,000 gallons of water usage is as follows:

Water Meter Size (inches)	Minimum Bills Water Usage Beginning 10/01/2025 and Thereafter
Residential - All Sizes	\$ 26.42
Non-Residential - All Sizes	26.42
"Residential No-Average Maximum"	58.64

The monthly volume charge per 1,000 gallons after the first 2,000 gallons of water usage is as follows:

Volumetric Rates	Per 1,000 Gallons Water Usage Beginning 10/01/2025Thereafter
Residential – Over 2,000 Gallons	\$ 5.37
Non-Residential – Over 2,000 Gallons	5.92

SECTION 4

Any and all ordinances, orders, resolutions, rules, regulations, policies or provisions in conflict with the provisions of this Ordinance and the Code are hereby repealed and rescinded to the extent of any conflict herewith.

SECTION 5

If any section, subsection, clause, phrase or provision of this Ordinance and the Code, or the application thereof to any person or circumstance, shall to any extent be held by a court of competent jurisdiction to be invalid, void or unconstitutional, the remaining sections, subsections, clauses, phrases or provisions of this Ordinance and the Code, or the application thereof to any person or circumstances, shall remain in full force and effect and shall in no way be affected, impaired or invalidated.

SECTION 6

The Town Secretary of the Town of Flower Mound is hereby directed to publish the caption in the official newspaper of the Town of Flower Mound as required by Section 3.07 of the Charter of the Town of Flower Mound.

SECTION 7

This Ordinance shall take effect and be in full force immediately upon its passage and adoption as provided by the laws of the State of Texas and the Home Rule Charter of the Town of Flower Mound, Texas.

DULY PASSED, APPROVED AND ADOPTED BY THE TOWN COUNCIL OF THE TOWN OF FLOWER MOUND, TEXAS, BY A VOTE OF ____ TO ____ ON THIS 15th DAY OF SEPTEMBER, 2025.

APPROVED:

Cheryl Moore, MAYOR

ATTEST:

Traci Henderson, TOWN SECRETARY



TOWN COUNCIL AGENDA J.8. CONSENT ITEM(S)

DATE: September 15, 2025

FROM: Paul Henley, Fire Chief

ITEM: Consider approval of the purchase of bunker gear, replacement gloves and suspenders as needed from NAFECO, Inc. through Buy Board Purchasing Contract No. 698-23 in the total amount of \$159,740.00 and authorization for the Mayor to approve same on behalf of the Town.

BACKGROUND: In November 2022, Town Council approved an expenditure of \$121,600.00 per year for the purchase of bunker gear. This is an ongoing project to provide each firefighter with replacement gear on a ten-year cycle as it reaches end of life. The Fire Department is requesting approval to purchase from NAFECO under Buy Board Purchasing Contract No. 698-23, which expires 3/31/2026. The total estimated annual expenditure with NAFECO is in the amount of \$159,740.00, which includes additional sets of gear for new Firefighter positions approved and funded in FY24/25.

BOARD REVIEW/CITIZEN FEEDBACK: N/A

ALTERNATIVES: N/A

FISCAL IMPACT: \$159,740.00

Proposed Expenditure/(Revenue)

\$122,140.00

\$ 37,400.00

Account Number(s):

100-660-63000-2270

319-560-63000-2270

LEGAL REVIEW: N/A

ATTACHMENTS:

1. NAFECO Quote# PSGQ18145-K
2. NAFECO Quote# Q7525080285861
3. NAFECO Verified BuyBoard 698-23 Expires 3-31-2026

DRAFT MOTION: Move to approve as presented in the agenda caption.



NAFECO Inc.

"North America Fire Equipment Co."
1515 West Moulton Street
Decatur, AL 35601
Office: 800-628-6233
Damon's Cell: 903-813-6569



LION[®]
ready for action

Bill To:

Flower Mound Fire Department
2121 CROSS TIMBERS ROAD
FLOWER MOUND, TX 75028

Shipping Address:

Flower Mound Fire Department
3911 S. Broadway Ave.
FLOWER MOUND, TX 75028

Date: 10/04/2024

Customer ID: FLO315

Contact	Sales Rep #	Ordered By	PSGQ	PO	Sales Quote
Tom	Stewart 82	Gabby Vela-Boone 512-736-0238	PSGQ18145-K		Good for 60 Days

Line	Item	Qty.	Description	Unit Price	Total
1	SR842X	1	LION V-Back Suspender, Red, 42" Long, Rect. Loops	\$102.60	\$102.60
2	FC-P5000	1	Firecraft Glove, Phoenix Leather, NFPA, Gauntlet,	\$94.46	\$94.46
3	CVFM	1	Lion / V-Force® Raglan Sleeve Coat with Black PBI® Max, 7.0 oz., C7 Liner	\$2,512.60	\$2,512.60
4	PVFM	1	Lion / V-Force® Belted Pants with black PBI® Max, 7.0 oz., C7 Liner	\$1,890.00	\$1,890.00
5					
				Sub Total	
				shipping	TBD
				Total	

BuyBoard #698-23

TOFM PO# 25117 issued 10/22/2024

Shipping will apply.

**NAFECO**

Mailing: P.O. Box 2928
Physical: 2601 Beltline Road
Decatur, AL 35602-2928
(800) 628-6233
info@nafeco.com

Quotation

Q7525080285861

Date: 2025-08-02
Expires: 2025-09-01
FOB: Origin

Customer Number: FLO315
Customer Information: CITY OF FLOWER MOUND, TX
Address: 3911 S. BROADWAY AVE.
FLOWER MOUND, TX 75028

Attention: GABBY VELA-BOONE
Phone: (972)-874-6209
Email: gabriella.vela-
boone@flowermound.gov

Prepared By: Carter Smith

Qty	Item #	Description	Each	Total
8	CVFM/F	V-Force Coat, Velcro Closure, Small Radio Pocket	\$2,700.00	\$21,600.00
8	PVFM/F	V-Force Pants with Bailout on Left Side	\$2,000.00	\$16,000.00
1	BUYBOARD	BUYBOARD Contract #698-23	\$0.00	\$0.00
			Subtotal	\$37,600.00
			Freight	TBD
			Total	\$37,600.00

tax & freight to be determined

Thank you for your business!

NOTE: All accounts are subject to sales tax charges unless a valid state exempt certificate is on file with NAFECO, or provided at the time of the order.

If you have any questions concerning this quote, please call our number listed above.

Visit Us On The Internet At: nafeco.com

**NAFECO**

Mailing: P.O. Box 2928
Physical: 2601 Beltline Road
Decatur, AL 35602-2928
(800) 628-6233
info@nafeco.com

Quotation

Q7525080285861

Date: 2025-08-02
Expires: 2025-09-01
FOB: Origin

Customer Number: FLO315
Customer Information: CITY OF FLOWER MOUND, TX
Address: 3911 S. BROADWAY AVE.
FLOWER MOUND, TX 75028

Attention: GABBY VELA-BOONE
Phone: (972)-874-6209
Email: gabriella.vela-
boone@flowermound.gov

Prepared By: Carter Smith

Qty	Item #	Description	Each	Total
8	CVFM/F	V-Force Coat, Velcro Closure, Small Radio Pocket	\$2,700.00	\$21,600.00
8	PVFM/F	V-Force Pants with Bailout on Left Side	\$2,000.00	\$16,000.00
1	BUYBOARD	BUYBOARD Contract #698-23	\$0.00	\$0.00
			Subtotal	\$37,600.00
			Freight	TBD
			Total	\$37,600.00

tax & freight to be determined

Thank you for your business!

NOTE: All accounts are subject to sales tax charges unless a valid state exempt certificate is on file with NAFECO, or provided at the time of the order.

If you have any questions concerning this quote, please call our number listed above.

Visit Us On The Internet At: nafeco.com



Vendor Contract Information Summary

Vendor	North America Fire Equipment Co., Inc. dba NAFECO
Contact	Jacque Flory
Phone	256-353-7100
Phone Extension	144
Email	jacque.flory@nafeco.com
Vendor Website	www.nafeco.com
TIN	63-0725655
Address Line 1	PO Box 2928
Vendor City	Decatur
Vendor Zip	35602
Vendor State	AL
Vendor Country	USA
Delivery Days	10
Freight Terms	FOB Destination
Payment Terms	NET 30 DAYS
Shipping Terms	Freight prepaid by vendor and added to invoice
Ship Via	Common Carrier
Designated Dealer	No
EDGAR Received	Yes
Service-disabled Veteran Owned	No
Minority Owned	No
Women Owned	No
National	No
No Foreign Terrorist Orgs	Yes
No Israel Boycott	Yes
MWBE	No
ESCs	All Texas Regions
States	All States
Contract Name	Public Safety and Firehouse Supplies and Equipment
Contract No.	698-23
Effective	04/01/2023
Expiration	03/31/2026
Accepts RFQs	Yes
Return Policy	See attached policy.



TOWN COUNCIL AGENDA J.9. CONSENT ITEM(S)

DATE: September 15, 2025
FROM: Leandro Rodriguez, CIP Manager
ITEM: **Consider the approval of Amendment #1 to the Interlocal Cooperation Agreement with Denton County for the construction of the Lakeside Parkway Capacity Improvement project, and authorize the Mayor to execute the same on behalf of the Town.**

BACKGROUND: The Lakeside Parkway ICA with Denton County was previously approved by Town Council on March 4, 2024. The agreement included \$4,270,000 of TRIP-22 Denton County Bond funding for purpose of providing engineering, right-of-way acquisition, utility relocations, inspections, and construction of Lakeside Parkway as a six-lane divided arterial between FM 2499 and SH 121.

This amendment to the ICA increases the County's contribution by \$5,218,000 from \$4,270,000 to \$9,488,000 for the completion of the project, revises the project limits to FM 2499 and just west of Enterprise Drive, and increases the estimated project cost to \$9,594,000 for the portion located within Denton County.

If approved, staff will prepare and bring forward a CIP amendment to include the use of these interlocal funds in the CIP.

BOARD REVIEW/CITIZEN FEEDBACK: N/A

ALTERNATIVES: N/A

FISCAL IMPACT: \$(5,218,000)

Proposed Expenditure/(Revenue)
\$(5,218,000)

Account Number(s):
506-4793 Interlocal Funds

LEGAL REVIEW: Brennan Lafferty, of Taylor, Olson, Adkins, Sralla, & Elam L.L.P., has reviewed the agreement as to form and legality.

ATTACHMENTS:

1. ICA Amendment #1_Flower Mound_Lakeside Parkway_REVISED

DRAFT MOTION: Move to approve as presented in the agenda caption.

THE STATE OF TEXAS §
 §
COUNTY OF DENTON §

**AMENDMENT NO. 1 TO INTERLOCAL COOPERATION AGREEMENT BETWEEN
DENTON COUNTY, TEXAS, AND THE TOWN OF FLOWER MOUND, TEXAS**

THIS AMENDMENT NO. 1 to the Interlocal Cooperation Agreement is made, entered into and executed by and between Denton County, Texas (“the County”), a duly organized political subdivision of the State of Texas; and the Town of Flower Mound, Texas (“the Town”), a duly organized political subdivision of the State of Texas. The County and the Town are collectively referred to herein as “the Parties.” On March 26, 2024, the Parties entered into an Interlocal Cooperation Agreement under Denton County Commissioners Court Order Number 24-0271, hereinafter “the original Agreement,” for the purpose of providing for engineering, right-of-way acquisition, utility relocations, inspections, and construction of Lakeside Parkway as a six-lane divided arterial between FM 2499 and SH 121 located entirely within the municipal limits of the Town and within Denton County Commissioner Precinct #3, at a total estimated project cost of EIGHT MILLION FIVE HUNDRED FORTY THOUSAND AND NO/100 DOLLARS (\$8,540,000.00).

WHEREAS, under the terms of the original Agreement, the County and Town agreed that the County would contribute an amount which shall not exceed FOUR MILLION TWO HUNDRED SEVENTY THOUSAND AND NO/100 DOLLARS (\$4,270,000.00) toward satisfactory completion of the Project; and

WHEREAS, in accordance with Section 791.011 (d)(3) of the Act, each Party is paying for the performance of the functions herein from current revenues available to that Party;

WHEREAS, the Parties to the original Agreement now intend to amend the original Agreement, in order to reflect an increase in the financial contribution of the County toward satisfactory completion of the Project, which shall be memorialized in this document as Amendment No. 1 to the original Agreement between the County and the Town; and

NOW, THEREFORE, the County and the Town for the mutual covenants and agreements contained in the original Agreement and as contained herein, and for the other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, agree to amend Section II, Section III, and Section IV of the original Agreement to reflect an increase in estimated

project cost and an increase in the County's contribution toward satisfactory completion of the Project. All other terms and conditions of the original Agreement are hereby affirmed by the Parties. The amended portions of the original Agreement are as follows:

AMENDED SECTION II

The County and the Town hereby agree that Amendment No. 1 will amend the original Agreement to revise Project limits to reflect limits between FM 2499 and just west of Enterprise Drive; to revise estimated project cost from EIGHT MILLION FIVE HUNDRED FORTY THOUSAND AND NO/100 DOLLARS (\$8,540,000.00) to NINE MILLION FIVE HUNDRED NINETY-FOUR THOUSAND AND NO/100 DOLLARS (\$9,594,000.00); and to increase County contribution from FOUR MILLION TWO HUNDRED SEVENTY THOUSAND AND NO/100 DOLLARS (\$4,270,000.00) to NINE MILLION FOUR HUNDRED EIGHTY-EIGHT THOUSAND AND NO/100 DOLLARS (\$9,488,000.00).

AMENDED SECTION III

The County and the Town hereby agree that Amendment No. 1 will amend the original Agreement to increase the County contribution toward satisfactory completion of the Project from FOUR MILLION TWO HUNDRED SEVENTY THOUSAND AND NO/100 DOLLARS (\$4,270,000.00) to an amount which shall not exceed NINE MILLION FOUR HUNDRED EIGHTY-EIGHT THOUSAND AND NO/100 DOLLARS (\$9,488,000.00), for an increased County contribution toward satisfactory completion of the Project of FIVE MILLION TWO HUNDRED EIGHTEEN THOUSAND AND NO/100 DOLLARS (\$5,218,000.00).

AMENDED SECTION IV

The Town hereby agrees to provide the County with invoices for reimbursement and requested documentation in an amount which shall not exceed NINE MILLION FOUR HUNDRED EIGHTY-EIGHT THOUSAND AND NO/100 DOLLARS (\$9,488,000.00).

This Amendment to the original Agreement shall replace and supersede Section II, Section III, and Section IV of the original Agreement between the Parties. **All other provisions of the original Agreement shall remain in full force and effect unless modified by subsequent written amendment signed by both of the Parties to the original Agreement.**

This Agreement may be executed in multiple counterparts, attached to the original Agreement, and shall collectively constitute an Amendment to the original Agreement. All other terms and conditions of the original Agreement are hereby affirmed by the Parties.

Executed this _____ day of _____, 2025.

DENTON COUNTY, TEXAS
1 Courthouse Drive, Suite 3100
Denton, Texas 76209

TOWN OF FLOWER MOUND, TEXAS
2121 Cross Timbers Road
Flower Mound, Texas 75028

By: _____
Honorable Andy Eads
Denton County Judge
Acting by and on behalf of the authority
of the Denton County Commissioners Court

By: _____
Honorable Cheryl Moore
Mayor of the Town of Flower Mound, Texas
Acting by and on behalf of the authority
of the Town of Flower Mound, Texas

ATTEST:

ATTEST:

By: _____
Denton County Clerk

By: _____
Town Secretary

APPROVED AS TO FORM:

By: _____
Town Attorney

COUNTY AUDITOR'S CERTIFICATE

I hereby certify funds are available to accomplish and pay the obligation of Denton County, Texas, under this Agreement.

Denton County Auditor

APPROVAL OF
AMENDMENT NO. 1 TO INTERLOCAL COOPERATION AGREEMENT BETWEEN
DENTON COUNTY, TEXAS, AND THE TOWN OF FLOWER MOUND, TEXAS

Denton County, Texas, acting by and through the Denton County Commissioners Court, having been advised of the Project, hereby agrees to amend Section II, Section III, and Section IV of the Interlocal Cooperation Agreement which was approved on March 26, 2024, under Denton County Commissioners Court Order Number 24-0271.

Amendment No. 1 will amend the original Agreement to revise Project limits to reflect limits between FM 2499 and just west of Enterprise Drive; to provide additional funding by the County toward satisfactory completion of the Project in the amount of FIVE MILLION TWO HUNDRED EIGHTEEN THOUSAND AND NO/100 DOLLARS (\$5,218,000.00); and to increase estimated Project cost to NINE MILLION FIVE HUNDRED NINETY-FOUR THOUSAND AND NO/100 DOLLARS (\$9,594,000.00). The scope of the Project shall continue to be to provide for engineering, right-of-way acquisition, utility relocations, inspections, and construction of Lakeside Parkway as a six-lane divided arterial between FM 2499 and SH 121. The total increased Denton County commitment toward satisfactory completion of the Project shall be in an amount which shall not exceed NINE MILLION FOUR HUNDRED EIGHTY-EIGHT THOUSAND AND NO/100 DOLLARS (\$9,488,000.00).

All other provisions of the original Agreement shall remain in full force and effect unless modified by subsequent written amendment signed by both of the Parties to the original Agreement.

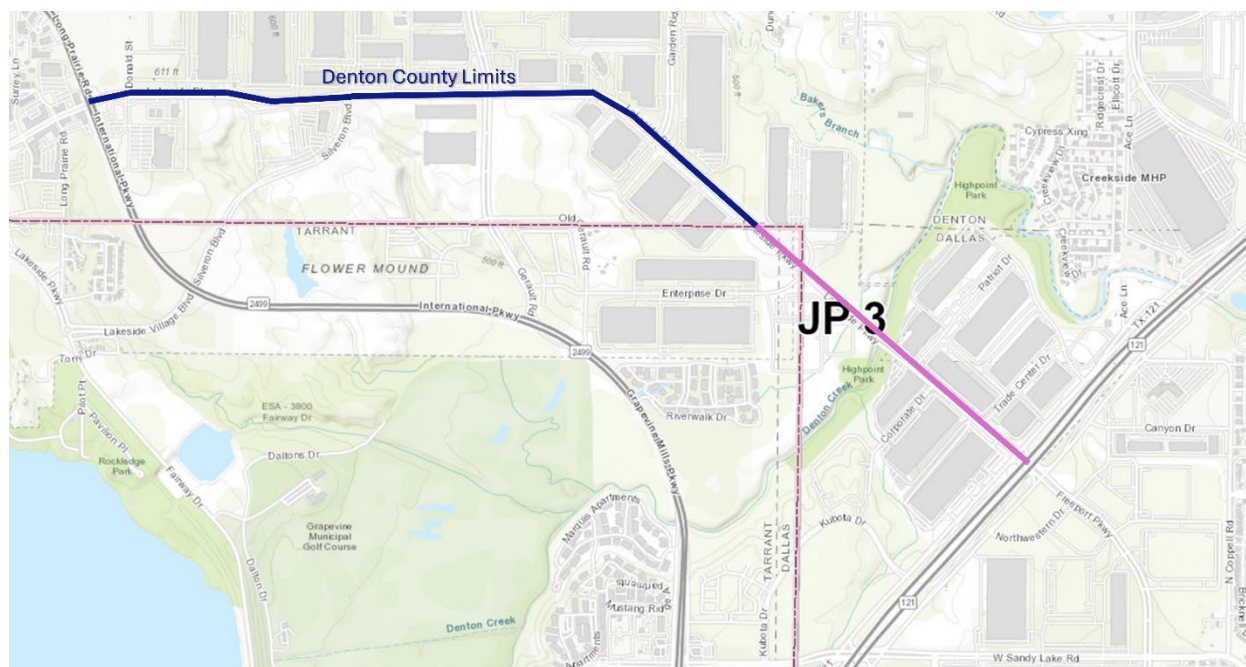
Denton County, Texas, hereby gives its specific written approval of the Parties prior to beginning the Project in satisfaction of the requirements of the Interlocal Cooperation Act, Texas Government Code Chapter 791.

By vote on this date, the Denton County Commissioners Court has approved the Project identified above and authorized execution of this document by the presiding officer of the Denton County Commissioners Court.

Date: _____

By: _____
Presiding Officer of the Denton
County Commissioners Court

EXHIBIT A: PROJECT EXHIBIT





TOWN COUNCIL AGENDA J.10. CONSENT ITEM(S)

DATE: September 15, 2025
FROM: Leandro Rodriguez, CIP Manager
ITEM: **Consider approval of the Interlocal Cooperation Agreement with Denton County for the FM 2499 at FM 3040 Intersection Improvements project, and authorize the Mayor to execute the same on behalf of the Town.**

BACKGROUND: The Town and County mutually desire to enter into this agreement to provide for the timely completion of the FM 2499 at FM 3040 Intersection Improvements project and to facilitate safe travel on an improved roadway.

The proposed ICA between Denton County and the Town of Flower Mound includes \$3,500,000 of Denton County funding for the purpose of providing engineering, right-of-way acquisition, utility relocations, inspections, and construction of FM 2499 at FM 3040 Intersection Improvements project.

If approved, staff will prepare and bring forward a CIP amendment to include the use of these interlocal funds in the CIP.

BOARD REVIEW/CITIZEN FEEDBACK: N/A

ALTERNATIVES: N/A

FISCAL IMPACT: (\$3,500,000)

Proposed Expenditure/(Revenue)
\$(3,500,000)

Account Number(s):
506-4793 Interlocal Funds

LEGAL REVIEW: Brennan Lafferty, of Taylor, Olson, Adkins, Sralla, & Elam L.L.P., has reviewed the agreement as to form and legality.

ATTACHMENTS:

1. ICA_Flower Mound_FM 2499-FM 3040

DRAFT MOTION: Move to approve as presented in the agenda caption.

THE STATE OF TEXAS §
 §
COUNTY OF DENTON §

**INTERLOCAL COOPERATION AGREEMENT BETWEEN
DENTON COUNTY, TEXAS, AND THE TOWN OF FLOWER MOUND, TEXAS**

THIS AGREEMENT is made, entered into and executed by and between Denton County, Texas (“the County”), a duly organized political subdivision of the State of Texas; and the Town of Flower Mound, Texas (“the Town”), a duly organized political subdivision of the State of Texas. The County and the Town are collectively referred to herein as “the Parties.”

WHEREAS, the County and the Town mutually desire to enter into this Agreement to provide engineering, right-of-way acquisition, utility relocations, inspections, and construction of FM 2499 and FM 3040 located entirely in the municipal limits of the Town and Denton County Commissioner Precinct #3, hereinafter “the Project”; and

WHEREAS, the estimated cost of completion for the Project is THREE MILLION FIVE HUNDRED THOUSAND AND NO/100 DOLLARS (\$3,500,000.00), with the County agreeing to contribute an amount which shall not exceed THREE MILLION FIVE HUNDRED THOUSAND AND NO/100 DOLLARS (\$3,500,000.00), based on current available funding, toward satisfactory completion of the Project; and

WHEREAS, the Interlocal Cooperation Act, Texas Government Code Chapter 791, hereinafter “the Act,” provides authorization for a local government to contract with one or more local governments to perform governmental functions and services under the terms of the Act, and the County and the Town hereby mutually agree to be subject to the provisions of the Act; and

WHEREAS, the County and the Town value the timely completion of the Project which involves roads which are an integral part of the County’s road system, and the Parties are undertaking the Project to facilitate safe travel on an improved roadway;

NOW, THEREFORE, this Agreement is hereby made and entered into by the County and the Town upon and for the mutual consideration stated herein:

WITNESSETH:

I.

Pursuant to Texas Government Code §791.011, the County and the Town hereby enter into this Agreement in order to perform certain governmental functions and services in the area of streets, roads, and drainage. The purpose of this Agreement is to provide a governmental function or service that each party is authorized to perform individually, and in accordance with Section

791.011(d)(3) of the Act, each Party is paying for the performance of governmental functions and services from current revenues available to the paying party.

II.

The County and the Town hereby agree that the scope of the Project shall be to provide engineering, right-of-way acquisition, utility relocations, inspections, and construction of FM 2499 and FM 3040, at an estimated cost of THREE MILLION FIVE HUNDRED THOUSAND AND NO/100 DOLLARS (\$3,500,000.00), with the County agreeing to contribute an amount which shall not exceed THREE MILLION FIVE HUNDRED THOUSAND AND NO/100 DOLLARS (\$3,500,000.00), based on current available funding, toward satisfactory completion of the Project. The Project is located entirely within the municipal limits of the Town and Denton County Commissioner Precinct #3.

III.

The County hereby agrees to contribute an amount which shall not exceed THREE MILLION FIVE HUNDRED THOUSAND AND NO/100 DOLLARS (\$3,500,000.00), provided that any and all funding is approved by formal action of the Denton County Commissioners Court.

IV.

The Town agrees to provide all engineering, right-of-way acquisition, utility relocations, inspections, construction, and maintenance of the Project. The Town shall timely provide the County with all invoices and requested documentation in an amount which shall not exceed THREE MILLION FIVE HUNDRED THOUSAND AND NO/100 DOLLARS (\$3,500,000.00).

V.

This exchange of in-kind services between the County and the Town is deemed adequate consideration for the obligations exchanged by the Parties herein.

VI.

As the Town proceeds with the completion of the Project, the Town shall submit all invoices for reimbursement to the Denton County Auditor, Mr. Jeff May, 1 Courthouse Drive, Suite 2000, Denton, Texas 76208, c/o Mr. John Polster, Innovative Transportation Solutions, Inc., 2701 Valley View Lane, Farmers Branch, Texas 75234. The Town shall submit invoices on a monthly basis, and the County shall reimburse the Town on a pro rata basis for all approved expenses related to the Project within thirty calendar days of receipt of an invoice from the Town, provided that all expenditures are made in a manner which is consistent with the terms of this Agreement. Upon

satisfactory completion of the Project, the County and the Town shall prepare and complete a full audit of the Project.

VII.

As required by Texas Transportation Code §251.012 and as evidenced by the signature of the Town's representative below, the governing body of the Town by the execution of and approval of this Agreement hereby approves of the expenditure of County money to finance the construction, improvement, maintenance, or repair of a street or alley in the County that is located in the Town.

VIII.

This agreement may be terminated in whole, or in part, by the County or the Town upon thirty days written notice to the other party. In the event of termination by the County, the County shall pay all approved invoices submitted up to and including the date of termination.

IX.

This Agreement represents the entire integrated agreement between the County and the Town and supersedes all prior negotiations, representations, and agreements, either oral or written. This Agreement may be amended only by written instrument signed by both of the Parties. Notices shall be directed as follows:

For Town: Honorable Cheryl Moore, Mayor
Town of Flower Mound, Texas
2121 Cross Timbers Road
Flower Mound, Texas 75028

Copy To: Traci Henderson, Town Secretary
Town of Flower Mound, Texas
2121 Cross Timbers Road
Flower Mound, Texas 75028

For County: Honorable Andy Eads, Denton County Judge
1 Courthouse Drive, Suite 3100
Denton, Texas 76208
andy.eads@dentoncounty.gov
holly.sadlowski@dentoncounty.gov

Copy To: Denton County District Attorney's Office - Civil Division
1450 East McKinney Street, Suite 3100
Denton, Texas 76209

X.

The covenants, terms, and conditions herein are to be construed under the laws of the State of Texas and are performable by the Parties in Denton County, Texas. The Parties mutually agree that venue for any obligation arising from this Agreement shall be in Denton County, Texas.

XI.

The Town agrees and understands that the Town, its employees, servants, agents or representatives shall at no time represent themselves to be employees, servants, agents or representatives of the County.

XII.

The Town agrees to accept full responsibility for the acts, negligence and omissions of all Town employees, agents, subcontractors or contract laborers and for all other persons doing work under a contract or agreement with the Town.

XIII.

This Agreement is not intended to extend the liability of the Parties beyond that provided for by law. Neither the County nor the Town waive, nor shall be deemed to have hereby waived, any immunity or defense that would otherwise be available to it against claims made by third parties.

XIV.

In the event that any portion of this Agreement shall be found to be contrary to law, it is the intent of the Parties hereto that the remaining portions shall remain valid and in full force and effect to the fullest extent possible.

XV.

The undersigned officers and agents of the Parties hereto are the properly authorized officials and have the necessary authority to execute this Agreement on behalf of the Parties hereto, and each party hereby certifies to the other that any necessary resolutions extending said authority have been duly passed and are now in full force and effect.

XVI.

This Agreement becomes effective when signed by the last party whose signing makes the respective agreement fully executed, and the term of this Agreement is for the life of the Project beginning on the date of execution of this Agreement and continuing until the Project is completed.

Executed this _____ day of _____, 2025.

DENTON COUNTY, TEXAS

1 Courthouse Drive, Suite 3100
Denton, Texas 76209

By: _____
Honorable Andy Eads
Denton County Judge
Acting by and on behalf of the authority
of the Denton County Commissioners Court

ATTEST:

By: _____
Denton County Clerk

TOWN OF FLOWER MOUND, TEXAS

2121 Cross Timbers Road
Flower Mound, Texas 75028

By: _____
Honorable Cheryl Moore
Mayor of the Town of Flower Mound, Texas
Acting by and on behalf of the authority
of the Town of Flower Mound, Texas

ATTEST:

By: _____
Town Secretary

APPROVED AS TO FORM:

By: _____
Town Attorney

COUNTY AUDITOR'S CERTIFICATE

I hereby certify funds are available to accomplish and pay the obligation of Denton County, Texas, under this Agreement.

Denton County Auditor

APPROVAL OF INTERLOCAL COOPERATION AGREEMENT

Denton County, Texas, acting by and through the Denton County Commissioners Court, hereby gives its specific written approval to the following Project, prior to beginning of the Project in satisfaction of Texas Government Code §791.014. The scope of the Project shall be to provide engineering, right-of-way acquisition, utility relocations, inspections, and construction of FM 2499 and FM 3040, at an estimated cost of completion of THREE MILLION FIVE HUNDRED THOUSAND AND NO/100 DOLLARS (\$3,500,000.00). The Project shall be located entirely within the municipal limits of the Town of Flower Mound and Denton County Commissioner Precinct #3.

The County hereby agrees to contribute an amount which shall not exceed THREE MILLION FIVE HUNDRED THOUSAND AND NO/100 DOLLARS (\$3,500,000.00), provided that any and all funding is approved by formal action of the Denton County Commissioners Court.

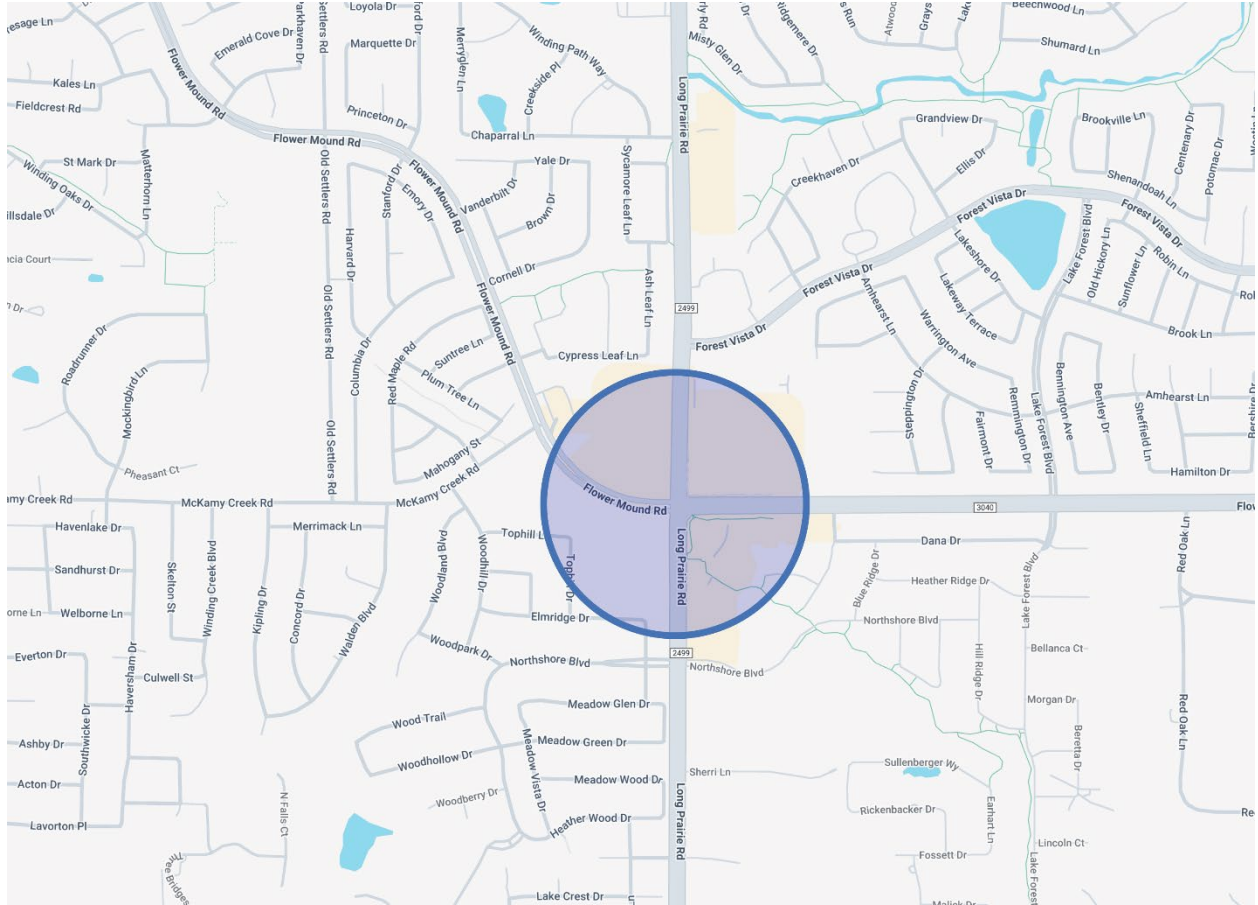
The local governments which requested the Project and with whom the Agreement is by and between are Denton County, Texas, and the Town of Flower Mound, Texas.

By vote on the date below, the Denton County Commissioners Court has approved the project identified above and authorized execution of this document by the presiding officer of the Denton County Commissioners Court.

Date: _____

By: _____
Presiding Officer of the Denton
County Commissioners Court

EXHIBIT A: PROJECT EXHIBIT





TOWN COUNCIL AGENDA J.11. CONSENT ITEM(S)

DATE: September 15, 2025

FROM: Leandro Rodriguez, CIP Manager

ITEM: **Consider approval of Amendment #1 to the Interlocal Cooperation Agreement with Denton County for the extension of Kirkpatrick Lane, and authorize the Mayor to execute the same on behalf of the Town.**

BACKGROUND: As part of the Denton County Transportation Road Improvement Program - 2022 (TRIP), the Town and County entered into the Interlocal Cooperation Agreement on November 19, 2019, for the construction associated with the extension of Kirkpatrick Lane with the county agreeing to contribute an amount of \$3,475,000. The purpose of this amendment is to terminate the agreement and end the obligations of both the Town and the County.

The Town has requested that the Denton County funding contribution intended for Kirkpatrick Lane instead be used for the Town's Lakeside Parkway Capacity Improvements and FM 2499 & FM 3040 Intersection Improvements projects via separate ICA Agreements.

If approved, Town staff will prepare and bring forward a CIP amendment to include the use of these funds in the CIP.

BOARD REVIEW/CITIZEN FEEDBACK: N/A

ALTERNATIVES: N/A

FISCAL IMPACT: N/A

Proposed Expenditure/(Revenue)

Account Number(s):

LEGAL REVIEW: Brennan Lafferty, of Taylor, Olson, Adkins, Sralla, & Elam L.L.P., has reviewed the agreement as to form and legality.

ATTACHMENTS:

1. ICA Amendment #1_Flower Mound_Kirkpatrick Lane

DRAFT MOTION: Move to approve as presented in the agenda caption.

THE STATE OF TEXAS §
 §
COUNTY OF DENTON §

**AMENDMENT NO. 1 TO INTERLOCAL COOPERATION AGREEMENT BETWEEN
DENTON COUNTY, TEXAS, AND THE TOWN OF FLOWER MOUND, TEXAS**

THIS AMENDMENT NO. 1 to the Interlocal Cooperation Agreement is made, entered into and executed by and between Denton County, Texas (“the County”), a duly organized political subdivision of the State of Texas; and the Town of Flower Mound, Texas (“the Town”), a duly organized political subdivision of the State of Texas. The County and the Town are collectively referred to herein as “the Parties.”

WHEREAS, the County and the Town entered into an Interlocal Cooperation Agreement on November 19, 2019, Denton County Court Order No. 19-0940, for the construction associated with the extension of Kirkpatrick Road as a 4-lane divided urban roadway on new alignment, completing its connection to Garden Ridge, located entirely within the municipal limits of the Town and Commissioner Precinct #3.

WHEREAS, the County agreed to contribute funds in the amount of THREE MILLION FOUR HUNDRED SEVENTY-FIVE THOUSAND AND NO/100 DOLLARS (\$3,475,000.00) toward substantial completion of the Project; and

WHEREAS, the County and the Town mutually desire to amend the Interlocal Cooperation Agreement to end the obligations of both the Town and the County; and

NOW, THEREFORE, the County and the Town for the mutual consideration hereinafter stated, agree and understand as follows:

The Interlocal Cooperation Agreement between the Town of Flower Mound, Texas and Denton County, Texas executed on November 19, 2019, for the construction associated with the extension of Kirkpatrick Road as a 4-lane divided urban roadway on new alignment, completing its connection to Garden Ridge located entirely within the municipal limits of the Town and Commissioner Precinct #3, is hereby and for all other purposes **TERMINATED**.

Executed this _____ day of _____, 2025.

DENTON COUNTY, TEXAS

1 Courthouse Drive, Suite 3100
Denton, Texas 76209

By: _____
Honorable Andy Eads
Denton County Judge
Acting by and on behalf of the authority
of the Denton County Commissioners Court

ATTEST:

By: _____
Denton County Clerk

TOWN OF FLOWER MOUND, TEXAS

2121 Cross Timbers Road
Flower Mound, Texas 75028

By: _____
Honorable Cheryl Moore
Mayor of Flower Mound
Acting by and on behalf of the authority
of the Town of Flower Mound, Texas

ATTEST:

By: _____
Town Secretary

APPROVED AS TO FORM:

By: _____
Town Attorney



TOWN COUNCIL AGENDA J.12. CONSENT ITEM(S)

DATE: September 15, 2025
FROM: Traci Henderson, Town Secretary
ITEM: **Consider approval of an ordinance amending Division 6 "Animal Services Board" of Article III, Chapter 2, Section 2-201, of the Town of Flower Mound Code of Ordinances, updating the powers and duties of the Animal Services Board, releasing all conflicting ordinances; providing a severability clause; and providing an effective date.**

BACKGROUND: During the 2024 Board and Commission application process, some Animal Services Board (ASB) members expressed interest in expanding the scope of duties. On February 25 the ASB created a subcommittee for the purpose of conducting research to identify possible additional areas of opportunity for ASB members to have an active role in serving the community or assisting the Animal Shelter staff. The subcommittee convened six times to collect information and generate ideas for possible additional ASB duties and responsibilities. Their recommendations were presented to the ASB at their June 18 meeting and were approved by the board.

During the August 4, 2025 Council meeting, Animal Services Board Chair, Elizabeth Soderburg, and Member Kelly Furnas presented to the council's proposed additions and changes to the Animal Services Board duties and responsibilities. Town Council and board members discussed visibility; awareness; advocacy; staff input on subcommittee; value of board members; increasing interest; purpose; statutory requirements for board; follow-up with progress; meeting frequency; history of previous statutory requirements; and new member onboarding.

Council advised Legal to draft the changes to the Ordinance as recommended by the Animal Service Board.

BOARD REVIEW/CITIZEN FEEDBACK: Council advised Legal to draft the changes to the Ordinance as recommended by the Animal Service Board.

ALTERNATIVES: Taking no action, the duties would remain the same.

FISCAL IMPACT: N/A

LEGAL REVIEW: Bryn Meredith of Taylor, Olson, Adkins, Sralla, & Elam L.L.P., has reviewed the ordinance as to form and legality.

ATTACHMENTS:

1. DRAFT Ordinance

DRAFT MOTION: Move to approve as presented in the agenda caption.

**TOWN OF FLOWER MOUND, TEXAS
DRAFT ORDINANCE NO. XX-XX**

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF FLOWER MOUND, TEXAS, AMENDING DIVISION 6, "ANIMAL SERVICES BOARD," OF ARTICLE III, "BOARDS, COMMITTEES, COMMISSIONS," OF CHAPTER 2, "ADMINISTRATION," OF THE CODE OF ORDINANCES, TOWN OF FLOWER MOUND, TEXAS, BY AMENDING THE ORGANIZATION, MEETINGS, PROCEDURES, POWERS, AND DUTIES OF THE ANIMAL SERVICES BOARD; PROVIDING THIS ORDINANCE SHALL BE CUMULATIVE OF ALL ORDINANCES; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Town of Flower Mound, Texas (the "Town"), is a home rule municipality acting under its charter adopted by the electorate pursuant to Article XI, Section 5, of the Texas Constitution and Chapter 9 of the Local Government Code; and,

WHEREAS, in accordance with the Town Charter, the Town Council of the Town has established certain boards and commissions that effectuate good government, including the Animal Services Board (the "Board"); and,

WHEREAS, the Town Council has determined that the ordinance that created and authorized the Board should be amended to expand and clarify the Board's powers and duties; and,

WHEREAS, the Town Council has determined that these changes will promote the health, safety, and welfare of the citizens of the Town;

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF FLOWER MOUND, TEXAS, THAT:

SECTION 1

All of the above premises are found to be true and correct factual and legislative determinations of the Town and are hereby approved.

SECTION 2

Division 6, "Animal Services Board," of Article III, "Boards, Committees, Commissions," of Chapter 2, "Administration" of the Code of Ordinances, Town of Flower Mound, Texas, is hereby amended in its entirety to read as follows:

"DIVISION 6. ANIMAL SERVICES BOARD

Sec. 2-201. - Created.

There is hereby created an advisory board known as the animal services board (referred to in this division as the “board”).

Sec. 2-202. - Purpose.

The purpose of the board is to advise the town council on policies and practices related to animal welfare, public safety, shelter operations, and responsible pet ownership by promoting collaboration between the public and the animal services department. The board aims to enhance the quality of life for both animals and residents while ensuring compliance with local, state, and federal animal-related regulations.

Sec. 2-203. - Organization of the animal services board.

- (a) The board shall consist of seven members and two alternates appointed by a majority vote of the town council in accordance with established procedures.
- (b) The board shall be composed of at least one licensed veterinarian, one county or municipal official, one person whose duties include the daily operation of the animal shelter, one representative from an animal welfare organization, and three citizen at-large positions. Two alternate positions, which shall be composed of citizens-at-large, shall be appointed.
- (c) Members shall be designated as places number one through seven, and alternates shall be designated as alternate place eight and alternate place nine.
- (d) The term of office of members and alternates of the board shall be for two years. Places one, three, five, seven, and alternate place nine shall be appointed to two-year terms ending on September 30 in odd-numbered years. Places two, four, six, and alternate place eight shall be appointed to two-year terms ending on September 30 in even-numbered years. The town council may remove members of the board and alternates before their terms of office expire.
- (e) Members and alternates shall be resident citizens, town employees, or business owners in the town. A member or alternate who ceases to reside in the town, be employed by the town, or own a business in the town during their term of office shall immediately forfeit their office.
- (f) Members and alternates shall serve without compensation.
- (g) Alternates shall serve primarily in an advisory capacity, except that an alternate may vote when sitting in place of an absent member at a board

meeting. In determining which of the two alternate members shall serve in the absence of a member, the alternate member with the longest tenure, or in the event of equal tenures, the alternate member with the lowest alternate position number shall so serve.

- (h) Other qualifications for membership include a demonstrated sincere interest in animals; the ability to work with the public, town staff, town council, and other town boards or commissions; the time to devote to service on the board; and a willingness to be involved in projects or events related to the board's purpose. Members may volunteer at the animal services center upon completion of any background checks or training, as required.

Sec. 2-204. - Officers, meetings, and procedures.

- (a) The board shall meet a minimum of three times per year.
- (b) A quorum of the board shall consist of the majority of the members and alternates sitting in place of members, excluding any vacancies. The presence of a quorum of the board shall be required prior to a board meeting being called to order.
- (c) Approval of all items before the board shall require the affirmative majority vote of those in attendance.
- (d) The board may adopt rules, subject to town council approval, for the conduct of its meetings.
- (e) At the first scheduled board meeting in October of each year, or as soon thereafter as practicable, the first item of business shall be the selection of the board's chairperson and vice-chairperson from among the membership of the board. Town employees and the alternates are not eligible to serve as the board chairperson or vice-chairperson or to participate in the selection of said chairperson or vice-chairperson.
- (f) The chairperson shall preside over meetings and shall vote only in case of a tie. In the event a question over procedures arises, Robert's Rules of Order, as revised, shall prevail.
- (g) The vice-chairperson shall assist the chairperson in directing the affairs of the animal services board. In the absence of the chairperson, the vice-chairperson shall assume the duties of the chairperson. The vice-chairperson, when acting as chairperson, shall retain the right to vote.
- (h) In the event of the absence of both the chairperson and vice-chairperson, any member of the board may be selected as the acting chairperson for that

particular meeting by majority vote of the members present. Any board member acting as chairperson shall retain the right to vote. No member shall be required to act as chairperson if the member so declines.

- (i) The recording of minutes of all board meetings shall be the responsibility of town staff.
- (j) The board shall establish rules and procedures that govern its operation.
- (k) All voting shall be by roll call.

Sec. 2-205. - Powers and duties.

- (a) The board will serve in an advisory capacity to the town council in matters pertaining to the animal shelter and/or animal control issues. The board may provide recommendations to the town council regarding its compliance with Chapter 826 of the Texas Health and Safety Code, as amended, and may recommend improvements to the efficiency and cost effectiveness of the town's animal control program.
- (b) The board shall assist the animal shelter in complying with the requirements of Chapter 823 of the Texas Health and Safety Code, as amended.
- (c) The board will advocate for the well-being of all animals by fostering collaboration, education, and outreach; encouraging responsible pet ownership; and raising awareness about homeless animals in need of caring homes.
- (d) The board shall perform such other duties as prescribed by the town council by ordinance or resolution.

Sec. 2-206. - Staff liaison.

The manager of the animal shelter, or such other person designated by the town manager, shall act as the town staff support and liaison to the board.”

SECTION 3

This Ordinance shall be cumulative of all provisions of ordinances and of the Code of Ordinances, Town of Flower Mound, Texas, except where the provisions of this Ordinance are in direct conflict with the provisions of such ordinances and such Code, in which event the conflicting provisions of such ordinances and such Code are hereby repealed.

SECTION 4

It is hereby declared to be the intention of the Town Council that the phrases, clauses, sentences, paragraphs, and sections of this Ordinance are severable, and if any phrase, clause, sentence, paragraph, or section of this Ordinance shall be declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs, and sections of this Ordinance, since the same would have been enacted by the Town Council without the incorporation in this Ordinance of any such unconstitutional phrase, clause, sentence, paragraph, or section, and said remaining portions shall remain in full force and effect.

SECTION 5

This Ordinance shall take effect and be in full force from and after the date of its passage, and it is so ordained.

DULY PASSED AND APPROVED BY THE TOWN COUNCIL OF THE TOWN OF FLOWER MOUND, TEXAS, BY A VOTE OF ____ TO ____, ON THIS THE 15th DAY OF SEPTEMBER, 2025.

APPROVED:

Cheryl Moore, MAYOR

ATTEST:

Traci Henderson, TOWN SECRETARY



TOWN COUNCIL AGENDA J.13. CONSENT ITEM(S)

DATE: September 15, 2025

FROM: Tommy Dalton, Assistant Town Manager

ITEM: **Consider approval of an ordinance amending ordinance 47-23 which created Tax Increment Reinvestment Zone No. 2 (TIRZ #2), to amend Section 3, entitled Board of Directors, by increasing the number of members appointed by the Commissioners Court of Denton County from one (1) to two (2) members.**

BACKGROUND: The purpose of this item is to amend the ordinance that created TIRZ #2 ("[Creation Ordinance](#)") to increase the number of members appointed by the Commissioner Court of Denton County from one (1) to two (2) members. The Creation Ordinance inadvertently limited the number of County appointments to one member.

On [December 16, 2024](#), the Town Council approved a participation agreement with Denton County for TIRZ #2. That agreement was subsequently approved by the Denton County Commissioners Court on [December 17, 2024](#). The [executed agreement](#) provides that the County shall have the right to appoint and maintain two (2) voting members on the Board of Directors for TIRZ #2 at all times.

The Denton County Commissioners Court appointed two (2) voting members to the TIRZ #2 Board of Directors on [August 5, 2025](#).

This amendment reconciles the error in the Creation Ordinance to be consistent with the participation agreement with Denton County.

This amendment does not change any other aspect of TIRZ #2 that would otherwise require a public hearing or County approval, which includes, but is not limited to the following:

1. Change the boundary of the zone;
2. Extend the term of the zone;
3. Increase the amount of bond indebtedness;
4. Change the percentage of a tax increment;
5. Increase the total estimated project costs; or
6. Designate additional property within the zone to be acquired.

BOARD REVIEW/CITIZEN FEEDBACK: This item does not require board review as Town Council is the sole approval authority.

ALTERNATIVES: N/A

FISCAL IMPACT: N/A

LEGAL REVIEW: Bryn Meredith, of Taylor, Olson, Adkins, Sralla, & Elam L.L.P., has reviewed the ordinance as to form and legality.

ATTACHMENTS:

1. Draft Ordinance

DRAFT MOTION: Move to approve as presented in the agenda caption.

**TOWN OF FLOWER MOUND, TEXAS
ORDINANCE NO. [REDACTED]**

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF FLOWER MOUND, TEXAS, AMENDING ORDINANCE NO. 47-23, WHICH CREATED REINVESTMENT ZONE NUMBER TWO, TOWN OF FLOWER MOUND, TEXAS, BY AMENDING SECTION 3, "BOARD OF DIRECTORS," BY INCREASING THE NUMBER OF MEMBERS APPOINTED BY THE COMMISSIONERS COURT OF DENTON COUNTY FROM ONE (1) TO TWO (2) MEMBERS; PROVIDING THAT THE CHAIRMAN OF THE BOARD SHALL ONLY VOTE IN CASES OF A TIE; MAKING CERTAIN FINDINGS; PROVIDING THAT THIS ORDINANCE SHALL BE CUMULATIVE OF ALL ORDINANCES; PROVIDING A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE.

WHEREAS, on November 6, 2023, the Town Council of the Town of Flower Mound, Texas (the "Town Council"), by the adoption of Ordinance No. 47-23, created Reinvestment Zone Number Two, Town of Flower Mound, Texas (the "Zone"); and

WHEREAS, on March 18, 2024, the Board of Directors of the Zone, and the Town Council, approved the Final Project and Finance Plan for Reinvestment Zone Number Two, Town of Flower Mound, Texas; and

WHEREAS, on December 16, 2024, the Board of Directors of the Zone, and the Town Council, approved the Reinvestment Zone Number Two, Town of Flower Mound, Texas, Amended and Restated Project and Finance Plan; and

WHEREAS, on December 16, 2024, the Town Council authorized the Town Manager to execute a participation agreement (the "Agreement") with the Commissioners Court of Denton County (the "County") that included the right of the County to appoint and maintain two (2) voting members on the Board of Directors of the Zone at all times; and

WHEREAS, on December 17, 2024, the County approved the Agreement that included the right of the County to appoint and maintain two (2) voting members on the Board of Directors of the Zone at all times; and

WHEREAS, the Town Council desires to amend Ordinance No. 47-23, to increase the number of members appointed by the County from one (1) to two (2) members, to be consistent with the Agreement.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF FLOWER MOUND, TEXAS:

SECTION 1.

That the recitals, findings, and determinations contained in the preamble to this Ordinance are incorporated into the body of this Ordinance as if fully set forth in this Section and are hereby found and declared to be true and correct legislative findings and are adopted as part of this Ordinance for all purposes.

SECTION 2.

That the Town Council does hereby amend Section 3, Board of Directors, of Ordinance No. 47-23, by amending subsections 3.1 and 3.2 to read as follows:

“3.1 The Town Council hereby creates a board of directors for the Zone (the "Board") consisting of eight members. Six members shall be appointed by the Town Council to Places 1,2,3,4, 5, and 6. Places 7 and 8 shall be appointed by the Commissioners Court of Denton County, Texas (the "County"), if the County participates in the Zone. If the County does not participate in the Zone, the Commissioners Court shall be deemed to have waived its right to appoint such members and Places 7 and 8 are automatically abolished.

3.2 The Town Council hereby appoints the following individuals to serve as the initial members of the Board for the terms indicated:

Place 1	Mayor	(term expires December 31, 2024)
Place 2	Council Place 1	(term expires December 31, 2025)
Place 3	Council Place 2	(term expires December 31, 2026)
Place 4	Council Place 3	(term expires December 31, 2025)
Place 5	Council Place 4	(term expires December 31, 2024)
Place 6	Council Place 5	(term expires December 31, 2026)

Places 7 and 8 shall be appointed by the County for a term that expires August 5, 2027.

Upon expiration of the indicated terms or upon Town Council action to reconstitute the initial Board by appointing replacement members, subsequent appointments to fill vacancies shall be for terms of two years. The member appointed to Place 1: 1) shall serve as the chairman of the Board; and, 2) may participate in the discussion of all matters coming before the Board but shall only vote in cases of a tie vote of the Board. The Board is authorized to elect a vice-chairman and other officers as determined by the Board.”

SECTION 3.

This Ordinance shall be cumulative of all provisions of ordinances and of the Code

of Ordinances, Town of Flower Mound, Texas, as amended, except where the provisions of this Ordinance are in direct conflict with the provisions of such ordinances and such Code, in which event the conflicting provisions of such ordinances and such Code are hereby repealed.

SECTION 4.

That if any provision, section, subsection, sentence, clause or phrase of this Ordinance, or the application of same to any person or set of circumstances, is for any reason held to be invalid, the validity of the remaining provisions of this Ordinance or their application to other persons or sets of circumstances shall not be affected thereby, it being the intent of the Town Council in adopting this Ordinance that no provision of this Ordinance shall become inoperative because of the invalidity of another provision; and, therefore, all provisions of this Ordinance are declared severable for that purpose.

SECTION 5.

This Ordinance shall take effect immediately upon its passage as provided by law.

PASSED AND APPROVED on this 15th day of September 2025.

Cheryl Moore, Mayor

ATTEST:

Theresa Scott, Town Secretary



TOWN COUNCIL AGENDA J.14. CONSENT ITEM(S)

DATE: September 15, 2025
FROM: Lori Linn-Gosser, Municipal Court Administrator
ITEM: **Consider the approval of an Interlocal Agreement with the City of Lewisville for a Youth Services Program to include teen court and youth diversion, and authorize the Mayor to execute the same on behalf of the Town.**

BACKGROUND: This interlocal agreement supersedes our current agreement, signed on September 21, 2009, with the City of Lewisville, to combine efforts in establishing and overseeing the daily operations of a teen court program. This updated agreement expands the program to include youth diversion services, as well as the continuation of teen court.

Teen court is a voluntary alternative program that allows young offenders to make restitution for an offense through community service, specialized classes, and jury service. By bringing the teens before a jury of their peers, teen court aims to prevent unlawful future behavior. Upon successful completion of teen court, their case is dismissed.

H.B. 3186 enacted the Texas Youth Diversion and Early Intervention Act. This law required all municipalities to implement a youth diversion plan aimed at reducing problem behaviors, identifying at-risk youth, and increasing collaboration between governmental, educational, and non-profit organizations.

The program is voluntary and emphasizes the accountability and responsibility of both parents and the child for the child's behavior. Each diversion plan is tailored to the child and the specific offense. Upon successful completion of the program, the child will avoid formal criminal charges being filed against them.

This interlocal agreement allows the Flower Mound Municipal Court to continue its successful partnership with the City of Lewisville Municipal Court and maintain these valuable alternative options. The Municipal Court currently collects court costs designated as special revenue by law to fund the Town's portion of these services each year.

BOARD REVIEW/CITIZEN FEEDBACK:

ALTERNATIVES:

FISCAL IMPACT: \$40,000

The above fiscal impact and proposed expenditure is offset by the revenue collected under the teen court fee, local youth diversion fee and local youth diversion administrative fee.

Proposed Expenditure
\$40,000

Account Number(s):
393-650-56000-5110

LEGAL REVIEW: No alteration to the legal content of this interlocal agreement was made, which had originally been approved by Taylor, Olson, Adkins, Sralla, & Elam L.L.P.

ATTACHMENTS:

1. Interlocal Agreement for Youth Diversion and Teen Court

DRAFT MOTION: Move to approve as presented in the agenda caption.

**INTERLOCAL AGREEMENT BETWEEN THE CITY OF
LEWISVILLE AND THE TOWN OF FLOWER MOUND TO
COMBINE EFFORTS FOR THE PROVISION OF A YOUTH
SERVICES PROGRAM TO INCLUDE TEEN COURT AND
YOUTH DIVERSION IN MUNICIPAL COURT**

This Interlocal Agreement ("Agreement") is entered into by and between the City of Lewisville (hereinafter "Lewisville") and the Town of Flower Mound (hereinafter "Flower Mound"), both entities being located in Denton County, Texas, each a "Party" and hereinafter referred to collectively as "Cities" or "Parties." This Agreement replaces in its entirety the Interlocal Agreement between the Parties dated September 21, 2009 ("2009 Agreement"), subject to the terms set forth herein. The Parties execute this Agreement as hereinafter provided, pursuant to the Texas Government Code, Chapter 791, known as the Interlocal Cooperation Act:

WHEREAS, the municipal courts of Lewisville and Flower Mound each intend to have a youth services program that would provide teen court and youth diversion services pursuant to Articles 45 and 45A of the Texas Code of Criminal Procedure and Chapter 54 of the Texas Family Code; and,

WHEREAS, a combined effort by the Parties would eliminate duplication, be more cost and time effective, and provide a greater pool of participants in the youth services program; and,

WHEREAS, Texas Government Code Chapter 791 authorizes local governments to enter into contracts with other local governments to perform governmental functions and services in accordance with the statute cited herein and the terms of the contract entered into; and,

WHEREAS, each Party is authorized to perform the services contemplated herein as a governmental function.

NOW, THEREFORE,

In consideration of the mutual covenants and the terms and conditions set forth below, the Parties do hereby agree as follows:

1. The Parties execute this Agreement for the purpose of maintaining the Lewisville/Flower Mound Youth Services Program ("Youth Services Program"). The Youth Services Program shall consist of (a) teen court services pursuant to Article 45A of the Texas Code of Criminal Procedure and Chapter 54 of the Texas Family Code ("Teen Court"); and (b) youth diversion services pursuant to Article 45 of the Texas Code of Criminal Procedure. The term of this Agreement shall be ten (10) years from the Effective Date (hereinafter defined), and shall automatically renew at the end of each ten (10) year term for a subsequent ten (10) year term, unless and until terminated by either Party or the Parties as set forth herein.
2. The Parties shall participate in any and all operating expenses associated with the Youth

Services Program. Payments by Flower Mound for such participation shall be made annually to Lewisville following the receipt of an invoice. Said invoice shall be paid within 30 days of receipt.

- 2.a. Lewisville shall furnish to Flower Mound, on or before July 1 of each year, the total budget requirements for the Youth Services Program for the next fiscal year beginning the following October 1. The cost of the Youth Services Program participation for the Town of Flower Mound shall be determined in January of each year. The cost of the program charged to Flower Mound shall be based on fifty percent of the operating expenses of the Youth Services Program operation from the previous fiscal year that ended September 30th. For the first effective year of this Agreement, the cost of the program shall be based on fifty percent of the operating expenses of the Youth Services Program operation from FY 2024-2025.
 - 2.b. In the event this Interlocal Agreement is terminated by either Party, as referenced in paragraph 11 herein, or otherwise not renewed for a subsequent year, a "true up" of actual costs shall occur and Flower Mound shall either (i) be refunded by Lewisville the amount of funds overpaid by Flower Mound or (ii) reimburse Lewisville the amount of any shortfall due and owing Lewisville. In either event, funds shall be paid to the proper Party no later than thirty (30) days from the date of "true up". The "true up" shall be calculated by dividing the annual charge by 12 and prorating the charged amount to reflect the actual number of months of program usage.
3. The Director of Lewisville Municipal Court will have oversight responsibility for the operation of the Youth Services Program and the performance under this Contract.
4. As far as practicable, Teen Court sessions will be held in both Cities on an alternating or rotating basis. It shall be the responsibility of the Party hosting the court session to provide and pay for the necessary facilities and security, including bailiff and courtroom security.
5. The Youth Services Program will be run on a day-to-day basis by a juvenile case coordinator that will be selected and employed by Lewisville and supervised by the Director of Lewisville Municipal Court. All costs for Youth Services, including salary and benefits, if any, for the juvenile case coordinator position and Teen Court Judge, shall be part of the costs identified in Paragraph Two as operating expenses, to be paid by the Parties on an annual basis as set forth therein.
6. The municipal courts of each municipality shall coordinate efforts to establish criteria for referrals to the Youth Services. Each Teen Court participant shall be assessed a \$20.00 fee, refundable at the respective municipal court's discretion, in lieu of the fine and/or court costs assessed in each case, which fee shall be retained by the referring City. Each Youth Diversion participant's parent shall be assessed a \$50 fee, refundable at the respective municipal court's discretion, which fee shall be retained by the referring City.
7. Quarterly activity reports will be provided to Flower Mound by Lewisville. Such reports

shall include, at a minimum, information for the relevant period, including the number of defendants referred to the Youth Services Program by each municipal court, the number of cases which successfully complete the Teen Court or Youth Diversion programs, the number of cases referred to the Teen Court or Youth Diversion programs which do not successfully complete such program, the number of active service providers, and such other available information as may be agreed upon by the Parties.

8. During the time any employee is working on tasks associated with or for the Youth Services Program, such employee shall continue to be an employee of the Party for which the employee works. During the time any employee other than the juvenile court coordinator position is working on tasks associated with or for the Youth Services Program, the Party employing such individual is solely responsible for payment of all wages and benefits while such employee is involved in activities pursuant to this Agreement. Payment will be made the same as though the services provided to the Youth Services Program had been rendered for the Party.
9. In performing duties under the Agreement, each Party will comply with all necessary Federal, State and local laws, regulations, and ordinances.
10. The governing body of any Party, in its sole discretion, may at any time withdraw its personnel, equipment, facilities, or discontinue participation in any activity initiated pursuant to this Agreement or terminate this Agreement upon providing not less than ninety (90) days written notice of withdrawal to the other participating Party. Additionally, this Agreement may be terminated at any time by mutual written agreement of the Parties.
11. In the event that any person performing services pursuant to this Agreement shall be cited as a party to a State or Federal civil lawsuit arising out of the performance of those services, that person shall be entitled to the same benefits that he or she would be entitled to receive if such civil action had arisen out of the performance of his or her duties as an employee of the Party as described in paragraph nine (9) above.
12. To the extent allowed by law, the Parties hereby waive all claims, and release, indemnify and/or reimburse, defend and hold harmless the other City, from and against any and all claims, suits, demands, losses, damages, causes of action and liability of every kind, including all expenses of litigation or settlement, including but not limited to court costs and attorneys fees which may arise due to any death or injury to any person, or the loss of, damage to, or loss of use of any property arising out of or occurring as a consequence of the performance of the Agreement whether such injuries, death or damages are caused by the sole negligence or the joint negligence of any Party, its officials, agents, officers and employees. It is the express intention of the Parties hereto that the indemnity provided for in this paragraph is indemnity by each City to indemnify and protect the other City from the consequences of a Party's own negligence, whether that negligence is a sole or a contributing cause of the damage, injury, or death.
13. It is expressly understood and agreed that, in the execution of this Agreement, no Party

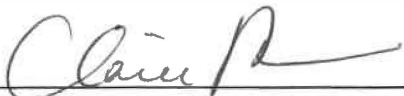
waives, nor shall be deemed hereby to waive, any immunity or defense that would otherwise be available to it against claims arising in the exercise of governmental powers and functions.

14. The Parties agree that if legal action is brought under this Agreement, exclusive venue shall lie in the Courts of Denton County, Texas, and its terms or provisions, as well as the rights and duties of the Parties hereunder, shall be governed by the laws of the State of Texas.
15. In case any one or more of the terms, sentences, paragraphs or provisions contained in this Agreement shall for any reason be held to be invalid, illegal, or unenforceable in any respect, such invalidity, illegality, or unenforceability shall not affect any other terms, sentences, paragraphs or provisions thereof, and this Agreement shall be construed as if such invalid, illegal, or unenforceable provision had never been contained here.
16. This Agreement may be amended or modified only by the mutual agreement of the Parties. Such amendment or modification must be in writing, signed by an authorized agent for the signing Party and attached to and incorporated into this Agreement.
17. This Agreement may be signed in multiple counterparts and shall be binding on and inure to the benefit of each Party when duly authorized by the governing body of each Party and signed by such Party's duly authorized representative.
18. This Agreement contains all commitments, agreements, warranties and representations of the Parties. Any oral or written commitments, agreements, warranties or representations not contained herein shall have no force or effect to alter any term or condition of this Agreement.

IN WITNESS WHEREOF, the Parties hereto have executed this Agreement to be effective upon execution and dating by each Party. This Agreement shall be effective from the last date signed and marked on this Agreement by a participating Party (the "Effective Date").

APPROVED BY THE CITY COUNCIL OF THE CITY OF LEWISVILLE, TEXAS:

BY:



Claire Powell, CITY MANAGER

DATE: Aug. 5, 2025

ATTEST:



Jennifer Malone, CITY SECRETARY

DATE: 8/5/2025



APPROVED AS TO FORM:



Lizbeth Plaster, CITY ATTORNEY

DATE: 8/5/2025

APPROVED BY THE TOWN COUNCIL OF THE TOWN OF FLOWER

MOUND, BY:

Cheryl Moore, MAYOR

DATE: _____

ATTEST:

Traci Henderson, TOWN SECRETARY

DATE: _____



TOWN COUNCIL AGENDA J.15. CONSENT ITEM(S)

DATE: September 15, 2025
FROM: Leandro Rodriguez, CIP Manager
ITEM: **Consider approval of a payment to Freedom Construction for emergency repairs at Fire Station #5 in the amount of \$123,143.18.**

BACKGROUND: Upon further inspection of the ceiling in the apparatus bay at Fire Station #5, it has become apparent that more extensive repairs to the roof rafter system, in the amount of \$123,143.18, are needed. This payment is for the temporary shoring of the ceiling to provide stabilization and ensure safety.

BOARD REVIEW/CITIZEN FEEDBACK: N/A

ALTERNATIVES: N/A

FISCAL IMPACT: \$123,143.18

Proposed Expenditure/(Revenue)
\$123,143.18

Account Number(s):
319-560-63000-4301

LEGAL REVIEW: N/A

ATTACHMENTS:

1. Invoice #20250538 - City of Flower Mound
2. Flower Mound Fire Station 5 6-30-25

DRAFT MOTION: Move to approve as presented in the agenda caption.



Invoice #20250538

BILL TO:

City of Flower Mound
City of Flower Mound
2121 Cross Timbers Rd
Flower Mound TX 75028

INVOICE DATE

8/19/2025

PLEASE PAY

\$123,143.18

DUE DATE

9/18/2025

JOB:

Flower Mound_Fire Station #5_Emergency Ceiling Repair_Emergency-NTP
Flower Mound Fire Station #5
Flower Mound TX 75028

Project Description: Emergency Response for ceiling repair FM Fire Station #5 - more information will be added as project progresses

Description**Rate/Price****Subtotal**

Shoring - Initial installation (4 weeks)
100% completed

\$123,143.18

\$123,143.18

Subtotal:

\$123,143.18

Taxes:

\$0.00

Credit:

\$0.00

TOTAL:

\$123,143.18

COMMENTS/SPECIAL INSTRUCTIONS

PO #: Emergency NTP-Helena Lynch/Chuck Dunn/Katherine Gorrasi



June 30, 2025

Chuck Dunn
2121 Cross Timbers Rd.
Flower Mound, TX 75028

Subject: City of Flower Mound Fire Station 5 Shoring

This bid includes all the labor and material to accomplish the following scope:

Scope:

- Build a 14' wide x 75' long x 26' tall shoring scaffold
- Attach 2x4's to the vertical members of the scissor truss to make a flat spot to be able to bump an aluminum beam up to the bottom of the affixed 2x4 and put the pressure back to the top cord of the truss
- Continuous beam running under the vertical members of the scissor truss
- Shoring will be rated for a 5KIP capacity evenly distributed
- Remove exhaust duct work and tube heater from roof

Schedule: 10 days

Notes:

- Lift, dumpster, and portable restroom will be supplied by Freedom Construction
- Permit is not included in this quote
- Bid expires 30 days from the date of this letter
- Work to be completed during normal business hours
- Cooperative Agreement Choice Partners contract number: 24/018MR-07

Initial Installation includes 4 weeks of shoring equipment rental

Total: \$123,143.18
(taxes excluded)

Weekly Rate after first 4 weeks

Total: \$896.62
(taxes excluded)

Thank you for the opportunity to bid this project. We look forward to working with you on this job and bidding any future projects you might pursue. If you have any questions, please call the undersigned at 817-602-4147 or glenn@freedomconstruct.net.

Sincerely,

Glenn Franks
Freedom Construction

Freedom Construction | 1204 Scotland Ave | Azle, TX 76020
Tamyra Franks - Owner | CEO tamyra@freedomconstruct.net 817-456-9263
Glenn Franks - Construction Program Manager glenn@freedomconstruct.net 817-602-4147



TOWN COUNCIL AGENDA J.16. CONSENT ITEM(S)

DATE: September 15, 2025
FROM: Paul Henley, Fire Chief
ITEM: **Consider approval of an ordinance amending Chapter 38 of the code of ordinances, entitled “Fire Prevention and Protection” to provide for adoption of the *International Fire Code*, 2024 edition and local amendments thereto.**

BACKGROUND: This ordinance updates the fire code adopted by the Town from the 2021 *International Fire Code* to the 2024 *International Fire Code* and adopts local amendments to the same. This code was reviewed for adoption as a joint effort between the Fire department and the Building Inspection Division. This joint review is necessary since the fire codes and building codes are designed to work in concert with each other.

BOARD REVIEW/CITIZEN FEEDBACK: N/A

ALTERNATIVES: N/A

FISCAL IMPACT: N/A

Proposed Expenditure/(Revenue)
N/A

Account Number(s):
N/A

LEGAL REVIEW: Annabelle Ackling, of Taylor, Olson, Adkins, Sralla, & Elam L.L.P., has reviewed the (contract, agreement, ordinance, resolution, etc.) as to form and legality.

ATTACHMENTS:

1. Amendments to the 2024 International Fire Code
2. Amendments to the 2024 International Fire Code Exhibit A
3. 2024 IFC Amendments-Legal

DRAFT MOTION: Move to approve as presented in the agenda caption.

TOWN OF FLOWER MOUND, TEXAS
ORDINANCE NO. _____

AN ORDINANCE OF THE TOWN OF FLOWER MOUND, TEXAS, AMENDING SECTION 38-1, "INTERNATIONAL FIRE CODE ADOPTED," AND SECTION 38-5, "AMENDMENTS TO THE INTERNATIONAL FIRE CODE, 2021 EDITION," OF CHAPTER 38, "FIRE PREVENTION AND PROTECTION," OF THE CODE OF ORDINANCES, TOWN OF FLOWER MOUND, TEXAS, BY ADOPTING THE 2024 EDITION OF THE INTERNATIONAL FIRE CODE AND LOCAL AMENDMENTS THERETO; PROVIDING THAT THIS ORDINANCE SHALL BE CUMULATIVE; PROVIDING A SAVINGS CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR A PENALTY FOR VIOLATIONS; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Town of Flower Mound, Texas (the "Town"), is a home rule municipality acting under its charter adopted by the electorate pursuant to Article XI, Section 5, of the Texas Constitution and Chapter 9 of the Local Government Code; and,

WHEREAS, the Town Council has previously adopted the 2021 edition of the International Fire Code; and,

WHEREAS, the International Code Council ("ICC") has developed a set of comprehensive and coordinated national model construction codes (known as the International Codes), and the International Fire Code has been prepared by the ICC and reviewed by the North Central Texas Council of Governments ("NCTCOG") and by Town staff; and,

WHEREAS, the Town Council desires to provide a mechanism by which local modifications reflecting the unique needs of the Town may be made when deemed appropriate; and,

WHEREAS, the NCTCOG and Town staff have recommended adoption of certain amendments to the International Fire Code to reflect locally accepted practice; and,

WHEREAS, the Town Council has determined that it is in the best interest of the citizens of the Town to update and adopt the 2024 edition of the International Fire Code (the "Code") as the minimum standards of the Town, and has determined that this will promote the public health, safety, and welfare of the citizens of the Town and the general public, as set forth herein and said Code are specifically modified by this Ordinance.

NOW THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF FLOWER MOUND, TEXAS, THAT:

SECTION 1.

Section 38-1, "International Fire Code Adopted," of Chapter 38, "Fire Prevention and Protection," of the Code of Ordinances, Town of Flower Mound, Texas, is hereby amended in its entirety to read as follows:

"Sec. 38-1. – International Fire Code adopted.

The 2024 edition of the International Fire Code is hereby adopted as the official fire code of the town and is fully incorporated by reference as though copied into this chapter in its entirety. The material contained in such code, and any local amendments thereto, shall not be included in the formal municipal codification of ordinances but shall be maintained as a public record in the office of the town secretary and will be available for public inspection and copying during regular business hours."

SECTION 2.

Section 38-5, "Amendments to the International Fire Code, 2021 Edition," of Chapter 38, "Fire Prevention and Protection," of the Code of Ordinances, Town of Flower Mound, Texas, is hereby amended in its entirety to read as follows:

"Sec. 38-5. – Amendments to the International Fire Code, 2024 edition.

The 2024 edition of the International Fire Code, as adopted herein, is hereby amended as shown in Exhibit "A" attached to Ordinance No ____."

SECTION 3.

This Ordinance shall be cumulative of all provisions of the Code of Ordinances, Town of Flower Mound, Texas, as amended, except where the provisions of this Ordinance are in direct conflict with such ordinances, in which event the conflicting provisions of such ordinances are hereby repealed.

SECTION 4.

All rights and remedies of the Town are expressly saved as to any and all violations of the provisions of any ordinances of the Town which have accrued at the time of the effective date of this Ordinance; and, as to such accrued violations and all pending litigation, both civil and criminal, whether pending in court or not, under such ordinances, same shall not be affected by this Ordinance but may be prosecuted until final disposition by the courts.

SECTION 5.

It is hereby declared to be the intention of the Town Council that the phrases, clauses, sentences, paragraphs, and sections of this Ordinance are severable, and if any phrase, clause, sentence, paragraph, or section of this Ordinance shall be declared invalid or unconstitutional by the valid judgment or decree of any court of competent jurisdiction, such invalidity or unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs, and sections of this Ordinance since the Town Council would have enacted the same without the incorporation in this Ordinance of any such invalid or unconstitutional phrase, clause, sentence, paragraph, or section.

SECTION 6.

Any person, firm, or corporation who violates, disobeys, omits, neglects, or refuses to comply with or who resists the enforcement of any of the provisions or terms of this Ordinance shall be guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine as provided in Section 1-13 of the Code of Ordinances, Town of Flower Mound, Texas. Each day any such violation or violations exist shall constitute a separate offense and shall be punishable as such.

SECTION 7.

This Ordinance shall take effect and be in full force from and after its passage.

DULY PASSED AND APPROVED BY THE TOWN COUNCIL OF THE TOWN OF FLOWER MOUND, TEXAS, BY A VOTE OF _____ TO _____, ON THIS THE _____ DAY OF _____, 2025.

APPROVED:

Cheryl Moore, MAYOR

ATTEST:

Traci Henderson, TOWN SECRETARY

EXHIBIT A

2024 edition of the International Fire Code

SEC. 38-2. TEMPORARY RESTRICTED AREAS.

- (a) *Designation; marking.* From time to time, the chief of the fire department and his designated assistants may designate temporary restricted areas in case of an ongoing fire, arson investigation, or temporary emergencies that endanger life or property. Such restricted areas shall be visibly marked by three-inch-wide yellow tapes placed on the ground surrounding such restricted areas, which shall contain the words "DO NOT CROSS."
- (b) *Entry is prohibited, with exceptions.* It shall be unlawful for any person other than a member of the fire department, police department, law enforcement agency, or emergency medical personnel to cross such tapes and enter such restricted areas.

SEC. 38-3. ENFORCEMENT.

The Fire Chief, or his designee, is hereby authorized and directed to enforce all provisions of the Fire Code within the Town's corporate limits and the Town's extraterritorial jurisdiction, per the Code of Ordinances of the Town of Flower Mound, Texas.

The Fire Code shall be administered and enforced by the Fire Prevention Division, also known as the Fire Marshal's Office, of the Fire Department of the Town of Flower Mound; said division is hereby established and shall be operated under the supervision of the Fire Chief.

With collaboration from the Fire Marshal, the Fire Chief may appoint such qualified persons to the Fire Marshal's Office as necessary to serve as Inspectors. Each assigned inspector shall be authorized to enforce the Fire Code's provisions as outlined in Section 103 of the International Fire Code. In addition, the Fire Chief may recommend to the Town Manager the employment of technical specialists, who shall be appointed based on proper qualifications if such authorization is made.

Members of the Fire Marshal's Office shall inspect any building, property, place, or thing in the Town as often as necessary by Section 104 of the International Fire Code and other relevant sections.

SEC. 38-4. DEFINITIONS.

The following words, terms, and phrases, when used in the Fire Code adopted in this article, shall have the meanings ascribed to them in this section, except where the context indicates a different meaning:

- (a) Whenever the word "jurisdiction" is used in the International Fire Code, 2024 Edition, it shall mean the corporate limits of the Town of Flower Mound, Texas.
- (b) Whenever the phrase "Code Official" or "Fire Code Official" is used in the International Fire Code, 2024 Edition, it shall mean the Fire Chief of the Flower Mound Fire Department or his designee, the Fire Marshal.

SEC. 38-5. AMENDMENTS TO THE INTERNATIONAL FIRE CODE, 2024 EDITION.

The regional amendments to the International Fire Code, 2024 Edition, recommended by the North Central Texas Council of Governments ("NCTCOG Amendments") to repeal and reenact or add sections to the International Fire Code, 2024 Edition, which amendments are attached hereto as Attachment A are hereby adopted by the Town of Flower Mound, Texas, and incorporated herein by reference just as though such amendments were set forth herein in their entirety, to amend the International Fire Code, 2024 Edition. In addition, the following amendments further repeal and reenact or add sections to the International Fire Code, 2024 Edition, adopted in this article for consistency with specific past practices and the recommendations of the North Central Texas Council of Governments, and all sections not expressly amended remain in full force and effect as adopted.

CHAPTER 1 – ADMINISTRATION

SECTION 101 SCOPE AND GENERAL REQUIREMENTS

101.1 TITLE These regulations shall be known as the Fire Code of the Town of Flower Mound, referred to as "this code."

SECTION 102 APPLICABILITY

Section 102.1; change #3 to read as follows:

- 3. Existing structures, facilities, and conditions when required in Chapter 11 or in specific sections of this code.

Section 102.3; delete the Exception:

102.3 CHANGE OF USE OR OCCUPANCY A change of occupancy shall not be made unless the use or occupancy is made to comply with the requirements of this code and the *International Existing Building Code*.

~~**Exception:** Where approved by the Fire Code Official, a change of occupancy shall be permitted without complying with the requirements of this code and the~~

~~International Existing Building Code, provided that the new or proposed use or occupancy is less hazardous, based on life and fire risk, than the existing use or occupancy.~~

Section 102.3.1; change to read as follows:

102.3.1 USE AND OCCUPANCY No building or structure shall be used or occupied, and no change in the existing occupancy classification or ownership of a building or structure or portion thereof shall be made until the *building official* has issued a certificate of occupancy, as provided herein. The issuance of a certificate of occupancy shall not be construed as approval of a violation of any provision of this code or other ordinances, court orders, or jurisdictional regulations.

Section 102.4 change to read as follows:

102.4 APPLICATION OF OTHER CODES The design and construction of new structures shall comply with this code and other codes as applicable, and any alterations, additions, changes in use, or changes in structures required by this code that are within the scope of the International Building Code shall be made accordingly.

SECTION 103 DEPARTMENT OF FIRE PREVENTION

Section 103.1; change to read as follows:

103.1 CREATION OF THE AGENCY The Fire Prevention Division, also known as the Fire Marshal's Office (FMO), is part of the Fire Department for the Town of Flower Mound, Texas. Its primary responsibility is to enforce the Fire Code within its jurisdiction. The division operates under the Fire Marshal, who is also referred to as the "Fire Code Official," "Fire Official," or simply "Fire Marshal." The primary function of this division is to implement, administer, and enforce the provisions of the Fire Code.

Section 103.2; change to read as follows:

103.2 APPOINTMENT. The Fire Chief shall appoint the Fire Marshal/Fire Code Official and follow the Town of Flower Mound's procedures. The Fire Marshal can only be removed from their position if there is a valid reason and after being given a chance to defend themselves against specific and relevant charges before the appointing authority.

Section 103.3; change to read as follows:

103.3 DEPUTIES Under the regulations of the Town of Flower Mound, the Fire Marshal has the authority to assign officers, technical officers, inspectors, and other employees and delegate certain powers to these employees. The Fire Marshal's Office officers are duly sworn Peace Officers for the State of Texas. They are authorized to exercise the

powers and rights of a police officer when performing their duties under this code and for the Town of Flower Mound.

SECTION 104 GENERAL AUTHORITY AND RESPONSIBILITIES

Section 104.1; change to read as follows:

104.1 GENERAL. The Fire Code Official is authorized to enforce the provisions of this code and other related ordinances, codes, or standards referenced by the code or assigned to the Fire Marshal's Office. They have the power to interpret this code and establish policies, procedures, rules, and regulations that clarify the application of its provisions. However, any interpretation, policy, procedure, rule, or regulation must comply with the intent and purpose of this code. These policies cannot waive any requirements that this code or referenced codes have expressly provided.

Section 104.1.1; add to read as follows:

104.1.1 AUTHORITY OF THE FIRE MARSHAL AND THE FIRE MARSHAL'S OFFICE. The Fire Marshal is authorized to take necessary actions to protect people and property from fire hazards. This authority includes issuing Notices of Violation, Fire Marshal's Orders, and Citations to ensure compliance with Fire and Building Codes. The Fire Marshal may delegate this authority to other Fire Marshal's Office members.

Section 104.2.3; delete the exception as follows:

104.2.3 ALTERNATIVE MATERIALS, DESIGN, AND METHODS OF CONSTRUCTION AND EQUIPMENT. The provisions of this code are not intended to prevent the installation of any material or to prohibit any design or method of construction not specifically prescribed by this code, provided that this code does not explicitly prohibit such alternatives and they have been *approved*.

~~**Exception:** Performance-based alternative materials, designs, construction methods, and equipment comply with the International Code Council Performance Code.~~

Section 104.4; change to read as follows:

104.4 RIGHT OF ENTRY Where it is necessary to inspect or to enforce the provisions of this code, or where the Fire Code Official has reasonable cause to believe that there exists in a structure or on any premises unsafe, dangerous, or hazardous conditions situations, the Fire Code Official is authorized to enter the structure or premises at all reasonable times to inspect or perform the duties imposed on the Fire Code Official by this code. If such a structure or premises is occupied, the Fire Code Official shall present credentials to the occupant and request entry. If such structure or premises is unoccupied, the Fire Code Official shall first make reasonable efforts to locate the owner, the owner's authorized agent, or another person in charge or control of the structure or premises and

request entry. If entry is refused, the Fire Code Official shall have recourse to every remedy provided by law to secure entry. No owner or occupant or any other person having charge, care, or control of any structure or premises shall fail to neglect, after proper demand is made as herein provided, to properly permit entry by the Fire Code Official or his authorized representatives for inspection or examination under such exigent circumstances affecting the safety of persons and property or to take such prudent action to abate a fire hazard.

Section 104.1; change to read as follows:

104.4.1 WARRANT. Where the Fire Code Official has first obtained a proper inspection warrant or other remedy provided by law to secure entry, an owner, the owner's authorized agent, or occupant or person having charge, care, or control of the structure or premises shall not fail or neglect, after a proper request is made as herein provided, to permit entry therein by the Fire Code Official for inspection and examination under this code. The Fire Marshal or an authorized representative can obtain a warrant for inspecting a building or premises under Article 18.05 of the Texas Code of Criminal Procedure, as amended.

Section 104.6; change to read as follows:

104.6 NOTICES AND ORDERS. The fire code official is authorized to issue necessary notices or orders to ensure compliance with this code. Notices of violations shall adhere to Section 113.

Section 104.7.7; add to read as follows:

104.7.7 PHOTOGRAPHIC DOCUMENTATION. Authorized Fire Marshal's Office members can conduct examinations and inspections to document annual fire inspections and study fire hazards. During these examinations, inspections, and assessments, they can take a required number of photographs, audio recordings, or video recordings as evidence and records for the Fire Marshal's Office. The authorized members will present proper credentials to carry out their duties effectively.

Section 104.11 – 104.11.3; change to read as follows:

104.11 AUTHORITY AT FIRES AND OTHER EMERGENCIES. The Fire Chief, Fire Marshal, or officer of the fire department in charge at the scene of a fire or other emergency that threatens life or property has the authority to direct operations as necessary to extinguish or control the fire, carry out rescue operations, investigate suspected fires or gas leaks, and take any other action required to perform their duty. In carrying out these responsibilities, the Fire Chief, Fire Marshal, or officer in charge of the fire department at the scene can stop any person, vehicle, vessel, or object from approaching the scene. They are also authorized to remove or keep away any person, vehicle, vessel, or object that may interfere with the fire department's operations. Additionally, any person not employed in extinguishing the fire or preserving property in

the area may also be removed if, in the judgment of the Fire Marshal, Fire Chief, or their designee, they are hindering emergency operations.

104.11.1 BARRICADES. The Fire Chief, Fire Marshal, or officer of the fire department in charge at the scene of an emergency is authorized to place ropes, guards, barricades, or other obstructions across any street, alley, place, or private property in the vicinity of such operation to prevent accidents or interference with the lawful efforts of the fire department to manage and control the situation and to handle fire apparatus.

104.11.2 OBSTRUCTING OPERATIONS. Persons shall not obstruct the operations of the fire department in connection with extinguishment or control of any fire, or actions relative to other emergencies, or disobey any lawful command of the Fire Chief, Fire Marshal, or officer of the fire department in charge at the scene of an emergency, or any part thereof, or any lawful order of a police officer assisting the fire department.

104.11.3 SYSTEMS AND DEVICES. Persons shall not render a system or device inoperative during an emergency unless directed to do so by the Fire Chief, Fire Marshal, or a fire department official in charge of the incident.

Section 104.11.4 – 104.11.6; add to read as follows:

104.11.4 UTILITIES. In an emergency, the Fire Chief, Fire Marshal, or officer in charge of the fire department at the scene has the authority to order the disconnection of gas, electricity, or other utilities to a building or structure without incurring liability if it is deemed necessary for public safety.

104.11.5 EVACUATION. The Fire Chief, Fire Marshal, or officer in charge of the fire department at the scene is authorized to order people to evacuate a building or structure if necessary for their safety. It is illegal for anyone to refuse to evacuate upon such an order or to resist or obstruct the evacuation of other people.

104.11.6 DISASTER AUTHORITY. During a Federal, State, or Town emergency or disaster declaration, the Fire Chief, Fire Marshal, or officer in charge of the fire department at the scene has the authority to take necessary action to evacuate areas, control traffic, or take any other measures that may save lives, prevent human suffering, or mitigate property damage. Any action or inaction is considered effective if it can contribute to preserving lives and property or preventing suffering.

Section 104.12; add to read as follows:

104.12 REMOVAL OF DEBRIS AND WASTE AFTER A FIRE. Upon extinguishment of a fire, the property owner or their authorized agent shall be responsible for removing all fire-related debris and waste from the property in a safe and timely manner. This includes, but is not limited to, charred materials, ash, damaged structural components, and any other waste generated from the fire. The Fire Marshal is authorized to order the immediate abatement of any fire-related debris and waste that poses a hazard to public safety or the environment. Failure to comply with these orders may result in enforcement actions, including fines and penalties.

SECTION 105 PERMITS/WORK AUTHORIZATIONS

Section 105.2.5; add to read as follows:

105.2.5 WORKING WITHOUT A PERMIT All work requiring a permit must not begin until the permit or approval has been obtained through the Fire Code Official. Additionally, approved plans must be available at the exact location for reference.

If work commences before obtaining a permit, the Authority Having Jurisdiction (AHJ) may impose an increased fee of up to 100%. However, paying the increased fee does not exempt individuals from fulfilling all permit requirements or prevent the enforcement of additional penalties.

Section 105.3.3; change to read as follows:

105.3.3 OCCUPANCY PROHIBITED BEFORE APPROVAL. The building or structure shall not be occupied or used for any purpose other than the permitted and approved construction or alteration activities until the building official issues a Certificate of Occupancy. This certification is only granted after all required inspections are completed, confirming that the relevant provisions of this code and other codes of the building or structure have been met.

Section 105.4.1; add to read as follows:

105.4.1 PERMIT/PLANS NOT ON SITE. If the Fire Marshal or their representative requests a permit or approved plans that are not provided, the person in charge of the authorized work will be charged a fee of \$75.00. Further inspections will not be scheduled or performed until payment is made.

Section 105.5; change to read as follows:

105.5. REQUIRED OPERATIONAL PERMITS. The Fire Code Official is authorized to issue operational permits for the operations outlined in Sections 105.5.1 through 105.5.61.

Section 105.5.30; change to read as follows:

105.5.30 LP-GAS. An operational permit is required for:

1. Storage and use of LP-Gas.

Exception: A permit is not required for individual containers with a water capacity of 20 gallons (9.0 kg) or less serving occupancies in Group R-3.

2. Operation of cargo tankers that transport LP gas.

Section 105.5.51; change to read as follows:

105.5.51 TEMPORARY MEMBRANE STRUCTURES, SPECIAL EVENT STRUCTURES, AND TENTS An operational permit is required to operate an air-supported temporary membrane structure, a temporary special event structure, or a tent having an area of 400 square feet or greater.

Exception:

1. Tents used exclusively for recreational camping purposes.
2. ~~Tents, curtains, and extensions attached thereto when used for funeral services.~~
3. ~~Tents open on all sides, which comply with all of the following:~~
 - 3.1 ~~Individual tents shall have a maximum size of 700 square feet (65 m²).~~
 - 3.2 ~~The aggregate area of multiple tents placed side by side without a firebreak clearance of not less than 12 feet (3658 mm) shall not exceed 700 square feet (65 m²) total.~~
 - 3.3 ~~A minimum clearance of 12 feet (3658 mm) to structures and other tents shall be maintained.~~

Section 105.5.58; add to read as follows:

105.5.58 MODEL ROCKETRY. An operational permit is required to demonstrate and use model rockets per NFPA 1122.

Section 105.5.59; add to read as follows:

105.5.59 FIREFIGHTER AIR REPLENISHMENT SYSTEM. An operational permit is required to maintain a Firefighter Air Replenishment System.

Section 105.5.60; add to read as follows:

105.5.60 ELECTRIC VEHICLE (EV) CHARGING STATIONS. Operational permits are required for the ongoing operation of an electric vehicle charging station.

Section 105.5.61; add to read as follows:

105.5.61 RESIDENTIAL BOARDING HOMES AND CARE FACILITIES. An operational permit is required to operate a residential boarding home or care facility as defined by

Texas Health and Safety Code Chapter 769.002.

105.6 REQUIRED CONSTRUCTION PERMITS. The Fire Code Official is authorized to issue construction permits for work outlined in Sections 105.6.1 through 105.6.27.

Section 105.6.6; change to read as follows:

105.6.6 ENERGY SYSTEMS A construction permit is required to install energy systems regulated by Chapter 12.

Section 105.6.26; add to read as follows:

105.6.26 ELECTRONIC ACCESS CONTROL SYSTEMS. Construction permits are required to install or modify an electronic access control system, as specified in Chapter 10. A separate construction permit is required to install or modify a fire alarm system connected to an access control system. Maintenance following this code is not considered a modification and does not require a permit.

Section 105.6.26; add to read as follows:

105.6.27 FIREFIGHTER AIR REPLENISHMENT SYSTEM (FARS). A construction permit is required to install or modify FARS. The construction permit application shall include documentation of an acceptance and testing plan specified in Section L105.

Section 105.6.28; add to read as follows:

105.6.28 ELECTRIC VEHICLE (EV) CHARGING STATIONS. Construction permits are required to install or modify an electric vehicle charging station. Maintenance following this code is not considered a modification and does not require a permit.

SECTION 108 FEES

Section 108.3; delete this section in its entirety:

~~**108.3 PERMIT VALUATIONS.** The applicant for a permit shall provide an estimated value of the work for which the permit is being issued at the time of application. Such estimated valuations shall include the total value of work, including materials and labor, for which the permit is being issued, such as electrical, gas, mechanical, plumbing equipment, and permanent systems. Where, in the opinion of the fire code official, the valuation is underestimated, the permit shall be denied unless the applicant can show detailed estimates acceptable to the fire code official. The fire code official shall have the authority to adjust the final valuation for permit fees.~~

Section 108.4; change to read as follows:

108.4 WORK COMMENCING BEFORE PERMIT ISSUANCE. Any person, firm, partnership, corporation, association, or other entity that commences any work, activity, or operation regulated by this code without obtaining the necessary permits shall be deemed guilty of a misdemeanor and, upon conviction, shall be fined not more than \$2,000.00. Each day work continues shall constitute a separate and distinct violation in addition to the required permit fees.

SECTION 109 INSPECTIONS

Section 109.2.1; change to read as follows:

109.2.1. INSPECTIONS REQUEST. It shall be the duty of the permit holder or his duly authorized agent to notify the Fire Marshal when the work is ready for inspection. It shall be the duty of the permit holder to provide access to and means for inspections of such work that are required by this code. The permit holder shall schedule all necessary inspections 72 hours in advance. If the inspection fails to pass and a return inspection is needed, the return inspection shall constitute a re-inspection. As per Section 38-10, "Schedule of Fees," an additional fee will be assessed for each subsequent re-inspection.

Section 109.2.3; add to read as follows:

109.2.3 INSPECTION FEES APPLICABILITY. The Fire Code Official or his designated representative shall inspect all buildings, premises, or portions as often as necessary. Inspection fees shall be per Section 38-11, "Schedule of Fees," of Chapter 38, Fire Prevention and Protection. A fee shall be charged if the Fire Code Official or their designee must conduct follow-up inspections after the initial inspection and re-inspection to determine whether any observed violations from the previous inspection have been corrected. The occupant, lessee, or person using the building or premises shall pay said fee or fees within thirty (30) days of being billed as a condition for continued lawful occupancy.

SECTION 112 MEANS OF APPEALS

Section 112.1; change to read as follows:

112.1 APPEALS. If an application for a permit is denied or refused, or if it is believed that the provisions of the Code have been wrongly interpreted, the applicant has the right to appeal the Fire Code Official's decision to the Fire Chief. This appeal must be made within thirty (30) days of the original decision date.

Section 112.2; change to read as follows:

112.2 LIMITATIONS ON AUTHORITY. If you wish to appeal, you must claim that the code or its legally adopted rules have been misinterpreted, that the code does not fully

apply, or that an equivalent or better construction is proposed. ~~The board shall not have the authority to waive the requirements of this code or interpret its administration.~~

Section 112.3; delete this section in its entirety:

~~112.3 Qualifications.~~ ~~The board of appeals shall consist of members who are qualified by experience and training to pass on matters about hazards of fire, explosions, hazardous conditions, or fire protection systems and who are not employees of the jurisdiction.~~

Section 112.4; change to read as follows:

112.4 ADMINISTRATION. The Fire Code Official must promptly follow the Fire Chief's decision.

SECTION 113 VIOLATIONS

Section 113.1; change to read as follows:

113.1 UNLAWFUL ACTS. It shall be unlawful for a person, firm, or corporation to erect, construct, alter, repair, remove, demolish, or utilize a building, occupancy, premises, or system regulated by this code or cause same to be done in conflict with or in violation of any of the provisions of this code. No work shall be started on any Fire Protection System at a new construction site or an existing structure, other than maintenance work, without a permit or work authorization being issued and approval to begin work by the Fire Marshal or their designee. The individual and site general contractors will be held liable for such actions. Where work is commenced before obtaining the required permit or work authorization, the permit or authorization fees shall be doubled. Still, payment of the increased fee shall not exempt anyone from obtaining a valid permit or work authorization and submitting the required construction documents.

Section 113.3; change to read as follows:

113.3 NOTICE OF VIOLATION, FIRE MARSHAL ORDER, OR CITATION. Where the Fire Code Official finds a building, premises, vehicle, storage facility, or outdoor area that violates this code, the Fire Code Official is authorized to prepare a written notice of violation, fire marshal order, or citation (as applicable under state law) describing the conditions deemed unsafe and, when compliance is not immediate, specifying a time for reinspection or appearance in court.

Section 113.3.5; change to read as follows:

113.3.5 CITATIONS. The Fire Prevention Division will use traditional inspections, notifications, and a reasonable time to ensure compliance. If all reasonable efforts to comply fail, or if there is an immediate and significant threat to life, property, or safety

from fire or explosion, the Fire Marshal or their designee may issue a notice to appear (citation) for the violation. Only qualified personnel designated by the Fire Marshal will give citations. Despite any other provisions of this Code or the International Fire Code, a citation may be issued without prior notice and the opportunity to correct the condition or violation.

Section 113.4; change to read as follows:

113.4 VIOLATION PENALTIES. Any person, firm, partnership, corporation, association, or other entity who shall violate a provision of this code or shall fail to comply with any requirements thereof or who shall erect, install, alter, repair, or do work in violation of the approved construction documents or directive of the Fire Code Official, or of a permit or certificate used under provisions of this code, shall be deemed guilty of a misdemeanor and, upon conviction thereof, shall be fined not more than \$2,000.00. Each day a violation continues after due notice has been served, it shall be deemed a separate offense.

Section 113.4.2; change to read as follows:

113.4.2 APPLICABILITY. If a person, firm, partnership, corporation, association, or any other entity is the owner or occupant of a property, exercises actual or apparent control over it or is listed as the water customer of the Town for that property, they shall be presumed to be the violator.

Section 113.4.3; change to read as follows:

113.4.3 VIOLATION REMEDIES. The Fire Prevention Division members have the authority to issue citations or file complaints in Municipal Court if they encounter any violations of the Fire Code or related regulations. It should be noted that each day the violation continues after receiving the due notice, it will be considered a separate offense. The violator will be liable to pay a fine that is determined by the judge or jury of the Town of Flower Mound Municipal Court, which should not exceed \$2,000.00.

SECTION 114 STOP WORK ORDER

114.4 FAILURE TO COMPLY. It is a criminal offense for any individual, firm, partnership, corporation, association, or any other entity to continue any work after receiving a stop-work order. The only exception is if the work is directed towards removing a violation or unsafe condition. If convicted, the offender may be fined up to \$2,000.00. Each continued violation day shall be considered a separate and distinct offense.

CHAPTER 2 – DEFINITIONS

SECTION 202 GENERAL DEFINITIONS

Including new definitions in the 2024 International Fire Code (IFC) fulfills the need to clarify and provide consistency within the code. As fire safety technology and building practices evolve, it is crucial to ensure that terminology remains up-to-date and unambiguous.

Section 202: Change and add definitions to read as follows:

AMBULATORY CARE FACILITY. Buildings or portions used to provide medical, surgical, psychiatric, nursing, or similar care on a less than 24-hour basis to persons rendered incapable of self-preservation by the services offered, or staff have accepted responsibility for care recipients already incapable. This group may include, but not be limited to, the following:

- Dialysis centers
- Sedation dentistry
- Surgery centers
- Colonic centers
- Psychiatric centers

ANALOG INTELLIGENT ADDRESSABLE FIRE DETECTION SYSTEM. Any system can calculate a change in value based on directly measurable quantities (such as voltage, resistance, etc.) at the sensing point. The physical analog may be conducted at the sensing point or the main control panel. The system shall be capable of compensating for long-term changes in sensor response while maintaining a constant sensitivity. The compensation shall have a preset point at which a detector maintenance signal shall be transmitted to the control panel. The sensor shall remain capable of detecting and transmitting an alarm while in maintenance alert mode.

ASSISTED LIVING FACILITIES. A building or part thereof housing persons, on a 24-hour basis, who, due to age, mental disability, or other reasons, reside in a supervised residential environment that provides personal care services. The occupants can respond to an emergency without physical assistance from staff.

ATRIUM. An opening connecting three or more stories, other than enclosed *stairways*, elevators, hoistways, escalators, plumbing, electrical, air-conditioning, or other equipment, is closed at the top and not defined as a mall. Stories, as used in this definition, do not include balconies within assembly groups or mezzanines that comply with Section 505 of the *International Building Code*.

AUTHORIZED EMERGENCY VEHICLE shall have the meaning as defined in the Texas Transportation Code §541.201.

BOARDING HOUSE. An establishment that: (1) furnishes, in one or more buildings, lodging to three or more persons with disabilities or elderly persons who are unrelated to the owner of the establishment by blood or marriage; and (2) provides those residents with community meals, light housework, meal preparation, transportation, grocery

shopping, money management, laundry services, or assistance with self-administration of medication but does not provide personal care services as defined by Texas Health and Safety Code Section 247.002 (5).

BONFIRE is a large outdoor fire utilized for recreational or ceremonial purposes.

CARBON MONOXIDE SOURCE. ~~A piece of commonly used equipment or a permanently installed appliance, fireplace, or process that produces or emits carbon monoxide gas.~~ A combustion process that has the potential to produce carbon monoxide as a product of combustion under normal or abnormal conditions. Carbon monoxide sources include, but are not limited to, solid-, liquid-, or gas-fueled appliances, equipment, devices, or systems, such as fireplaces, furnaces, heaters, boilers, cooking equipment, and vehicles with internal combustion engines.

CARBON MONOXIDE SOURCE, DIRECT. A permanently installed carbon monoxide source that is located in an interior space.

CARBON MONOXIDE SOURCE, FORCED-INDIRECT. A forced-air supply duct connects a carbon monoxide source to an interior space.

CARE FACILITIES. An establishment that furnishes, in one or more facilities, food and shelter to four or more persons who are unrelated to the proprietor of the establishment; Which provides:(i) personal care services (as defined by Texas Health and Safety Code Section 247.002 (5)); or (ii) administration of medication by a person licensed or otherwise authorized in this state to administer the medication;(C) may provide assistance with or supervision of the administration of medication;(D) may provide skilled nursing services for the following limited purposes:(i) coordination of resident care with outside home and community support services agencies and other health care professionals;(ii) provision or delegation of personal care services and medication administration as described by this subdivision;(iii) assessment of residents to determine the care required; and (iv) for periods of time as established by department rule, delivery of temporary skilled nursing treatment for a minor illness, injury, or emergency; and (E) may provide health maintenance activities as defined by rule by the Texas Board of Nursing.

COOKING TENT. A structure, enclosure, or shelter—whether or not it has sidewalls—made of fabric or flexible material, supported in any way other than by air or the contents it protects. This structure contains cooking equipment that uses open flames or produces smoke or grease-laden vapors to prepare and serve food to the public. Cooking tents must comply with NFPA 701 standards.

DEFEND IN PLACE. A method of emergency response that engages building components and trained staff to provide occupant safety during an emergency. Emergency response involves remaining in place, relocating within the building, or both without evacuating the building.

ELECTRIC VEHICLE (EV). An EV is powered by an electric motor that draws electricity from a battery and can be charged from an external source. An EV is a vehicle that can only be powered by an electric motor that draws electricity from a battery. A plug-in hybrid electric vehicle (PHEV) is a vehicle that can be powered by an electric motor that draws electricity from a battery and by an internal combustion engine.

ELECTRIC VEHICLE CHARGING STATION, also known as a charge point or electric vehicle supply equipment, is a power supply device that supplies electrical power for recharging plug-in electric vehicles (including battery electric vehicles, electric trucks, electric buses, neighborhood electric vehicles, and plug-in hybrid vehicles). “Charging Station” shall mean all electrical and mechanical equipment, hardware, and software installed by the contractor, including electrical cabling, equipment infrastructure, the contractor’s signage, and all supporting equipment, such as concrete pads, disconnects, and cord reels.

ELECTRIC VEHICLE SUPPLY EQUIPMENT (EVSE). Electric Vehicle Supply Equipment (EVSE) is the hardware that connects an electric vehicle (EV) to a power source, allowing it to charge its battery. EVSEs are also called charging stations, EV chargers, or charge points.

FIRE WATCH. A temporary measure intended to ensure continuous and systematic surveillance of a building or portion thereof by one or more qualified individuals or *standby personnel*, as required by the fire code official, to identify and control fire hazards, detect early signs of unwanted fire, raise an alarm in the event of a fire, and notify the fire department.

FIREWORKS. Any composition or device to produce a visible or an audible effect for entertainment purposes by combustion, deflagration, detonation, and/or activated by ignition with a match or other heat-producing device that meets the definition of 1.4G fireworks or 1.3G fireworks as set forth herein

HIGH-PILED COMBUSTIBLE STORAGE. Storage of combustible materials in closely packed piles or on pallets, racks, or shelves where the top of the storage is greater than 12 feet (3658 mm) in height. When required by the Fire Code Official, high-piled combustible storage also includes certain high-hazard commodities, such as rubber tires, Group A plastics, flammable liquids, idle pallets, and similar commodities, where the top of the storage is greater than 6 feet (1829 mm) in height.

Any building exceeding 6,000 sq. ft. with a clear height of over 14 feet, allowing for more than 12 feet of storage, shall be considered a high-piled storage facility. When a specific product cannot be identified, a fire protection system and life safety features shall be installed for Class IV commodities with the maximum storage height.

HIGH-RISE BUILDING. A Building with an occupied floor or a roof over 55 feet above the lowest fire department vehicle access level.

INCINERATOR BURNING. shall be defined as burning natural materials within an enclosed combustion chamber constructed of brick, concrete, hollow tile, metal, or other fire-resistive material. It shall be equipped with a spark arrestor.

JURISDICTION. It is the Town of Flower Mound, Texas.

OCCUPANT. means any person, agent, firm, or corporation that occupies a building or part thereof as an owner or tenant.

REPAIR GARAGE. A building, structure, or portion thereof used for servicing or repairing motor vehicles. This occupancy shall also include garages involved in minor repairs, modifications, and servicing of motor vehicles for items such as lubrication changes, inspections, windshield repair or replacement, shock absorber replacement, minor part replacement, and other minor repairs.

SELF-SERVICE STORAGE FACILITY. Real property is designed and used to rent or lease individual storage spaces to customers, allowing them to store and retrieve personal property on a self-service basis.

SINGLE-FAMILY RESIDENTIAL, ATTACHED DWELLING UNIT. *A single-family attached residential unit is a building on an individual lot or tract of land intended for occupancy by one family that shares one or more common walls with similar adjacent units, also on individual lots such as townhomes, condominiums, or brownstones.*

STANDBY PERSONNEL. Qualified fire service personnel approved by the Fire Code Official. When utilized, the number required shall be as directed by the Fire Code Official. The jurisdiction shall, as is normal, calculate charges for utilization.

UPGRADED OR REPLACED FIRE ALARM SYSTEM. A fire alarm system that is upgraded or replaced includes, but is not limited to, the following:

- a. Replacing one board or fire alarm control unit component with a newer model
- b. Installing a new fire alarm control unit in addition to or in place of an existing one
- c. Conversion from a horn system to an emergency voice/alarm communication system
- d. Conversion from a conventional system to one that utilizes addressable or analog devices

The following are not considered an upgrade or replacement:

- a. Firmware updates
- b. Software updates
- c. Replacing boards of the same model with chips utilizing the same or newer firmware

UNATTENDED MOTOR VEHICLES. Any vehicle left unattended and obstructing traffic flow, or any vehicle found to be stopped, standing, loading, or unloading in fire lanes, or abandoned due to the driver's arrest.

WORK AREA. As indicated on the construction documents, the portion or portions of a building consist of all reconfigured spaces. The work area excludes other portions of the building where incidental work, entailed by the intended work, must be performed, and portions where this or other codes specifically require work not initially intended by the owner.

SECTION 203 OCCUPANCY CLASSIFICATION AND USE

Section 203.2.3; change to read as follows:

203.2.3 ASSOCIATED WITH GROUP E OCCUPANCIES. A room or space used for assembly purposes associated with a Group E occupancy is not considered a separate occupancy except when applying the assembly requirements of Chapters 10 and 11.

CHAPTER 3 – GENERAL REQUIREMENTS

SECTION 304 COMBUSTIBLE WASTE MATERIAL

Section 304.1.1; change to read as follows:

304.1.1 VALET TRASH. Valet trash collection shall be permitted only where approved. The owner and valet trash collection service provider shall comply with the rules and limitations established by the jurisdiction. Refer to Appendix O for further information.

SECTION 305 IGNITION SOURCES

Section 305.6; add to read as follows:

305.6 OUTDOOR WELDING. All welding processes within the Town of Flower Mound shall require an operational permit as established in Section 105.5.12. A 30-foot radius free of all combustible materials shall be established. A fire watch shall be established. At least one portable fire extinguisher complying with Section 906 and having a minimum 4-A rating or other approved on-site fire extinguishing equipment, such as a water barrel, garden hose, or water truck with a ready water supply, shall be available immediately.

Section 305.6.1; add to read as follows:

305.6.1. WEATHER CONDITIONS. Outdoor welding shall not be performed when wind speeds exceed 15 miles per hour (mph). The relative humidity at the time of work must be 25 percent or higher.

Section 305.7; add to read as follows:

305.7. OUTDOOR FIRE PITS. All fire pits shall be constructed consistently using sound engineering and construction practices. The fire pit shall not be installed within 10 feet of adjoining property lines, 15 feet from a residence, and 10 feet from other combustible materials. The maximum diameter of a fire pit shall be 3 feet unless approved by the Fire Marshal.

Exception: If approved by the Fire Code Official, natural gas-fueled fire pits may be installed closer than 15 feet from the residence.

SECTION 307 OPEN-BURNING, RECREATIONAL FIRES, AND PORTABLE OUTDOOR FIREPLACES

Section 307.1; add to read as follows:

307.1 GENERAL. A person shall not kindle, maintain, or authorize to be kindled or maintained any open burning unless conducted and approved under Sections 307.1.1 through 307.5 of this code and Section 38-11, entitled "General Requirements for Outdoor Burning," of Chapter 38, *Fire Prevention and Protection*.

Section 307.1.1; add to read as follows:

307.1.1 PROHIBITED OPEN BURNING. Open burning shall be prohibited when atmospheric conditions or local circumstances make such a fire hazardous. Open burning that is offensive or objectionable due to smoke emissions or when atmospheric conditions or local circumstances make such fires hazardous shall be prohibited.

Exception: Prescribed burning to reduce the impact of wildland fire when authorized by the Fire Code Official.

Section 307.2; change to read as follows:

307.2 PERMIT REQUIRED. A permit shall be obtained from the *fire code official*, as outlined in Section 105.6, before kindling a fire for recognized silvicultural, range, or wildlife management practices, preventing or controlling disease or pests, or opening burning-a-bonfire. Application for such approval shall only be presented by the landowner upon which the fire is to be kindled, and permits shall be issued to the landowner upon which the fire is to be kindled.

Examples of state or local law or regulations referenced elsewhere in this section may include, but are not limited to, the following:

1. Texas Commission on Environmental Quality (TCEQ) guidelines and regulations.
2. State, County, or Local temporary or permanent bans on open burning.

3. Local written policies as established by the *fire code official*.

307.2.2. PERMIT TIMELINES. Open burning permits are valid for 60 days from the date of issuance. A 10-day extension may be obtained by extending the permitted time before the permit's expiration date. No burn permit shall exceed 70 days.

Section 307.3; change to read as follows:

307.3 EXTINGUISHMENT AUTHORITY. When open burning creates or adds to a hazardous or objectionable situation, or a required permit for open burning has not been obtained, the fire code official is authorized to order ~~the extinguishment of the open burning operation. The fire code official is authorized to order~~ the extinguishment of the open burning operation by the permit holder, another responsible party, or the fire department.

Section 307.4 and 307.4.1; change to read as follows:

307.4 LOCATION. The location for open burning shall be at least 500 feet (152.4 m) from any structure, fence, property line, or other combustibles. Provisions shall be made to prevent the fire from spreading to within 500 feet of any structure, fence, property line, or other combustibles, and conditions which could cause a fire to spread within 500 feet (152.4m) of a structure, fence, property line, or other combustibles shall be eliminated before the issuance of the permit. The size of any burn pile shall not exceed 5 feet in diameter and 5 feet in height.

Exceptions: Fires in approved incinerators less than 20 feet (6096 mm) from a structure or other combustible materials.

307.4.1 BONFIRES. A bonfire shall not be conducted within the Town's corporate limits.

Section 307.4.3, Exceptions; add exception #2 to read as follows:

Exceptions:

1. Portable outdoor fireplaces used at one- and two-family dwellings.
2. Where an approved automatic sprinkler system protects buildings, balconies, and decks.

Section 307.4.4; add to read as follows:

307.4.4 PERMANENT OUTDOOR FIREPIT. All fire pits shall be constructed consistently using sound engineering and construction practices. The fire pit shall not be installed within 10 feet of adjoining property lines, 15 feet from a residence, and 10 feet from other combustible materials. The maximum diameter of a fire pit shall be 3 feet unless approved by the Fire Marshal.

Exceptions:

1. If approved by the fire code official, natural gas-fueled fire pits may be installed closer than 15 feet from the residence.
2. Permanently installed outdoor fireplaces constructed in accordance with the International Residential or International Building Code.

Section 307.4.5; add to read as follows:

307.4.5 TRENCH BURNS. Trench burns shall be conducted in air curtain trenches and per Section 307.2.

Section 307.4.6; add to read as follows:

307.4.6 INCINERATOR FIRES. A fire within an incinerator shall not be conducted within 20 feet of a structure or other combustible material. Conditions that could cause a fire to spread within 20 feet of a structure or other combustible material shall be eliminated before ignition. Burning in an incinerator shall not be permitted on lots or tracts of land less than two acres in size. Fire must always be entirely contained within the approved container with a spark arrestor.

Section 307.5; change to read as follows:

307.5. ATTENDANCE. Open burning, bonfires, trench burns, recreational fires, portable outdoor fireplaces, and fire pits shall be constantly attended to until the fire is completely extinguished. At least one portable fire extinguisher that complies with Section 906 and has a minimum 4-A rating, or other approved on-site fire-extinguishing equipment, such as dirt, sand, water, a barrel, a garden hose, or a water truck, shall be available immediately.

Section 307.6; add to read as follows:

307.6. BURN BAN: In the case of unfavorable atmospheric conditions, such as ozone action days, extended drought, or any other factors that may necessitate limiting outdoor activities that could potentially start a fire, a burn ban may be enforced. The County Commissioners Court, the Fire Chief, or a designated representative will issue an executive order declaring a state of emergency and implementing a burn ban for all properties within the Town of Flower Mound. This ban will prohibit all outdoor activities and processes that could start a fire. Such outdoor activities include, but are not limited to, open burning, incinerator burning, recreational burning, outdoor welding, torches or other cutting devices that emit sparks, charcoal grills, fireworks, and outdoor fireplaces or fire pits.

Section 307.6.1; add to read as follows:

307.6.1 POSTING A DECLARATION OF A BURN BAN. The emergency declaration specified in section 307.6 shall be posted or published in the following locations:

- a. Official Town of Flower Mound Newspaper
- b. Town of Flower Mound website
- c. Denton County Emergency Services website

Section 307.7; add to read as follows:

307.7. VIOLATION. Those who start a fire, engage in any prohibited activity during a burn ban, or allow any such activity to be carried out on their property will be charged with a misdemeanor offense. The punishment for each offense will be a fine ranging from \$500.00 to \$2,000.00. Each day a violation continues after receiving a notice, it will be considered a separate offense.

SECTION 308 OPEN FLAMES

Section 308.1.4.1; add to read as follows:

308.1.4.1 FIRE HAZARD PROHIBITED. In Group R1, R2, and R4 occupancies, it is strictly prohibited to construct, erect, install, maintain, or use any incinerator, barbecue pit, grill, or chiminea. Burning combustible material that could potentially endanger the life or property of any person is also prohibited. Under no circumstances should any of these devices be used or burned under the following conditions: (1) within ten (10) linear feet of any combustible surface, including, but not limited to, decks, porches, balconies, walls, or verandas; (2) beneath any balcony, porch, roof overhang, deck, or veranda.

Exception: Where an approved automatic sprinkler system protects buildings, decks, porches, balconies, walls, or other combustible structures.

308.1.5 LOCATIONS NEAR COMBUSTIBLES. Open flames such as candles, lanterns, kerosene heaters, and gas-fired heaters shall not be located on or near decorative or similar combustible materials. Luminaria Bags with candles are prohibited.

Section 308.1.6, Exception #3; change to read as follows:

3. Torches or flame-producing devices following Sections 308.4 or 308.1.3.

Section 308.1.7; change to read as follows:

308.1.7 SKY LANTERNS. A person shall not release or cause to be released an ~~untethered~~ unmanned free-floating device containing an open flame or other heat sources, such as but not limited to a *sky lantern*.

Section 308.1.9; change to read as follows:

308.1.9 AISLES AND EXITS. Candles or open flames shall be prohibited in areas where occupants stand, in aisles, or in exits.

Section 308.1.11: Add a section to read as follows

308.1.11 OPEN-FLAME COOKING DEVICES. Open flame cooking devices shall comply with Section 4104.

SECTION 311 VACANT PREMISES

Section 311.5; change to read as follows:

311.5 PLACARDS. The *fire code official* is authorized to require marking any vacant or abandoned buildings or structures determined to be unsafe according to Section 115 of this code relating to structural or interior hazards, which ~~shall be marked~~ as required by Section 311.5.1 through 311.5.5.

SECTION 314 INDOOR DISPLAYS

Section 314.4; change to read as follows:

314.4 VEHICLES. Electric, liquid-fueled, or gaseous-fueled vehicles, aircraft, boats, or other motorcraft shall not be located indoors except as follows:

1. The engine starting system is made inoperable, or the ignition batteries are disconnected, except where the *fire code official* requires that the batteries remain connected to maintain safety features.
2. Fuel in fuel tanks does not exceed any of the following:
 - 2.1. Class I, II, and III liquid fuel does not exceed one-quarter tank or 5 gallons (19 L), whichever is less.
 - 2.2. LP gas does not exceed one-quarter tank or 6.6 gallons (25 L), whichever is less.
 - 2.3. CNG does not exceed one-quarter tank or 630 cubic feet (17.8 m³), whichever is less.
 - 2.4. Hydrogen does not exceed one-quarter tank or 2,000 cubic feet (57 m³), whichever is less.
3. Fuel tanks and fill openings are closed and sealed to prevent tampering.
4. Vehicles, aircraft, boats, or other motorcraft equipment may not be fueled or defueled within the building.
5. Batteries in electric vehicles shall be rendered inoperable by removing fuses or other *approved* methods, but shall not be required to be disconnected. Electric vehicles shall not be charged inside buildings other than where approved in

parking garages or unless approved by the fire code official.

SECTION 323 ELECTRIC VEHICLES (EVs)

Section 323: add new sections to read as follows:

323.1 SCOPE: ELECTRIC VEHICLE CHARGING STATION(S). The provisions of this section shall govern the installation, operation, and maintenance of Electric Vehicle Charging Stations (EVCS) and Electric Vehicle Supply Equipment (EVSE) in commercial settings. These provisions ensure that EVCS and EVSE installations comply with fire safety standards to protect life and property from fire hazards associated with electric vehicle charging. The code addresses requirements for electrical installations, fire protection measures, and emergency access to ensure safe operation and accessibility for emergency responders.

323.2 ELECTRIC VEHICLE CHARGING STATION REQUIREMENTS. Where provided, all new, modified, or replacement Electric vehicle charging stations must be installed per the guidelines set forth by the National Fire Protection Association (NFPA) and the National Electrical Code (NEC) 70 and this section. The electric vehicle charging equipment must be listed and labeled following UL 2202, while the electric vehicle supply equipment should be listed and labeled following UL 2594 or an equivalent standard. Wireless power transfer equipment must be listed and labeled following UL 2750.

323.3 PERMIT REQUIRED. Per Section 105.6, a permit must be obtained from the fire code official before installing or modifying an electric vehicle charging station.

323.3.1 APPLICABILITY. Any original electrical permit for an electric vehicle station to be constructed above the first floor, but not higher than the second floor, of a parking structure that was submitted prior to June 2, 2025, may be constructed and continue to be maintained in accordance with any and all requirements and regulations then existing provided the following mitigating factors are met:

1. Upgraded sprinklers to medium hazard early suppression / fast response heads above the EV charging area
2. Add fire-resistant protection, such as calcium silicate-based material, on structural members around the EV charging area
3. Emergency cut-off locations on all applicable stairwells
4. Provide fire blankets, bollards, and appropriate signage
5. Work with the Fire Department to conduct drills for operational readiness on the second floor EV charging area

323.4 REQUIREMENTS FOR INSTALLATIONS OF ELECTRIC VEHICLE CHARGING STATIONS IN COMMERCIAL PARKING STRUCTURES. The installation and operation of approved electric vehicle charging stations located in commercial parking structures, whether open or closed, shall comply with the following:

1. Chargers must be located on the first floor of the parking structure.
2. Chargers must be installed along an outside wall.
3. Chargers shall be placed within 250 feet of the lowest point of fire department access, as determined by designated fire lanes or primary entry points for emergency responders.
4. Parking structures must have an approved fire suppression and detection system installed.
5. Permanently installed Electric Vehicle Supply Equipment (EVSE) is located at the height of (NEC 625.50):
 - a. Indoor location: 1.5 feet or more above floor level
 - b. Outdoor location: 2 feet above grade level.

323.4.1 HEAT ALARMS. Approved charging stations in commercial parking structures shall have a listed heat alarm installed and connected to the structure's fire alarm control panel and meet the following requirements:

1. Heat Alarms must be listed and labeled in accordance with UL 521 or an equivalent standard.
2. Heat alarms shall be installed in accordance with NFPA 72. They shall be installed on the ceiling or at a high level on the wall, as recommended by the manufacturer.
3. Regular testing and maintenance shall be performed in accordance with the manufacturer's guidelines and may be verified during a fire inspection by the Fire Marshal's Office.

323.4.2 VISUAL NOTIFICATION. All commercial parking structures with electric vehicle (EV) charging stations must display a visual notification at a prominent location, such as the entrance or garage door.

1. The visual notification must be at least 4 inches by 4 inches in size.
2. The notification must use a standard symbol or wording approved by the fire code official.
3. The notification material must be durable and weather-resistant to ensure visibility.

323.4.3 ELECTRIC VEHICLE (EV) CHARGING BANKS. Property owners must provide an approved EV Fire Blanket for the fire department to use for any bank of five (5) or more electric vehicle chargers.

1. The EV Fire Blanket must be in a locking cabinet with a Knox padlock.
2. The storage cabinet must be marked "FIRE BLANKET – FIRE DEPT. USE ONLY"
3. The fire code official shall approve the storage cabinet location.

323.4.4 ELECTRIC VEHICLE CHARGING STATIONS (EVCS) PARKING SPACE DIMENSIONS. If applicable, your project must meet the International Building Code (IBC) Section 1107.

323.4.5 ELECTRIC VEHICLE CHARGING STATION (EVCS) ACCESS. If applicable, your project must meet the International Building Code (IBC) Section 1107.

323.4.6 IMPACT PROTECTION. Where EV Chargers are subject to impact, vehicle impact protection shall be provided

1. Installation in a location not subject to vehicular impacts, such as a side wall or 4 feet or more above floor level,
2. Wheel barriers,
3. Bollards (IFC 312), or
4. Other approved barriers. (NEC 110.27(B))

323.4.7 ELECTRIC VEHICLE CHARGING STATION (EVCS) CHARGING CORDS. The overall usable length shall not exceed 7.5 m (25 ft) unless equipped with a cable management system that is part of the listed electric vehicle supply equipment. (NEC 625.17(C)). The charging cord length reaches the vehicle's charging inlet without excessive slack.

323.4.8 UNDERGROUND PARKING STRUCTURES. The installation and operation of electric vehicle (EV) charging stations in underground parking structures are prohibited.

323.5 REQUIREMENTS FOR INTERIOR INSTALLATIONS OF ELECTRIC VEHICLE CHARGING STATIONS IN COMMERCIAL, MIXED-USE, AND MULTI-FAMILY STRUCTURES The installation and operation of approved electric vehicle charging stations located in commercial, mixed-use, and multi-family structures shall comply with the following:

1. Chargers must be located on the first floor of the structure.
2. Chargers must be installed in a location approved by the fire code official.
3. Chargers shall be placed within 500 feet of the lowest point of fire department access, as determined by designated fire lanes or primary entry points for emergency responders.
4. Each structure must have an approved fire suppression and detection system installed
5. Permanently installed Electric Vehicle Supply Equipment (EVSE) is located at the height of (NEC 625.50):
 - a. Indoor location: 1.5 feet or more above floor level
 - b. Outdoor location: 2 feet above grade level.

323.5.1 HEAT ALARMS. Approved charging stations in commercial, mixed-use, and multi-family structures shall have a listed heat alarm installed and interconnected to the structure's fire alarm control panel and meet the following requirements:

1. Heat Alarms must be listed and labeled in accordance with UL 521 or an equivalent

standard.

2. Heat alarms shall be installed in accordance with NFPA 72. They shall be installed on the ceiling or at a high level on the wall, as recommended by the manufacturer.
3. Regular testing and maintenance shall be performed in accordance with the manufacturer's guidelines and may be verified during a fire inspection by the Fire Marshal's Office.

323.5.2 VISUAL NOTIFICATION. All commercial, mixed-use, and multi-family structures with electric vehicle (EV) charging stations must display a visual notification at a prominent location, such as the entrance or garage door.

1. The visual notification must be at least 4 inches by 4 inches in size.
2. The notification must use a standard symbol or wording approved by the fire code official.
3. The notification material must be durable and weather-resistant to ensure visibility.

323.5.3 ELECTRIC VEHICLE (EV) CHARGING BANKS. Property owners must provide an approved EV Fire Blanket for the fire department to use for any bank of five (5) or more electric vehicle chargers.

1. The EV Fire Blanket must be in a locking cabinet with a Knox padlock.
2. The storage cabinet must be marked "FIRE BLANKET – FIRE DEPT. USE ONLY"
3. The fire code official shall approve the location of the storage cabinet.

323.5.4 ELECTRIC VEHICLE CHARGING STATIONS (EVCS) PARKING SPACE DIMENSIONS. If applicable, your project must meet the International Building Code (IBC) Section 1107.

323.5.5 ELECTRIC VEHICLE CHARGING STATION (EVCS) ACCESS. If applicable, your project must meet the International Building Code (IBC) Section 1107.

323.5.6 IMPACT PROTECTION. Where EV Chargers are subject to impact, vehicle impact protection shall be provided

1. Installation in a location not subject to vehicular impacts, such as a side wall or 4 feet or more above floor level,
2. Wheel barriers,
3. Bollards (IFC 312), or
4. Other approved barriers. (NEC 110.27(B))

323.5.7 ELECTRIC VEHICLE CHARGING STATION (EVCS) CHARGING CORDS. The overall usable length shall not exceed 7.5 m (25 ft) unless equipped with a cable management system that is part of the listed electric vehicle supply equipment. (NEC 625.17(C)). The charging cord length reaches the vehicle's charging inlet without excessive slack.

323.7 REQUIREMENTS FOR EXTERIOR INSTALLATIONS OF ELECTRIC VEHICLE CHARGING STATIONS IN COMMERCIAL, MIXED-USE, AND MULTI-FAMILY STRUCTURES. The installation and operation of approved electric vehicle charging stations located for commercial, mixed-use, and multi-family structures shall comply with the following:

1. Shall be installed at a minimum distance of ten (10) feet from the structure's exterior walls in a location approved by the fire code official
2. All charging equipment should be behind the curb line by at least 30 inches.
3. Permanently installed Electric Vehicle Supply Equipment (EVSE) is located at the height of (NEC 625.50):
 - a. Indoor location: 1.5 feet or more above floor level
 - b. Outdoor location: 2 feet above grade level.

323.7.1 ELECTRIC VEHICLE (EV) CHARGING BANKS. Property owners must provide an approved EV Fire Blanket for the fire department to use for any bank of five (5) or more electric vehicle chargers.

1. The EV Fire Blanket must be in a locking cabinet with a Knox padlock.
2. The storage cabinet must be marked "FIRE BLANKET – FIRE DEPT. USE ONLY"
3. The fire code official shall approve the location of the storage cabinet.

323.7.2 ELECTRIC VEHICLE CHARGING STATIONS (EVCS) PARKING SPACE DIMENSIONS. If applicable, your project must meet the International Building Code (IBC) Section 1107.

323.7.3 ELECTRIC VEHICLE CHARGING STATION (EVCS) ACCESS. If applicable, your project must meet the International Building Code (IBC) Section 1107.

323.7.4 IMPACT PROTECTION. Where EV chargers are subject to impact, vehicle impact protection shall be provided

323.7.5 ELECTRIC VEHICLE CHARGING STATION (EVCS) CHARGING CORDS. The overall usable length shall not exceed 7.5 m (25 ft) unless equipped with a cable management system that is part of the listed electric vehicle supply equipment. (NEC 625.17(C)). The charging cord length reaches the vehicle's charging inlet without excessive slack.

323.8 EMERGENCY DISCONNECT SWITCHES FOR EV CHARGING STATIONS. An approved emergency disconnect switch, Knox Power Disconnect, shall be provided at an *approved* location to stop the power transfer to the charging unit in case of fire or other emergency. The emergency disconnect switch for exterior charging stations shall have ready access. It shall be within 100 feet (30,480 mm) of, but not less than 20 feet (6096 mm) from, the charging stations. The emergency disconnect switch shall be provided with ready access and installed at an approved location for interior charging operations.

323.8.1 HEIGHT. The emergency disconnect switch shall be at least 42 inches (1067 mm) and 48 inches (1219 mm) high, measured vertically from the floor level to the activating button.

323.8.2 EMERGENCY DISCONNECT SIGN. Emergency disconnect devices shall be labeled as: “EV CHARGING DISCONNECT – FIRE DEPT. USE ONLY” Signs shall be placed in an *approved* location and shall consist of all of the following:

1. Red reflective background with white letters.
2. Metal: Weather-resistant, durable material.
3. Lettering not less than 2 inches (51 mm) high.
4. Permanently affixed to the building or structure in an approved manner.

323.8.3 IMPACT PROTECTION. Where emergency disconnects are subject to impact, vehicle impact protection shall be provided

323.9 STORAGE OF DAMAGED ELECTRIC VEHICLES AND BATTERIES. Damaged electric vehicles (EVs) and damaged EV batteries shall not be stored inside any structure or enclosed space, including but not limited to garages, basements, storage facilities, or any other indoor area, due to potential fire hazards associated with lithium-ion battery failures.

EXCEPTIONS:

1. The damaged EV or battery is undergoing repairs at a licensed EV repair facility with appropriate safety measures.
2. The vehicle manufacturer has deemed the EV and battery safe for continued use or storage.

323.9.1 REQUIRED SYSTEMS. Licensed EV repair facilities that store or repair damaged electric vehicles and batteries must have approved fire suppression and detection systems before permitting indoor storage or servicing activities.

323.9.2 REQUIRED DOCUMENTATION. A licensed EV repair facility must maintain official documentation from the vehicle manufacturer confirming that the damaged EV and its battery are safe for indoor storage. Additionally, records of repairs, safety assessments, and compliance inspections must be readily available for review by the fire code official or their designated representative upon request.

CHAPTER 4 - EMERGENCY PLANNING AND PREPAREDNESS

SECTION 401 GENERAL

401.9. FALSE ALARMS PROHIBITED. It shall be unlawful for any person to give,

signal, or transmit, or for any person to cause or permit to be given, signaled, or transmitted in any manner any false alarm.

Exception: Alarm systems undergoing approved maintenance or repairs, for which the chief has received advance notice that the maintenance or repair may cause the occurrence of a false alarm.

401.9.1 VIOLATIONS. As defined by this ordinance and the Texas Penal Code, Section 46.02, false alarms shall be enforced in accordance with the corresponding legal procedures. False alarms, as defined by the Code of Ordinances of the Town of Flower Mound, Texas, Sec. 38-6 " False Fire Alarms," shall be governed by said ordinance.

SECTION 403 EMERGENCY PREPAREDNESS

Section 403.1; change to read as follows:

403.1 GROUP A OCCUPANCIES. An approved fire safety and evacuation plan per Section 404 shall be prepared and maintained for Group A occupancies, other than Group A occupancies used exclusively for purposes of religious worship with an *occupant load* less than 2,000 and for buildings containing both a Group A occupancy and an atrium. Places of Assembly shall have written emergency evacuation plans approved by the Fire Marshal or his designee. Group A occupancies shall comply with Sections 403.2 through 403.2.6.1.

Section 403.2.5; add to read as follows:

403.2.5 EXHIBIT HALLS. The operator of a premise used as a place of exhibition shall:

1. Notify each lessee of the Fire Code requirements when the lease is made.
2. Where required by the Fire Marshal, submit to the Fire Marshal's Office, fifteen (15) days before public operation, a detailed explanation of the nature of the operation and two (2) copies of accurately scaled floor plans that show:
 - a. The exhibit layout.
 - b. Aisles.
 - c. Exits.
 - d. Exhibits.
 - e. Show decorator's booth.
 - f. Location and nature of fire extinguishers/extinguishing equipment.
 - g. Dates when open to the public or trade; and
3. Construct, operate, and maintain the exhibition to satisfy this code and the approved plans.
4. Shall employ one (1) or more certified fire inspector(s) as required and approved by the Fire Marshal to be on duty at such place whenever, in the opinion of the

Fire Marshal, it is essential for public safety.

Section 403.2.6; add to read as follows:

403.2.6 SITTING OR STANDING IN AISLES PROHIBITED. The operators of premises used as a place of assembly shall prevent sitting or standing in aisles, passageways, exit pathways, or stairways while the premises are occupied.

Section 403.2.6.1; add to read as follows:

403.2.6.1 OBSTRUCTING REQUIRED MEANS OF EGRESS. The owner, operator, or occupant of premises used as a place of assembly shall prevent the placement of any item that obstructs any portion of the required width of the Means of Egress System, including:

- a. Common path of travel.
- b. Exit access.
- c. Exit, to include locking, blocking, chaining, or otherwise rendering the exit inoperable; or
- d. Exit discharge.

Section 403.4; change to read as follows:

403.4 GROUP E OCCUPANCIES. An approved fire safety and evacuation plan per Section 404 shall be prepared and maintained for Group E occupancies and buildings containing both Group E occupancies and an atrium. A diagram depicting two evacuation routes shall be posted in a conspicuous location in each classroom. Group E occupancies shall also comply with Sections 403.4.1 through 403.4.3.

Section 403.11.1; change to read as follows:

403.11.1 FIRE WATCH PERSONNEL. When, in the opinion of the Fire Code Official, it is essential for public safety in a place of assembly or any other place where people congregate because of the number of persons or the nature of the performance, exhibition, display, contest, or activity, the owner, agent, or lessee or other person in responsible control of the building shall provide one or more fire watch personnel, as required and approved, to remain on duty during the times such places are open to the public, or when such activity is being conducted. Fire watch personnel shall comply with Section 403.12.1.1 through 403.12.1.4.

Section 403.11.1.1; change to read as follows:

403.11.1.1 DUTY TIMES. Fire watch personnel shall remain on duty while places requiring a fire watch are open to the public or when an activity requiring a fire watch is conducted.

Section 403.11.1.2; change to read as follows:

403.11.1.2 DUTIES. Fire watch personnel shall have the following responsibilities:

1. When the place is open to the public or an activity is being conducted, keep diligent watch for fires, obstructions to means of egress, and other hazards.
2. Take prompt measures for the remediation of hazards and the extinguishing of fires.
3. Take prompt measures to assist in evacuating the public from the structures.
4. In an emergency, after the facility is evacuated, the fire watch shall take appropriate actions to secure the facility until the arrival of a proper emergency response agency capable of managing the incident.

Section 403.11.1.3; add to read as follows:

403.11.1.3 TOWN-OWNED PROPERTIES. The Flower Mound Fire Marshal shall provide a fire watch, as defined in section 403.11.1, for all Town-owned properties, including buildings, when the number of occupants exceeds 1,000 or upon request.

Section 403.11.1.4; add to read as follows:

403.11.1.4 WHERE REQUIRED. Where necessary, fire watches must be equipped with at least one approved method for notifying the fire department. Their sole duty is to monitor for fires, ensure that means of egress are clear, and identify other hazards. The cost of the fire watch will be determined by the rate set by the Fire Marshal's Office and shall be the exclusive responsibility of the owner or contractor to cover.

SECTION 404 FIRE SAFETY, EVACUATION, AND LOCKDOWN PLANS

Section 404.2.2; add Number 4.10. to read as follows:

- 4.10. Fire Protection System Controls.

SECTION 405 EMERGENCY EVACUATION DRILLS

Section 405.5; change to read as follows:

405.5 TIME. The fire code official may require an evacuation drill at any time. Drills shall be held at unexpected times and under varying conditions to simulate the unusual conditions in case of fire.

EXCEPTIONS:

1. {No change.}

2. {No change.}
3. Notification of teachers/staff supervising light- or sound-sensitive students/occupants, such as those on the autism spectrum, for the protection of those students/occupants shall be allowed before conducting a drill.

CHAPTER 5- FIRE SERVICE FEATURES

SECTION 501 GENERAL

Section 501.4; change to read as follows:

501.4 TIMING OF INSTALLATION. When fire apparatus access roads or a water supply for fire protection are required to be installed for any structure or development, they shall be installed, tested, and approved before construction has progressed beyond the completion of the foundation of any structure. ~~Such protection shall be installed and made serviceable before and during construction, except when approved alternative protection methods are provided. Temporary street signs shall be installed at each street intersection when construction of new roadways allows vehicle passage per Section 505.2.~~

SECTION 503 FIRE APPARATUS ACCESS ROADS

Section 503.1.1; add a paragraph to read as follows:

Except for one- or two-family dwellings, the measurement path shall be a minimum of a ten-foot (10') wide unobstructed level pathway around the external walls of the structure and all barriers. The path shall be a level and traversable surface, not exceeding 3% grade. A continuous parking row between the fire lane and the structure shall be considered a barrier. Landscaping and screening may also be considered a barrier based on the location and type. Fire apparatus access roads must not pass under or through covered structures, such as awnings, canopies, carports, or porte-cochere. The provisions of this section notwithstanding, fire lanes may be required to be located within thirty feet (30') of a building if deemed reasonably necessary by the Fire Chief to enable proper building protection.

Section 503.1.1.1; add to read as follows:

503.1.1.1 HOSE LAY/REACH DETERMINATION. The measurements shall be taken from the point on the fire lane where a fire apparatus is parked. The hose lay or reach is measured from the center of the fire lane. For design purposes, measurements should not include arterial, thoroughfare, or collector/distributor roads as designated fire lanes.

Section 503.1.1.1; change to read as follows:

503.1.2 ADDITIONAL ACCESS. The *Fire Code Official* is authorized to require more

than one fire apparatus access road based on the potential for impairment of a single road by vehicle congestion, terrain conditions, climatic conditions, or other factors that could limit access. The Fire Code Official is also authorized and empowered to designate fire lanes for proper ingress and egress for emergency vehicles. Any fire lane designated by the Fire Code Official shall be effective as of the selected date.

Section 503.1.1.1; add to read as follows:

503.1.4. EXISTING FIRE LANES. Any fire lane established before the passage of the ordinance from which this article is derived and designated by the Fire Marshal or established by a separate ordinance shall be a fire lane for all intents and purposes and shall be maintained as required by this code.

Section 503.1.5; add to read as follows:

503.1.5 RESIDENTIAL SUBDIVISIONS. The maximum dead-end cul-de-sac length shall not exceed seven hundred and fifty feet (750') as measured from the centerline of the intersecting street to the center of the radius.

EXCEPTIONS:

1. Where an approved automatic fire suppression system is installed per Section 903 is provided throughout the subdivision.
2. Intermediate turnaround points are provided.

Section 503.2.1; change to read as follows:

503.2.1 DIMENSIONS. All construction of fire apparatus access roads must comply with the current Town of Flower Mound Street Design Manual and the guidelines outlined in this section. Fire apparatus access roads must have an unobstructed width of at least twenty-four (24) feet, excluding shoulders. If a fire hydrant is located on or near a fire apparatus access road, the minimum unobstructed width of that road must be twenty-six (26) feet.

With the Fire Code Official's approval, designated fire lanes shall be established for every commercial property or property requiring dedicated fire access. In all cases, a fire lane must be at least twenty-six (26) feet wide. Both fire apparatus access roads and designated fire lanes must maintain a vertical clearance of at least fifteen (15) feet and adhere to the specified unobstructed width, except where approved security gates are installed in accordance with Section 503.6.

- a. Fire lane dimensions established by Appendix D or other sections of this Code shall be superseded by the criteria established by this section.
- b. Unless explicitly amended, the requirements outlined in Section D105 will remain unchanged.

Exception: Vertical clearance may be reduced, provided such reduction does not impair access by fire apparatus and approved signs are installed and maintained, indicating the established vertical clearance when approved.

Section 503.2.2; change to read as follows:

503.2.2 AUTHORITY. The *fire code official* shall have the authority to require ~~or permit~~ ~~modifications to the necessary~~ increase in the minimum access widths and vertical clearances where they are inadequate for fire or rescue operations or where necessary to meet the public safety objectives of the jurisdiction.

Section 503.2.3; change to read as follows:

503.2.3 SURFACE. Construction of all fire lanes shall be per the current Town of Flower Mound Street Design Manual and this section. Fire lanes shall be constructed of a surface capable of supporting the imposed loads of an 85,000 lb. fire apparatus. The design shall be based on standards published in Chapter 32 of the most current version of the Engineering Design Criteria and Construction Standards for the Town of Flower Mound.

Section 503.2.3.1; add to read as follows:

503.2.3.1 MAINTENANCE GENERALLY. The owner shall maintain all fire lanes in good repair, and the Town of Flower Mound shall not be responsible for maintenance. It shall further be the owner's responsibility to ensure that all fire lane markings required by Section 503.3 are kept so that they are easily distinguishable by the public.

1. The Fire Code Official shall report any damaged, worn, or poorly maintained surface conditions, markings, or signs to the owner or person in control of the property upon which a fire lane exists and shall issue instructions for repair.
2. It shall be unlawful for the owner or person in control of the property upon which a fire lane has been designated or exists to fail to maintain the surface of the fire lane in good condition, free of potholes and other non-approved obstructions.
3. It shall be unlawful for the owner or person in control of property upon which a fire lane has been designated or exists to fail to maintain any marking of the fire lane as required by this code in a condition that is not legible.

Section 503.2.4; change to read as follows:

503.2.4. TURNING RADIUS. The minimum required turning radius for a fire apparatus access road shall be 25 feet for the inner radius and 45 feet for the outer radius, as determined by the Fire Code Official.

Section 503.2.5; change to read as follows:

503.2.5 DEAD ENDS. All dead-end fire apparatus access roads shall have an approved fire apparatus turnaround per Appendix D of the currently adopted fire code.

Section 503.2.7; change to read as follows:

503.2.7. GRADE. The maximum grade for the fire apparatus access roads shall not exceed 8%, based on the specifications of the fire department's apparatus.

Section 503.3; change to read as follows:

503.3 MARKING. When approved by the fire code official, striping signs or other markings shall be provided for fire apparatus access roads to identify such roads or prohibit their obstruction. Striping, signs, and other markings shall be maintained clean and legible and replaced or repaired when necessary to provide adequate visibility.

No individual is allowed to mark, post, or identify a non-fire lane as a fire lane or create any signage that could confuse whether a passageway is a designated fire lane. It is unlawful for any individual, business, partnership, corporation, association, or other entity to park, stop, or leave a vehicle—whether attended or unattended—in a designated fire lane.

(1) Striping – Fire apparatus access roads shall be continuously marked by painted lines of red traffic paint six inches (6”) in width to show the boundaries of the lane. The words “NO PARKING FIRE LANE” or “FIRE LANE NO PARKING” shall appear in four-inch (4”) white letters at 25-foot intervals on the red border markings along both sides of the fire lanes. Where a curb is available, the striping shall be on the vertical face of the curb.

(2) Signs – Signs shall read “NO PARKING FIRE LANE” or “FIRE LANE NO PARKING” and shall be 12” wide and 18” high. Signs shall be painted white with letters and red borders, using not less than 2” lettering. Signs shall be permanently affixed to a stationary post, and the bottom of the sign shall be six feet, six inches (6’6”) above the finished grade. Signs shall be spaced not more than fifty feet (50’) apart along both sides of the fire lane. Signs may be installed on permanent buildings or walls, or approved by the Fire Code Official.

Section 503.4; change to read as follows:

503.4. OBSTRUCTION OF FIRE APPARATUS ACCESS ROADS. Fire apparatus access roads shall not be obstructed in any manner. Parking, stopping, or standing by any non-emergency vehicle, attended or unattended, is strictly prohibited. The minimum widths and clearances specified in Section 503.2.1 and any areas designated as fire lanes in Section 503.3 must always be maintained. The property operator is responsible for ensuring that all fire lanes on their property are free of obstructions.

Fire lanes must always remain clear to ensure immediate emergency vehicle and personnel access. The following presumptions apply to violators:

1. The registered owner of a vehicle parked or standing in a fire apparatus access road shall be presumed to be the violator and may be held jointly and severally liable for the violation.
2. If a person, business, partnership, corporation, association, or other entity owns, controls, or has custody of equipment, materials, or other objects that obstruct a fire apparatus access road, they shall be presumed to be the violator and may be held jointly and severally liable for the violation.
3. The owner, occupant, or leaseholder of the property or business directly adjacent to the obstructed portion of the fire apparatus access road shall be presumed to be the violator and may be held jointly and severally liable.

Section 503.4.2; add to read as follows:

503.4.2. PENALTIES FOR VIOLATIONS Any violation of this section shall constitute a misdemeanor offense, punishable by a fine not exceeding \$500.00. Each instance of non-compliance shall be considered a separate and distinct violation, and repeat offenses may result in higher fines or additional penalties as deemed appropriate by the Authority Having Jurisdiction (AHJ).

Section 503.3; add to read as follows:

503.4.3. ENFORCEMENT MEASURES The Fire Marshal, law enforcement officers, and other authorized personnel are empowered to enforce fire lane regulations. This includes issuing citations, towing vehicles that obstruct fire lanes, and taking other necessary actions to ensure compliance. Any unauthorized vehicle in a fire lane is:

1. Subject to removal from the premises by the operator of the premises, with the expense of removal and storage to be borne by the vehicle's registered owner.
2. Subject to citation, as well as removal from the premises, by the Fire Marshal, or his designee, or a police officer, with the expense of removal and storage to be borne by the registered owner of the vehicle; and
3. Prima facie evidence that the person in whose name the vehicle is registered is guilty of violating the parking provisions of this section.

Section 503.6; change to read as follows:

503.6 SECURITY GATES AND BARRICADES. Security gates across access roads shall meet the requirements of Flower Mound Fire Marshal's Rules and Regulations, Gates across Fire Apparatus Access Roads and Fire Lanes. A Flower Mound Fire Department *permit* is required before the installation of a gate across an access road or fire lane.

Sections 503.6.1 – 503.6.6; add to read as follows:

503.6.1 GENERAL REQUIREMENTS All limited-access drives from public streets must be designed to accommodate emergency service vehicles, including fire, police, and medical units. As determined by the fire code official, these limited-access drives

will be designated primary or secondary emergency routes.

The primary means of gate operation shall utilize an approved bidirectional light-attenuated opening device. To prevent tampering, this device must be placed on top of the gate or at a minimum height of 9 feet. If an exit loop is installed, it must be located at least 14 feet from the gate.

In the event of a malfunction, the gate should open using the key switch mounted on the keypad or in another approved location. When the key switch is activated, the affected gate will automatically enter a lock-open and disabled state. The gates must remain open for 30 minutes after emergency activation.

Numeric keypads should be installed at easily accessible locations at each automated drive gate for public safety personnel needing entry during emergencies. The Fire Marshal will determine the entry code numbers, which must remain consistent across all gate systems installed throughout the Town. These numbers may not be changed unless ordered by the Fire Marshal, either verbally or in writing.

503.6.2 DIMENSIONS. The minimum clear opening width shall be at least 20 feet, and a minimum unobstructed height of 15 feet shall be maintained.

503.6.3 PEDESTRIAN ACCESS GATES Pedestrian gates shall open fully with a minimum clear span of 48 inches and be provided with a latch or other means of securing them in the open position. Automated pedestrian gates shall open freely upon loss of power. When required by the Fire Marshal, a Knox Lock or a key switch mounted in an approved box shall release one or multiple pedestrian gates.

503.6.4 PERFORMANCE TESTS. Gates and gate systems shall be tested upon installation or when required by the fire department. The Fire Marshal's Office shall observe all the necessary tests. Failure of a gate or gate system test will require all affected gates to be chained and locked in the open position until repaired and retested.

503.6.5 ACCOMMODATION OF OTHER SERVICES. Provisions shall be made to accommodate other services, including, but not limited to, Flower Mound Police, Public Works, Sanitation Services, Utility Services Departments, and the United States Postal Service.

503.6.6 APPLICABILITY All security gates and barricades that do not comply with this code as of the adoption date will have twelve (12) months to achieve compliance after receiving notice from the fire code official.

SECTION 505 PREMISES IDENTIFICATION

Section 505.1; change to read as follows:

505.1. ADDRESS IDENTIFICATION. New and existing buildings shall have approved address numbers, building numbers, or approved building identification placed in a legible position and visible from the street or road fronting the property. These numbers shall contrast with their background. Where required by the Fire Code Official, address numbers shall be provided in additional approved locations to facilitate emergency response. Address numbers shall be Arabic numbers or alphabetical letters. Numbers shall be a minimum of 6 inches (152.4 mm) high with a minimum stroke width of 0.5 inches (12.7 mm). Where access is through a private road, buildings do not immediately front a street, and/or the building cannot be viewed from the public way, a monument, or other sign with approved 6-inch (152.4 mm) height building numerals or addresses and 4-inch (101.6 mm) height suite/apartment numerals of a color contrasting with the background of the building or other approved means shall be used to identify the structure. Address numbers shall be maintained.

Exception: R-3 Single Family occupancies shall have approved numerals of a minimum of 3-1/2 inches (88.9 mm) in height and color contrasting with the background visible and legible from the street fronting the property and rear alleyway where such alleyway exists.

Section 505.1.1; add to read as follows:

505.1.1 MULTIPLE BUILDINGS. When multiple buildings are on a single property, each building will be assigned a unique address. Each building shall display its designated building address in accordance with the guidelines specified in section 505.1. These numbers should be posted clearly and easily visible from the nearest driving surface.

Section 505.1.2; add to read as follows:

505.3 ADDRESS MARKING IN PARKING GARAGES. An approved sign displaying the building name and address with a minimum of 1-inch-high letters and numerals on a contrasting background in new and existing parking garages. The signs shall be in each elevator lobby and at the entrance to each stairwell.

SECTION 506 KEY BOXES

Section 506.1: add a sentence that reads as follows:

Each occupancy with a fire alarm, fire sprinkler system, or any other life safety system that triggers an automatic fire department response must have a key box. The key box shall include keys for every locked doorway within the building, and each key must be clearly labeled to indicate the corresponding lock.

Section 505.1.3; add to read as follows:

506.1.3 KEY BOX LOCATIONS. A key box should be installed at the entrances of the

fire sprinkler riser room, fire pump room, and, if applicable, the fire command center. Additionally, the Fire Code Official is authorized to require the placement of additional key boxes at the main entrance and other locations within larger buildings.

Section 506.1.4; add to read as follows:

506.1.4 KNOX REMOTE POWER BOX. All commercial buildings or structures that are 4,000 square feet or larger and meet the jurisdiction's sprinkler requirements must be equipped with an approved Remote Power Box. This box should be installed in a location approved by the Fire Code Official, positioned 6 feet (1676 mm) above grade, measured to the top of the box. A reflective sign with a red background and 2-inch white lettering that reads "FD EMERGENCY SHUTOFF" must be installed at each disconnect location.

SECTION 507 FIRE PROTECTION WATER SUPPLIES

Section 507.4; change to read as follows:

507.4 WATER SUPPLY TEST DATE AND INFORMATION. The water supply test used for hydraulic calculation of fire protection systems shall follow NFPA 291, "Recommended Practice for Fire Flow Testing and Marking of Hydrants," within one year of sprinkler plan submittal. The *fire code official* shall be notified before the water supply test. The fire code official shall witness water supply tests when required. The exact location of the static/residual hydrant and the flow hydrant shall be indicated on the design drawings. All fire protection plan submittals shall be accompanied by a hard copy of the waterflow test report or as approved by the *fire code official*. The report must indicate the dominant water tank level at the time of the test and the tank's maximum and minimum operating levels, as well as identify applicable water supply fluctuation. The licensed contractor must design the fire protection system based on this fluctuation information, per Section 903.3.5 and the appropriate NFPA standard - reference Section 903.3.5 for additional design requirements.

Exception: This exception applies to the above NFPA 291 fire hydrant flow test. The authority may provide water supply test information via a hydraulic water model approved by the fire code official. The water model report shall include the exact location of the water model node on the city's water supply piping, elevation, water supply fluctuation information, and all other pertinent water supply test information for fire protection design, as applicable.

Section 507.5.1; change to read as follows:

507.5.1 WHERE REQUIRED. Where a portion of the facility or building hereafter constructed or moved into or within the jurisdiction is more than 300 feet (91.44 m) from a hydrant on a fire apparatus access road, as measured by an *approved* route around the exterior of the facility or building, on-site fire hydrants and mains shall be provided where required by the *fire code official*.

All fire hydrants shall be accessible to the fire department apparatus by roadways and fire lanes, meeting the requirements of Section 503. All fire hydrants shall meet the specifications of the Town of Flower Mound Engineering Design Standards and the Town of Flower Mound Public Works Department for Dry-Barrel Fire Hydrants or as approved by the fire code official. Fire hydrants shall be installed according to the following criteria:

1. Hydrants shall be located at least two (2) feet and a maximum of six (6) feet behind the curb line.
2. All new fire hydrants must be powder-coated silver by the manufacturer.
 - a. The fire code official must approve the color for repainting fire hydrants.
3. All fire hydrants must be installed so that the center of the main outlet on the front of the hydrant is at least eighteen (18) inches and no more than forty-eight (48) inches above grade level.
4. Fire hydrants in residential areas shall be positioned so that there is one every five hundred (500) feet, measured along an approved unobstructed route as the fire hose lays.
5. A hydrant in a cul-de-sac should be placed at the radius and the radius return, regardless of the required spacing.
6. Fire hydrants in commercial areas shall be positioned so that there is one every three hundred (300) feet, measured along an approved unobstructed route as the fire hose lays.
7. Fire hydrants must not be placed within the turning radius of fire lanes.
8. Fire hydrants on fire lanes must be positioned no more than five (5) feet from the edge of the lane.
9. A fire hydrant shall be no more than 50 feet from the fire department connection (FDC) and on the same side of the roadway as the facility or building.

EXCEPTIONS:

1. For Group R-3 and Group U occupancies, the distance requirement shall be 500 feet (183 m).
2. ~~For buildings equipped with an approved automatic sprinkler system installed per Section 903.3.1.1 or 903.3.1.2, the distance requirement shall be 500 feet (183 m).~~

Section 507.5.1.1; change to read as follows:

507.5.1.1 HYDRANT FOR STANDPIPE SYSTEMS. Buildings with a standpipe system installed under Section 905 shall have a fire hydrant within 50 feet of the fire department connections.

Section 507.5.4; change to read as follows:

507.5.4 OBSTRUCTION. A 3-foot clear and unobstructed access to fire hydrants shall always be maintained. Posts, fences, vehicles, growth, trash, storage, and other materials or objects shall not be placed or kept near fire hydrants, fire department inlet connections, or fire protection system control valves in a manner that would prevent such equipment or fire hydrants from being immediately discernible. The fire department shall not be deterred from gaining immediate access to fire protection equipment or fire hydrants.

SECTION 509 FIRE PROTECTION AND UTILITY EQUIPMENT IDENTIFICATION AND ACCESS

Section 509.1.2; add to read as follows:

509.1.2 SIGN REQUIREMENTS. Unless more stringent requirements apply, lettering for signs required by this section shall have a minimum height of 2 inches (50.8 mm) when located inside a building and 4 inches (101.6 mm) when located outside or as approved by the *fire code official*. The letters shall be of a color that contrasts with the background.

Section 509.3; add to read as follows:

509.3 SIGNAGE SPECIFICATIONS. When this code requires signage, the Fire Code Official, or any other relevant provisions, it must comply with the Flower Mound Fire Marshal's Rules and Regulations regarding Fire Protection Marking, Signage, and Identification Requirements.

SECTION 510 EMERGENCY RESPONDER COMMUNICATIONS ENHANCEMENT SYSTEMS

Section 510.6.1: add a paragraph to read as follows:

The inspecting radio contractor shall provide an annual inspection tag/sticker on the ERCES' BDA and any remote annunciator. The tag/sticker shall identify the approved inspecting contractor's name, physical address, phone number, FCC license number, inspector's name, and inspection date. The system shall not be tagged until all inspection requirements of this section are conducted. The tag/sticker shall be blue for a passing system. If this is not possible, the tag/sticker shall be red for a failing system, with reasons for failure indicated on the tag if possible. If a red tag/sticker is placed, AHJ/Fire Marshal shall be notified within 24 hours.

SECTION 511 RADIO SIGNAL BOOSTER SYSTEM SPECIFICATION

Section 511: add to read as follows:

511.1. COMMUNICATIONS. In all new and existing buildings in which the type of construction or distance from an active emergency services antenna or dispatch site does not provide adequate frequency or signal strength as determined by the Fire Code Official, the building owner shall be responsible for providing the equipment, installation, and maintenance of said equipment in a manner to strengthen the radio signal. According to the emergency radio system's provider and system manager, the radio signal shall meet the minimum input/output strengths. All large structures built after the effective date of this code shall be evaluated before issuing a certificate of occupancy for adequacy of emergency communications inside the structure. If the evaluation fails, the building owner shall, at their expense, install an approved communications system that will allow emergency responders (fire and police) to communicate from within the building to other responders outside the building. The communication system shall meet the requirements outlined in Section 510 of the adopted and amended fire code.

SECTION 512 AUTOMATED EXTERNAL DEFIBRILLATOR (AED) REQUIREMENTS

Section 512; add to read as follows:

512.1 PURPOSE. This section aims to promote public health, safety, and welfare by improving emergency care response times for those suffering from sudden cardiac arrest, thereby improving their chances of survival. The requirements of this section are intended to facilitate faster emergency response in large buildings, multi-story buildings, and/or buildings with a large number of occupants, where first responder access may be impeded due to building use, occupancy, location, layout, construction, or other factors.

512.2 DEFINITIONS. Unless otherwise expressly stated, the following words and terms shall, for purposes of this Section 512, have the meanings set forth below:

AUTOMATED EXTERNAL DEFIBRILLATOR (AED). A heart monitor and defibrillator meet the requirements of the Texas Health and Safety Code and applicable federal law.

AED OWNER. A person or entity that owns or possesses an Automatic External Defibrillator. Vendors or dealers that own or maintain AEDs solely for resale are not included as owners for this Ordinance.

512.3 DUTIES OF AED OWNER. Any person who presently owns or acquires an AED on or after the effective date of this ordinance, other than vendors or dealers of AEDs owning or possessing AEDs solely for resale purposes, shall:

512.3.1 REGISTRATION. Register the AED with the Emergency Medical System Coordinator or the Fire Chief. The registration shall include information about the AED location and type. The fire department will provide a means to register the AED.

512.3.2 INSPECTION AND MAINTENANCE. Inspect, test, store, maintain, and service the AED per Texas Health and Safety Code 779.003 and under any standards

established by the AED manufacturer. The owner shall maintain documentation for the past three years of the unit's service.

512.3.3 NOTIFICATION OF USE. Notify the fire department as soon as possible, but in no event any later than 24 hours following any use of the AED (excluding hospitals or other end-care facilities), and provide the fire department with information relevant to the incident, including but not limited to the date, time and location of use, name of the person the AED was used upon, the printout from the AED, and the nature of other emergency response to the incident, including the name and address of any hospital, clinic, or medical provider to which the person was transported following the AED use. The fire department will provide a form.

512.4 TRAINING UNIT. Any AED possessed and used solely for demonstration or training purposes, and which would not be operational in an actual emergency use situation, shall be exempt from the registration requirements of this section. Any AED shall be clearly marked on its exterior and readily identifiable as inappropriate for use in emergencies.

512.5 OCCUPANCIES REQUIRED TO HAVE AN AED. AEDs are required under Texas Education Code 38.017, Texas Occupations Code 258.1556, and Texas Administrative Code Title 40 TAC 19.35.

512.6 NEW CONSTRUCTION REQUIRING AED. When work begins, an AED must be on site. Before issuance of Fire approval, an AED shall be placed in all Group A "Assembly" buildings with an occupancy load of 150 or more. In all other Occupancy Use categories, an AED will be placed in structures with an occupancy load of 200 or more.

Exceptions:

1. Single- or multi-family dwelling units.
2. Parking Garages.

512.7 CHANGE OF OWNERSHIP/EXISTING CONSTRUCTION REQUIRING AED. For any occupancy described herein, at the time of the change of ownership or when work begins for any remodel on the site, an AED is required to be on site. Before issuance of Fire approval, an AED shall be placed in all Group A "Assembly" buildings with an occupancy load of 150 or more. In all other Occupancy Use categories, an AED will be placed in structures with an occupancy load of 200 or more.

Exceptions:

1. Single- or multi-family dwelling units.
2. Parking Garages.

512.8 PLACEMENT. AEDs shall be conspicuously placed and readily accessible in an emergency. AEDs shall be mounted such that the top of the AED is no more than 5 feet

above the floor level.

512.9 LOCATION. AEDs shall be in buildings to optimally achieve a three-minute response time to the person needing emergency care using the AED. To achieve this separation, the first unit shall be placed in the following locations, and other units set accordingly to meet the intent of this code:

1. One AED shall be placed at the main entrance of every building floor.
2. AEDs shall be located on each floor such that the maximum length of travel measured from the most remote point on the floor to the AED shall not exceed 300 feet.
3. AEDs shall be located on each floor such that the maximum length of travel between any two AEDs shall not exceed 600 feet.

CHAPTER 6- BUILDING SERVICES AND SYSTEMS

SECTION 603 ELECTRICAL EQUIPMENT, WIRING, AND HAZARDS

Section 603.1.3; add to read as follows:

603.1.3 PLUG ADAPTORS. Plug adapters are not permitted.

Section 603.1.4; add to read as follows:

603.1.4 SAFETY TIP-OVER SWITCHES No portable electric space heater may be operated in any occupancy or location unless it is equipped with a safety tip-over switch that completely disrupts electrical power to the space heater before it has tipped in any direction beyond the angle of critical balance. Critical balance is the minimum angle through which a heater must be tipped to cause it to tip over solely due to the force of gravity.

Section 603.1.5; add to read as follows:

603.1.5 APPLIANCES. All heating or cooling appliances must be plugged directly into an approved electrical outlet.

SECTION 604 ELEVATOR OPERATION, MAINTENANCE, AND FIRE SERVICE KEYS

Section 604.7; change to read as follows:

604.7 STORAGE. Storage is prohibited in elevator cars or elevator machine rooms. Signage shall be provided at the entry doors to the elevator machine room indicating "ELEVATOR MACHINERY – NO STORAGE ALLOWED."

Exceptions remain unchanged

Section 605.4 through 605.4.2.2; change to read as follows:

605.4 FUEL OIL STORAGE SYSTEMS. Fuel oil storage systems shall be installed and maintained under this code. Tanks and fuel-oil piping systems shall be installed following Chapter 13 of the *International Mechanical Code* and Chapter 57.

605.4.1 FUEL OIL STORAGE IN OUTSIDE, ABOVE-GROUND TANKS. Where connected to a fuel-oil piping system, the maximum fuel oil storage allowed outside, above ground, without additional protection shall be 660 gallons (2498 L). Fuel oil storage above ground in quantities exceeding 660 gallons (2498 L) shall comply with NFPA 31 and Chapter 57.

605.4.1.1 APPROVAL. Outdoor fuel oil storage tanks shall follow UL 80, UL 142, UL 142A, or UL 2085 and be listed as double-wall/secondary containment tanks.

605.4.2 FUEL OIL STORAGE INSIDE BUILDINGS. Fuel oil storage inside buildings shall comply with Sections 605.4.2.12 through 605.4.2.8 and Chapter 57.

605.4.2.1 APPROVAL. Indoor fuel oil storage tanks shall comply with UL 80, UL 142, UL 142A, or UL 2085.

605.4.2.2 QUANTITY LIMITS. One or more fuel oil storage tanks containing Class II or III *combustible liquids* shall be permitted in a building. The aggregate capacity of all tanks shall not exceed the following:

1. 660 gallons (2498 L) in unsprinklered buildings, stored in a tank complying with UL 80, UL 142, UL 142A, or UL 2085, and also listed as a double-wall/secondary containment tank for Class II liquids, the secondary containment shall be monitored visually or automatically.
2. 1,320 gallons (4996 L) in buildings equipped with an *automatic sprinkler* system per Section 903.3.1.1, stored in a tank complying with UL 142, UL 142A, or UL 2085. The tank shall be listed as a secondary containment tank, and the secondary containment shall be monitored visually or automatically.
3. 3,000 gallons (11,356 L) in buildings equipped with an *automatic sprinkler* system per Section 903.3.1.1, stored in protected above-ground tanks complying with UL 2085 and Section 5704.2.9.7. The tank shall be listed as a secondary containment tank, as required by UL 2085, and the secondary containment shall be monitored visually or automatically.

SECTION 606 COMMERCIAL COOKING EQUIPMENT AND SYSTEMS

Section 606.2; change to read as follows:

606.2 WHERE REQUIRED. A Type I hood shall be installed at or above all commercial cooking appliances and domestic cooking appliances used for commercial purposes that produce grease vapors, including but not limited to cooking equipment used in fixed, mobile, or temporary concessions, such as trucks, buses, trailers, pavilions, or any form of roofed enclosure, as required by the Fire Code Official.

Exceptions:

1. Factory-built commercial exhaust hoods listed and labeled per UL 710 and installed following Section 304.1 of the International Mechanical Code shall not be required to comply with Sections 507.1.5, 507.2.3, 507.2.5, 507.2.8, 507.3.1, 507.3.3, 507.4, and 507.5 of the *International Mechanical Code*.
2. Factory-built commercial cooking recirculating systems listed and labeled per UL 710B and installed following Section 304.1 of the International Mechanical Code shall not be required to comply with Sections 507.1.5, 507.2.3, 507.2.5, 507.2.8, 507.3.1, 507.3.3, 507.4, and 507.5 of the *International Mechanical Code*. Spaces in which such systems are located shall be kitchens and ventilated following Table 403.3.1.1 of the *International Mechanical Code*. To determine the floor area required to be ventilated, each appliance shall occupy not less than 100 square feet.
3. Where cooking appliances are equipped with integral down-draft exhaust systems and such appliances and exhaust systems are *listed* and *labeled* for the application following NFPA 96, a hood shall not be required at or above them.
4. A Type I hood shall not be required for an electric cooking appliance where an *approved* testing agency provides documentation that the appliance effluent contains 5 mg/m³ or less of grease when tested at an exhaust flow rate of 500 cfm (0.236 m³/s) following UL 710 B.
5. Tents, as provided for in Chapter 31.

Additionally, fuel gas and power provided for such cooking appliances shall be interlocked with the extinguishing system, as required by Section 904.13.2. Fuel gas containers and piping/hose shall be appropriately maintained in good working order and in accordance with all applicable regulations.

CHAPTER 8 - INTERIOR FINISH, DECORATIVE MATERIALS, AND FURNISHINGS

SECTION 807 DECORATIVE MATERIALS AND ARTIFICIAL DECORATIVE VEGETATION IN NEW AND EXISTING BUILDINGS

Section 807.5.2.2, 807.5.2.3, 807.5.5.2, and 807.5.5.3; change to read as follows:

807.5.2.2 ARTWORK IN CORRIDORS. Artwork and teaching materials shall be limited on the walls of corridors to at most 20 percent of the wall area. Such materials shall not be continuous from floor to ceiling or wall to wall. Curtains, draperies, wall hangings, and

other decorative material suspended from the walls or ceilings shall meet the flame propagation performance criteria of NFPA 701 per Section 807 or be non-combustible.

Exception: Corridors protected by an approved automatic sprinkler system installed following Section 903.3.1.1 shall be limited to 50 percent (50%) of the wall area.

807.5.2.3 ARTWORK IN CLASSROOMS. Artwork and teaching materials shall be limited to at most 50 percent of the specific wall area to which they are attached on the walls of classrooms. Curtains, draperies, wall hangings, and other decorative material suspended from the walls or ceilings shall meet the flame propagation performance criteria of NFPA 701 per Section 807 or be non-combustible.

807.5.5.2 ARTWORK IN CORRIDORS. Artwork and teaching materials shall be limited on the walls of corridors to at most 20 percent of the wall area. Such materials shall not be continuous from floor to ceiling or wall to wall. Curtains, draperies, wall hangings, and other decorative material suspended from the walls or ceilings shall meet the flame propagation performance criteria of NFPA 701 per Section 807 or be non-combustible.

Exception: Corridors protected by an approved automatic sprinkler system installed following Section 903.3.1.1 shall be limited to 50 percent (50%) of the wall area.

807.5.5.3 ARTWORK IN CLASSROOMS. Artwork and teaching materials shall be limited to at most 50 percent of the specific wall area to which they are attached on the walls of classrooms. Curtains, draperies, wall hangings, and other decorative material suspended from the walls or ceilings shall meet the flame propagation performance criteria of NFPA 701 per Section 807 or be non-combustible.

CHAPTER 9 - FIRE PROTECTION AND LIFE SAFETY SYSTEMS

SECTION 901 GENERAL

Section 901.4.7; change to read as follows:

901.4.7 PUMP AND RISER ROOM SIZE. Where provided, fire pump rooms and *automatic sprinkler system* riser rooms shall be designed with adequate space for all equipment necessary for the installation, as defined by the manufacturer, and sufficient working space around the stationary equipment. Clearances around equipment to elements of permanent construction, including other installed equipment and appliances, shall be enough to allow inspection, service, repair, or replacement without removing such elements of permanent construction or disabling the function of a required *fire-resistance-rated* assembly. Fire pump and *automatic sprinkler system* riser rooms shall be provided with doors and unobstructed passageways large enough to remove the largest piece of equipment. The minimum riser room size shall be 36 sq. ft., with the minimum dimension being 6 ft.

Section 901.4.7.1; add a sentence to read as follows:

Fire pump and automatic sprinkler system riser rooms shall be directly accessible from the structure's exterior. Access doors shall be a minimum of 3 feet (3') in width and six feet eight inches (6'8") in height. A key box shall be provided at this door, as required by Section 506.1.

Exception: When the fire pump room must be located on other levels or not on an exterior wall, the corridor leading to the fire pump room access from the exterior of the building shall be provided with equivalent fire resistance as that required for the pump room or as approved by the Fire Code Official.

Section 901.4.7.2; change to read as follows:

901.4.7.2 MARKING ON ACCESS DOOR. Access doors for automatic sprinkler system riser rooms and fire pump rooms shall be labeled following the Flower Mound Fire Marshal's Rules and Regulations regarding Fire Protection Marking, Signage, and Identification Requirements.

Section 901.4.7.3; change to read as follows:

901.4.7.3 ENVIRONMENT Automatic sprinkler system riser rooms, fire pump rooms, and aboveground fire vaults must be kept at a temperature that does not fall below 40°F (4°C). For this purpose, heating elements should be installed permanently, and a thermostat to regulate the heat-producing device's operation.

Section 901.4.7.4; change to read as follows:

901.4.7.4 LIGHTING. Permanently installed artificial illumination with a minimum 90-minute battery backup shall be provided in the automatic sprinkler system riser room and fire pump rooms.

Section 901.4.7.5; add to read as follows:

901.4.7.5 FIRE PROTECTION EQUIPMENT ONLY. Fire pump rooms, automatic sprinkler system riser rooms, and all other rooms designated for fire protection equipment shall be used only for fire protection and operational equipment.

Section 901.5; change to read as follows:

901.5 ADMINISTRATION AND INSTALLATION ACCEPTANCE TESTING. Fire protection and life safety systems and appurtenances thereto shall be subject to acceptance tests as contained in the installation standards and approved by the Fire Code Official. The Fire Code Official shall be notified before any required acceptance testing. All the necessary tests shall be conducted by and at the owner's or his representative's expense. The Fire Department shall not be held responsible for any

damage incurred in such a test. Where the Fire Department is required to witness any such test, it shall be scheduled with a minimum of 72 hours' notice to the Fire Marshal or his representative.

Section 901.6.1.1; add to read as follows:

901.6.1.1 STANDPIPE TESTING. Building owners/managers must maintain and test standpipe systems per NFPA 25 requirements. The following additional requirements shall be applied to the testing that is required every 5 years:

1. The piping between the Fire Department Connection (FDC) and the standpipe shall be backflushed or inspected by an approved camera when foreign material is present or when caps are missing and hydrostatically tested for all FDCs on any standpipe system. Hydrostatic testing shall also follow NFPA 25 requirements for the different types of standpipe systems.
2. For any manual (dry or wet) standpipe system not having an automatic water supply capable of flowing water through the standpipe, the tester shall connect a hose from a fire hydrant or portable pumping system (as approved by the *fire code official*) to each FDC, and flow water through the standpipe system to the roof outlet to verify that each inlet connection functions correctly. Confirm that there are no open hose valves before introducing water into a dry standpipe. There are no required pressure criteria at the outlet. Verify that check valves function correctly and that there are no closed control valves in the system.
3. Any pressure relief, reducing, or control valves shall be tested per the requirements of NFPA 25. All hose valves shall be exercised.
4. If the FDC is not already provided with approved caps, the contractor shall install such caps for all FDCs as required by the *fire code official*.
5. Upon completing the standpipe test, place a blue tag (as per Texas Administrative Code, Fire Sprinkler Rules for Inspection, Test and Maintenance Service (ITM) Tag) at the bottom of each standpipe riser in the building. The tag shall be check-marked as "Fifth Year" for the Type of ITM, and the note on the back of the tag shall read "5-Year Standpipe Test" at a minimum.
6. The procedures required by the Texas Administrative Code Fire Sprinkler Rules regarding Yellow Tags and Red Tags, or any deficiencies noted during the testing, including the required notification of the local Authority Having Jurisdiction (*fire code official*), shall be followed.
7. The owner and contractor shall maintain testing records, if applicable, as required by the State Rules mentioned above and NFPA 25.
8. Standpipe system tests where water will flow externally to the building shall not be conducted during freezing or the day before expected nighttime freezing conditions.
9. Contact the *fire code official* for requests to remove existing fire hoses from Class II and III standpipe systems where employees are not trained to utilize this firefighting equipment. When the fire code official approves the removal of the hose, all standpipe hose valves must remain in place and be provided with an

approved cap and chain.

Section 901.6.4; add to read as follows:

901.6.4 FALSE ALARMS AND NUISANCE ALARMS. False and nuisance alarms shall not be given, signaled, transmitted, or caused or permitted to be given, signaled, or transmitted in any manner.

Section 901.7; change to read as follows:

901.7 SYSTEMS OUT OF SERVICE. Where a required *fire protection system* is out of service or in the event of an excessive number of activations, the fire department and the *fire code official* shall be notified immediately and, where required by the *fire code official*, the building shall either be evacuated, or an *approved fire watch* shall be provided for all occupants left unprotected by the shut down until the *fire protection system* has been returned to service. ... {Remainder of section unchanged}

Section 901.88; change to read as follows:

901.8 REMOVAL OF OR TAMPERING WITH EQUIPMENT It shall be unlawful for any person to remove, tamper, interfere, alter, or otherwise disturb any fire hydrant, fire detection, and alarm system component, fire suppression system component, or any other fire and life safety component, appliance, or system required and regulated by this code, except when dealing with an actual fire, for official training purposes, recharging, or when a licensed technician carries out necessary repairs, or when approved by the Fire Code Official.

Section 901.8.2; change to read as follows:

901.8.2 REMOVAL OF EXISTING OCCUPANT-USE HOSE LINES. The Fire Code Official is authorized to permit the removal of existing occupant-use hose lines and hose valves where all of the following conditions exist:

1. The hose line(s) would not be utilized by trained personnel or the fire department.
2. If the occupant-use hose lines are removed, but the hose valves are required to remain as per the Fire Code Official, they shall be compatible with local fire department fittings.

Section 901.9; change to read as follows:

901.9. TERMINATION OF MONITORING SERVICE. The building owner and monitoring service provider shall notify the Fire Code Official in writing whenever contracted alarm services for monitoring any fire alarm system are terminated for any reason or a change in alarm monitoring provider occurs.

SECTION 902 DEFINITIONS

Section 902; Add the following definition to read as follows:

SINGLE-FAMILY RESIDENTIAL, ATTACHED DWELLING UNIT. A single-family attached residential unit is a building on an individual lot or tract of land intended for occupancy by one family that shares one or more common walls with similar adjacent units, also on individual lots such as townhomes, condominiums, or brownstones.

SECTION 903 AUTOMATIC SPRINKLER SYSTEMS

Section 903.1.1; change to read as follows:

903.1.1 ALTERNATIVE PROTECTION. Alternative automatic fire-extinguishing systems complying with Section 904 shall be permitted ~~instead of~~, in addition to, automatic sprinkler protection where recognized by the applicable standard, and/or as *approved* by the *fire code official*.

Section 903.2; add a paragraph to read as follows and delete the Exception:

903.2 WHERE REQUIRED. Existing text remains unchanged.

Automatic Sprinklers shall not be installed in elevator machine rooms, elevator machine spaces, and elevator hoistways, other than pits, where such sprinklers would not require shunt trip requirements. Storage shall not be allowed within the elevator machine room. Signage shall be provided at the entry doors to the elevator machine room indicating "ELEVATOR MACHINERY - NO STORAGE ALLOWED."

~~Exception: Spaces or areas in telecommunications buildings used exclusively for telecommunications equipment, associated electrical power distribution equipment, batteries not required to have an automatic sprinkler system by Section 1207 for energy storage systems and standby engines, provided that those spaces or areas are equipped throughout with an automatic smoke detection system following Section 907.2 and are separated from the remainder of the building by not less than 1-hour fire barriers constructed following Section 707 of the International Building Code or not less than 2-hour horizontal assemblies constructed per Section 711 of the International Building Code, or both.~~

Section 903.2.1.2; change to read as follows:

903.2.1.2 GROUP A-2. An *automatic sprinkler system* shall be provided throughout buildings and stories containing Group A-2 occupancies and throughout all stories from the Group A-2 occupancy to and including the levels of exit discharge serving that occupancy where one of the following conditions exists:

EXCEPTIONS:

1. The fire area exceeds 4,000 square feet.
2. The fire area has an occupant load of 100 or more.
3. The fire area is located on a floor other than a level of exit discharge serving such occupancies.

Section 903.2.2.1; change exception to read as follows:

903.2.2.1 AMBULATORY CARE FACILITIES. An automatic sprinkler system shall be installed throughout the entire floor containing an ambulatory care facility where either of the following conditions exist at any time:

1. Four or more care recipients are incapable of self-preservation.
2. One or more care recipients incapable of self-preservation are located at a facility other than the level of exit discharge serving such a facility.

In buildings where ambulatory care is provided on levels other than the level of exit discharge, an automatic sprinkler system shall be installed throughout the entire floor as well as all floors below where such care is provided, and all floors between the level of ambulatory care and the nearest level of exit discharge, the level of exit discharge, and all floors below the level of exit discharge.

Exception: Unless otherwise required by this code, floors classified as an open parking garage are not required to be sprinklered.

Section 903.2.4.2; change to read as follows:

903.2.4.2 GROUP F-1 DISTILLED SPIRITS. An automatic sprinkler system shall be provided throughout a Group F-1 fire area used to manufacture distilled spirits involving more than 120 gallons of distilled spirits (>20% alcohol) in the fire area at any time.

Section 903.2.6; change to read as follows:

903.2.6 GROUP I. An *automatic sprinkler system* shall be provided throughout buildings with a Group I *fire area*.

EXCEPTIONS:

1. An *automatic sprinkler system* installed following Section 903.3.1.2 shall be permitted in a Group I-1, condition 1 facility.
2. An automatic sprinkler system is not required where in-home residential Group I-4 daycare facilities are at the exit discharge level. Every room where care is provided has at least one exterior exit door.
3. In buildings where Group I-4 daycare is provided on levels other than the *level of*

exit discharge, an *automatic sprinkler system* following Section 903.3.1.1 shall be installed on the entire floor where care is provided, all floors between the level of care and the *level of exit discharge* and all floors below the *level of exit discharge* other than areas classified as an open parking garage.

Section 903.2.8; change to read as follows:

903.2.8 GROUP R. An automatic sprinkler system following Section 903.3 shall be installed throughout all buildings with a Group R fire area, including single-family attached dwellings with three or more units.

Section 903.2.8.4; add to read as follows:

903.2.8.4 STORAGE ROOMS. Within Group R occupancies, storage areas that are leased or rented shall comply with Section 903.2.9.5.

Section 903.2.9.3; change to read as follows:

903.2.9.3 GROUP S-1 DISTILLED SPIRITS OR WINE. An automatic sprinkler system shall be provided throughout a Group S-1 fire area used for the bulk storage of distilled spirits or wine involving more than 120 gallons of distilled spirits or wine (>20% alcohol) in the fire area at any one time.

Section 903.2.9.4; delete Exception:

903.2.9.4 GROUP S-1 UPHOLSTERED FURNITURE AND MATTRESSES. An automatic sprinkler system shall be provided throughout a Group S-1 fire area where the area used to store upholstered furniture or mattresses exceeds 2,500 square feet (232 m²).

~~**Exception:** Self-service storage facilities not greater than one story above grade plane where all storage spaces can be accessed directly from the exterior.~~

Section 903.2.9.5; add to read as follows:

903.2.9.5 SELF-SERVICE STORAGE FACILITY. An automatic sprinkler system shall be installed throughout all self-service storage facilities. The minimum sprinkler system design shall be based on an Ordinary Hazard Group II classification following NFPA 13 requirements. Physical construction in compliance with open-grid ceilings as per NFPA 13, such as an open metal grid ceiling or chicken wire that does not obstruct the overhead sprinkler protection, shall be installed to prevent storage from exceeding the lower of either 12 feet above the finished floor or 18 inches beneath standard sprinkler head deflectors. At least one sprinkler head shall be provided in each storage unit/room (additional sprinklers may be necessary for compliance with NFPA 13 spacing requirements), regardless of wall height or construction type separating such units.

Section 903.2.9.5.1; add to read as follows:

903.2.9.5.1. VERTICAL STORAGE LIMITS. To restrict storage above the sprinkler heads, a screen shall be installed eighteen inches (18") below the level of the sprinkler heads. This screen shall be a mesh of not less than one inch (1") nor greater than six inches (6") in size. The screen and its supports shall be installed such that all elements are at least eighteen inches (18") below any sprinkler heads, measured from the level of the deflector.

Section 903.2.10; change to read as follows:

903.2.10 GROUP S-2 PARKING GARAGES. An automatic fire sprinkler system shall be provided throughout buildings classified as parking garages, whether open or enclosed.

Section 903.2.10.1; change to read as follows:

903.2.10.1 COMMERCIAL PARKING GARAGES. Where the fire area exceeds 4,000 square feet, an automatic sprinkler system shall be provided throughout buildings used for the storage of commercial motor vehicles.

Section 903.2.11; change 903.2.11.3 and add 903.2.11.7, 903.2.11.8, and 903.2.11.9 as follows:

903.2.11.3 BUILDINGS MORE THAN 35 FEET IN HEIGHT. An automatic sprinkler system shall be installed throughout buildings with one or more stories, other than penthouses, in compliance with Section 1511 of the International Building Code, located 35 feet (10,668 mm) or above the lowest fire department vehicle access measured to the finished floor.

903.2.11.7 HIGH-PILED COMBUSTIBLE STORAGE. For any building with a clear height exceeding 12 feet (4,572 mm), see Chapter 32 to determine if those provisions apply.

903.2.11.8 SPRAY BOOTHS AND ROOMS. An approved automatic extinguishing system shall protect New and existing spray booths and spraying rooms.

903.2.11.9. BUILDINGS OVER 4,000 SQ. FT. An automatic sprinkler system must be installed throughout all buildings with an area of 4,000 square feet or greater. This requirement also applies to existing buildings or structures that are expanded to reach 4,000 square feet or more. For this provision, firewalls will not be considered as dividing separate buildings.

Exception: Open parking garages in compliance with Section 406.5 of the International Building Code, where all the following conditions apply:

1. The structure is freestanding.

2. The structure does not contain mixed uses, accessory uses, storage rooms, electrical rooms, elevators, or spaces used or occupied for anything other than motor vehicle parking.
3. The structure does not exceed three (3) stories.
4. An approved fire apparatus access road around the structure is provided.

Section 903.3.1; change to read as follows:

903.3.1 STANDARDS. Sprinkler systems shall be designed and installed following Section 903.3.1.1 unless otherwise permitted by Sections 903.3.1.2 and 903.3.1.3 and other chapters of this code, as applicable. For any structure or building for which a specific use, lease, or tenant cannot be identified, such as a speculative retail or office building, the sprinkler system shall be designed to Ordinary Hazard Group II or as permitted by the Fire Code Official.

For any structure or building with a clear height over 12 feet, the sprinkler system shall be designed to provide a minimum of Ordinary Hazard Group II. For any structure or building with a clear height over 12 feet and with the primary use of storage or warehouse, the sprinkler system shall be designed to protect Class IV Commodities to the maximum storage height. All buildings two or more stories in height shall be provided with floor control valves.

Exception: If a commodity type and storage height can be determined, the sprinkler system shall be designed according to the approved commodity class and storage height.

Section 903.3.1.1.1; change to read as follows:

903.3.1.1.1 EXEMPT LOCATIONS. When approved by the *fire code official*, automatic sprinklers shall not be required in the following rooms or areas where such ... *{text unchanged}*... because it is damp, of fire-resistance-rated construction, or contains electrical equipment.

1. As approved by the fire code official, A room or space where sprinklers constitute a serious life or fire hazard because of the nature of the contents.
2. Any room or space where sprinklers are considered undesirable because of the nature of the contents, when approved by the Fire Code Official.
3. Generator and transformer rooms, under the direct control of a public utility, separated from the remainder of the building by walls and floor/ceiling or roof/ceiling assemblies having a fire-resistance rating of not less than 2 hours.
4. Elevator machine rooms, machinery spaces, and hoistways, other than pits, where such sprinklers would not necessitate shunt trip requirements.
- ~~5. Rooms or areas of noncombustible construction with wholly noncombustible contents.~~
- ~~6. Fire service access~~ Elevator machine rooms, machinery spaces, and hoistways, other than pits where such sprinklers would not necessitate shunt trip requirements under any circumstances.

- ~~7. Machine rooms, machinery spaces, control rooms, and control spaces associated with occupant evacuation elevators are designed according to Section 3008 of the International Building Code.~~

Section 903.3.1.1.4; add the following Section:

903.3.1.1.4 DRY PIPE SPRINKLER SYSTEMS. Dry pipe sprinkler systems protecting fire areas of Type V construction shall be required to meet the 60-second water delivery time, as specified in NFPA 13, to the system test connection, regardless of the system size, unless more stringent criteria are outlined in NFPA 13. All dry pipe sprinkler systems shall be trip-tested to flow and discharge water to verify compliance with this requirement, unless otherwise approved by the fire code official.

Section 903.3.1.1.5; add the following Section:

903.3.1.1.5 RESIDENTIAL SYSTEMS. In Group R occupancies, an NFPA 13 fire sprinkler system installed per 903.3.1.1 shall be required where the building is designed to exceed the maximum allowable factors of Tables 504.3, 504.4, or 506.2 of the 2024 International Building Code for the occupancy classification and construction type. For this provision, firewalls shall not be defined as separate buildings.

Section 903.3.1.2; change to read as follows:

903.3.1.2 NFPA 13R SPRINKLER SYSTEMS. *Automatic sprinkler systems* in Group R occupancies shall be permitted to be installed throughout, following NFPA 13R, where the Group R occupancy meets all of the following conditions:

1. Four stories or less above grade plane.
2. The floor level of the highest story is 35 feet or less above the lowest level of fire department vehicle access.
3. The floor level of the lowest story is 35 feet or less below the lowest level of fire department vehicle access.

Section 903.3.1.2.1; change to read as follows:

903.3.1.2.1 BALCONIES, DECKS, AND BREEZEWAYS. Sprinkler protection shall be provided for exterior balconies, decks, means of egress breezeways, and ~~ground-floor~~ patios of dwelling and sleeping units.

Section 903.3.1.2.2; change to read as follows:

903.3.1.2.2 CORRIDORS AND BALCONIES IN THE MEANS OF EGRESS. Sprinkler protection shall be provided in all corridors and balconies. ~~In the means of egress, where any of the following conditions apply:~~

- ~~1. Corridors with combustible floor or walls.~~
- ~~2. Corridors with an interior change of direction exceeding 45 degrees (0.79 rad).~~

- ~~3. Corridors are less than 50 percent open to the outside atmosphere at the ends.~~
- ~~4. Open ended corridors and associated exterior stairways and ramps as specified in Section 1027.6, Exception 3.~~
- ~~5. Egress balconies not complying with Sections 1021.2 and 1021.3.~~

Section 903.3.1.2.3; delete the section and replace as follows:

SECTION 903.3.1.2.3 ATTACHED GARAGES AND ATTICS. Sprinkler protection is required in attached garages and the following attic spaces:

1. Attics used or intended for living purposes, or an automatic sprinkler system, shall protect storage.
2. Where fuel-fired equipment is installed in an unsprinklered attic, at least one quick-response intermediate temperature sprinkler shall be installed above the equipment.
3. Attic spaces of buildings two or more stories above the grade plane or above the lowest fire department vehicle access level.
4. Group R-4, Condition 2 occupancy attics not required by Items 1 or 3 to have sprinklers shall comply with one of the following:
 - 4.1. Provide automatic sprinkler system protection.
 - 4.2. Provide a heat detection system throughout the attic that is arranged to activate the building fire alarm system.
 - 4.3. Construct the attic using non-combustible materials.
 - 4.4. Construct the attic using fire-retardant-treated wood complying with Section 2303.2 of the International Building Code.
 - 4.5. Fill the attic with noncombustible insulation.

Sections 903.3.1.3 and 903.3.1.3.1; change to read as follows:

903.3.1.3 NFPA 13D SPRINKLER SYSTEMS. *Automatic sprinkler systems* installed in one- and two-family *dwellings*, Group R-3, Group R-4, Condition 1, and *townhouses* are permitted to be installed throughout, provided they comply with NFPA 13D or state law.

903.3.1.3.1 DESIGN CRITERIA. In addition to design criteria, 13D systems shall be designed as follows:

1. Piping shall be run vertically inside interior walls and horizontally between floors and unheated garages.
2. Garages shall be protected when a living space or portion thereof is provided above.

Section 903.3.1.4; add to read as follows:

903.3.1.4 FREEZE PROTECTION. Freeze protection systems for automatic fire sprinkler systems shall follow the requirements of the applicable referenced NFPA standard and this section.

Section 903.3.1.4.1; add to read as follows:

903.3.1.4.1 ATTICS. Only dry-pipe, preaction, or listed antifreeze automatic fire sprinkler systems shall be allowed to protect unheated attic spaces.

Exception: Wet-pipe fire sprinkler systems shall be allowed to protect non-ventilated attic spaces where:

1. A separate floor control valve assembly supplies the attic sprinklers to allow ease of draining the attic system without impairing sprinklers throughout the rest of the building, and
2. Adequate heat shall be provided for freeze protection as per the applicable referenced NFPA standard and
3. The attic space is part of the building's thermal envelope, so insulation is provided at the roof deck rather than at the ceiling level.

Section 903.3.1.4.2; add to read as follows:

903.3.1.4.2 HEAT TRACE/INSULATION. Heat tracing/insulation shall only be permitted where approved by the fire code official for small sections of large-diameter water-filled pipes.

Section 903.3.5; change to read as follows:

903.3.5 WATER SUPPLIES. Water supplies for *automatic sprinkler systems* shall comply with this section and the standards referenced in Section 903.3.1. The potable water supply shall be protected against backflow following the requirements of this section and the *International Plumbing Code*. For connections to public waterworks systems, the water supply test used to design *fire protection systems* shall be adjusted to account for seasonal and daily pressure fluctuations based on information from the water supply authority and as *approved* by the *Fire Code Official*. The water supply required for such systems shall be provided in conformance with the supply requirements of the respective standards. However, every fire protection system shall be designed with a 10-psi safety factor refer to Section 507.4 for additional design requirements.

Section 903.3.7; change to read as follows:

903.3.7. FIRE DEPARTMENT CONNECTIONS. The fire department connections for automatic sprinkler systems shall be installed per Section 912 and located within five feet of the fire lane, within 50 feet of a fire hydrant, and on the same side of the roadway. All fire department connections shall be remotely located away from the building. The height shall be between 18" and 36". Unless otherwise approved, the FDC shall have a Knox brand 5" Storz Connection, a 30-degree down angle, and a locking Knox cap. The Fire Marshal shall approve the FDC location.

Section 903.3.9; change to read as follows:

903.3.9 BUILDING FLOOR CONTROL VALVES. Approved supervised Sprinkler and standpipe system water-flow detectors shall be provided for each floor tap to the sprinkler system and shall cause an alarm upon water flow detection for more than 45 seconds. Additionally, the detectors shall identify the fire area of the notice. All control valves in the sprinkler and standpipe systems, including accessible backflow preventers and, except for fire department hose connection valves, shall be electrically supervised to initiate a supervisory signal at the central station upon tampering. Indicating control valves shall be provided at the point of connection to the riser as shown below:

1. In High-Rise Buildings, floor control assemblies shall be located in protected stairwells *or as otherwise approved by the fire code official.*
2. In all other buildings, floor control assemblies shall be located as approved by the fire code official.

Section 903.4.1; add a second paragraph after the Exceptions to read as follows:

(Existing text remains unchanged)

Sprinkler and standpipe system water-flow detectors shall be provided for each floor tap to the sprinkler system and shall activate an alarm upon detection of water flow for more than 45 seconds. Reference Section 903.3.9 for required floor control assemblies. All control valves in the sprinkler and standpipe systems, except fire department hose connection valves, shall be electrically supervised to initiate a supervisory signal at the central station upon tampering.

Section 903.4.3; change to read as follows:

903.4.3 ALARMS. An *approved* audible device located on the exterior of the building in an *approved* location shall be connected to each *automatic sprinkler system*. Such sprinkler water flow alarm devices shall be activated by a water flow equivalent to the flow of a single sprinkler with the smallest orifice size installed in the system. Where a fire alarm system is installed, actuation of the *automatic sprinkler system* shall activate the building fire alarm system. The alarm device required on the exterior of the building shall be a weatherproof horn/strobe notification appliance with a minimum 75-candela strobe rating. One device shall be located at the riser room, and one shall be as close as practicable to the fire department connection. The strobe shall be pole-mounted at most 5 feet from the FDC, if needed.

Exception: Unchanged

Section 903.6; change to read as follows:

903.6 WHERE REQUIRED IN EXISTING BUILDINGS AND STRUCTURES. An *automatic sprinkler system* shall be provided in existing buildings and structures where required in Chapter 11. The provisions of this section are intended to provide a

reasonable degree of safety in existing buildings and structures not complying with the minimum requirements of the *International Building Code* by requiring the installation of an automatic fire-extinguishing system where one of the following applies:

1. Existing structures that are being substantially improved as defined in Chapter 11 of this code or any other requirements outlined in the International Fire Code (IFC), the International Building Code (IBC), or the International Residential Code (IRC), all as adopted by the Town of Flower Mound.
2. Existing structures are being remodeled, and the common path of exit travel, exit access, or exit(s) of the building are being modified.
3. Existing structures built before adopting the 2024 International Fire Code, which did not obtain Permit/Work Authorizations as required by Chapter 105 of this code or did not meet the minimum code requirements at the time of construction.
4. The occupancy classification, the nature of the building use, and/or the occupant load of the structure are changing from the original certificate of occupancy requirements at the time of construction.
5. The code official believes the structure's occupancy classification and occupant load require a sprinkler system for occupants and means of egress safety.

Section 903.7; add to read as follows:

903.7 SEPARATION FROM NON-SPRINKLERED AREAS. Unless otherwise exempted by the International Building Code (IBC) or International Fire Code (IFC), as adopted by the Town of Flower Mound, or required to be of a higher fire resistance construction by the IBC or IFC, a minimum of one (1) hour fire barrier construction following the 2024 IBC shall be provided between sprinklered and unsprinklered areas within a building.

SECTION 904 ALTERNATIVE AUTOMATIC FIRE-EXTINGUISHING SYSTEMS

Section 903.13.2; change to read as follows:

904.13.2 MANUAL SYSTEM OPERATION DEVICE COLOR. The manual actuation device for an alternative fire-extinguishing system shall be silver or white and shall not resemble a fire alarm system actuation device. The color of the manual actuation device for an alternative fire-extinguishing system shall apply to both commercial and residential fire-extinguishing systems.

Section 903.13.3; add to read as follows:

904.13.3 MULTIPLE MANUAL SYSTEM OPERATION DEVICES. Where there are multiple manual actuation devices for an alternative fire-extinguishing system, each actuation device and the corresponding fire-extinguishing system shall be provided with an identification plate that indicates which system the device operates.

SECTION 905 STANDPIPE SYSTEMS

Section 905.3.8; add to read as follows:

905.3.8 BUILDINGS EXCEEDING 10,000 SQ. FT. In buildings exceeding 10,000 square feet in area per story and where any portion of the building's interior area is more than 200 feet (60960 mm) of travel, vertically and horizontally, from the nearest point of fire department vehicle access, Class I standpipes shall be provided.

Section 905.4; change Item 5, and add Item 7 to read as follows:

1. Where the roof slopes less than four units vertically in 12 units horizontally (33.3 percent slope), each standpipe shall be provided with a two-way hose connection. A-hose connection shall be located to serve the roof or at the highest landing of an interior exit stairway, with stair access to the roof provided per Section 1011.12.
2. {No change.}
3. When required by this Chapter, standpipe connections shall be placed adjacent to all required exits to the structure and at two hundred feet (200') intervals along major corridors thereafter or as otherwise approved by the fire code official.

Section 905.8; change to read as follows:

905.8 MANUAL STANDPIPES. Manual standpipes shall not be installed.

Section 905.9; add a second paragraph after the exceptions to read as follows:

(Existing text remains unchanged)

Sprinkler and standpipe system water-flow detectors shall be provided for each floor tap to the sprinkler system and shall activate an alarm upon detection of water flow for more than 45 seconds. Reference Section 903.3.9 for required floor control assemblies. All control valves in the sprinkler and standpipe systems, except fire department hose connection valves, shall be electrically supervised to initiate a supervisory signal at the central station upon tampering.

SECTION 906 PORTABLE FIRE EXTINGUISHERS

*****Section 906.1(1); delete Exception 3 as follows:***

- ~~3. In storage areas of Group S occupancies where forklifts, powered industrial trucks, or powered cart operators are the primary occupants, Fixed extinguishers, as specified in NFPA 10, shall not be required where by all of the following:~~

- ~~3.1. The fire code official shall approve the use of vehicle-mounted extinguishers.~~
- ~~3.2. Each vehicle shall be equipped with a 10-pound, 40A:80B: C extinguisher affixed to the vehicle using a mounting bracket approved by the extinguisher manufacturer or the fire code official for vehicular use.~~
- ~~3.3. Not less than two spare extinguishers of equal or greater rating shall be available on-site to replace a discharged extinguisher.~~
- ~~3.4. Vehicle operators shall be trained in the proper operation, use, and inspection of extinguishers.~~
- ~~3.5. Inspections of vehicle-mounted extinguishers shall be performed daily.~~

SECTION 907 FIRE ALARM AND DETECTION SYSTEMS

Section 907.1.4; add to read as follows:

907.1.4 DESIGN STANDARDS. The devices shall be addressable when a new or replacement fire alarm system is installed. Fire alarm systems utilizing more than 20 smoke detectors shall have analog initiating devices.

Exception: Existing systems need only comply if the total building, fire alarm system, remodel, or expansion exceeds 30% of the building. When a cumulative building or fire alarm system, remodel, or expansion is initiated after the original fire alarm panel installation, exceeding 50% of the building or fire alarm system, the fire alarm system must comply within 12 months of permit application.

Section 907.2; amended to read as follows:

907.2 WHERE REQUIRED. An approved fire alarm system installed in accordance with the provisions of this code and NFPA 72 shall be provided in all commercial buildings and structures in accordance with Sections 907.2.1 through 907.2.23 and provide the occupant notification in accordance with Section 907.5, unless another section of this code provides other requirements.

Manual fire alarm boxes shall be located at every exit to the building/structure, provided in an approved location, and installed per Section 907.4.2. The manual fire alarm boxes shall initiate a fire alarm signal for fire alarm systems employing automatic fire detectors or waterflow detection devices. Where other sections of this code allow for the elimination of the fire alarm boxes due to sprinkler installation, the requirements of this section shall supersede all other exceptions.

Section 907.2.1; change to read as follows:

907.2.1 GROUP A. A manual fire alarm system that activates the occupant notification system per Section 907.5 shall be installed in Group A occupancies ~~where the occupant load due to the assembly occupancy is 300 or more persons or where the Group A~~

occupant load is more than 100 persons above or below the *lowest level of exit discharge*. Group A occupancies not separated from one another following Section 707.3.10 of the *International Building Code* shall be considered as a single occupancy to apply this section. Portions of Group E occupancies occupied for assembly purposes shall be provided with a fire alarm system as required for the Group E occupancy.

1. Cause illumination of the means of egress with light of not less than one foot-candle (11 lux) at the walking surface level and
2. Stop any conflicting or confusing sounds and visual distractions.
3. Upon sprinkler water flow, the occupant notification appliances will activate throughout the notification zones.

Exceptions: {No change.}

Section 907.2.1.1; change to read as follows:

907.2.1.1 SYSTEM INITIATION IN GROUP A OCCUPANCIES WITH AN OCCUPANT LOAD OF 500 OR MORE. Activation of the fire alarm in Group A occupancies with an *occupant load* of 500 or more shall initiate a signal using an emergency voice/alarm communications system in accordance with Section 907.5.2.2.

Exception: Where *approved*, the prerecorded announcement can be manually deactivated for a period of time, not to exceed 3 minutes, for the sole purpose of allowing a live voice announcement from an *approved*, constantly attended location.

Section 907.2.3; change to read as follows:

907.2.3 GROUP E. A manual fire alarm system that initiates the occupant notification signal utilizing an emergency voice/alarm communication system meeting the requirements of Section 907.5.2.2 and installed in accordance with Section 907.6 shall be installed in Group E educational occupancies. When *automatic sprinkler systems* or smoke detectors are installed, they shall be connected to the building's fire alarm system. An approved smoke detection system shall be installed in Group E daycare occupancies. Unless separated by a minimum of 100' open space, all buildings, whether portable or the main building, will be considered one for alarm occupant load consideration and interconnection of alarm systems.

Exceptions:

1. {No change.}
 - 1.1. In-home daycares with not more than 12 children may use interconnected single-station detectors in all habitable rooms. (For care of more than five children 2 1/2 or less years of age, see Section 907.2.6.)

(No change to the remainder of the exceptions.)

Section 907.2.10.1; change to read as follows:

907.2.10.1 PUBLIC- AND SELF-STORAGE OCCUPANCIES. A manual fire alarm system that activates the occupant notification system in accordance with Section 907.5 shall be installed in Group S public and self-storage occupancies that are three stories or greater in height, for interior corridors and interior common areas. Visible notification appliances are not required within storage units.

~~**Exception:** Manual fire alarm boxes are not required where the building is equipped throughout with an automatic sprinkler system installed in accordance with Section 903.3.1.1, and the occupant notification appliances will activate throughout the notification zones upon sprinkler water flow.~~

Section 907.2.13, Exception #3; change to read as follows:

907.2.13 HIGH-RISE BUILDINGS. High-rise buildings shall have an automatic smoke detection system per Section 907.2.13.1, a fire department communication system per Section 907.2.13.2, and an emergency voice/alarm communication system per Section 907.5.2.2.

Exceptions:

1. Airport traffic control towers in accordance with Section 907.2.22 of this code and Section 412 of the *International Building Code*.
2. Open parking garages in accordance with Section 406.5 of the *International Building Code*.
3. Open-air portions of buildings with an occupancy in Group A-5 in accordance with Section 303.1 of the *International Building Code*; however, this exception does not apply to accessory uses, including but not limited to sky boxes, restaurants, and similarly enclosed areas.
4. Low-hazard special occupancies in accordance with Section 503.1.1 of the *International Building Code*.
5. Buildings with an occupancy in Group H-1, H-2, or H-3 in accordance with Section 415 of the *International Building Code*.
6. In Group I-1 and I-2 occupancies, the alarm shall sound at a constantly attended location, and the emergency voice/alarm communication system shall broadcast occupant notification.

907.2.13.1 AUTOMATIC SMOKE DETECTION. Automatic smoke detection in high-rise buildings shall be in accordance with Sections 907.2.12.4, 907.2.13.1.1, and 907.2.13.1.2.

Section 907.4.2.1; add to read as follows:

907.4.2.1 LOCATION. Manual fire alarm boxes shall be located at every exit of the building; this placement also includes manual fire alarm boxes at the top of the stairs as

the exit from stories other than the ground level of the building. Manual fire alarm boxes shall be no more than 5 feet (1524 mm) from each exit. In accordance with Section 903.3.1.1 or 903.3.1.2, additional manual fire alarm boxes shall be located so that the distance of travel to the nearest box does not exceed 200 feet (60960mm).

Section 907.4.2.7; add to read as follows:

907.4.2.7 TYPE. Manual alarm-actuating devices shall be of an approved double-action type. Each occupancy shall have manual actuating devices installed in a building or strip of buildings consisting of multiple suites or businesses.

Section 907.5.2.3.1.1; add to read as follows:

907.5.2.3.1.1 PRIVATE OFFICES. Visible alarm notification or audible/visual alarm notification appliances shall be provided in private offices in Group B and E occupancies when the occupant capacity of the office is three or greater; the office is provided with a conference table with seating for three or more; or the square footage of the office exceeds 200 sq. ft.

Section 907.5.3; add to read as follows:

907.5.3 OCCUPANT NOTIFICATION. Occupant notification following this section and 907.5 shall be required for all new construction or existing construction complying with the International Building Code, for renovations to existing buildings, tenant spaces, changes in occupancy, replacement, or modification of the existing fire alarm system, or as required by the Fire Code Official, for all buildings or spaces provided with an approved automatic sprinkler system.

Section 907.6.1.1; add to read as follows:

907.6.1.1 WIRING INSTALLATION. All fire alarm systems shall be installed so that a failure of any single initiating device or single open in an initiating circuit conductor will not interfere with the normal operation of other such devices. All signaling line circuits (SLC) shall be installed so that a single open will not interfere with the operation of any addressable devices (Class A). Outgoing and return SLC conductors shall be installed per NFPA 72 requirements for Class A circuits. It shall have a minimum of four feet of horizontal separation and one foot of vertical separation between supply and return circuit conductors. The initiating device circuit (IDC) from a signaling line circuit interface device may be wired Class B, provided the distance from the interface device to the initiating device is ten feet or less.

Section 907.6.3; delete all four Exceptions.

907.6.3 INITIATING DEVICE IDENTIFICATION. The fire alarm system shall identify the specific initiating device's address, location, device type, floor level (where applicable), and status, including indications of normal, alarm, trouble, and supervisory status, as

appropriate. Alarms shall not be transmitted as general alarms or in zone conditions.

EXCEPTIONS:

- ~~1. Fire alarm systems in single-story buildings less than 22,500 square feet (2090 m²) in area.~~
- ~~2. Fire alarm systems that only include manual fire alarm boxes, waterflow initiating devices, and not more than 10 additional alarm-initiating devices.~~
- ~~3. Special initiating devices that do not support individual device identification.~~
- ~~4. Fire alarm systems or devices that are replacing existing equipment.~~

Section 907.6.7; add to read as follows:

907.6.7 WATERFLOW NOTIFICATION. When required by Section 903.4.2, an external audible and visible notification device shall be provided on the exterior of the building at the riser room; an external audible and visible device shall also be located above the Fire Department Connection, either on the aboveground enclosure or pole mounted. The notification device shall operate on a water flow alarm only, be non-silenceable, and continue to operate after the panel is silenced, on the condition that the alarm is only a water flow alarm. The notification device shall be wired from the fire alarm control panel as a dedicated latching circuit. The minimum candela rating for the notification device shall be 75 (cd) candelas.

Section 907.11; add to read as follows:

907.11 FIRE EXTINGUISHING SYSTEMS. Automatic fire-extinguishing systems shall be connected to the building fire alarm system where another section of this code requires a fire alarm system or is otherwise installed.

907.12; add to read as follows:

907.12 INTERCONNECTION. Fire alarm systems installed in multi-building developments that share a standard address shall be interconnected. Each building shall have a fire alarm panel that reports to a common location for signal transmission to the monitoring station. Each building shall be equipped with full command and control of its system, without requiring resetting from the standard signal transmitting location. All alarms shall be announced at a customarily occupied location, as specified in 907.6.3.

Section 907.13; add to read as follows:

907.13 UNAUTHORIZED RESETTING OR IGNORING OF A FIRE ALARM. No person shall silence, reset, or otherwise disable in any way a fire alarm in its normal state or an alarm that has been activated without permission from the Fire Chief, Fire Marshal, or his designee, or fire department officer in charge of the emergency call. No person shall ignore a fire alarm or notification of a fire condition or fail to evacuate the premises or area of alarm activation.

Exception: This does not apply to certified fire alarm technicians working on an alarm or sprinkler system who may disable an alarm, in whole or in part, upon notifying the Fire Marshal for maintenance or repair purposes.

SECTION 909 SMOKE CONTROL SYSTEMS

Section 909.23; add to read as follows:

909.23 STAIRWAY OR RAMP PRESSURIZATION ALTERNATIVE. Where the building is equipped throughout with an automatic sprinkler system in accordance with Section 903.3.1.1 and the stair pressurization alternative is chosen for compliance with Building Code requirements for a smokeproof enclosure, interior exit stairways or ramps shall be pressurized to a minimum of 0.10 inches of water (25 Pa) and a maximum of 0.35 inches of water (87 Pa) in the shaft relative to the building measured with all interior exit stairway and ramp doors closed under maximum anticipated conditions of stack effect and wind effect. Such systems shall comply with Section 909, including the installation of a separate firefighter's UL-listed smoke control panel as per Section 909.16. A Smoke Control Permit shall also be required from the fire department, as per Section 105.6.

Section 909.23.1; add to read as follows:

909.23.1 VENTILATING EQUIPMENT. Smoke detectors installed at each floor level, in an approved location at the entrance to the smokeproof enclosure, shall activate the ventilating equipment for the stair or ramp pressurization system. When smoke detection or power failure activates the closing device for the stairway or ramp shaft and vestibule doors, the mechanical equipment shall activate and operate at the required performance levels. Smoke detectors shall be installed in accordance with Section 907.3.

Section 909.23.1.1; add to read as follows:

909.23.1.1 VENTILATION SYSTEMS. Smokeproof enclosure ventilation systems shall be independent of other building ventilation systems. The equipment, control wiring, power wiring, and ductwork shall comply with one of the following:

1. Equipment, control wiring, power wiring, and ductwork shall be located exterior to the building and directly connected to the smokeproof enclosure or connected to the smokeproof enclosure by ductwork enclosed by not less than 2-hour fire barriers constructed in accordance with Section 707 of the Building Code or horizontal assemblies constructed in accordance with Section 711 of the Building Code, or both.
2. Equipment, control wiring, power wiring, and ductwork shall be located within the smokeproof enclosure with intake or exhaust directly from and to the outside or through ductwork enclosed by not less than 2-hour barriers constructed in accordance with Section 707 of the Building Code or horizontal

assemblies constructed in accordance with Section 711 of the Building Code, or both.

3. Equipment, control wiring, power wiring, and ductwork shall be located within the building if separated from the remainder of the building, including other mechanical equipment, by not less than 2-hour fire barriers constructed in accordance with Section 707 of the Building Code or horizontal assemblies constructed in accordance with Section 711 of the Building Code, or both.

Exceptions:

1. Control wiring and power wiring utilizing a 2-hour rated cable or cable system.
2. Where encased with not less than 2 inches (51 mm) of concrete.
3. Control wiring and power wiring protected by a listed electrical circuit protective system with a fire-resistance rating of not less than 2 hours.

Section 909.23.1.2; add to read as follows:

909.23.1.2 STANDBY POWER. Mechanical vestibule, stairway, and ramp shaft ventilation systems and automatic fire detection systems shall be provided with standby power in accordance with Section 2702 of the Building Code.

Section 909.23.1.3; add to read as follows:

909.23.1.3 ACCEPTANCE AND TESTING. Before the mechanical equipment is approved, the fire code official shall test the system to confirm that it complies with these requirements.

SECTION 910 SMOKE AND HEAT REMOVAL

Section 910.2; change to read as follows:

910.2 WHERE REQUIRED. Smoke and heat vents or a mechanical smoke removal system shall be installed as required by Sections 910.2.1 and 910.2.2.

EXCEPTIONS:

1. An approved automatic sprinkler system protects frozen food warehouses solely for storing Class I and II commodities.
2. Only manual smoke and heat removal shall be required in areas of buildings equipped with early suppression fast-response (ESFR) sprinklers. Automatic smoke and heat removal is prohibited.
3. Only manual smoke and heat removal shall be required in areas of buildings equipped with control mode special application sprinklers with a response time index of $50(m^2S)^{1/2}$ or less that are listed to control a fire in stored commodities with 12 or fewer sprinklers. Automatic smoke and heat removal is prohibited.

Section 910.2.3; add to read as follows:

910.2.3 GROUP H. Buildings and portions thereof used as a Group H occupancy as follows:

1. In occupancies classified as Group H-2 or H-3, any of which is more than 15,000 square feet (1,394 m²) in a single floor area.

Exception: Buildings of noncombustible construction containing only noncombustible materials.

2. In areas of buildings in Group H used for storing Class 2, 3, and 4 liquid and solid oxidizers, Class 1 and unclassified detonable organic peroxides, Class 3 and 4 unstable (reactive) materials, or Class 2 or 3 water-reactive materials as required for a high-hazard commodity classification.

Exception: Buildings of noncombustible construction containing only noncombustible materials.

Section 910.3.4; change to read as follows:

910.3.4 VENT OPERATION. Smoke and heat vents shall be capable of being operated by approved automatic and manual means. Automatic operation of smoke and heat vents shall conform to the provisions of Sections 910.3.4.1 through 910.3.4.2.

Section 910.3.4.1; change to read as follows:

910.3.4.1 SPRINKLERED BUILDINGS. Where installed in buildings equipped with an approved automatic sprinkler system, smoke and heat vents shall be designed to operate automatically. The automatic operating mechanism of the smoke and heat vents shall operate at a temperature rating of at least 100 degrees F (approximately 38 degrees Celsius) higher than the temperature rating of the installed sprinklers.

Exception: Manual-only systems per Section 910.2.

Section 910.3.4.2; change to read as follows:

910.3.4.2 NON-SPRINKLERED BUILDINGS. Where installed in buildings not equipped with an approved automatic sprinkler system, smoke and heat vents shall operate automatically by actuation of a heat-responsive device rated at between 100°F (56°C) and 220°F (122°C) above ambient.

Exception: Listed gravity-operated drop-out vents.

Section 910.4.3.1; change to read as follows:

910.4.3.1 MAKEUP AIR. Makeup air openings shall be provided within 6 feet (1829 mm) of the floor level. Operation of makeup air openings shall be ~~manual or~~ automatic. The minimum gross area of makeup air inlets shall be 8 square feet per 1,000 cubic feet per minute (0.74 m² per 0.4719 m³/s) of smoke exhaust.

Section 910.4.4; add to read as follows:

910.4.4 ACTIVATION. The automatic sprinkler or approved fire detection system shall automatically activate the mechanical smoke removal system. Individual manual controls shall also be provided.

Exception: Manual-only systems per Section 910.2.

SECTION 912 FIRE DEPARTMENT CONNECTIONS

Section 912.2.1; add to read as follows:

912.2.1 VISIBLE LOCATION. Fire department connections shall be located on the street side of buildings or facing *approved* fire apparatus access roads, prominent and recognizable from the street, fire apparatus access road, or nearest point of fire department vehicle access, or as otherwise *approved* by the *Fire Code Official*. The FDC shall be remotely located on the street side of buildings or facing approved fire apparatus access roads, set back 5 feet from the back of the curb or fire lane, and provided with vehicle impact protection per Section 312. FDCs shall be fully recognizable from the street, fire apparatus access road, the nearest fire department vehicle access point, or as approved by the Fire Code Official.

Section 912.2.3; change to read as follows:

912.2.3. HYDRANT DISTANCE. An approved fire hydrant shall be located within 50 feet on the same side of the fire lane of the fire department connection as the fire hose lays along an unobstructed path unless approved by the Fire Marshal.

Section 912.2.4; add to read as follows:

912.2.4. FDC IDENTIFICATION. New and existing fire department connections shall be identified following the Flower Mound Fire Marshal's Rules and Regulations regarding Fire Protection Marking, Signage, and Identification Requirements. Additionally, the barrel shall be painted a traffic red color.

Section 912.4; change to read as follows:

912.4 ACCESS. Immediate access to fire department connections shall always be maintained without obstruction by fences, bushes, trees, walls, or any other fixed or

movable object. The Fire Code Official shall approve access to fire department connections. A minimum clear and unobstructed pathway of 10 feet shall be provided to access the fire department connection.

Exception: Fences where provided with an access gate equipped with a sign complying with the legend requirements of Section 912.5 and a means of emergency operation. The Fire Code Official shall approve the gate and the means of emergency operation, and ensure they are always maintained in operational condition.

Section 912.5; change to read as follows:

912.5 SIGNS. Signs shall be provided on all fire department connections serving automatic sprinklers, standpipes, or fire pump connections. Where the fire department connection does not serve the entire building, the sign shall indicate the portions of the building served. All signs shall comply with the Flower Mound Fire Marshal's Rules and Regulations regarding Fire Protection Marking, Signage, and Identification Requirements.

SECTION 913 FIRE PUMPS

Section 913.2.1; add second paragraph and exception to read as follows:

913.2.1 PROTECTION OF FIRE PUMP ROOMS. Rooms where fire pumps are located shall be separated from all other building areas, as required by Section 913.2.1 of the *International Building Code*.

When located on the ground level at an exterior wall, the fire pump room shall have an exterior fire department access door at least 3 feet in width and 6-8 feet in height, regardless of any interior doors provided. A key box shall be provided at this door, as required by Section 506.1.

Exception: When it is necessary to locate the fire pump room on other levels or not at an exterior wall, the corridor leading to the fire pump room access from the exterior of the building shall be provided with equivalent fire resistance as that required for the pump room, or as approved by the Fire Code Official. Access keys shall be provided in the key box as required by Section 506.1.

SECTION 914 FIRE REQUIREMENTS BASED ON SPECIAL DETAILED REQUIREMENTS OF USE AND OCCUPANCY

Section 914.3.1.2; change to read as follows:

914.3.1.2 WATER SUPPLY TO REQUIRED FIRE PUMPS. In buildings over 420 120 feet (128 m) in building height and buildings of Type IVA and IVB construction that are more than 120 feet in building height, required fire pumps shall be supplied by connections to no fewer than two water mains located in different streets. Separate supply piping shall be provided between each connection to the water main and the pumps. Each connection

and the supply piping between the connection and the pumps shall be sized to supply the flow and pressure required for the pumps to operate.

Exception: Two connections to the same main shall be permitted, provided that the main is valved such that an interruption can be isolated so that the water supply will continue without interruption through not fewer than one of the connections.

SECTION 915 CARBON MONOXIDE (CO) DETECTION

Section 915; replace with the following:

915.1 GENERAL. New and existing buildings shall be provided with carbon monoxide (CO) detection following Sections 915.2 through 915.5.

915.2 WHERE REQUIRED. Carbon monoxide detection shall be provided in interior spaces, other than dwelling units or sleeping units, that are exposed to a carbon monoxide source following Sections 915.2.1 through 915.2.3. Carbon monoxide detection for dwelling units or sleeping units that are exposed to a carbon monoxide source shall be following Section 915.2.4.

915.2.1 INTERIOR SPACES WITH DIRECT CARBON MONOXIDE SOURCES. In all occupancies, interior spaces with a direct carbon monoxide source shall be provided with carbon monoxide detection located near the direct carbon monoxide source and in accordance with Section 915.3.

Exception: Where environmental conditions in an enclosed space are incompatible with carbon monoxide detection devices, carbon monoxide detection shall be provided in an approved adjacent location.

915.2.2 INTERIOR SPACES ADJACENT TO A SPACE CONTAINING A CARBON MONOXIDE SOURCE. In Groups A, B, E, I, M, and R Occupancies, interior spaces that are separated from and adjacent to an enclosed parking garage or an interior space that contains a direct carbon monoxide source shall be provided with carbon monoxide detection if there are communicating openings between the spaces. Detection devices shall be located close to communicating openings on the side that is furthest from the carbon monoxide source and in accordance with Section 915.3

EXCEPTIONS:

1. Where communicating openings between the space containing a direct carbon monoxide source and the adjacent space are permanently airtight, carbon monoxide detection is not required for the adjoining space.
2. Where the fire code official determines that the volume or configuration of the adjacent interior space is such that dilution or geometry would diminish the effectiveness of carbon monoxide detection devices located in such spaces,

detection devices additional to those required by Section 915.2.1 shall be located on the side of communicating openings that is closest to the carbon monoxide source.

915.2.3 INTERIOR SPACES WITH FORCED-INDIRECT CARBON MONOXIDE SOURCES. In all occupancies, interior spaces with a forced-indirect carbon monoxide source shall be provided with carbon monoxide detection in accordance with either of the following:

1. Detection in each space with a forced-indirect carbon monoxide source, located in accordance with Section 915.3.
2. Detection is only in the first space served by the main duct, leaving the forced-indirect carbon monoxide source, located in accordance with Section 915.3, with an audible and visual alarm signal provided at an approved location.

915.2.4 DWELLING UNITS AND SLEEPING UNITS. Carbon monoxide detection for dwelling and sleeping units shall comply with Sections 915.2.4.1 and 915.2.4.2.

915.2.4.1 DIRECT CARBON MONOXIDE SOURCES. Where a direct carbon monoxide source is located in a bedroom, sleeping room, or a bathroom attached to either, carbon monoxide detection shall be installed in the bedroom or sleeping room. Where carbon monoxide detection is not installed in bedrooms or sleeping rooms, carbon monoxide detection shall be installed outside of each separate sleeping area close to bedrooms or sleeping rooms for either of the following conditions:

1. The dwelling or sleeping unit has a communicating opening to an attached garage.
2. A direct carbon monoxide source is located outside bedrooms or sleeping rooms in the dwelling or sleeping unit.

915.2.4.2 FORCED-INDIRECT CARBON MONOXIDE SOURCES. Bedrooms or sleeping rooms in dwelling units or sleeping units exposed to a forced-indirect carbon monoxide source shall be provided with carbon monoxide detection per Section 915.2.4.1 or Section 915.2.3.

915.3 LOCATION OF DETECTION DEVICES. Carbon monoxide detection devices shall be installed in accordance with the manufacturer's instructions in a location that avoids dead air spaces, turbulent air spaces, fresh air returns, open windows, and obstructions that would inhibit the accumulation of carbon monoxide at the detection location. Carbon monoxide detection in air ducts or plenums shall not be permitted as an alternative to required detection locations.

915.4 PERMISSIBLE DETECTION DEVICES. Carbon monoxide detection shall be provided by a carbon monoxide detection system complying with Section 915.4.2 unless carbon monoxide alarms are permitted by Section 915.4.1.

915.4.1 CARBON MONOXIDE ALARMS. Carbon monoxide alarms complying with Sections 915.4.1.1 through 915.4.1.3 shall be permitted instead of a carbon monoxide detection system in both of the following:

1. Dwelling units and sleeping units.
2. Locations other than dwelling units or sleeping units, where approved, provided that the manufacturer's instructions do not prohibit installation in locations other than dwelling units or sleeping units and that the alarm signal for any carbon monoxide alarm installed in an ordinarily unoccupied location is annunciated by an audible and visual signal in an approved location.

915.4.1.1 POWER SOURCE. In buildings with a wired power source, carbon monoxide alarms shall receive their primary power from a permanent connection to building wiring, with no disconnecting means other than for overcurrent protection. They shall be provided with a battery backup. Carbon monoxide alarms shall be battery-powered in buildings without a wired power source.

Exception: For buildings not previously required to have carbon monoxide alarms permanently connected to a wired power source, existing battery-powered and plug-in carbon monoxide alarms with battery backup shall remain in service. When replaced, replacement with battery-powered and plug-in carbon monoxide alarms with battery backup shall be permitted.

915.4.1.2 LISTINGS. Carbon monoxide alarms shall be listed in accordance with UL 2034. Combination carbon monoxide/smoke alarms shall also be listed in accordance with UL 217.

915.4.1.3 INTERCONNECTION. Where more than one carbon monoxide alarm is installed, the actuation of any alarm shall cause all alarms to signal an alarm condition.

915.4.2 CARBON MONOXIDE DETECTION SYSTEMS. Carbon monoxide detection systems shall be installed in accordance with NFPA 72.

915.4.2.1 FIRE ALARM SYSTEM INTEGRATION. Where a building or combination fire alarm system, as defined in NFPA 72, is installed, carbon monoxide detection shall be provided by connecting carbon monoxide detectors to the fire alarm system. Where a building or a combination fire alarm system is not installed, carbon monoxide detection shall be provided by connecting carbon monoxide detectors to a carbon monoxide detection system complying with NFPA 72.

915.4.2.2 LISTINGS. Carbon monoxide detectors shall be listed in accordance with UL 2075. Combination carbon monoxide/smoke detectors shall be listed in accordance with UL 268 and UL 2075.

915.4.2.3 ALARM NOTIFICATION. For other than Group E Occupancies, activation of a carbon monoxide detector shall initiate alarm notification in accordance with any of the following:

1. An audible and visible alarm notification throughout the building and at the control unit.
2. Where specified in an approved fire safety plan, an audible and visible alarm in the signaling zone where the carbon monoxide has been detected, and other signaling zones defined in the fire safety plan, and at the control unit.
3. Where a sounder base is provided for each detector, an audible alarm at the activated carbon monoxide detector, and an audible and visible alarm at the control unit.

For Group E Occupations with an occupant load of 30 or less, alarm notification shall be provided in an on-site location staffed by school personnel or in accordance with the notification requirements for other occupations. For Group E occupations with an occupant load of more than 30, an audible and visible alarm shall be provided in an on-site location staffed by school personnel.

915.5 MAINTENANCE. Carbon monoxide alarms and detection systems shall be maintained in accordance with NFPA 72 and the manufacturer's instructions. Alarms and detectors that become inoperable or begin producing end-of-life signals shall be replaced.

SECTION 916 GAS DETECTION SYSTEMS

Section 916.9; change to read as follows:

916.9 Signage. Signs shall be provided adjacent to gas detection system alarm signaling devices that advise occupants of the nature of the signals and actions to take in response to the signal. Signs shall comply with the Flower Mound Fire Marshal's Rules and Regulations regarding Fire Protection Marking, Signage, and Identification Requirements.

CHAPTER 10 MEANS OF EGRESS

SECTION 1006 NUMBERS OF EXITS AND EXIT ACCESS DOORWAYS

Section 1006.2.1; change Exception #3 to read as follows:

1006.2.1 EGRESS BASED ON OCCUPANT LOAD AND COMMON PATH OF EGRESS TRAVEL DISTANCE. Two exits or exit access doorways from any space shall be provided where the design occupant load or the common path of egress travel distance exceeds the values listed in Table 1006.2.1. The cumulative occupant load from adjacent rooms, areas, or spaces shall be determined in accordance with Section 1004.2.

EXCEPTIONS:

1. The number of *exits* from foyers, lobbies, vestibules, or similar spaces need not be based on cumulative occupant loads for areas discharging through such spaces. Still, the capacity of the *exits* from such spaces shall be based on applicable cumulative occupant loads.
2. Care suites in Group I-2 occupancies complying with Section 407.4 of the *International Building Code*.
3. Unoccupied rooftop mechanical rooms and penthouses are not required to comply with the common path of egress travel distance measurement.

1006.2.2.7 ELECTRICAL ROOMS. Special exit requirements may apply for electrical rooms. Reference the electrical code as adopted.

SECTION 1008 MEANS OF EGRESS ILLUMINATION

1008.3.1 GENERAL. In the event of a power supply failure in rooms and spaces that require two or more means of egress, an emergency electrical system shall automatically illuminate the following areas:

1. Aisles and unenclosed egress stairways in rooms and spaces requiring two or more egress means.
 2. Corridors, exit enclosures, and exit passageways in buildings must have two or more exits.
 3. Interior exit access stairways and ramps.
 4. Exterior egress components at other than the level of exit discharge until exit discharge is accomplished for buildings required to have two or more exits.
 5. Interior exit discharge elements, as permitted in Section 1024.1, are required in buildings with two or more exits.
 6. Exterior landings for exit discharge doorways in buildings required to have two or more exits.
 7. Group E windowless occupancy areas, windowless shops, and windowless laboratories shall be provided with emergency egress lighting at the entrance/exit doors to the space, and at non-required egress stair and corridor pathways to receive emergency lighting as required in Section 1006.2.
 8. Interior exit access stairways and ramps.
 9. Interior and exterior exit stairways and ramps.
 10. Exit passageways.
 11. Vestibules and areas on the level of discharge used for exit discharge in accordance with Section 1028.2.
 12. Exterior landings as required by Section 1010.1.5 for exit doorways that lead directly to the exit discharge.
-

SECTION 1009 ACCESSIBLE MEANS OF EGRESS

1009.1 ACCESSIBLE MEANS OF EGRESS REQUIRED. *Accessible means of egress* shall comply with this section. Accessible spaces shall be provided with at least one *accessible means of egress*. Where more than one *means of egress* is required by Section 1006.2 or 1006.3 from any accessible space, each accessible portion shall be served by not less than two *accessible means of egress*.

EXCEPTIONS:

1. One *accessible means of egress* is required from an accessible *mezzanine* level in accordance with Section 1009.3, 1009.4, or 1009.5.
2. In assembly areas with ramped or stepped *aisles*, one *accessible means of egress* is permitted where the common path of travel is accessible and meets the requirements in Section 1030.8.
3. Buildings regulated under State Law and built in accordance with state-registered plans, including any variances or waivers granted by the State, shall be deemed to comply with Section 1009 and Chapter 11 requirements.

1009.8 TWO-WAY COMMUNICATION. A two-way communication system complying with Sections 1009.8.1 and 1009.8.2 shall be provided at the landing, serving each elevator or bank of elevators on each accessible floor, with one or more stories above or below the *level of exit discharge*.

EXCEPTIONS:

1. Two-way communication systems are not required at the landing serving each elevator or bank of elevators where the two-way communication system is provided within *areas of refuge* in accordance with Section 1009.6.5.
2. Two-way communication systems are not required on floors provided with *ramps* conforming to the provisions of Section 1012.
3. Two-way communication systems are not required at the landings serving only service elevators that are not designated as part of the *accessible means of egress* or serve as part of the required *accessible route* into a facility.
4. Two-way communication systems are not required at the landings serving only freight elevators.
5. Two-way communication systems are not required at the landing serving a private residence elevator.
6. Two-way communication systems are not required in Group I-2 or I-3 facilities.
7. Buildings regulated under State Law and built in accordance with State-registered plans, including variances or waivers granted by the State, shall be deemed to follow the requirements of Section 1009 and Chapter 11.

SECTION 1010 DOORS, GATES, AND TURNSTILES

1010.2.5 BOLT LOCKS. Manually operated flush bolts or surface bolts are not permitted.

EXCEPTIONS:

1. On doors not required for egress in individual *dwelling* or *sleeping units*.
2. Where a pair of doors serves a storage or equipment room, manually operated edge- or surface-mounted bolts are permitted on the inactive leaf.
3. Where a pair of doors serves an *occupant load* of less than 50 persons in a Group B, F, M, or S occupancy, manually operated edge- or surface-mounted bolts are permitted on the inactive leaf. The inactive leaf shall not contain doorknobs, panic bars, or similar operating hardware.
4. Where a pair of doors serves a Group A, B, F, M, or S occupancy, manually operated edge- or surface-mounted bolts are permitted on the inactive leaf, provided such inactive leaf is not needed to meet egress capacity requirements. The building is equipped throughout with an *automatic sprinkler system* in accordance with Section 903.3.1.1. The inactive leaf shall not contain doorknobs, panic bars, or similar operating hardware.
5. Where a pair of doors serves patient care rooms in Group I-2 occupancies, self-latching edge- or surface-mounted bolts are permitted on the inactive leaf, provided that the inactive leaf is not needed to meet egress capacity requirements and the inactive leaf shall not contain doorknobs, panic bars, or similar operating hardware.

1010.2.7 STAIRWAY DOORS. Interior stairway means of egress doors shall be openable from both sides without a key or special knowledge or effort.

EXCEPTIONS:

1. Stairway discharge doors shall be openable from the egress side and only be locked from the opposite side.
2. This section shall not apply to doors arranged in accordance with Section 403.5.3 of the *International Building Code*.
3. In stairways ~~serving not more than four stories~~, doors are permitted to be locked from the side opposite the egress side, provided they are openable from the egress side and capable of being unlocked simultaneously without unlatching upon a signal from the fire command center, if present, or a signal by emergency personnel from a single location inside the main entrance to the building.
4. Stairway exit doors shall be openable from the egress side. They shall only be locked from the opposite side in Group B, F, M, and S occupancies where the only interior access to the tenant space is from a single exit stairway, where permitted in Section 1006.3.2.
5. Stairway exit doors shall be openable from the egress side. They shall only be locked from the opposite side in Group R-2 occupancies where the only interior access to the dwelling unit is from a single exit stairway, where permitted in Section 1006.3.2.

1010.2.7.1 STAIRWAY IDENTIFICATION AND RE-ENTRY IDENTIFICATION. Where no re-entry is provided from the stairs to any floor, the sign shall read 'No Re-Entry.' In such a case, a sign of the same dimensions shall be on the corridor side of the stair door at each floor level to read 'No Re-Entry from This Stair'. Each sign shall be no less than 8" x 11" in size, with lettering in a color that is easily visible and contrasts against the sign's color. All lettering shall be no less than 1" in height, with strokes no less than 1/4" in diameter.

1010.2.7.2 RE-ENTRY IDENTIFICATION SIGNS. Where stairway re-entry is provided to specific floors:

- a. On the stair side of the door where re-entry is provided, the sign shall read 'Re-Entry on This Floor.'
- b. Where no re-entry is provided on that floor, the sign on the stair side of the door shall read 'No Re-Entry on the 'and ' Floors'. Also, a sign shall be placed on the corridor side of the floors where re-entry is locked to read 'No Re-Entry.'

1010.2.11 DOOR HARDWARE RELEASE OF ELECTRICALLY LOCKED EGRESS DOORS. Door hardware release of electric locking systems shall be permitted on doors in the *means of egress* in any occupancy except Group H, where installed and operated in accordance with all the following:

1. The door hardware affixed to the door leaf has an obvious method of operation that is readily operable under all lighting conditions.
2. The door hardware can be operated with one hand and shall comply with Section 1010.2.1.
3. Operation of the door hardware directly interrupts the power to the electric lock and unlocks the door immediately.
4. Loss of power to the electric locking system automatically unlocks the door.
5. Panic or fire exit hardware shall be required, and the operation of the panic or fire exit hardware shall release the electric lock.
6. The locking system units shall be *listed* in accordance with UL 294.

SECTION 1020 CORRIDORS

1020.2 CONSTRUCTION. *Corridors* shall be *fire-resistance rated* in accordance with Table 1020.2. The *corridor* walls required to be *fire-resistance rated* shall comply with Section 708 of the *International Building Code* for *fire partitions*.

EXCEPTIONS:

1. A *fire-resistance rating* is not required for *corridors* in an occupancy in Group E where each room used for instruction has at least one door opening directly to the exterior and rooms used for assembly purposes have at least one-half of the required *means of egress* doors opening directly to the exterior. Exterior doors

specified in this exception are required to be at ground level.

2. A *fire-resistance rating* is not required for *corridors* contained within a *dwelling unit* or *sleeping unit* in occupancy in Groups I-1 and R.
3. A *fire-resistance rating* for corridors in open parking garages is not required.
4. Corridors in an occupancy in Group B, a space requiring only a single means of egress complying with Section 1006.2, do not need a fire-resistance rating.
5. *Corridors* adjacent to the *exterior walls* of buildings shall have unprotected openings on unrated *exterior walls* where unrated walls are permitted by Table 705.5 of the *International Building Code* and unprotected openings are permitted by Table 705.8 of the *International Building Code*.
6. In unsprinklered group B occupancies, corridor walls and ceilings need not be of fire-resistive construction within a single tenant space when the space is equipped with approved automatic smoke detection within the corridor. The actuation of any detector shall activate self-annunciating alarms audible in all areas within the corridor. Smoke detectors shall be connected to an approved automatic fire alarm system where such a system is provided.

SECTION 1023 INTERIOR EXIT STAIRWAYS AND RAMPS

1023.12. SMOKEPROOF ENCLOSURES. In buildings required to comply with Section 403, 405, or 412 of The International Building Code, each of the exits of a building that serves stories where any floor surface is located more than 55 feet above the lowest level of fire department vehicle access or more than 30 feet below the level of exit discharge serving such floor levels shall be a smokeproof enclosure or pressurized stairway in accordance with Section 909.20 of the International Building Code.

SECTION 1025 LUMINOUS EGRESS PATH MARKINGS

Section 1025.1; amended to read as follows:

1025.1 GENERAL. Approved luminous egress path markings delineating the exit path shall be provided in high-rise buildings in accordance with this section.

SECTION 1030 ASSEMBLY

1030.1.1.1 SPACES UNDER GRANDSTANDS AND BLEACHERS. Spaces under *grandstands* or *bleachers* shall be separated by *fire barriers* complying with Section 707 of the *International Building Code* and *horizontal assemblies* complying with Section 711 of the *International Building Code* with not less than 1-hour *fire-resistance-rated* construction.

EXCEPTIONS:

1. Ticket booths less than 100 square feet (9 m2) in area.
2. Toilet rooms.
3. Other accessory use areas 1,000 square feet (93 m2) or less in area and equipped with an *automatic sprinkler system* in accordance with Section 903.3.1.1.
4. Where alternate means or methods are submitted to and approved by the Building and Fire Officials.

SECTION 1032 MAINTENANCE OF THE MEANS OF EGRESS

1032.2 RELIABILITY. Required exit accesses, exits, or exit discharges shall be continuously maintained free from obstructions or impediments to full instant use in the case of fire or another emergency ~~where the building area served by the means of egress is occupied~~. An exit or exit passageway shall not be used for any purpose that interferes with a means of egress. Security devices affecting means of egress shall be subject to the approval of the Fire Code Official.

CHAPTER 11 – CONSTRUCTION REQUIREMENTS FOR EXISTING BUILDINGS

SECTION 1101 GENERAL

1101.4 OWNER NOTIFICATION. The Fire Code Official shall notify the building owner when a building is non-compliant. Upon receipt of such notice, the owner shall, subject to the following time limits, take necessary actions to comply with this chapter's provisions and other Town of Flower Mound adopted codes and standards.

1101.4.1 CONSTRUCTION DOCUMENTS. Construction documents for the necessary alterations shall be completed within a schedule approved by the Fire Code Official. Within 30 days after receipt of the owner's notification, the owner shall submit a letter to the Fire Marshal's Office indicating the owner's proposed plan and timeline to complete the required work to bring the building into code compliance.

1101.4.1.1 The Fire Marshal's Office will evaluate the submitted plan to determine if the proposed timelines are reasonable and achievable, determine alternative fire protection measures that can be implemented during the plan implementation period, and consult with the owner on developing an interim fire protection plan.

1101.4.1.2 If the submitted plan is deemed unreasonable to bring the building into code compliance, the Fire Marshal's Office shall establish a minimum timeline for the owner to complete the required work.

SECTION 1102 DEFINITIONS

WORK AREA. As indicated on the construction documents, the portion or portions of a building consist of all reconfigured spaces. The work area excludes other portions of the building where incidental work entailed by the intended work must be performed and portions where work not initially intended by the owner is specifically required by this or other codes.

SECTION 1103 FIRE SAFETY REQUIREMENTS FOR EXISTING BUILDINGS

1103.2 EMERGENCY RESPONDER RADIO COVERAGE IN EXISTING BUILDINGS.

Existing buildings that do not have approved radio coverage for emergency responders within the building, based on the existing coverage levels of the public safety communications system of the jurisdiction at the exterior and all portions of the interior of the building, shall be equipped with such coverage according to one of the following:

1. Where an existing wired communication system cannot be repaired or is being replaced, or where it is not *approved* following Section 510.1, Exception 1.
2. Within a timeframe established by the adopting authority.

Exception: Where the Fire Code Official determines that the in-building, two-way emergency responder communication coverage system is not needed.

1103.3 EXISTING ELEVATORS. Except for Group R-3, existing elevators, escalators, and moving walks shall comply with Sections 1103.3.1 and 1103.3.2 requirements. Provide emergency signage as required by Section 604.4.

1103.5.1 GROUP A-2. Where alcoholic beverages are consumed in a Group A-2 occupancy with an occupant load of 300 or more, the fire area containing the Group A-2 occupancy shall be equipped with an automatic sprinkler system per Section 903.3.1.1. The fire sprinkler system installation shall be completed within 24 months from the date of notification by the Fire Code Official.

Section 1103.5.3; add a sentence to read as follows:

(Existing text to remain unchanged)

The fire sprinkler system must be installed within 24 months of the fire code official's notification.

Section 1103.5.6; add to read as follows:

1103.5.6 SPRAY BOOTHS AND ROOMS. Per Section 2404, an approved automatic fire-extinguishing system shall protect existing spray booths and rooms.

Section 1103.7.7; add to read as follows:

1103.7.7 FIRE ALARM SYSTEM DESIGN STANDARDS. The devices shall be addressable when an existing fire alarm system is upgraded or replaced. Fire alarm systems utilizing more than 20 smoke and/or heat detectors shall have analog initiating devices.

Exception: Existing systems need not comply unless the total building, fire alarm system, remodel, or expansion exceeds 30% of the building. When a cumulative building or fire alarm system, remodel, or expansion is initiated after the original fire alarm panel installation, exceeding 50% of the building or fire alarm system, the fire alarm system must comply within 18 months of permit application.

1103.7.7.1 COMMUNICATION REQUIREMENTS. Refer to Section 907.6.6 for applicable requirements.

Section 1103.9; change to read as follows:

1103.9 CARBON MONOXIDE DETECTION. Carbon monoxide detection shall be installed in existing buildings in accordance with Section 915.

SECTION 1104 MEANS OF EGRESS FOR EXISTING BUILDINGS

1104.25 EGRESS PATH MARKINGS. Existing high-rise buildings shall be provided with luminous egress path markings in accordance with Section 1025.

SECTION 1107 MODIFICATIONS AND ALTERATIONS

1107.1 AUTOMATIC SPRINKLER SYSTEMS. Automatic sprinkler systems shall be provided throughout a building per Section 903, where:

1. The work area is required to be provided with automatic sprinkler protection in accordance with this Code; and,
2. The work area exceeds, or the total building remodels or expansion initiated after the effective date of this code, as adopted, exceeds 30% of the building. When cumulative building remodels or expansion exceeds 50% of the building, or, in multi-level buildings, the work area exceeds, or the total building remodel or expansion initiated after the effective date of this code, as adopted, exceeds 30% of the building. When cumulative building remodels or expansions exceed 50% of the building, the building must comply within 18 months of the permit application.

1107.1.1 FOUR THOUSAND (4,000) SQUARE FEET. An automatic fire protection system shall be installed throughout existing buildings enlarged to 4,000 square feet or greater, regardless of their current square footage. New and/or existing firewalls shall not define separate buildings for this provision. The reflection of the roof represents the building area, commonly referred to as the "drip line."

1107.2 STANDPIPES. Standpipe systems shall be provided throughout a building where:

1. The work area is required to be provided with automatic sprinkler protection per this section, and
2. Standpipes would be required in accordance with this Code.

1107.3 FIRE ALARM AND DETECTION. An approved fire alarm and detection system shall be installed where:

1. The work area is required to be provided with a fire alarm and detection system in accordance with this Code, or
2. The work area exceeds, or the total building remodels or expansion initiated after the effective date of this code, as adopted, exceeds 30% of the building. When cumulative building remodels or expansion exceeds 50% of the building, or, in multi-level buildings, the work area exceeds, or the total building remodel or expansion initiated after the effective date of this code, as adopted, exceeds 30% of the building. When cumulative building remodels or expansions exceed 50% of the building, the building must comply within 18 months of the permit application.

1107.4 CUMULATIVE WORK. If the total work completed over a specific period is equal to or exceeds 50 percent of the building's original floor area, the provisions of this section will apply. The original floor area of the building will be determined using the oldest available construction documents from the building's initial permit.

1107.5 CHANGE OF USE. When a change of use or hazard occurs, all provisions of this Code must be consistent with the new use.

SECTION 1108 ELECTRIC VEHICLE CHARGING STATIONS

Section 1108: add new sections to read as follows:

1108.1 ELECTRIC VEHICLE CHARGING STATIONS. All Electric Vehicle Charging Stations shall be installed according to Section 323 and Chapter 12.

CHAPTER 12 ENERGY SYSTEMS

SECTION 1201 GENERAL

Section 1201.4; add to read as follows:

1201.4 ELECTRICAL SHUTDOWN. Energy systems, such as solar photovoltaic power systems, stationary fuel cell power systems, or electrical energy storage systems, must include a remote power shut-down box. This box should be installed at an approved

exterior door entrance and be accessible only to the fire department. It should be keyed to the fire department Key Box as specified in Section 506.

SECTION 1203 EMERGENCY AND STANDBY POWER SYSTEMS

1203.1.3 INSTALLATION. Emergency and standby power systems shall be installed in accordance with the International Building Code, NFPA 70, NFPA 110, and NFPA 111. Existing installations shall be maintained in accordance with the original approval, except as specified in Chapter 11.

1203.1.10 CRITICAL OPERATIONS POWER SYSTEMS (COPS). Critical Operations Power Systems are necessary to maintain a continuous power supply to facilities or parts that require constant operation for public safety, emergency management, national security, or business continuity, see NFPA 70.

1203.2 WHERE REQUIRED. Emergency and standby power systems shall be provided where required by Sections 1203.2.1 through 1203.2.4826 or elsewhere identified in this code or any other referenced code.

1203.2.4 EMERGENCY VOICE/ALARM COMMUNICATIONS SYSTEMS. Emergency power shall be provided for emergency voice/alarm communications systems in the following occupancies or as specified elsewhere in this code, as required in Section 907.5.2.2.5. The system shall power the required load for not less than 24 hours, as required in NFPA 72.

- Covered and Open Malls, Section 907.2.20 and 914.2
- Group A Occupancies, Sections 907.2.1 and 907.5.2.2
- Special Amusement Areas, Section 907.2.12 and 914.7
- High-rise Buildings, Section 907.2.13 and 914.3
- Atriums, Section 907.2.14 and 914.4
- Deep Underground Buildings, Section 907.2.19 and 914.5

1203.2.15 MEANS OF EGRESS ILLUMINATION. Emergency power shall be provided for egress illumination in accordance with Sections 1008.3 and 1104.5.1. (90 minutes)

1203.2.16 MEMBRANE STRUCTURES. Emergency power shall be provided for exit signs in temporary tents and membrane structures in accordance with Section 3103.12.6. (90 minutes) Standby power shall be provided for auxiliary inflation systems in permanent membrane structures in accordance with Section 2702 of the International Building Code. (4 hours) Auxiliary inflation systems shall be provided in temporary air-supported and air-inflated membrane structures in accordance with section 3103.10.4.

1203.2.18 SMOKE CONTROL SYSTEMS. Standby power shall be provided for smoke control systems in the following occupancies or as specified elsewhere in this code, as required in Section 909.11:

- Covered Mall Building, *International Building Code*, Section 402.7
- Atriums, *International Building Code*, Section 404.7
- Underground Buildings, *International Building Code*, Section 405.8
- Group I-3, *International Building Code*, Section 408.4.2
- Stages, *International Building Code*, Section 410
- Special Amusement Areas (as applicable to Group A's), *International Building Code*, Section 411
- Smoke Protected Seating, Section 1030.6.2

1203.2.20 COVERED AND OPEN MALL BUILDINGS. Emergency power shall be provided in accordance with Sections 907.2.19 and 914.2.3.

1203.2.21 AIRPORT TRAFFIC CONTROL TOWERS. A standby power system shall be provided in airport traffic control towers over 65 ft. Power shall be provided to the following equipment:

1. Pressurization equipment, mechanical equipment, and lighting.
2. Elevator operating equipment.
3. Fire alarm and smoke detection systems.

1203.2.22 SMOKEPROOF ENCLOSURES AND STAIR PRESSURIZATION ALTERNATIVE. Standby power shall be provided for smokeproof enclosures, stair pressurization alternatives, and associated automatic fire detection systems as required by the International Building Code, Section 909.20.6.2.

1203.2.23 ELEVATOR PRESSURIZATION. Standby power shall be provided for the elevator pressurization system as required by the International Building Code, Section 909.21.5.

1203.2.24 ELIMINATION OF SMOKE DAMPERS IN SHAFT PENETRATIONS. Standby power shall be provided when eliminating the smoke dampers in ducts penetrating shafts in accordance with the International Building Code, Section 717.5.3, exception 2.3.

1203.2.25 COMMON EXHAUST SYSTEMS FOR CLOTHES DRYERS. Standby power shall be provided for common exhaust systems for clothes dryers located in multistory structures in accordance with the International Mechanical Code, Section 504.10, Item 7.

1203.2.26 MEANS OF EGRESS ILLUMINATION IN EXISTING BUILDINGS. Emergency power shall be provided for means of egress illumination in accordance with Section 1104.5 when required by the Fire Code Official. (90 minutes in I-2, 60 minutes elsewhere.)

1203.7 ENERGY TIME DURATION. Unless the Fire Code Official specifies a time limit in this chapter, elsewhere in this code, or any other referenced code or standard, the

emergency and standby power system shall be supplied with enough fuel or energy storage capacity for less than a 2-hour full-demand operation of the system.

Exception: Where the system is approved and supplied with natural gas from a utility provider

SECTION 1207 ELECTRICAL ENERGY STORAGE SYSTEMS (ESS)

Section 1207.2; add to read as follows:

1207.2 COMMISSIONING, DECOMMISSIONING, OPERATION, AND MAINTENANCE.

Commissioning, decommissioning, operation, and maintenance shall be conducted in accordance with this section. In addition to the ordinary inspection and test requirements that buildings, structures, and parts thereof are required to undergo, Energy Storage Systems, subject to the provisions of Section 1207, shall undergo special inspections and tests sufficient to verify the proper commissioning of the Energy Storage System in its final installed condition. The design submission accompanying the construction documents shall detail the procedures and methods to be used and the items subject to such inspections and tests. Such commissioning shall follow generally accepted engineering practice and, where possible, be based on published standards for the testing involved. This section's special inspections and tests shall be conducted under the same terms as in Chapter 17 of the International Building Code.

CHAPTER 23 MOTOR FUEL-DISPENSING FACILITIES AND REPAIR GARAGES

SECTION 2304 DISPENSING OPERATIONS

Section 2304.1; change to read as follows:

2304.1 SUPERVISION OF DISPENSING. A qualified attendant shall conduct the dispensing of fuel at motor fuel-dispensing facilities ~~or shall be under the supervision of a qualified attendant at all times or shall be~~ in accordance with Section 2204.3. the following:

1. Conducted by a qualified attendant; and/or,
2. Shall be under the supervision of a qualified attendant and/or
3. Shall be an unattended self-service facility under Section 2304.3.

If the qualified attendant of item Number 1 or 2 above is not present at any time, such operations shall be considered an unattended self-service facility and shall also comply with Section 2304.3.

CHAPTER 24 FLAMMABLE FINISHES

SECTION 2401 GENERAL

Section 2401.2; delete this section in its entirety.

CHAPTER 33 FIRE SAFETY DURING CONSTRUCTION AND DEMOLITION

SECTION 3307 FIRE DEPARTMENT SITE ACCESS AND WATER SUPPLY

Section 3307.1; change to read as follows:

Section 3307.1 REQUIRED ACCESS. Approved vehicle access for firefighting and emergency response shall be provided to all construction or demolition sites. Vehicle access shall be provided within ~~100~~ 50 feet (~~30-480~~ 15 240 mm) of temporary or permanent fire department connections. Vehicle access shall be provided by temporary or permanent roads supporting vehicle loading under all weather conditions. Vehicle access shall be maintained until permanent fire apparatus access roads are available. When fire apparatus access roads are required to be installed for any structure or development, access shall be approved before construction has progressed beyond the completion of the foundation of any structure. Whenever the connection is not visible to approaching fire apparatus, an approved sign shall indicate the fire department connection.

Section 3307.1.2; change to read as follows:

3307.1.2 STAIRWAYS REQUIRED. Where building construction exceeds 40 feet (12,192 mm) in height above the lowest fire department vehicle access level, a temporary or permanent stairway shall be provided. As construction progresses, such stairways shall be extended to within one floor of the highest point of construction, having secured decking or flooring. Whenever the stairways are not visible to approaching fire apparatus, an approved sign shall indicate the stairway locations.

Section 3307.5.3; add a section to read as follows:

3307.5.3 STANDPIPE SIGNAGE. Whenever the standpipes are not visible to approaching fire apparatus, locations shall be indicated by an *approved* sign.

SECTION 3311 ADDITIONAL SAFEGUARDS FOR TYPES I AND II CONSTRUCTION

Section 3311.2; add to read as follows:

3311.1 REQUIRED ACCESS. Approved vehicle access for firefighting and emergency response shall be provided to all construction or demolition sites. Vehicle access shall be provided to within 50 feet (15 240 mm) of temporary or permanent fire department connections. Vehicle access shall be provided by temporary or permanent roads

supporting vehicle loading under all weather conditions. Vehicle access shall be maintained until permanent fire apparatus access roads are available. When fire apparatus access roads are required to be installed for any structure or development, access shall be approved before construction has progressed beyond completion of the foundation of any structure. Whenever the connection is not visible to approaching fire apparatus, an approved sign shall indicate the fire department connection.

CHAPTER 41 – TEMPORARY HEATING AND COOKING OPERATIONS

SECTION 4104 PORTABLE FUEL-FIRED COOKING APPLIANCES

Section 4104.2; change to read as follows:

4104.2 OPEN-FLAME COOKING DEVICES. Charcoal burners and other open-flame cooking devices, charcoal grills, and other similar devices used for cooking shall not be operated or located on combustible balconies, decks, or within 10 feet (3048 mm) of combustible construction.

EXCEPTIONS:

1. One- and two-family dwellings where LP-gas containers are limited to a water capacity not greater than 50 pounds (22.68 kg) [nominal 20-pound (9.08 kg) LP-gas capacity] with an aggregate LP-gas capacity not to exceed 100 pounds (5 containers). All LP-gas containers shall be stored outside, as per Chapter 61.
2. Where an approved automatic sprinkler system protects buildings, balconies, and decks: LP-gas containers are limited to a water capacity not greater than 50 pounds (22.68 kg) [nominal 20-pound (9.08 kg) LP-gas capacity], with an aggregate LP-gas capacity not to exceed 40 lbs. (2 containers). All LP-gas containers shall be stored outside, as per Chapter 61.
3. LP-gas cooking devices have LP-gas containers with a water capacity not greater than 2 1/2 pounds [nominal 1-pound (0.454 kg) LP-gas capacity].

CHAPTER 56 EXPLOSIVES AND FIREWORKS

SECTION 5601 GENERAL

Section 5601.1.3; change to read as follows:

5601.1.3 FIREWORKS. The possession, manufacture, storage, sale, handling, and use of fireworks are prohibited.

EXCEPTIONS:

1. Only when approved for fireworks displays, the storage and handling of fireworks are allowed as allowed in Sections 5604 and 5608.
2. ~~Manufacture, assembly, and testing of fireworks as allowed in Section 5605.~~
- 3.2. The use of fireworks for approved fireworks displays as allowed in Section 5608.
4. ~~The possession, storage, sale... {Delete the remainder of the text.}~~

5601.1.4 ROCKETRY. The storage, handling, and use of model and high-power rockets shall comply with NFPA 1122, NFPA 1125, and NFPA 1127 requirements. To the extent allowed or authorized, the use of model and high-power rockets ("Rockets") shall be subject to the issuance of a permit by the Fire Code Official. Rockets' storage, operation, and use shall strictly comply with criteria obtained from the Fire Code Official.

5601.7.1 DOCUMENTATION. The Fire Chief or his designee may seize and destroy illegal fireworks before a court appearance, and photographs of such seized and destroyed fireworks will provide sufficient evidence of a violation of Section 5601.1.3 for the municipal court.

SECTION 5605 MANUFACTURE, ASSEMBLY, AND TESTING OF EXPLOSIVES, EXPLOSIVE MATERIALS, AND FIREWORKS

5605.1. GENERAL. The manufacture, assembly, and testing of explosives, ammunition, blasting agents, and fireworks are prohibited within the Town's limits.

EXCEPTIONS:

1. ~~The hand loading of small arms ammunition prepared for personal use and not offered for resale.~~
2. ~~The mixing and loading of blasting agents at blasting sites in accordance with NFPA 495.~~
3. ~~The use of binary explosives or phosphoric materials in blasting or pyrotechnic special effects applications in accordance with NFPA 495 or NFPA 1126.~~

Exception: The hand-loading of small arms ammunition prepared for personal use is not offered for resale.

SECTION 5608 FIREWORKS DISPLAY

5608.11. IGNITION. Aerial shells shall be ignited by lighting the tips of fuses with an electrical ignition source. Operators shall not place any part of their bodies over the throat of the mortar.

CHAPTER 57 FLAMMABLE AND COMBUSTIBLE LIQUIDS

SECTION 5703 GENERAL REQUIREMENTS

Section 5703.6; add a sentence to the end of the paragraph to read as follows:

An *approved* secondary containment method shall be provided for underground tanks and piping systems.

SECTION 5704 STORAGE

Section 5704.2.11.4; change to read as follows:

5704.2.11.4 LEAK PREVENTION. Leak prevention for underground tanks shall comply with Sections 5704.2.11.4.1 and ~~5704.2.11.4.2~~ through 5704.2.11.4.3. An *approved* secondary containment method shall be provided for underground tanks and piping systems.

Section 5704.2.11.4.2; change to read as follows:

5704.2.11.4.2 LEAK DETECTION. Underground storage tank systems shall be provided with an approved method of leak detection from any component designed and installed in accordance with NFPA 30 and as specified in Section 5704.2.11.4.3.

Section 5704.2.11.4.3; add to read as follows:

5704.2.11.4.3 OBSERVATION WELLS. Approved sampling tubes of a minimum 4 inches in diameter shall be installed in the backfill material of each underground flammable or combustible liquid storage tank. The tubes shall extend from a point 12 inches below the average grade of the excavation to ground level and shall be provided with suitable surface access caps. Each tank site shall provide a sampling tube at the corners of the excavation, with a minimum of 4 tubes. Sampling tubes shall be placed in the product line excavation within 10 feet of the tank excavation and one every 50 feet routed along product lines towards the dispensers; a minimum of two are required.

Section 5707.4; add a paragraph to read as follows:

5707.4 MOBILE FUELING AREAS.

(Existing text remains unchanged)

Mobile fueling sites shall be restricted to commercial, industrial, governmental, or manufacturing operations where the parking area is primarily intended for employee vehicles. Mobile fueling shall be conducted only for fleet or employee vehicles, not the general public. Commercial sites shall be restricted to office-type or similar occupancies that are not primarily intended for use by the public.

CHAPTER 61 – LIQUEFIED PETROLEUM GASES

SECTION 6103 INSTALLATION OF EQUIPMENT

6103.2.1.8 JEWELRY REPAIR, DENTAL LABS, AND SIMILAR OCCUPANCIES.

Where natural gas service is unavailable, portable LP-gas containers can supply approved torch assemblies or similar appliances. Such containers shall not exceed 20 pounds (9.0 kg) of water capacity. Aggregate capacity shall not exceed 60 pounds (27.2 kg) of water capacity. Each device shall be separated from other containers by a distance of not less than 20 feet.

SECTION 6104 LOCATION OF LP-GAS CONTAINERS

6104.2 MAXIMUM CAPACITY WITHIN ESTABLISHED LIMITS. Within the limits established by law restricting the storage of liquefied petroleum gas to protect heavily populated or congested areas, the aggregate capacity of any one installation shall not exceed a water capacity of 2,000 gallons (7570 L).

EXCEPTIONS:

1. In particular installations, the Fire Code Official shall determine this capacity limit after considering special features such as topographical conditions, nature of occupancy, proximity to buildings, the capacity of proposed LP-gas containers, degree of fire protection to be provided, and the capabilities of the local fire department.
2. Except as permitted in Sections 308.3 and 6104.3.2, LP-gas containers are prohibited in residential areas.

6104.3.3 SPAS, POOL HEATERS, AND OTHER LISTED DEVICES. Where natural gas service is unavailable, LP-gas containers can supply spas, pool heaters, or other listed devices. Such containers shall not exceed a 250-gallon water capacity. See Table 6104.3 for the location of containers.

Exception: Lots, where LP-Gas can be offloaded wholly on the property where the tank is located, may install 500-gallon above-ground or 1,000-gallon underground approved containers.

SECTION 6107 SAFETY PRECAUTIONS AND DEVICES

6107.4 Protecting Containers from Vehicles. Where exposed to vehicular damage due to proximity to alleys, driveways, or parking areas, LP-gas containers, regulators, and piping shall be protected in accordance with ~~NEPA-58~~ Section 312.

SECTION 6109 SAFETY PRECAUTIONS AND DEVICES

6109.13 Protection of Containers. LP-gas containers shall be stored within a suitable enclosure or otherwise protected against tampering. Vehicle impact protection shall be provided as required by Section 6107.4.

Exception: ~~Vehicle impact protection shall not be required for protection of LP-gas containers where the containers are kept in lockable, ventilated cabinets of metal construction.~~

CHAPTER 80 – REFERENCED STANDARDS

REFERENCED STANDARDS 80-4. This chapter lists the standards referenced in various sections of this document. The standards are listed herein by the promulgating agency of the standard, the standard identification, the effective date and title, and the section or sections of this document that reference the standard. The application of the referenced standards shall be as specified in Section 102.7. All referenced standards from the National Fire Protection Association (NFPA), Batterymarch Park, Quincy, MA, will be referenced in the fire code from the NFPA's latest published edition for compliance with the fire code.

APPENDIX B FIRE-FLOW REQUIREMENTS FOR BUILDINGS

B105.2 BUILDINGS OTHER THAN ONE- AND TWO-FAMILY DWELLINGS, GROUP R-3 AND R-4 BUILDINGS, AND TOWNHOUSES. The minimum fire-flow and flow duration for buildings other than one- and two-family dwellings, Group R-3 and R-4 buildings, and townhouses shall be as specified in Tables B105.1(2) and B105.2.

Table B105.2; change footnote a. to read as follows:

TABLE B105.2. REQUIRED FIRE FLOW FOR BUILDINGS OTHER THAN ONE- AND TWO-FAMILY DWELLINGS, GROUP R-3 AND R-4 BUILDINGS, AND TOWNHOUSES

AUTOMATIC SPRINKLER SYSTEM (DESIGN STANDARD)	MINIMUM FIRE FLOW (GALLONS PER MINUTE)	FLOW DURATION (HOURS)
No automatic sprinkler system	Value in Table B105.1(2)	Duration in Table B105.1(2)
Section 903.3.1.1 of The International Fire Code	25% of the Value in Table B105.1(2) ^a	Duration in Table B105.1(2) at the reduced flow rate

Section 903.1.2 of The International Fire Code	25% of the value in Table B105.1(2) ^b	Duration in Table B105.1(2) at the reduced flow rate.
--	--	---

For SI: 1 gallon per minute = 3.785 L/m.

- a. The reduced fire flow shall not be less than 1,500 gallons per minute.
- b. The reduced fire flow shall not be less than 1,500 gallons per minute.

APPENDIX D FIRE APPARATUS ACCESS ROADS

D102.1. ACCESS AND LOADING. Facilities, buildings, or portions of buildings hereafter constructed shall be accessible to fire department apparatus through an approved fire apparatus access road. Fire lanes shall be constructed of a surface capable of supporting the imposed loads of an 85,000 lb. fire apparatus. The design shall be based on standards published in Chapter 32 of the most current version of the Engineering Design Criteria and Construction Standards for the Town of Flower Mound. In no event shall speed bumps, speed humps, or other “traffic-calming” devices be placed, installed, or located in the fire lane or fire apparatus access road unless approved by the Fire Code Official.

D103.2. GRADE. All grades must comply with the Town of Flower Mound's design standards for public and private street access routes. The maximum allowable grade shall not exceed 8%. Any grade steeper than 8% must receive approval from the Fire Code Official.

D103.3. TURNING RADIUS. The required turning radius of a fire apparatus access road shall be a minimum of 25 feet inner radius and 45 feet outer radius, as determined by the Fire Code Official.

D103.4 DEAD ENDS. Dead-end fire apparatus access roads shall be provided with width and turnaround provisions following Table D103.4.

TABLE D103.4
REQUIREMENTS FOR DEAD-END FIRE APPARATUS ACCESS ROADS

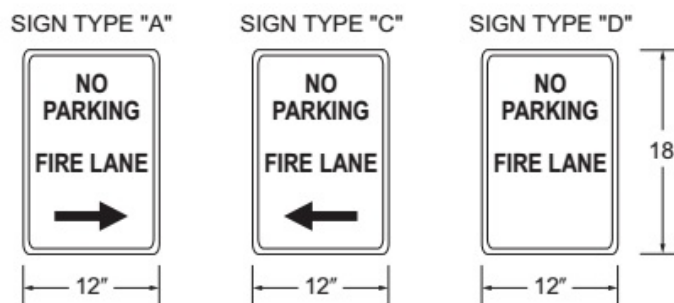
LENGTH (Feet)	WIDTH (Feet)	TURNAROUNDS REQUIRED
0-150	26	120-foot Hammerhead, 60-foot “Y”, or 100-foot diameter Cul-De-Sac. (Figure D103.1)
151-500	26	120-foot Hammerhead, 60-foot “Y”, or 100-foot diameter Cul-De-Sac. (Figure D103.1)
501-750	26	120-foot Hammerhead, 60-foot “Y”, or 100-foot

		diameter Cul-De-Sac. (Figure D103.1)
Over 750	26	Special Approval Required. Additional intermediate turnarounds may be required.

D103.4.1 INTERMEDIATE FIRE APPARATUS TURNAROUNDS. The Fire Code Official is authorized to require an intermediate fire apparatus turnaround where a single point of access exceeds 750 feet or when development projects utilize an alternative street design following the Town of Flower Mound Engineering Design Standards. All designs must accommodate fire apparatus turn radius requirements and be approved by the Fire Code Official.

D103.6 MARKING. When approved by the Fire Code Official, striping, signs, or other markings shall be provided for fire apparatus access roads to identify such roads or prohibit the obstruction thereof. Striping, signs, and other markings shall be maintained clean and legible and replaced or repaired when necessary to provide adequate visibility.

1. **Striping** – Fire apparatus access roads shall be continuously marked by painted lines of red traffic paint six inches (6”) in width to show the boundaries of the lane. The words “NO PARKING FIRE LANE” or “FIRE LANE NO PARKING” shall appear in four-inch (4”) white letters at 25-foot intervals on the red border markings along both sides of the fire lanes. Where a curb is available, the striping shall be on the vertical face of the curb.
2. **Signs** – Signs shall read “NO PARKING FIRE LANE” or “FIRE LANE NO PARKING” and shall be 12” wide and 18” high (See Figure D103.6). Signs shall have red letters on a white reflective background, using not less than 2” lettering. Signs shall be permanently affixed to a stationary post, and the bottom of the sign shall be six feet, six inches (6’6”) above the finished grade. Signs shall be spaced not more than fifty feet (50’) apart along both sides of the fire lane. Signs may be installed on permanent buildings or walls or approved by the Fire Code Official.



D104.3 REMOTENESS. Where two fire apparatus access roads are required, they shall be placed a distance apart equal to not less than one-half of the length of the maximum overall diagonal dimension of the lot or area to be served, measured in a straight line between accesses or as *approved by the Fire Code Official*.

D105.3 PROXIMITY TO THE BUILDING. Unless otherwise approved by the Fire Code Official, one or more of the required access routes meeting this condition shall be located not less than 15 feet (4572 mm) and not greater than 30 feet (9144 mm) from the building and shall be positioned parallel to two entire sides of the building. The Fire Code Official shall approve the sides of the building on which the aerial fire apparatus access road is positioned.

D106.3 REMOTENESS. Where two fire apparatus access roads are required, they shall be placed a distance apart equal to not less than one-half of the length of the maximum overall diagonal dimension of the property or area to be served, measured in a straight line between accesses or as *approved by the Fire Code Official*.

D107.2 REMOTENESS. Where two fire apparatus access roads are required, they shall be placed a distance apart equal to not less than one-half of the length of the maximum overall diagonal dimension of the property or area to be served, measured in a straight line between accesses or as *approved by the Fire Code Official*.

APPENDIX L FIREFIGHTER AIR REPLENISHMENT SYSTEM

L101.1 Scope. Firefighter air replenishment systems (FARS) shall be provided in accordance with this appendix in new buildings where any of the following conditions are met:

1. Buildings with an occupied floor or occupied roof located more than 55 feet (22,860 mm) above the lowest level of fire department vehicle access.
2. Buildings having two or more stories below the grade plane.

L103.1 PERMITS. Permits are required to install and maintain FARS, and they must be obtained per Sections L103.2 and L103.3.

L103.2 CONSTRUCTION PERMIT. A construction permit is required for the installation of or modification to a FARS. The construction permit application shall include documentation of an acceptance and testing plan specified in Section L105.

L103.2.1 SUBMITTALS. Plans and specifications shall be provided by a Firefighter Air Replenishment company and sealed by a Texas-licensed Professional Engineer (PE).

L103.3 OPERATIONAL PERMIT. An operational permit is required to maintain a FARS.

L104.13.1 Location. Fill stations for refilling breathing air cylinders shall be located as follows:

1. In the primary stair, as designated by the *fire code official*, a fill station shall be installed on the first level and every odd-numbered floor thereafter.
2. In all other stairs, a fill station shall be installed on the second level and on every even-numbered floor thereafter.

L104.14 EXTERNAL MOBILE AIR CONNECTION. An external mobile air connection shall be provided for the fire department's mobile air apparatus, as required by Section L104.5, to supply the system with breathing air. The external mobile air connection shall be located with approved separation from the Fire Department Connection (FDC) to allow the functionality of both devices by first responders; it shall be visible from and within 50ft of a fire apparatus access road along an unobstructed path and shall be located in an approved, signed, secured cabinet. If the cabinet is susceptible to vehicle impact, bollards shall be supplied for vehicle impact protection.

Section L106.1: Add a paragraph to read as follows:

The inspecting FARS contractor shall provide an annual inspection tag/sticker on the FARS' interior air monitoring panel. The tag/sticker shall identify the approved inspecting contractor's name, physical address, phone number, certified inspector's name, and inspection date. The system shall not be tagged until all inspection requirements of this section have been completed. The tag/sticker shall be blue for a passing system. The tag/sticker shall be red for a failing system, with reasons for failure indicated on the tag. If a red tag/sticker is placed, AHJ/Fire Marshal shall be notified immediately within 24 hours.

SEC. 38-6. CONSTRUCTION OR REPAIR PERMITS ARE REQUIRED.

PERMIT REQUIRED.

No person shall begin any work outlined in the International Fire Code, 2024 edition, including adopted amendments, without having first obtained a separate fire department construction permit and paid the appropriate fees for these building installation features as outlined in Section 38-10, "Schedule of Fees," of this Code for new and remodel construction.

EXCEPTIONS:

1. Fire Sprinkler: Plan submittal and permit are only required for alterations/modifications involving 20 or more sprinkler heads, alterations/changes to the system risers, and special applications (i.e., water curtains). Minor fire sprinkler system modifications (adding fewer than 20 heads) do not require a plan submittal. Work not requiring plans submittal: Contractors shall install a white

- service tag indicating the location (i.e., Suite #) and scope of work.
2. Fire Alarm/Fire Sprinkler Monitoring Systems: Minor fire alarm system modifications (such as adding a horn/strobe for fire sprinkler monitoring or expanded notification coverage) do not require plan submittal.
 3. Work not requiring plan submittal: Contractors shall install a white service tag indicating the location (e.g., Suite #) and scope of work (e.g., "Added horn/strobe").

SEC. 38-7. PENALTY.

Any person who violates any provision of this chapter shall be deemed guilty of a misdemeanor and, upon conviction, shall be punished by a fine as provided in sections 1-13. Any such violation that continues daily shall constitute a separate offense and be punishable.

SEC. 38-8. HAZARDOUS MATERIALS AND COST RECOVERY.

HAZARDOUS MATERIAL RELEASE. Any party(ies) who accidentally, negligently, or intentionally cause or are responsible for a spill of a hazardous material as defined in the Code which affects public or private property within the Town, shall be liable for the payment of all costs incurred by the Town in the effort to mitigate and lessen the hazard. The remedy provided by this section shall be in addition to any other remedies provided by law.

RECOVERABLE COSTS. For this chapter, costs incurred by the Town shall include, but not be limited to, all actual out-of-pocket expenses attributable to the abatement or cleanup of the hazardous material(s), including costs of equipment operations, prices of materials utilized, costs of third-party specialists, experts, or contract labor not in the full-time employment of the Town, overhead costs, overtime costs and any other incidental costs incurred by the town. Basic costs associated with Fire Department services shall be \$400.00 per hour for each engine or truck company and \$250.00 per hour for each medical unit or utility vehicle.

Recovery costs relative to hazardous materials incidents:

1. Engine or truck, per hour - \$500.00
2. Medic unit, Utility vehicle, per hour - \$400.00
3. Personnel costs include wages, retirement, employee compensation, etc.
4. Equipment/supplies cost – Actual cost to replace utilized equipment and supplies.

SEC. 38-9. EXCESSIVE FALSE FIRE ALARMS.

Definitions. As used in this section, the following words and terms shall have the following meanings:

ENFORCEMENT OFFICIAL. The Fire Chief, Fire Marshal, or designee.

FALSE FIRE ALARM. The activation of any alarm that results in the response of the fire department caused by the negligence or intentional misuse of a fire alarm system by the owner/occupant or employees, servants, or agents, or by any other activation not caused by heat, smoke, or fire, exclusive of a fire alarm malfunction. An alarm is not considered a false fire alarm if the alarm is activated due to obvious malicious causes beyond the control of the owner/occupant.

FALSE ALARM MALFUNCTION. The activation of any alarm that results in the fire department's response is caused by mechanical failure, malfunction, improper installation, lack of proper maintenance, or any other response for which the fire department personnel are unable to gain access to the premises for any reason or are unable to determine the apparent cause of the alarm activation.

FEE. The assessment of a monetary charge payable to the Town of Flower Mound, authorized according to this section, is to defray the expenses of responding to a false alarm or malfunction.

FIRE ALARM SYSTEM. Any mechanical, electrical, or radio-controlled device is designated to emit a sound or transmit a signal or message when activated, or any such device that emits a sound and sends a signal or message because of smoke, heat, or fire. Without limiting the generality of the foregoing, alarm systems shall be deemed to include audible alarms at the site of installing the detection device, proprietary alarms, and automatic telephone direct dial services or digital alarm communicator systems. A single-station alarm device shall not be deemed a fire alarm system under this section.

FIRE ALARM TECHNICIAN. Any person who inspects, installs, repairs, or performs maintenance on fire alarm systems is licensed by the State of Texas or works under a state-licensed alarm contractor.

NUISANCE ALARM. An alarm is caused by mechanical failure, malfunction, improper installation, lack of proper maintenance, or an unknown cause.

NOTIFICATION. Verbal or written communication is made to the owner/occupant or authorized representative established by their emergency contact information provided via the alarm monitoring company.

OWNER/OCCUPANT. Any person or authorized representatives who own, leases, operate, occupies, or manages the premises installed by a fire alarm system.

PREMISES. Any building or structure, or combination of buildings or structures, including residential dwellings and tenant or lease spaces located wholly or partially inside such buildings or structures, classified by the International Fire Code as a group A, B, E, F, H, I, M, R, S, or U occupancy, where a fire alarm system is installed.

REQUIRED FIRE ALARM SYSTEM. According to this code, a fire alarm system must be installed and maintained in an operative condition by the owner/occupant of the premises.

SERVE. The hand-delivery of written notification by a fire department representative to the owner/occupant or authorized representative who responds to the premises upon activation of a fire alarm system. If the owner/occupant or authorized representative fails to respond to the premises within 30 minutes of the activation of the fire alarm system, “serve” shall also mean the placement of written notification, form, or other documentation within the postal system operated by the United States Postal Service, addressed to the most current or last known address of the owner/occupant or authorized representative.

OWNER/OCCUPANT RESPONSIBILITY, RESPONSE, AND NOTIFICATION.

The owner or occupant of the premises where the fire alarm system is installed is responsible for activating the system.

The owner/occupant shall respond and report to the premises within 30 minutes of notification by fire and police dispatch personnel of a fire alarm system activation. Failure of the owner/occupant to appear at said premises within 30 minutes after being notified shall result in an assessment fee by the town issued to the owner/occupant of the premises in the amount identified in the Fee Schedule found in Section 38-11, “Schedule of Fees,” of this Code.

The owner/occupant shall be served a copy of a “Fire Alarm Activation Report.” This report shall indicate whether the fire alarm activation was false or a malfunction.

Once a fire department has responded to a false fire alarm or fire alarm malfunction, it shall be unlawful for the alarm panel to be reset by the owner/occupant of the premises until authorization from the enforcement official has been obtained.

FALSE FIRE ALARM AND FIRE ALARM MALFUNCTIONS FEE CHARGES.

The Town Finance Department or its designee shall bill and collect all fees charged to an owner/occupant for false fire alarms and malfunctions.

No fee shall be assessed for the first three false fire alarms or fire alarm malfunctions or any combination thereof (collectively referred to as “false alarm” or “false alarms”) at the same premises within one calendar year. Beginning with the fourth false alarm and continuing through the seventh such false alarm within a single calendar year, a fee in the amount identified in the Fee Schedule found in Section 38-11, “Schedule of Fees,” of this Code shall be paid by the owner/occupant for each false alarm located in a group A, B, E, F, H, I M, U. R-1, and S occupancy. After the seventh false alarm has occurred at the premises within a single calendar year, the fee for each additional false alarm located in a group A, B, E, F, H, I M, U. R-1, and S occupancy during the remainder of the then-current calendar year shall be an amount identified in the Fee Schedule found in Section 38-11, “Schedule of Fees,” of this Code.

During each calendar year, no fees shall be assessed for the first three false alarms at a

group R-3 occupancy premises. Beginning with the fourth false alarm and continuing through the seventh such false alarm within a single calendar year, a fee in the amount identified in the Fee Schedule found in Section 38-11, "Schedule of Fees," of this Code shall be paid by the owner/occupant for each false alarm. After the seventh false alarm has occurred at the premises within a single calendar year, the fee for each false alarm during the remainder of the then-current calendar year shall be in the amount identified in the Fee Schedule found in Section 38-11, "Schedule of Fees," of this Code.

False alarms activated by any components connected to the fire alarm system shall be included in computing this section's total number of false alarms.

Should any fee assessed according to this section remain unpaid more than 60 days from the date the charge is billed, a late collection fee will be charged in the amount identified in the fee schedule found in Section 38-11, "Schedule of Fees," of this Code. The interest of 12 percent per annum shall be assessed on the outstanding balance. It shall be payable by the owner/occupant of the premises in addition to the original fee. The owner/occupant shall also be responsible for any legal fees or costs incurred by the Town in enforcing this section.

SEC. 38-10. SCHEDULE OF FEES.

GENERAL. All fees assessed for fire code permits and other applicable costs shall be per this section.

APPLICATION FEE. Application fees shall be assessed on all applications per this section or as outlined in the Fee schedule. Application fees shall be paid at the time of application.

CONSTRUCTION PERMIT FEE. Construction Permit fees shall be assessed per this section or as outlined in The Fee Schedule and section 105.6 of the International Fire Code, 2024 edition. Any construction permit fees assessed shall be paid before the permit is released. A permit is not issued until released by the Flower Mound Fire Department's Fire Marshal's Office, and all fees are paid. Work performed on systems that have not been paid in full shall be considered working without a permit and subject to fees per this section or as outlined in The Fee Schedule. No person shall begin the following listed activities without obtaining a separate fire department construction permit and paying the appropriate fees for these building installation features outlined in this chapter for new and remodeled construction.

Applicable permit fees shall be doubled for any system required to be permitted by this code in which the installation of said fire protection system has commenced without the issuance of a permit(s), also known as "working without a permit."

Applicable permit fees shall be doubled for any system that has been permitted and is in operation without obtaining a final acceptance inspection from the Flower Mound Fire

Marshal's Office, also known as "release of the system before approval."

OPERATIONAL PERMIT FEE. Operational Permit fees shall be assessed per this section or as outlined in The Fee Schedule and section 105.5 of the International Fire Code, 2024 edition. All operational permit fees are assessed and mailed by January 1 of the calendar year. All operational permit fees assessed shall be paid within sixty (60) days of issuance from the Flower Mound Fire Department's Fire Marshal's Office (FMFD-FMO). Fees that are not contested within thirty (30) days or paid within sixty (60) days shall be subject to a penalty as follows:

1. Should any fee assessed according to this section remain unpaid for more than 60 days from the date the charge is billed, a collection fee will be charged in the amount identified in the Fee Schedule. The interest of 12 percent per annum shall be assessed on the outstanding balance. It shall be payable by the owner/occupant of the premises in addition to the original fee.
2. The owner/occupant shall also be responsible for any legal fees or costs the Town incurs in enforcing this section.

REGISTRATION REQUIRED

It shall be unlawful for any person, firm, or corporation to install, alter, repair, replace, or remodel any system specified by this chapter or regulated by the fire code without first registering with the town. Registration shall be upon forms supplied by the fire marshal and shall expire on December 31 of each year. The annual contractor registration fee shall be \$200.00 per calendar year.

All contractors performing work regulated by the International Fire Code, 2024 edition, including adopted amendments, shall be registered before obtaining a permit or performing work in the Town.

EXCEPTIONS:

1. Contractors covered under Texas Insurance Code Title 20 Chapter 6003 are not required to register and are exempt from registration fees. However, a copy of your state license must be on file with the Fire Marshal's Office.
2. Contractors covered under Texas Occupations Code Title 10 Chapter 1702 shall register with the Fire Marshal's Office but are exempt from annual registration fees.

INSPECTION FEE. Inspection fees shall be assessed per this section or as outlined in the Fee Schedule.

1. A fee of \$100 will be assessed for any inspections in which the contractor does not show up.
2. A fee of \$100 will be assessed for any inspection that is not canceled within 24 hours before the scheduled inspection.
3. A fee of \$125.00 will be assessed for any re-inspection.

PLAN REVIEW FEES. Plan review fees shall be assessed per this section or as outlined

in the Fee Schedule of this Chapter.

1. Plan reviews (second and subsequent submittals) required by changes, additions, or revisions shall be assessed at a fee of \$100.
2. No fees shall be charged for any subsequent plan review of changes, additions, or modifications to plans initiated solely by the Fire Chief or his designee for items the Fire Chief failed to identify on a previous plan review.
3. Use outside consultants for plan review, inspections, or both: Actual costs.

FEE SCHEDULE AND STANDARD FEES. Unless stipulated elsewhere in this section, a minimum fee of \$100.00 (to include the application fee) shall be assessed for any plan review and/or permits issued.

LATE PAYMENT PENALTY. Any fee, fine, or charge imposed under this ordinance that remains unpaid after **thirty (30) calendar days** from the date of issuance shall be subject to a **late penalty**. The following provisions shall apply:

1. A **late fee of 20%** of the original amount due shall be assessed on the **31st day** following the due date.
2. If payment is not received within **sixty (60) calendar days**, an additional **compounding 3.0% interest per month** shall accrue on the outstanding balance.
3. Continued non-payment beyond **ninety (90) calendar days** may result in:
 - o Referral to a collection agency,
 - o Suspension or revocation of applicable permits or licenses,
 - o Legal action, as authorized by Town ordinance or applicable law.

All late fees and penalties shall be considered part of the total amount due and enforceable as a debt owed to the Town.

Contractor Registration	
Annual Registration (per calendar year)	\$200

Application Fee ⁽¹⁾	
Permits (required at the time of application)	\$100

⁽¹⁾ Applications submitted for review of Construction Permits as required by the IFC

Construction Permit Fees ⁽²⁾	
Aboveground Fuel Storage Tank (Temporary)	\$100 per tank
Aboveground Fuel/Oil Storage Tank Installation/Alteration/Removal	\$250 per tank
Access Controlled Egress Doors	\$100 per floor
Automatic Fire-Extinguishing Systems	\$100 per system + Valuation*
Automatic Sprinkler Systems	\$100 per riser + Valuation*
Commercial Hood Suppression System	\$100 per system
Compressed Gases (including CO2 beverage dispensing) ⁽³⁾	\$100
Cryogenic Fluids	\$100

Electric Vehicle (EV) Charging Stations	1-5 Stations \$100 5-10 Stations \$200 10+ Stations \$300
Emergency Responder Communication Coverage System (ERRS)	\$100 per donor antenna + Valuation*
Energy Storage Systems (Battery, Generator, Solar) ⁽³⁾ **	\$100 per system type
Fire Alarm & Detection Systems and Related Equipment	\$100 per addressable panel + Valuation*
Fire Lane Modification/Repair	Application Fee only
Fire Pumps & Related Equipment	\$100 per pump + Valuation*
Fire Service Underground Water Line	\$100 per backflow device + Valuation*
Flammable & Combustible Liquids	\$250
Firefighter Air Replenishment System (FARS) ⁽³⁾	\$100 per FD mobile air connection + Valuation*
Foam	\$100
Fuel Cell Power Systems	\$100 per system
Gas Detection Systems	\$100 per system
Gates & Barricades Across Fire Apparatus Access Roads	\$100 per gate
Hazardous Materials ⁽³⁾	\$100
High-Piled Combustible Storage ⁽³⁾	\$100
Industrial Ovens ⁽³⁾	\$100
LP-Gas ⁽³⁾	\$100
Mass Notification System	\$100
Motor Vehicle Repair Rooms & Booths	\$100
Plant Extraction Systems	\$100 per system
Private Fire Hydrants	\$100 per hydrant
Remote Fire Department Connection	\$100
Smoke Control or Smoke Exhaust Systems	\$100 per fan + Valuation*
Solar Photovoltaic Power Systems	\$100 per system
Special Event Structure	\$150
Spraying or dipping [Paint Spray/Finish Booths] ⁽³⁾	\$100
Standpipe Systems (stand-alone)	\$100 per riser + Valuation*
Temporary Membrane Structures & Tents ⁽³⁾	\$100 per use/tent
Underground Fuel/Oil Storage Tank Installation/Alteration/Removal	\$250 per tank
Approved system modifications/alterations and repairs (i.e., Automatic Fire-Extinguishing, Commercial Hood, ERRS, Energy Systems, Fire Alarm, Fire Pumps, FARS, Gates, Smoke Control,	Application Fee + Valuation*

Standpipes)	
-------------	--

(2) Fee in addition to Application Fee and assessed per permit issued

(3) Requires additional operational permits

* See Valuation Fee Scale on Page 4

** IFC Chapter 12 – Systems

Operational Permit Fees ⁽⁴⁾	
Additive Manufacturing	\$150 annually
Aerosol Products, Aerosol Cooking Spray Products, And Plastic Aerosol 3 Products	\$150 annually
Amusement Areas	\$200 per use
Aviation Facilities	\$150 annually
Carnivals And Fairs	\$200 per use
Cellulose Nitrate Film	\$150 annually
Combustible Dust-Producing Operations	\$150 annually
Combustible Fibers	\$150 annually
Compressed Gases (Including CO2 Beverage Dispensing)	\$150 annually per system
Covered And Open Mall Buildings	\$150 annually
Cryogenic Fluids	\$100 annually
Cutting And Welding	\$150 per use
Dry Cleaning	\$150 annually
Electric Vehicle (EV) Charging Stations	1-5 Stations \$225 annually 5-10 Stations \$325 annually 10+ Stations \$425 annually
Energy Storage Systems	\$200 annually per system
Exhibits And Trade Shows	\$200 per use
Explosives	\$150 annually
Firefighter Air Replenishment System	\$150 annually
Fire Hydrants and Valves (Flow Testing)	\$100 per use/hydrant turned
Flammable And Combustible Liquids	\$150 annually
Floor Finishing (Greater than 350 sq. ft.; Class I/II Liquids)	\$200 per use
Fruit and Crop Ripening	\$150 annually
Fumigation And Insecticide Fogging	\$200 per use
Hazardous Materials	\$150 annually
HPM (Hazardous Production Materials) Facilities	\$150 annually
High-Piled (Combustible) Storage	\$150 annually
Hot Work Operation	\$200 per use
Indoor Plant Cultivation	\$150 annually
Industrial Ovens	\$150 annually
Liquid Or Gas-Fueled Vehicles or Equipment in Assembly Buildings	\$150 annually

Lithium Batteries	\$200 annually
LP-Gas [LPG, Above and Underground] [LPG, Retail Exchange]	\$150 annually
Lumber Yards and Woodworking Plants	\$150 annually
Magnesium	\$150 annually
Miscellaneous Combustible Storage	\$150 annually
Mobile Food Preparation Vehicles [Food Trucks]	\$100 annually
Model Rocketry	\$200 per use
Motor Fuel Dispensing Facilities	\$150 annually
Open Burning [Burn]	\$250 per use/burn. All burn permits are valid for 60 days from the date of issue. A one-time extension of 10 days may be granted if requested before the original permit expires. No burn permit, including any extensions, shall exceed 70 days.
Open Flames and Candles	\$200 per use
Open Flames and Torches	\$200 per use
Organic Coatings	\$150 annually
Outdoor Assembly Event (1,000 +)	\$200 per use
Parade Floats	\$150 per use
Places Of Assembly	\$150 annually
Plant Extraction Systems	\$150 annually
Private Fire Hydrants	\$150 annually per hydrant
Pyrotechnic Special Effects Material	\$400.00 per use/event Additionally, there is the actual overtime cost for an employee or employees, which is a minimum of four (4) hours.
Pyroxylin Plastics	\$150 annually
Refrigeration Equipment	\$150 annually
Repair Garages and Motor Fuel-Dispensing Facilities	\$150 annually
Residential Boarding Homes	\$250 annually
Residential Care Facilities	\$250 annually
Rooftop Heliports	\$150 annually
Spraying or Dipping [Paint Spray/Finish Booths]	\$150 annually
Storage of Scrap Tires and Tire By-Products	\$150 annually
Temporary Heating or Cooking in Tents or Membrane Structures	\$150 per use/tent
Temporary Heating or Cooking in Wildfire Risk Areas	\$200 per use
Temporary Heating for Construction Sites	\$200 per use

Temporary Membrane Structures, Special Event Structures, and Tents	\$150 per use/tent
Tire-Rebuilding Plants	\$150 annually
Waste Handling	\$150 annually
Wood Products	\$150 annually

⁽⁴⁾ Fee assessed per permit issued

- Permits for use are valid for a limited time based on the renewal period.
- Refer to Section 105.6 of the 2021 IFC for more details on each use type.

Inspections and Testing Fees (no application fee)		
After-hours (when staffing allows)		The actual overtime cost for one or more employees. A minimum of two (2) hours.
Annual Inspection (Suites, Buildings, & Occupancies)		
Multi-Tenant Shell Building Fire Service Features Inspection		\$75 Fire Service Features for Multi-Tenant Buildings, Structures, and Premises (e.g., Fire Alarms, Fire Sprinklers, FDCs, Fire Lanes).
1 to 5,000 sq. ft		\$75
5,001 to 50,000 sq. ft.		\$150
50,001 to 100,000 sq. ft.		\$275
100,001 sq. ft. or greater		\$300
Certificate of Occupancy		\$150
Flammable and Combustible Liquid Pipeline Repair		\$300
Re-inspection		\$125
Contractor no-show for scheduled inspection (15-minute leeway)		\$100
Fail to cancel a scheduled inspection within 24 hours		\$100
State Licensed Facilities		
State Licensed Facility, Annual	Child Care/Day Care ≤ 35 Children	\$200
	Child Care/Day Care ≥ 36 Children	\$250
	Residential Care	\$250
	Group Home	\$250
	Foster Home ≤ 5 Children	\$100
	Foster Home ≥ 6 Children	\$150
	Assisted Living	\$300
	Nursing Home	\$300

	School/Educational Facilities	\$300
--	-------------------------------	-------

Other Fees (no application fee)	
Working without a permit	Two times the permit fee
Release of a system before approval	Two times the permit fee
Late Collection Fee	\$100

False Fire Alarm - Commercial (based on a calendar year)	
False Fire Alarm	
1 st through 3 rd response	No Fee
4 th through 7 th response	\$250 per fire alarm
8 th response or more	\$500 per fire alarm
Emergency Contact Refusal to Respond	\$100 per fire alarm

False Fire Alarm - Residential (based on a calendar year)	
False Fire Alarm	
1 st through 3 rd response	No Fee
4 th through 7 th response	\$50 per fire alarm
8 th response or more	\$150 per fire alarm

Standby Personnel	
Special Events	The actual overtime cost for one or more employees. A minimum of four (4) hours.
Fireworks Shows	The actual overtime cost for one or more employees. A minimum of four (4) hours.
System Impairments	The actual overtime cost for one or more employees. A minimum of four (4) hours.
Open Burning	\$250 per hour – the price of a utility vehicle

Valuation Fee Scale	
\$1 to \$500	\$35
\$501 to \$2,000	\$35 for the first \$500 plus \$4 for each additional \$100 or fraction thereof, up to and including \$2,000
\$2,001 to \$25,000	\$95 for the first \$2,000 plus \$11 for each additional \$1,000 or fraction thereof, up to and including \$25,000
\$25,001 to \$50,000	\$348 for the first \$25,000 plus \$10 for each additional \$1,000 or fraction thereof, up to and including \$50,000
\$50,001 to \$100,000	\$598 for the first \$50,000, plus \$9 for each additional \$1,000 or fraction thereof, up to and including \$100,000
\$100,001 to \$500,000	\$1,048 for the first \$100,000, plus \$6 for each additional \$1,000 or fraction thereof, up to and including \$500,000

\$500,001 to \$1,000,000	\$3,448 for the first \$500,000, plus \$4 for each additional \$1,000 or fraction thereof, up to and including \$1,000,000
\$1,000,001 and over	\$5,448 for the first \$1,000,000 plus \$2 for each additional \$1,000 or fraction thereof

SEC. 38-11. GENERAL REQUIREMENTS FOR OUTDOOR BURNING

A person shall not kindle, maintain, or authorize to be kindled or maintained any open burning unless conducted and approved per this article. There are local ordinances or county burn ban regulations that must be met. Under all exceptions, the burning must not create a nuisance or traffic hazard, and you must comply with all applicable local rules or ordinances.

DEFINITIONS.

When used in this article, the following words, terms, and phrases shall have the meanings ascribed to them in this section, except where the context indicates a different meaning.

OPEN BURNING. The burning of materials wherein combustion products are emitted directly into the ambient air without passing through a stack or chimney from an enclosed chamber. Open burning does not include road flares, smudge pots, and similar devices associated with safety or occupational uses, typically considered open flames or recreational fires. For the purpose of this definition, a chamber shall be regarded as enclosed when, during the time combustion occurs, only apertures, ducts, stacks, flues, or chimneys necessary to provide combustion air and permit the escape of exhaust gas are open.

RECREATIONAL FIRE. An outdoor fire that burns materials other than rubbish, where the fuel being burned is not contained in an incinerator, outdoor fireplace, barbeque grill, or barbeque pit. It has a total fuel area of three feet (914 mm) or less in diameter and two feet (610 mm) or less in height and is used for pleasure, religious, ceremonial, cooking, warmth, or similar purposes.

BONFIRE. An outdoor fire is utilized for ceremonial purposes.

ENFORCEMENT.

1. The Fire Chief, or his designated representative, is hereby authorized and directed to enforce all provisions of this article. Enforcement may be by filing a complaint in municipal court, by legal proceedings to enjoin nuisances, or in any other manner authorized by law. An official of the fire department or the police department is authorized to issue citations for violating this article.
2. It shall be a violation of this article for any person being issued a citation for a violation of this article, to be filed in municipal court or any civil proceeding, to fail intentionally or knowingly to give the fire department official or police department official his or her true name and address or to fail deliberately or knowingly to appear per the terms of a citation issued by the fire department official or police department official. For purposes of this section, a person shall be in violation upon failure to provide the requisite identification information upon a request for identification being issued by a person known to be a fire department official or police department official.
3. The owner, lessee, or occupant of the property or structure where this article's violation occurs shall be deemed responsible for such violation.
4. If the individual receiving the citation is absent, the fire department or police department official may send the citation to the property owner by certified or registered mail, and a return receipt may be requested. If the citation is unclaimed, it shall be sent by regular mail. If this regular mailing does not come back unclaimed, then service shall be deemed completed.

RULES

1. You may not burn within the incorporated Town limits unless issued a burn permit.
2. A burn permit must be obtained by submitting a burn permit application for the specific area you wish to burn to the Flower Mound Fire Marshal's Office
3. ONLY dry plant growth natural to the burn site can be burned.
4. The burn site must be 500 feet from any residential, recreational, commercial, industrial area, property line, structure, tree line, or other appurtenances.

EXCEPTIONS:

Fires in approved containers less than 25 feet from a structure.

5. There must be a fire break of 50 feet around the material to be burned.
6. A competent person of at least 18 must attend the site during the burn.
7. An adequate water supply to control the burn is required at the site.
8. If complaints are received and the complaint is valid (to be determined by the Fire Marshal, Fire Department, or Law Enforcement Officer), burning shall cease.
9. Burning hours are from sunrise to sunset, as set forth by the United States Naval Observatory tables available from the National Weather Service.
10. Hauling materials, brush, or vegetation onto the site from another property will invalidate this permit.
11. The Denton County Emergency Services Office determines "No Burn Days":
 - a) <https://apps.dentoncounty.gov/website/publicburncontrol/>

b) 940.349.2840

c) If Denton County Commissioners Court enacts a "Burn Ban" on all outdoor burning.

PERMIT REQUIRED. Unless otherwise specified herein, a permit shall be required per Section 105 of the 2024 Edition of the International Fire Code, as amended. A permit constitutes permission to maintain, store, use, or handle materials, conduct processes that produce conditions hazardous to life or property, or install equipment used in connection with such activities. Such permission shall not be construed as authority to violate, cancel, or set aside any of the provisions of this article. Such a permit shall not replace any license required by law. The following provisions shall apply to permits:

1. A fire permit shall be obtained from the fire department before kindling a fire for recognized silvicultural, range, or wildlife management practices, prevention or control of disease or pests, recreational fire, or a bonfire. Application for such approval shall only be presented by the landowner upon which the fire is to be kindled, and permits shall be issued to the landowner upon which the fire is to be kindled. Application for permits shall be made to the fire department in the form and detail prescribed by the fire prevention division.
2. Any permit required by the 2024 Edition of the International Fire Code, Section 105, as amended, shall be issued only upon payment of the permit fee in an amount established and as amended by the ordinance of the Town Council or as stated herein.
3. A permit shall continue until revoked or for the period designated therein at the issuance or as specified by this article, as it may be amended. Permits shall not be transferable. Any change in use, occupancy, operation, or ownership shall require a new permit.
4. As determined by the Fire Code Official, standby personnel and standby apparatus may be required for the duration of the open burning, and a permit fee assessed per Chapter 38, "Fire Prevention and Protection," of Section 38-11, "Schedule of Fees," to the Code of Ordinances, Town of Flower Mound, Texas.

COMPLIANCE WITH STATE REGULATIONS. Open burning shall only be permitted with prior approval from the state or local air and water quality management authority, provided all conditions specified in the authorization are followed. Open burning shall be conducted per rules promulgated by the Texas Commission on Environmental Quality, as amended, including but not limited to Chapter 111, Subchapter B, outdoor burning, and Chapter 106, subchapter v, section 106.496(d), trench burning, and pertinent town ordinances, including but not limited to chapter 6 of the Code of Ordinances of the Town of Flower Mound, entitled "air pollution control," relative to permissible emissions under the direction and control of the director of public works and the air quality control board. Nothing herein shall require that the Town verify the requisite permits, licenses, and site visits mandated by other agencies.

OPEN BURNING.

1. General. Open burning that is offensive or objectionable due to smoke or odor emissions when atmospheric conditions or local circumstances make such fires hazardous shall be prohibited. The fire department official is authorized to order the extinguishment by the permit holder, another person responsible, or the fire department of open burning, which creates or adds to a hazardous or objectionable situation.
2. Location. The location for open burning shall not be less than 500 feet from any residential, recreational, commercial, or industrial area, property line, structure, tree line, or other appurtenances, and provisions shall be made to prevent the fire from spreading to within 500 feet from any such area, property line, structure, tree line, or other appurtenances.
3. Location exception. Fires in approved containers must be at least 25 feet from a structure.

BONFIRES AND TRENCH BURNS. Bonfires and Trench Burns are not allowed within Town limits.

RECREATIONAL FIRES. Recreational fires shall not be conducted within 50 feet of a structure or combustible material unless the fire is contained in a container approved by the Fire Code Official. Conditions that could cause a fire to spread within 50 feet of a structure shall be eliminated before ignition.

PORTABLE OUTDOOR FIREPLACES. Portable outdoor fireplaces shall be used per the manufacturer's instructions and shall not be operated within 15 feet of a structure of combustible material.

PERMANENT OUTDOOR FIREPLACES. A permanent outdoor fireplace shall not be within 15 feet of a structure or combustible material.

1. Fireplace appliance. When a UL-listed gas-fired appliance is installed and constructed of non-combustible materials, and non-combustible materials extend a minimum of 12 inches past any structures or combustible materials, it is permitted to be located closer than 15 feet to a structure or combustible material with approval by the Fire Code Official.

ATTENDANCE. Any open burning shall be constantly attended to until the fire is extinguished. A minimum of one portable fire extinguisher, with a minimum 4-A rating, or other approved on-site fire-extinguishing equipment, such as dirt, sand, water barrel, garden hose, or water truck, shall be available immediately for utilization. The Fire Code Official is authorized to require greater precautions when deemed necessary by the Fire Code Official in his or her discretion, under existing or anticipated circumstances, and such additional precautions shall be addressed before the permit issuance.

PENALTY. Any person who violates any provision of this chapter shall be deemed guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine as provided in Section 1-13. Each day, any such violation or violations shall constitute a separate

offense and be punishable



Hi Jason,

Please find attached the ordinance and exhibit for your review. Instead of having the local amendments within the code, we included them in an exhibit to the ordinance to be available for review and copying at Town Hall. We did this for the previous international code amendments we drafted a few weeks ago for the Town. Please let me know if you have any questions or concerns about this, and let me know if we can help with anything further.

Thank you,
Annabelle Ackling

From: Joshua Williams <jwilliams@toase.com>
Sent: Wednesday, July 16, 2025 10:34 AM
To: Jason Bolejack <Jason.Bolejack@flowermound.gov>
Cc: Bryn Meredith <bmeredith@toase.com>; Annabelle Ackling <aackling@toase.com>; Natalee Maxwell <nmaxwell@toase.com>; Bessie Bronstein <bbronstein@toase.com>
Subject: RE: 2024 Fire Code amendments - Review

Hi, Jason!

Annabelle asked me to reach out and see if you wanted us to review the substance of the amendments as well? Of course, you would be the expert on that so just wanted to be clear about what exactly you are looking for from our review?

Joshua Williams
Legal Assistant to:
Carvan E. Adkins, Cara Leahy White, Bryn Meredith, and Lindsey Hale Taylor, Olson, Adkins, Sralla & Elam, LLP



Phone: 817-332-2580
jwilliams@toase.com

Jason Bolejack | Fire Marshal

Flower Mound Fire and Emergency Services

3911 South Broadway Avenue

Flower Mound, TX 75028

972.874.6270

Jason.Bolejack@flowermound.gov

www.flowermound.gov

Office Hours: Monday through Thursday, 7:00 AM - 5:30 PM CST.

From: Peggy Durbin <Peggy.Durbin@flowermound.gov>
Sent: Wednesday, August 27, 2025 2:56 PM
To: Jason Bolejack <Jason.Bolejack@flowermound.gov>



TOWN COUNCIL AGENDA K.1. REGULAR ITEM(S)

DATE: September 15, 2025

FROM: Dale Crown, Assistant Director of Engineering

ITEM: **Consider approval of a Construction Agreement with Urban Infraconstruction, LLC, for the Wastewater Treatment Plant Effluent Filter Rehabilitation project, in the amount of \$5,260,000.00; and authorization for the Mayor to execute same on behalf of the Town.**

BACKGROUND: On July 17, 2025, bids were received and opened for the Wastewater Treatment Plant Effluent Filter Rehabilitation project (Bid # 2025-57-B). Urban Infraconstruction, LLC, submitted the lowest qualified bid of the six responding bidders at a total bid of \$5,260,000.00. The project consists of the rehabilitation of the Wastewater Treatment Plant's existing effluent filter system. Proposed work includes replacement of filters, slide gates, facility lighting, aerators, pumps and piping and installation of a new overhead monorail crane system. The effluent filters are one of the final critical components of the wastewater treatment process prior to being discharged to Bakers Branch Creek.

BOARD REVIEW/CITIZEN FEEDBACK: N/A

ALTERNATIVES: A decision not to approve the Construction Agreement would result in continued maintenance issues and the effluent filtration system functioning at suboptimal levels, which could lead to future TCEQ violations.

FISCAL IMPACT: \$5,260,000

Proposed Expenditure/(Revenue)
\$5,260,000

Account Number(s):
630-970-98285-6180

LEGAL REVIEW: The Town's standard construction agreement form documents, prepared by Taylor, Olson, Adkins, Sralla, & Elam L.L.P., was used to draft this agreement. No alteration to the legal content of this form document was made.

ATTACHMENTS:

1. Form 1295
2. Bid No. 2025-57-B Verified Bid Tab
3. Construction Agreement

DRAFT MOTION: Move to approve as presented in the agenda caption.



**Town of Flower Mound
Verified Bid Tabulation**

Bid No: 2025-57-B – Wastewater Treatment Plant Effluent Filter Rehabilitation

Bid Opening: 07/17/2025 at 11:00 AM

Company	Total Base Bid	Additive Alternate Bid Item 1	Additive Alternate Bid Item 2	
Urban Infraconstruction LLC	\$ 5,035,000.00	\$ 150,000.00	\$ 75,000.00	\$ 5,260,000.00
IECONI dba Infrastructure Engineering & Construction Inc	\$ 5,087,488.00	\$ 394,133.00	\$ 101,334.00	\$ 5,582,955.00
Keeley Construction Group	\$ 5,334,000.00	\$ 302,000.00	\$ 108,000.00	\$ 5,744,000.00
Schofield Civil Construction LLC	\$ 5,866,000.00	\$ 235,000.00	\$ 72,000.00	\$ 6,173,000.00
RAVA Construction LLC	\$ 5,995,000.00	\$ 310,000.00	\$ 60,000.00	\$ 6,365,000.00
CLW Water Group	\$ 5,994,000.00	\$ 300,000.00	\$ 200,000.00	\$ 6,494,000.00

****All bids/proposals submitted for the designated project are reflected on this tabulation sheet. However, the listing of the bid/proposal on this tabulation sheet shall not be construed as a comment on the responsiveness of such bid/proposal or as any indication that the agency accepts such bid/proposal as being responsive. The agency will make a determination as to the responsiveness of the vendor responses submitted based upon compliance with all applicable laws, purchasing guidelines and project documents, including but not limited to the project specifications and contract documents.**

Certified By: Sabrina Zadow
Purchasing Manager
Town of Flower Mound, Texas

Date: July 17, 2025

TOWN OF FLOWER MOUND, TEXAS

**WASTEWATER TREATMENT PLANT
EFFLUENT FILTER REHABILITATION**

Bid # 2025-57-B

CONSTRUCTION AGREEMENT

THIS CONSTRUCTION AGREEMENT (the “Agreement”), made and entered into this 15th day of September, 2025, by and between the Town of Flower Mound, County of Denton, Texas, hereinafter referred to as the “Town,” and Urban Infraconstruction, LLC, a Limited Liability Company, hereinafter referred to as the “Contractor.” For and in consideration of the payment, agreements, and conditions hereinafter mentioned, and under the conditions expressed in the bonds herein, Contractor hereby agrees to complete the construction of improvements described as follows:

Wastewater Treatment Plant
Effluent Filter Rehabilitation,
Bid # 2025-57-B

in the Town of Flower Mound, Texas, and all extra work in connection therewith, under the terms as stated in this Agreement, and under the terms of the Contract Documents; and at his, her, or their own proper cost and expense to furnish all superintendence, labor, insurance, equipment, tools, and other accessories and services necessary to complete the said construction in accordance with all the Contract Documents, incorporated herein as if written word for word, and in accordance with the Plans, which include all maps, plats, blueprints, and other drawings and printed or written explanatory manner therefore, and the Conditions and Specifications as prepared by the Town or its consultant hereinafter called “Engineer”, who has been identified by the endorsement of the Contractor's written proposal, and the General Conditions, Supplemental Conditions, and Special Provisions of this Agreement, and the payment, performance, and maintenance bonds hereto attached; all of which are made a part hereof and collectively evidence and constitute the entire Agreement.

ARTICLE 1. The Contract Documents shall consist of the following documents:

- A. The Construction Agreement;
- B. Properly executed Change Orders and Field Orders in writing and executed by the Town, the last in time being first in precedence;

- C. Any listed and numbered addenda;
- D. Special Provisions;
- E. Supplementary Conditions;
- F. Construction Drawings or Plans;
- G. Technical Specifications;
- H. Town's Standard Construction Details;
- I. The most current edition of the *Town of Flower Mound Design Criteria and Construction Standards* (by reference);
- J. *Occupational Safety and Health Standards – Excavation*, 20 CFR Part 1926 (by reference);
- K. *Texas Manual on Uniform Traffic Control Devices (TMUTCD)* (by reference);
- L. The General Conditions;
- M. *Public Works Construction Standards - North Central Texas, as amended* (by reference);
- N. Notice to Bidders;
- O. Instructions to Bidders;
- P. The Town's written notice to proceed to Contractor;
- Q. The Contractor's Bid Proposal;
- R. The Performance Bond, Payment Bond and Maintenance Bond; and
- S. Bid materials distributed by the Town that relate to the Project.

These Contract Documents are incorporated by reference into this Agreement as if set out in their entirety. The Contract Documents are intended to be complementary; what is called for by one document shall be as binding as if called for by all Contract Documents. It is specifically provided; however, that in the event of any inconsistency in the Contract Documents, the inconsistency shall be resolved by giving precedence to the Contract Documents in the order in which they are listed herein above. If, however, there exists a conflict or inconsistency between the Technical Specifications and the Construction Drawings, it shall be the Contractor's obligation to seek clarification as to which requirements or provisions control before undertaking any work on that component of the project. Should the Contractor fail or refuse to seek a clarification of such conflicting or

inconsistent requirements or provisions prior to any work on that component of the project, the Contractor shall be solely responsible for the costs and expenses - including additional time - necessary to cure, repair, and/or correct that component of the project.

ARTICLE 2. For performance of the Work in accordance with the Contract Documents, the Town shall pay the Contractor in current funds an amount not to exceed **Five Million Two Hundred Sixty Thousand dollars and Zero cents (\$5,260,000.00)** taking into consideration additions to or deductions from the Total Bid through properly executed change orders by reason of alterations or modifications of the original quantities or by reason of “Extra Work” authorized under this Agreement in accordance with the provisions of the Contract Documents. It is hereby mutually agreed that for and in consideration of the payments as provided for herein to the Contractor by the Town, the said Contractor shall furnish all labor, equipment, and material (except as otherwise specified above) and shall perform all work necessary to complete the improvements in a good and workmanlike manner, ready for use, within the specified time for substantial completion of **Three Hundred Sixty (360) Calendar Days**, and final completion of **Three Hundred Ninety (390) Calendar Days** ready for final payment, as measured from the Effective Start Date shown in the Notice to Proceed. The work shall be in strict accordance with this Agreement, a copy of which is filed pursuant to law in the office of the legal representative of the Town.

ARTICLE 3. Before commencing work, the Contractor shall, at its own expense, procure, pay for, and maintain the insurance coverage required by the Contract Documents written by companies approved by the State of Texas and acceptable to the Town of Flower Mound. Contractor shall provide the Town Purchasing Manager with certificates of insurance indicating coverage’s required by the Contract Documents. The certificates are to be signed by a person authorized by that insurer to bind coverage on its behalf. Certificate of Insurance similar to the ACORD Form are acceptable. Town will not accept Memorandums of Insurance or Binders as proof of insurance. The Town reserves the right to require complete, certified copies of all required insurance policies at any time.

ARTICLE 4. The Contractor shall procure and pay for performance and payment bonds applicable to the work in the amount of the total bid price. The Contractor shall also procure and pay for a maintenance bond applicable to the work in the amount of one hundred percent (100%) of the total bid price. The period of the Maintenance Bond shall be two years from the date of acceptance of all work done under the contract, to cover the guarantee as set forth in the Special Conditions. The performance, payment, and maintenance bonds shall be issued on the forms attached to this Construction Agreement. Other performance, payment, and maintenance bond forms shall not be accepted. Among other things, these bonds shall apply to any work performed during the two-year warranty period after acceptance as described in this Construction Agreement.

The performance, payment, and maintenance bonds shall be issued by a corporate surety, acceptable to and approved by the Town, authorized to do business in the State of Texas, pursuant to Chapter 2253 of the Texas Government Code. Further, the Contractor shall supply capital and surplus information concerning the surety and reinsurance information

concerning the performance, payment, and maintenance bonds upon Town request. In addition to the foregoing requirements if the amount of the bond exceeds One Hundred Thousand and Zero/One Hundredths Dollars (\$100,000.00) the bond must be issued by a surety that is qualified as a surety on obligations permitted or required under federal law as indicated by publication of the surety's name in the current U.S. Treasury Department Circular 570. In the alternative, an otherwise acceptable surety company (not qualified on federal obligations) that is authorized and admitted to write surety bonds in Texas must obtain reinsurance on any amounts in excess of One Hundred Thousand and Zero/One Hundredths Dollars (\$100,000.00) from a reinsurer that is authorized and admitted as a reinsurer in Texas who also qualifies as a surety or reinsurer on federal obligations as indicated by publication of the surety's or reinsurer's name in the current U.S. Treasury Department Circular 570.

ARTICLE 5. It is hereby further agreed that in consideration of the faithful performance of the work by the Contractor, the Town shall pay the Contractor the compensation due him by reason of said faithful performance of the work in accordance with the provisions of this Agreement. As it completes portions of the Work, the Contractor may request progress payments from the Town. Progress payments shall be made by the Town based on the Town's estimate of the value of the Work properly completed by the Contractor since the time the last progress payment was made. The "estimate of the value of the work properly completed" shall include the net invoice value of acceptable, non-perishable materials actually delivered to and currently at the job site only if the Contractor provides to the Town satisfactory evidence that material suppliers have been paid for these materials.

No progress payment shall be due to the Contractor until the Contractor furnishes to the Town:

1. copies of documents reasonably necessary to aid the Town in preparing an estimate of the value of Work properly completed;
2. full releases of liens, including releases from subcontractors providing materials or delivery services relating to the Work, in a form acceptable to the Town releasing all liens or claims relating to goods and services provided up to the date of the most recent previous progress payment;
3. an updated and current schedule clearly detailing the project's critical path elements; and
4. any other documents required under the Contract Documents.

Progress payments shall not be made more frequently than once every thirty (30) calendar days unless the Town determines that more frequent payments are appropriate. Further, progress payments are to be based on estimates and these estimates are subject to correction through the adjustment of subsequent progress payments and the final payment to Contractor. If the Town determines after final payment that it has overpaid the Contractor,

then Contractor agrees to pay to the Town the overpayment amount specified by the Town within thirty (30) calendar days after it receives written demand from the Town.

The fact that the Town makes a progress payment shall not be deemed to be an admission by the Town concerning the quantity, quality, or sufficiency of the Contractor's work. Progress payments shall not be deemed to be acceptance of the Work nor shall a progress payment release the Contractor from any of its responsibilities under the Contract Documents.

After determining the amount of a progress payment to be made to the Contractor, the Town shall withhold a percentage of the progress payment as retainage. The amount of retainage withheld from each progress payment shall be set depending upon the value of the Contract Work on the effective date of the Contract:

<u>Contract Amount</u>	<u>Retainage Percentage</u>
Up to \$25,000.00	15%
\$25,000.00 to \$400,000.00	10%
Over \$400,000.00	5%

Retainage shall be withheld and may be paid to:

1. ensure proper completion of the Work. The Town may use retained funds to pay replacement or substitute contractors to complete unfinished or defective work;
2. ensure timely completion of the Work. The Town may use retained funds to pay liquidated damages; and
3. provide an additional source of funds to pay claims for which the Town is entitled to indemnification from Contractor under the Contract Documents.

Retained funds shall be held by the Town in accounts that shall not bear interest. Retainage not otherwise withheld in accordance with the Contract Documents shall be returned to the Contractor as part of the final payment.

ARTICLE 6. The Town may withhold payment of some or all of any progress or final payment that would otherwise be due if the Town determines, in its discretion, that the Work has not been performed in accordance with the Contract Documents. The Town may use these funds to pay replacement or substitute contractors to complete unfinished or defective Work.

The Town may withhold payment of some or all of any progress or final payment that would otherwise be due if the Town determines, in its discretion, that it is necessary and

proper to provide an additional source of funds to pay claims for which the Town is entitled to indemnification from Contractor under the Contract Documents. Amounts withheld under this section shall be in addition to any retainage.

ARTICLE 7. When the erosion control measures have been completed, the Contractor shall request that the Town perform a final inspection. The Town shall inspect the Work. If the Town determines that the Work has been completed in accordance with the Contract Documents and per TPDES General Construction Permit, it shall issue a written Notice of Acceptance of the Work. If the Town determines that the Work has not been completed in accordance with the Contract Documents or TPDES General Construction Permit, then it shall provide the Contractor with a verbal or written list of items to be completed before another final inspection shall be scheduled.

ARTICLE 8. When the Work is completed, the Contractor shall request that the Town perform a final inspection. The Town shall inspect the Work. If the Town determines that the Work has been completed in accordance with the Contract Documents, it shall issue a written notice of acceptance of the Work. If the Town determines that the Work has not been completed in accordance with the Contract Documents, then it shall provide the Contractor with a written list of items to be completed before another final inspection shall be scheduled.

It is specifically provided that Work shall be deemed accepted on the date specified in the Town's written notice of acceptance of the Work. The Work shall not be deemed to be accepted based on "substantial completion" of the Work, use or occupancy of the Work, or for any reason other than the Town's written Notice of Acceptance. Further, the issuance of a certificate of occupancy for all or any part of the Work shall not constitute a Notice of Acceptance for that Work.

In its discretion, the Town may issue a Notice of Acceptance covering only a portion of the Work. In this event, the notice shall state specifically what portion of the Work is accepted.

ARTICLE 9. After all Work required under the Contract Documents has been completed, inspected, and accepted, the Town shall calculate the final payment amount promptly after necessary measurements and computations are made. The final payment amount shall be calculated to:

1. include the estimate of the value of Work properly completed since the date of the most recent previous progress payment;
2. correct prior progress payments; and
3. include retainage or other amounts previously withheld that are to be returned to Contractor, if any.

Final payment to the Contractor shall not be due until the Contractor provides original full releases of liens, or other evidence satisfactory to the Town to show that all sums due for labor, services, and materials furnished for or used in connection with the Work have been paid or shall be paid with the final payment. To ensure this result, Contractor consents to the issuance of the final payment in the form of joint checks made payable to Contractor and others. The Town may, but is not obligated to, issue final payment using joint checks.

Final payment to the Contractor shall not be due until the Contractor has supplied to the Town copies of all documents that the Town determines are reasonably necessary to ensure both that the final payment amount is properly calculated and that the Town has satisfied its obligation to administer the Agreement in accordance with applicable law.

Subject to the requirements of the Contract Documents, the Town shall pay the Final Payment within thirty (30) calendar days after the date specified in the Notice of Acceptance. This provision shall apply only after all Work called for by the Contract Documents has been accepted.

ARTICLE 10. CONTRACTOR SHALL DEFEND, INDEMNIFY, AND HOLD HARMLESS THE TOWN, ITS TOWN COUNCIL, OFFICERS, EMPLOYEES, AND AGENTS FROM AND AGAINST ALL CITATIONS, CLAIMS, COSTS, DAMAGES, DEMANDS, EXPENSES, FINES, JUDGMENTS, LOSSES, PENALTIES, OR SUITS, WHICH IN ANY WAY ARISE OUT OF, RELATE TO, OR RESULT FROM THE PERFORMANCE OF THE WORK OR WHICH ARE CAUSED BY THE INTENTIONAL ACTS OR NEGLIGENT ACTS OR OMISSIONS OF CONTRACTOR, ITS SUBCONTRACTORS, ANY OFFICERS, AGENTS, OR EMPLOYEES OF EITHER CONTRACTOR OR ITS SUBCONTRACTORS, AND ANY OTHER THIRD PARTIES FOR WHOM OR WHICH CONTRACTOR IS LEGALLY RESPONSIBLE (THE "INDEMNIFIED ITEMS").

BY WAY OF EXAMPLE, THE INDEMNIFIED ITEMS MAY INCLUDE PERSONAL INJURY AND DEATH CLAIMS AND PROPERTY DAMAGE CLAIMS, INCLUDING THOSE FOR LOSS OF USE OF PROPERTY.

INDEMNIFIED ITEMS SHALL INCLUDE ATTORNEYS' FEES AND COSTS, COURT COSTS, AND SETTLEMENT COSTS. INDEMNIFIED ITEMS SHALL ALSO INCLUDE ANY EXPENSES, INCLUDING ATTORNEYS' FEES AND EXPENSES, INCURRED BY AN INDEMNIFIED INDIVIDUAL OR ENTITY IN ATTEMPTING TO ENFORCE THIS INDEMNITY.

In its sole discretion, the Town shall have the right to approve counsel to be retained by Contractor in fulfilling its obligation to defend and indemnify the Town. Contractor shall retain approved counsel for the Town within seven business days after receiving written notice from the Town that it is invoking its right to indemnification under this Agreement. If Contractor does not retain counsel for the Town within the required time, then the Town

shall have the right to retain counsel and the Contractor shall pay the attorneys' fees and expenses.

The Town retains the right to provide and pay for any or all costs of defending indemnified items, but it shall not be required to do so. To the extent that Town elects to provide and pay for any such costs, Contractor shall indemnify and reimburse Town for such costs.

ARTICLE 11. The Contractor understands and agrees that time is of the essence in performing and completing the Work. The Town and Contractor acknowledge that the actual damages the Town may sustain if the Contractor fails to complete the Work on time are uncertain and will be difficult to ascertain. The Contractor agrees that the sum of Two Hundred Forty and Zero/One Hundredths Dollars (\$240.00) per day or portion of a day in Liquidated Damages will be deducted from the Contract price by the Town for each calendar day or portion thereof that the work is not substantially complete beyond the Substantially Complete Contract time, or within such extra time as may have been allowed by an extension approved by the Town. The Contractor also agrees that the sum of Two Hundred Forty and Zero/One Hundredths Dollars (\$240.00) per day or portion of a day in Liquidated Damages for each calendar day or portion thereof the work has not been finally completed by the Contractor beyond the Contract time for final completion, or within such extra time as may have been allowed by an extension approved by the Town. The Town and the Contractor agree that this amount is payable as reasonable and just compensation for failure to complete the Work on time. This amount is payable as liquidated damages and not as a penalty.

ARTICLE 12. For a two-year period after the date specified in a written notice of acceptance of Work and authorization to make final payment by the Flower Mound Town Council, Contractor shall provide and pay for all labor and materials that the Town determines are necessary to correct all defects in the Work arising because of defective materials or workmanship supplied or provided by Contractor or any subcontractor. This shall also include areas of vegetation that did meet TPDES General Construction Permit during final close out but have since become noncompliant.

Forty-five (45) to sixty (60) calendar days before the end of the two-year warranty period, the Town may make a warranty inspection of the Work. The Town shall notify the Contractor of the date and time of this inspection so that a Contractor representative may be present. After the warranty inspection, and before the end of the two-year warranty period, the Town shall mail to the Contractor a written notice that specifies the defects in the Work that are to be corrected.

The Contractor shall begin the remedial work within ten (10) calendar days after receiving the written notice from the Town. If the Contractor does not begin the remedial work timely or prosecute it diligently, then the Town may pay for necessary labor and materials to effect repairs and these expenses shall be paid by the Contractor, the maintenance bond surety, or both.

If the Town determines that a hazard exists because of defective materials and workmanship, then the Town may take steps to alleviate the hazard, including making repairs. These steps may be taken without prior notice either to the Contractor or its surety. Expenses incurred by the Town to alleviate the hazard shall be paid by the Contractor, the maintenance bond surety, or both.

Any Work performed by or for the Contractor to fulfill its warranty obligations shall be performed in accordance with the Contract Documents. By way of example only, this is to ensure that Work performed during the warranty period is performed with required insurance and the maintenance and payment bonds still in effect.

Work performed during the two-year warranty period shall itself be subject to a one-year warranty. This warranty shall be the same as described in this section.

The Town may make as many warranty inspections as it deems appropriate.

ARTICLE 13. The Contractor shall be responsible for ensuring that it and any subcontractors performing any portion of the Work required under the Contract Documents comply with all applicable federal, state, county, and municipal laws, regulations, and rules that relate in any way to the performance and completion of the Work. This provision applies whether or not a legal requirement is described or referred to in the Contract Documents.

Ancillary/Integral Professional Services: In selecting an architect, engineer, land surveyor, or other professional to provide professional services, if any, that are required by the Contract Documents, Contractor shall not do so on the basis of competitive bids but shall make such selection on the basis of demonstrated competence and qualifications to perform the services in the manner provided by Section 2254.004 of the Texas Government Code and shall so certify to the Town the Contractor's agreement to comply with this provision with Contractor's bid.

ARTICLE 14. The Contractor shall sign the Construction Agreement, and deliver signed performance, payment, and maintenance bonds and proper insurance policy endorsements (and/or other evidence of coverage) within fifteen (15) calendar days after the Town makes available to the Contractor copies of the Contract Documents for signature. Six copies of the Contract Documents shall be signed by an authorized representative of the Contractor and returned to the Town.

The Construction Agreement "effective date" shall be the date on which the Town Council acts to approve the award of the Contract for the Work to Contractor. It is expressly provided; however, that the Town Council delegates the authority to the Town Manager or his designee to rescind the Contract award to Contractor at any time before the Town delivers to the Contractor a copy of this Construction Agreement that bears the signature of the Mayor or Town Manager and Town Secretary or their authorized designees. The purpose of this provision is to ensure that:

1. the Contractor timely delivers to the Town all bonds and insurance documents; and
2. the Town retains the discretion not to proceed if the Town Manager or his designee determines that information indicates that the Contractor was not the lowest responsible bidder or that the Contractor cannot perform all of its obligations under the Contract Documents.

THE CONTRACTOR AGREES THAT IT SHALL HAVE NO CLAIM OR CAUSE OF ACTION OF ANY KIND AGAINST THE TOWN, INCLUDING A CLAIM FOR BREACH OF CONTRACT, NOR SHALL THE TOWN BE REQUIRED TO PERFORM UNDER THE CONTRACT DOCUMENTS, UNTIL THE DATE THE TOWN DELIVERS TO THE CONTRACTOR A COPY OF THE CONSTRUCTION AGREEMENT BEARING THE SIGNATURES JUST SPECIFIED.

Contractor stipulates that the Town is a political subdivision of the State of Texas, and, as such, may enjoy immunities from suit and liability under the Constitution and laws of the State of Texas. By entering into this Agreement, the Town does not waive any of its immunities from suit and/or liability, except as otherwise expressly and specifically provided herein or as specifically provided by law.

Payments under this Contract are due and payable in accordance with the provisions of Texas Government Code Section 2251.022. Interest on unpaid and overdue amounts shall accrue in accordance with Texas Government Code Section 2251.025.

Attention is called to the Government Code, Chapter 2258, Prevailing Wage Rates. Contractor and any subcontractor shall pay not less than the prevailing rates of per diem wages in the locality at the time of construction to all laborers, workmen, and mechanics employed by them in the execution of this Agreement. The Town has determined the general prevailing rate of per diem wages in the locality in which the public work is to be constructed by using the prevailing wage rates as determined by the United States Department of Labor in accordance with the Davis-Bacon Act as applicable to this Project. Contractor or a subcontractor who violates this provision shall be liable for the penalty specified in Texas Government Code Section 2258.023, which as of the date of this Agreement is \$60 for each worker employed for each calendar day or part of the day that the worker is paid less than the wage rates stipulated in the contract. Town reserves the right to receive and review payroll records, payment records, and earnings statements of employees of Contractor, and of Contractor's Subcontractors, and of Sub-Subcontractors to verify payments made to same. However, no Claim for additional compensation shall be considered by Town because of payments of wage rates in excess of the applicable rate provided herein.

It is distinctly understood that by virtue of this Contract, no mechanic, contractor, materialmen, artisan, laborer, or subcontractor, whether skilled or unskilled, shall ever in any manner have, claim, or acquire any lien upon the project of whatever nature or kind so erected or to be erected by virtue of this Contract, nor upon any of the land upon which

said improvements are so erected, built, or situated, such property being public property belonging to a political subdivision of the State of Texas.

The Contractor represents and warrants the following to the Town (in addition to the other representations and warranties contained in the Contract Documents), as an inducement to the Town to execute this Contract, which representations and warranties shall survive the execution and delivery of the Contract and the Final Completion of the Work:

1. that it is financially solvent, able to pay its debts as they mature, and possessed of sufficient working capital to complete the Work and perform its obligations under the Contract Documents;
2. that it is able to furnish the tools, materials, supplies, equipment and labor required to timely complete the Work and perform its obligations hereunder and has sufficient experience and competence to do so;
3. that it is authorized to do business in the State of Texas and properly licensed by all necessary governmental, public and quasi-public authorities having jurisdiction over it, the Work, or the site of the Project; and
4. that the execution of the Contract and its performance thereof are within its duly-authorized powers.

The Contract Documents shall be construed and interpreted by applying Texas law. Exclusive venue for any litigation concerning the Contract Documents shall be Denton County, Texas.

Although the Construction Agreement has been drafted by the Town, should any portion of the Construction Agreement be disputed, the Town and Contractor agree that it shall not be construed more favorably for either party.

The Contract Documents are binding upon the Town and Contractor and shall inure to their benefit as well as that of their respective successors and assigns.

If Town Council approval is not required for the Construction Agreement under applicable law, then the Construction Agreement "effective date" shall be the date on which the Mayor or Town Manager and Town Secretary or their designees have signed the Construction Agreement. If the Mayor or Town Manager and Town Secretary sign on different dates, then the later date shall be the effective date.

IN WITNESS WHEREOF, the Town and the Contractor, respectively, have caused this Agreement to be duly executed in the day and year first herein written in two copies, all of which to all intents and purposes shall be considered as the original.

This Agreement will be effective on the ____ day of _____, 20__.

TOWN OF FLOWER MOUND

CONTRACTOR

Cheryl Moore, MAYOR

_____(Signature)
_____(Printed Name)
_____(Position)

(CORPORATE SEAL)

(CORPORATE SEAL)

ATTEST:_____
Theresa Scott, TOWN SECRETARY

ATTEST:_____(Signature)
_____(Position)



TOWN COUNCIL AGENDA K.2. REGULAR ITEM(S)

DATE: September 15, 2025
FROM: Chuck Russell, Principal Planner
ITEM: **Public Hearing to consider an ordinance amending the zoning (ZPD25-0006 – Whyburn PD-189 Text Amendment) by amending Planned Development District No.189 (PD-189) with Single Family District-15 (SF-15) and Single Family District-10 (SF-10) uses by increasing maximum lot coverage allowed. The property is generally located east of Whyburn Drive and south of Dixon Lane. (PZ recommended denial by a vote of 4 to 2 at its August 25, 2025, meeting.)**

BACKGROUND:

- Size – Approximately 38.51 acres.
- Existing Zoning – Planned Development District No.189 (PD-189) with Single Family District-15 (SF-15) and Single Family District-10 (SF-10) uses.
- Modification Request – The applicant is requesting a five percent increase in lot coverage for both lot types for all structures on a lot combined. The proposed language will read:
 - B.1.b. *The maximum lot coverage within the SF-15 Single-Family District-15 lots is 35% for enclosed structures and 40% for all structures combined.*
 - B.2.c. *The maximum lot coverage within the SF-10 Single-Family District-10 lots is 40% for enclosed structures and 45% for all structures combined.*
- SMARTGrowth – Passed, previously completed
- Traffic Analysis – Passed, previously completed
- Incentives – N/A
- [Planning and Zoning Commission Staff Report Link](#)

BOARD REVIEW/CITIZEN FEEDBACK: The Planning & Zoning Commission recommended denial by a vote of 4 to 2 at its August 25, 2025, meeting.

ALTERNATIVES: N/A

FISCAL IMPACT: N/A

LEGAL REVIEW: Rachel Raggio of Taylor, Olson, Adkins, Sralla, & Elam L.L.P., has reviewed the ordinance as to form and legality.

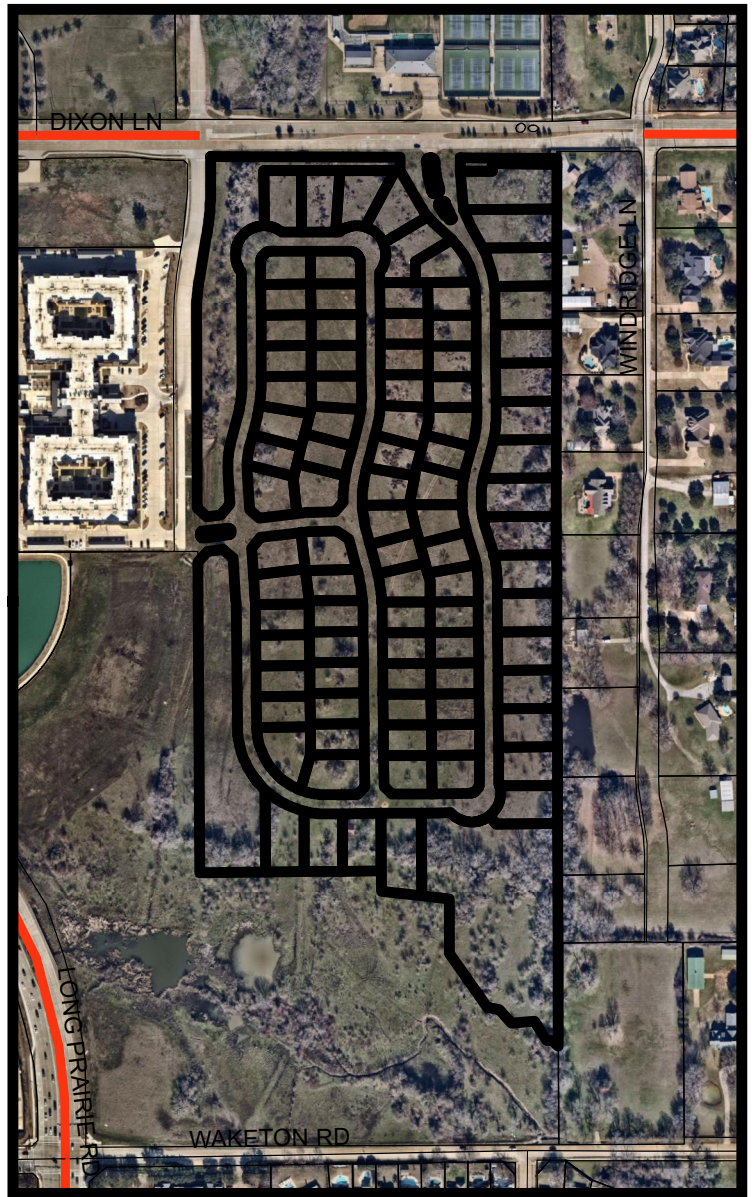
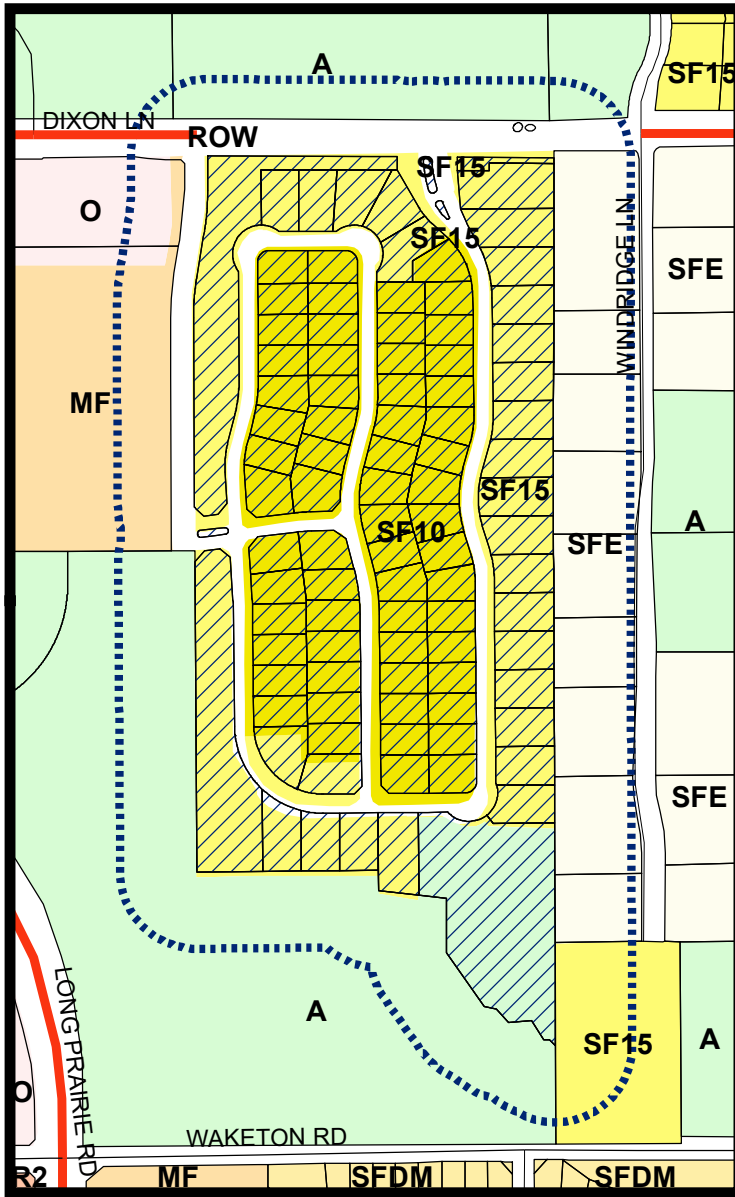
ATTACHMENTS:

1. Zoning & Aerial Map
2. Draft Ordinance

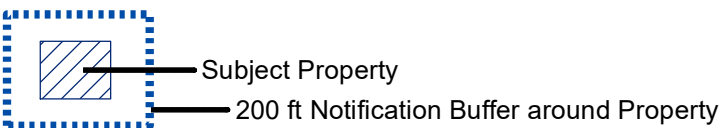
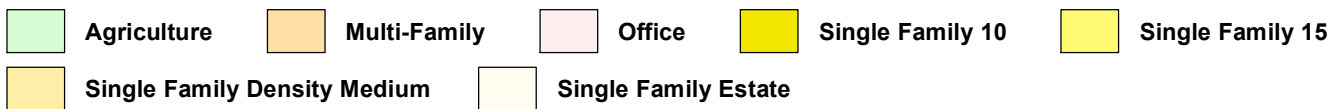
DRAFT MOTION: Move to approve as presented in the agenda caption.

Vicinity Map

ZPD25-0006 - Whyburn PD Amendment

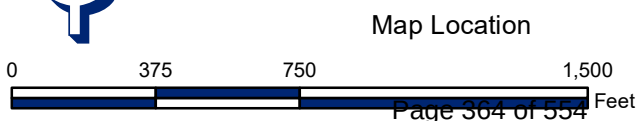
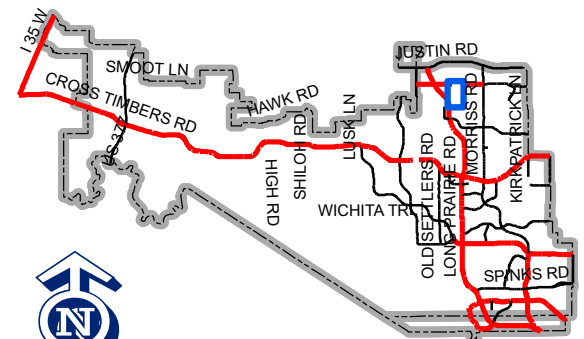


LEGEND



Visit www.fmdevmap.com to learn more about this project.

Visit <https://www.flowermound.gov/notifyme> to sign up for text message and/or email alerts for future projects.



TOWN OF FLOWER MOUND, TEXAS
ORDINANCE NO. _____

AN ORDINANCE OF THE TOWN OF FLOWER MOUND, TEXAS, AMENDING PLANNED DEVELOPMENT DISTRICT NO. 189 (PD-189), AS ESTABLISHED BY ORDINANCE NO. 08-23, ON CERTAIN PROPERTY DESCRIBED AS APPROXIMATELY 38.507 ACRES OF LAND AND BEING A PART OF LOT 1, BLOCK B, OF THE WHYBURN ADDITION BY AMENDING PARAGRAPH B, "MINIMUM AND MAXIMUM DIMENSIONS," OF EXHIBIT "B," "DEVELOPMENT STANDARDS," OF ORDINANCE NO. 08-23, IN ACCORDANCE WITH SPECIFIC REQUIREMENTS STATED HEREIN; PROVIDING THIS ORDINANCE SHALL BE CUMULATIVE OF ALL ORDINANCES; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A PENALTY FOR VIOLATIONS; PROVIDING A SAVINGS CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Town of Flower Mound, Texas (the "Town"), is a home rule municipality acting under its charter adopted by the electorate pursuant to Article XI, Section 5, of the Texas Constitution and Chapter 9 of the Local Government Code; and,

WHEREAS, the Town Council of the Town heretofore adopted the Land Development Regulations of the Town, as amended, which Ordinance regulates and restricts the location and use of buildings, structures, and land for trade, industry, residence, and other purposes, and provides for the establishment of zoning districts of such number, shape, and area as may be best suited to carry out these regulations; and,

WHEREAS, in accordance with Chapter 78 of the Land Development Regulations, the owners of the property described as approximately 38.507 acres of land and being a part of Lot 1, Block B of the Whyburn Addition (the "Property"), as more fully described in Exhibit A attached hereto and incorporated herein, have filed an application for a Zoning Planned Development amendment to amend Ordinance No. 08-23 for Planned Development District No. 189 (PD-189); and,

WHEREAS, the Planning and Zoning Commission of the Town held a public hearing on August 25, 2025, and the Town Council of the Town held a public hearing on September 15, 2025, with respect to the proposed Zoning Planned Development amendment as described herein; and,

WHEREAS, the Town has complied with all requirements of Chapter 211 of the Local Government Code, Chapter 78 of the Land Development Regulations, and all other laws dealing with notice, publication, and procedural requirements for the approval of a Zoning Planned Development amendment on the Property; and,

WHEREAS, the Town Council finds that amendment of Ordinance No. 08-23 for Planned Development District No. 189 (PD-189) as outlined herein is in the best interest of the Town and will promote the health, safety, and general welfare of the citizens of the Town and the general public;

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF FLOWER MOUND, TEXAS, THAT:

SECTION 1

The Land Development Regulations of the Town of Flower Mound, Texas, as amended, are hereby amended on the hereinafter described Property and area as shown below:

Approximately 38.507 acres of land being a part of Lot 1, Block B of the Whyburn Addition, Denton County, Texas, as more fully described in the attached Exhibit A.

Planned Development District No. 189 (PD-189) is hereby amended by amending Paragraphs B.1. and B.2 of Section B, "Minimum and Maximum Dimensions," of Exhibit B, "Development Standards," of Ordinance No. 08-23, by adding new Subsections B.1.b. and B.2.c. to read as follows:

"* * *

B.1.b. The maximum lot coverage within the SF-15 Single-Family District-15 lots is 35% for enclosed structures and 40% for all structures combined.

* * *

B.2.c. The maximum lot coverage within the SF-10 Single-Family District-10 lots is 40% for enclosed structures and 45% for all structures combined.

* * *"

SECTION 2

The use of the Property described above shall be subject to all restrictions, terms, and conditions contained herein, as well as the applicable regulations contained in Ordinance No. 08-23 for Planned Development District No. 189 (PD-189); the Land Development Regulations; and all other applicable and pertinent ordinances of the Town.

SECTION 3

This Ordinance shall be cumulative of all provisions of ordinances of the Code of Ordinances, Town of Flower Mound, Texas, as amended, except when the provisions of this Ordinance are in direct conflict with the provisions of such ordinances and such Code, in which event the conflicting provisions of such ordinances and such Code are hereby repealed.

SECTION 4

It is hereby declared to be the intention of the Town Council that the sections, paragraphs, sentences, clauses, and phrases of this Ordinance are severable, and if any section, paragraph, sentence, clause, or phrase of this Ordinance shall be declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining sections, paragraphs, sentences, clauses, and phrases of this Ordinance, since the same would have been enacted by the Town Council without the incorporation in this Ordinance of any such unconstitutional section, paragraph, sentence, clause, or phrase.

SECTION 5

Any person, firm, or corporation who violates any provision of this Ordinance as adopted by the Town Council of the Town shall be deemed guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine as provided in Section 1-13 of the Code of Ordinances, Town of Flower Mound, Texas. Each day any such violation or violations exist shall constitute a separate offense and shall be punishable as such.

SECTION 6

All rights and remedies of the Town are expressly saved as to any and all violations of the provisions of the Land Development Regulations or any ordinances governing zoning that have accrued at the time of the effective date of this Ordinance; and, as to such accrued violations and all pending litigation, both civil and criminal, whether pending in court or not, under such ordinances, same shall not be affected by this Ordinance but may be prosecuted until final disposition by the courts.

SECTION 7

This Ordinance shall take effect and be in full force from and after the date of its passage, and it is so ordained.

DULY PASSED AND APPROVED BY THE TOWN COUNCIL OF THE TOWN OF FLOWER MOUND, TEXAS, BY A VOTE OF ____ TO ____, ON THIS THE 15TH DAY OF SEPTEMBER, 2025.

APPROVED:

Cheryl Moore, MAYOR

ATTEST:

Traci Henderson, TOWN SECRETARY

TRACT 1

BEING A TRACT OF LAND LOCATED IN THE EDWIN MARSH SURVEY, ABSTRACT NO. 834, TOWN OF FLOWER MOUND, DENTON COUNTY, TEXAS AND BEING A PART OF LOT 1, BLOCK B OF WHYBURN ADDITION, AN ADDITION TO THE TOWN OF FLOWER MOUND, DENTON COUNTY, TEXAS ACCORDING TO THE PLAT THEREOF RECORDED IN DOCUMENT NO. 2020-187, PLAT RECORDS, DENTON COUNTY, TEXAS (P.R.D.C.T.) AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT MAG NAIL FOUND AT THE NORTHWEST CORNER OF SAID LOT 1, SAID POINT BEING THE INTERSECTION OF THE SOUTH RIGHT-OF-WAY LINE OF DIXON LANE, A VARIABLE WIDTH RIGHT-OF-WAY, WITH THE EAST RIGHT-OF-WAY LINE OF WHYBURN DRIVE, A 60-FOOT RIGHT-OF-WAY;

THENCE SOUTH 89°44'26" EAST, ALONG SAID SOUTH RIGHT-OF-WAY LINE, A DISTANCE OF 888.79 FEET TO A 5/8-INCH IRON ROD WITH A CAP STAMPED "RPLS 5674" SET IN THE WEST LINE OF THE REPLAT OF WINDRIDGE ADDITION, AN ADDITION TO THE TOWN OF FLOWER MOUND, DENTON COUNTY, TEXAS ACCORDING TO THE PLAT THEREOF RECORDED IN CABINET H, SLIDE 31, P.R.D.C.T. AT THE NORTHEAST CORNER OF SAID LOT 1;

THENCE SOUTH 00°25'41" EAST, ALONG THE COMMON LINE OF SAID LOT 1 AND SAID REPLAT OF WINDRIDGE ADDITION AND WINDRIDGE ADDITION, AN ADDITION TO THE TOWN OF FLOWER MOUND, DENTON COUNTY, TEXAS ACCORDING TO THE PLAT THEREOF RECORDED IN CABINET E, SLIDE 74, P.R.D.C.T., A DISTANCE OF 995.26 FEET TO A 1/2-INCH IRON ROD WITH A CAP STAMPED "ARTHUR SURVEY COMPANY" FOUND AT THE WEST COMMON CORNER OF LOTS 4 AND 5 OF SAID WINDRIDGE ADDITION;

THENCE SOUTH 00°29'47" EAST, CONTINUING ALONG THE COMMON LINE OF SAID LOT 1 AND SAID WINDRIDGE ADDITION, PASSING AT A DISTANCE OF 1,053.13 FEET A 3/4-INCH IRON ROD FOUND AT THE SOUTHWEST CORNER OF LOT 9, BLOCK B OF SAID WINDRIDGE ADDITION, AND CONTINUING FOR A TOTAL DISTANCE OF 1,318.44 FEET TO A 5/8-INCH IRON ROD WITH A CAP STAMPED "RPLS 5674" SET FOR CORNER;

THENCE NORTH 46°19'53" WEST, LEAVING SAID COMMON LINE, A DISTANCE OF 22.11 FEET TO A 5/8-INCH IRON ROD WITH A CAP STAMPED "RPLS 5674" SET FOR CORNER;

THENCE NORTH 86°36'52" WEST, A DISTANCE OF 16.46 FEET TO A 5/8-INCH IRON ROD WITH A CAP STAMPED "RPLS 5674" SET FOR CORNER;

THENCE NORTH 32°58'50" WEST, A DISTANCE OF 58.29 FEET TO A 5/8-INCH IRON ROD WITH A CAP STAMPED "RPLS 5674" SET FOR CORNER;

THENCE SOUTH 85°08'11" WEST, A DISTANCE OF 58.76 FEET TO A 5/8-INCH IRON ROD WITH A CAP STAMPED "RPLS 5674" SET FOR CORNER;

THENCE NORTH 42°33'47" WEST, A DISTANCE OF 48.48 FEET TO A 5/8-INCH IRON ROD WITH A CAP STAMPED "RPLS 5674" SET FOR CORNER;

THENCE NORTH 78°36'54" WEST, A DISTANCE OF 32.29 FEET TO A 5/8-INCH IRON ROD WITH A CAP STAMPED "RPLS 5674" SET FOR CORNER;

THENCE NORTH 35°04'29" WEST, A DISTANCE OF 171.39 FEET TO A 5/8-INCH IRON ROD WITH A CAP STAMPED "RPLS 5674" SET FOR CORNER;

THENCE NORTH 00°00'43" EAST, A DISTANCE OF 141.47 FEET TO A 5/8-INCH IRON ROD WITH A CAP STAMPED "RPLS 5674" SET FOR CORNER;



THENCE NORTH 83°39'00" WEST, A DISTANCE OF 177.66 FEET TO A 5/8-INCH IRON ROD WITH A CAP STAMPED "RPLS 5674" SET FOR CORNER;

THENCE NORTH 00°29'47" WEST, A DISTANCE OF 53.35 FEET TO A 5/8-INCH IRON ROD WITH A CAP STAMPED "RPLS 5674" SET FOR CORNER;

THENCE SOUTH 89°30'13" WEST, A DISTANCE OF 472.43 FEET TO A 5/8-INCH IRON ROD WITH A CAP STAMPED "RPLS 5674" SET FOR CORNER;

THENCE NORTH 00°21'37" WEST, PASSING AT A DISTANCE OF 836.48 FEET A 5/8-INCH IRON ROD WITH A CAP STAMPED "SPOONER 5922" FOUND AT THE SOUTHEAST CORNER OF SAID WHYBURN DRIVE, AND CONTINUING ALONG SAID EAST RIGHT-OF-WAY LINE OF WHYBURN DRIVE FOR A TOTAL DISTANCE OF 1,444.08 FEET TO A 5/8-INCH IRON ROD WITH A CAP STAMPED "SPOONER 5922" FOUND FOR CORNER AT THE BEGINNING OF A CURVE TO THE RIGHT HAVING A CENTRAL ANGLE OF 10°00'00", A RADIUS OF 610.00 FEET AND A CHORD BEARING AND DISTANCE OF NORTH 04°38'23" EAST, 106.33 FEET;

THENCE CONTINUING ALONG SAID EAST RIGHT-OF-WAY LINE, THE FOLLOWING FOUR (4) COURSES AND DISTANCES:

NORTHERLY, ALONG SAID CURVE TO THE RIGHT, AN ARC DISTANCE OF 106.47 FEET TO A 5/8-INCH IRON ROD WITH A CAP STAMPED "SPOONER 5922" FOUND FOR CORNER;

NORTH 09°38'23" EAST, A DISTANCE OF 113.36 FEET TO A 5/8-INCH IRON ROD WITH A CAP STAMPED "SPOONER 5922" FOUND FOR CORNER AT THE BEGINNING OF A CURVE TO THE LEFT HAVING A CENTRAL ANGLE OF 10°00'00", A RADIUS OF 670.00 FEET AND A CHORD BEARING AND DISTANCE OF NORTH 04°38'23" EAST, 116.79 FEET;

THENCE NORTHERLY, ALONG SAID CURVE TO THE LEFT, AN ARC DISTANCE OF 116.94 FEET TO A 5/8-INCH IRON ROD WITH A CAP STAMPED "SPOONER 5922" FOUND FOR CORNER;

THENCE NORTH 00°21'37" WEST, A DISTANCE OF 86.57 FEET TO THE POINT OF BEGINNING AND CONTAINING 1,830,926 SQUARE FEET OR 42.032 ACRES OF LAND, MORE OR LESS.



TRACT 2

BEING A TRACT OF LAND LOCATED IN THE EDWIN MARSH SURVEY, ABSTRACT NO. 834, TOWN OF FLOWER MOUND, DENTON COUNTY, TEXAS AND BEING A PART OF LOT 1, BLOCK B OF WHYBURN ADDITION, AN ADDITION TO THE TOWN OF FLOWER MOUND, DENTON COUNTY, TEXAS ACCORDING TO THE PLAT THEREOF RECORDED IN DOCUMENT NO. 2020-187, PLAT RECORDS, DENTON COUNTY, TEXAS (P.R.D.C.T.) AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT A 5/8-INCH IRON ROD WITH A CAP STAMPED "RPLS 5674" SET AT THE INTERSECTION OF THE SOUTH RIGHT-OF-WAY LINE OF DIXON LANE, A VARIABLE WIDTH RIGHT-OF-WAY, WITH THE WEST LINE OF THE REPLAT OF WINDRIDGE ADDITION, AN ADDITION TO THE TOWN OF FLOWER MOUND, DENTON COUNTY, TEXAS ACCORDING TO THE PLAT THEREOF RECORDED IN CABINET H, SLIDE 31, P.R.D.C.T. AT THE NORTHEAST CORNER OF SAID LOT 1, FROM WHICH A MAG NAIL FOUND AT THE NORTHWEST CORNER OF SAID LOT 1 BEARS NORTH 89°44'26" WEST, A DISTANCE OF 888.79 FEET;

THENCE SOUTH 00°25'41" EAST, ALONG THE COMMON LINE OF SAID LOT 1 AND SAID REPLAT OF WINDRIDGE ADDITION AND WINDRIDGE ADDITION, AN ADDITION TO THE TOWN OF FLOWER MOUND, DENTON COUNTY, TEXAS ACCORDING TO THE PLAT THEREOF RECORDED IN CABINET E, SLIDE 74, P.R.D.C.T., A DISTANCE OF 995.26 FEET TO A 1/2-INCH IRON ROD WITH A CAP STAMPED "ARTHUR SURVEY COMPANY" FOUND AT THE WEST COMMON CORNER OF LOTS 4 AND 5 OF SAID WINDRIDGE ADDITION;

THENCE SOUTH 00°29'47" EAST, CONTINUING ALONG THE COMMON LINE OF SAID LOT 1 AND SAID WINDRIDGE ADDITION, DISTANCE OF 737.88 FEET TO A POINT FOR CORNER AT THE POINT OF BEGINNING OF THE TRACT OF LAND HEREIN DESCRIBED;

THENCE CONTINUING SOUTH 00°29'47" EAST, PASSING AT A DISTANCE OF 315.25 FEET A 3/4-INCH IRON ROD FOUND AT THE SOUTHWEST CORNER OF LOT 9, BLOCK B OF SAID WINDRIDGE ADDITION, AND CONTINUING FOR A TOTAL A DISTANCE OF 580.57 FEET TO A POINT FOR CORNER;

THENCE NORTH 46°19'53" WEST, LEAVING SAID COMMON LINE, A DISTANCE OF 22.11 FEET TO A POINT FOR CORNER;

THENCE NORTH 86°36'52" WEST, A DISTANCE OF 16.46 FEET TO A POINT FOR CORNER;

THENCE NORTH 32°58'50" WEST, A DISTANCE OF 58.29 FEET TO A POINT FOR CORNER;

THENCE SOUTH 85°08'11" WEST, A DISTANCE OF 58.76 FEET TO A POINT FOR CORNER;

THENCE NORTH 42°33'47" WEST, A DISTANCE OF 48.48 FEET TO A POINT FOR CORNER;

THENCE NORTH 78°36'54" WEST, A DISTANCE OF 32.29 FEET TO A POINT FOR CORNER;

THENCE NORTH 35°04'29" WEST, A DISTANCE OF 171.39 FEET TO A POINT FOR CORNER;

THENCE NORTH 00°00'43" EAST, A DISTANCE OF 141.47 FEET TO A POINT FOR CORNER;

THENCE NORTH 83°39'00" WEST, A DISTANCE OF 71.90 FEET TO A POINT FOR CORNER;

THENCE NORTH 00°29'47" WEST, A DISTANCE OF 215.96 FEET TO A POINT FOR CORNER;

THENCE NORTH 89°30'13" EAST, A DISTANCE OF 77.45 FEET TO A POINT FOR CORNER AT THE BEGINNING OF A NON-TANGENT CURVE TO THE LEFT HAVING A CENTRAL ANGLE OF 85°53'03", A RADIUS OF 75.00 FEET AND A CHORD BEARING AND DISTANCE OF SOUTH 85°50'26" EAST, 102.19 FEET;

THENCE EASTERLY, ALONG SAID CURVE TO THE LEFT, AN ARC DISTANCE OF 112.42 FEET TO A POINT FOR CORNER;



THENCE SOUTH 37°56'33" EAST, A DISTANCE OF 27.60 FEET TO A POINT FOR CORNER;

THENCE NORTH 89°34'19" EAST, A DISTANCE OF 157.58 FEET TO THE POINT OF BEGINNING AND CONTAINING 153,540 SQUARE FEET OR 3.525 ACRES OF LAND, MORE OR LESS.



TRACT 3 (MEDIUM DENSITY)

BEING A TRACT OF LAND LOCATED IN THE EDWIN MARSH SURVEY, ABSTRACT NO. 834, TOWN OF FLOWER MOUND, DENTON COUNTY, TEXAS AND BEING A PART OF LOT 1, BLOCK B OF WHYBURN ADDITION, AN ADDITION TO THE TOWN OF FLOWER MOUND, DENTON COUNTY, TEXAS ACCORDING TO THE PLAT THEREOF RECORDED IN DOCUMENT NO. 2020-187, PLAT RECORDS, DENTON COUNTY, TEXAS (P.R.D.C.T.) AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT A 5/8-INCH IRON ROD WITH A CAP STAMPED "RPLS 5674" SET AT THE INTERSECTION OF THE SOUTH RIGHT-OF-WAY LINE OF DIXON LANE, A VARIABLE WIDTH RIGHT-OF-WAY, WITH THE WEST LINE OF THE REPLAT OF WINDRIDGE ADDITION, AN ADDITION TO THE TOWN OF FLOWER MOUND, DENTON COUNTY, TEXAS ACCORDING TO THE PLAT THEREOF RECORDED IN CABINET H, SLIDE 31, P.R.D.C.T. AT THE NORTHEAST CORNER OF SAID LOT 1, FROM WHICH A MAG NAIL FOUND AT THE NORTHWEST CORNER OF SAID LOT 1 BEARS NORTH 89°44'26" WEST, A DISTANCE OF 888.79 FEET;

THENCE SOUTH 49°48'56" WEST, A DISTANCE OF 300.74 FEET TO A POINT FOR CORNER AT THE POINT OF BEGINNING OF THE TRACT OF LAND HEREIN DESCRIBED;

THENCE SOUTH 29°18'17" EAST, A DISTANCE OF 45.56 FEET TO A POINT FOR CORNER AT THE BEGINNING OF A CURVE TO THE RIGHT HAVING A CENTRAL ANGLE OF 28°52'37", A RADIUS OF 275.00 FEET AND A CHORD BEARING AND DISTANCE OF SOUTH 14°51'59" EAST, 137.14 FEET;

THENCE SOUTHERLY, ALONG SAID CURVE TO THE RIGHT, AN ARC DISTANCE OF 138.60 FEET TO A POINT FOR CORNER;

THENCE SOUTH 00°25'41" EAST, A DISTANCE OF 305.13 FEET TO A POINT FOR CORNER AT THE BEGINNING OF A CURVE TO THE RIGHT HAVING A CENTRAL ANGLE OF 16°03'51", A RADIUS OF 275.00 FEET AND A CHORD BEARING AND DISTANCE OF SOUTH 07°36'15" WEST, 76.85 FEET;

THENCE SOUTHERLY, ALONG SAID CURVE TO THE RIGHT, AN ARC DISTANCE OF 77.10 FEET TO A POINT FOR CORNER;

THENCE SOUTH 15°38'10" WEST, A DISTANCE OF 67.68 FEET TO A POINT FOR CORNER AT THE BEGINNING OF A CURVE TO THE LEFT HAVING A CENTRAL ANGLE OF 32°42'54", A RADIUS OF 275.00 FEET AND A CHORD BEARING AND DISTANCE OF SOUTH 00°43'17" EAST, 154.90 FEET;

THENCE SOUTHERLY, ALONG SAID CURVE TO THE LEFT, AN ARC DISTANCE OF 157.02 FEET TO A POINT FOR CORNER;

THENCE SOUTH 17°04'44" EAST, A DISTANCE OF 60.27 FEET TO A POINT FOR CORNER AT THE BEGINNING OF A CURVE TO THE RIGHT HAVING A CENTRAL ANGLE OF 16°34'57", A RADIUS OF 275.00 FEET AND A CHORD BEARING AND DISTANCE OF SOUTH 08°47'15" EAST, 79.31 FEET;

THENCE SOUTHERLY, ALONG SAID CURVE TO THE RIGHT, AN ARC DISTANCE OF 79.59 FEET TO A POINT FOR CORNER;

THENCE SOUTH 00°29'47" EAST, A DISTANCE OF 520.55 FEET TO A POINT FOR CORNER AT THE BEGINNING OF A CURVE TO THE RIGHT HAVING A CENTRAL ANGLE OF 90°00'00", A RADIUS OF 55.00 FEET AND A CHORD BEARING AND DISTANCE OF SOUTH 44°30'13" WEST, 77.78 FEET;

THENCE SOUTHWESTERLY, ALONG SAID CURVE TO THE RIGHT, AN ARC DISTANCE OF 86.39 FEET TO A POINT FOR CORNER;

THENCE SOUTH 89°30'13" WEST, A DISTANCE OF 245.00 FEET TO A POINT FOR CORNER;

THENCE NORTH 00°29'47" WEST, A DISTANCE OF 129.37 FEET TO A POINT FOR CORNER;

THENCE SOUTH 89°30'13" WEST, A DISTANCE OF 165.00 FEET TO A POINT FOR CORNER;



THENCE NORTH 00°29'47" WEST, A DISTANCE OF 73.01 FEET TO A POINT FOR CORNER;

THENCE SOUTH 89°23'56" WEST, A DISTANCE OF 165.01 FEET TO A POINT FOR CORNER;

THENCE NORTH 00°36'04" WEST, A DISTANCE OF 317.55 FEET TO A POINT FOR CORNER AT THE BEGINNING OF A CURVE TO THE LEFT HAVING A CENTRAL ANGLE OF 02°57'36", A RADIUS OF 275.00 FEET AND A CHORD BEARING AND DISTANCE OF NORTH 02°04'52" WEST, 14.21 FEET;

THENCE NORTHERLY, ALONG SAID CURVE TO THE LEFT, AN ARC DISTANCE OF 14.21 FEET TO A POINT FOR CORNER;

THENCE NORTH 03°33'40" WEST, A DISTANCE OF 333.77 FEET TO A POINT FOR CORNER AT THE BEGINNING OF A CURVE TO THE RIGHT HAVING A CENTRAL ANGLE OF 17°49'33", A RADIUS OF 225.00 FEET AND A CHORD BEARING AND DISTANCE OF NORTH 05°21'07" EAST, 69.72 FEET;

THENCE NORTHERLY, ALONG SAID CURVE TO THE RIGHT, AN ARC DISTANCE OF 70.00 FEET TO A POINT FOR CORNER;

THENCE NORTH 14°15'53" EAST, A DISTANCE OF 71.47 FEET TO A POINT FOR CORNER AT THE BEGINNING OF A CURVE TO THE LEFT HAVING A CENTRAL ANGLE OF 14°41'34", A RADIUS OF 425.00 FEET AND A CHORD BEARING AND DISTANCE OF NORTH 06°55'06" EAST, 108.69 FEET;

THENCE NORTHERLY, ALONG SAID CURVE TO THE LEFT, AN ARC DISTANCE OF 108.99 FEET TO A POINT FOR CORNER;

THENCE NORTH 00°25'41" WEST, A DISTANCE OF 354.64 FEET TO A POINT FOR CORNER;

THENCE SOUTH 89°52'45" EAST, A DISTANCE OF 310.02 FEET TO A POINT FOR CORNER;

THENCE SOUTH 00°25'41" EAST, A DISTANCE OF 107.78 FEET TO A POINT FOR CORNER;

THENCE NORTH 89°34'19" EAST, A DISTANCE OF 118.60 FEET TO A POINT FOR CORNER;

THENCE NORTH 00°29'47" WEST, A DISTANCE OF 55.13 FEET TO A POINT FOR CORNER;

THENCE NORTH 59°01'07" EAST, A DISTANCE OF 145.47 FEET TO A POINT FOR CORNER AT THE POINT OF BEGINNING AND CONTAINING 838,490 SQUARE FEET OR 19.249 ACRES OF LAND, MORE OR LESS.

THE BASIS OF BEARINGS IS THE TEXAS STATE PLANE COORDINATE SYSTEM, NAD 83, NORTH CENTRAL ZONE (4202) AS DERIVED FROM GPS OBSERVATIONS. ALL AREAS AND DISTANCES ARE SURFACE MEASUREMENTS.



TRACT 4 (LOW DENSITY)

BEING A TRACT OF LAND LOCATED IN THE EDWIN MARSH SURVEY, ABSTRACT NO. 834, TOWN OF FLOWER MOUND, DENTON COUNTY, TEXAS AND BEING A PART OF LOT 1, BLOCK B OF WHYBURN ADDITION, AN ADDITION TO THE TOWN OF FLOWER MOUND, DENTON COUNTY, TEXAS ACCORDING TO THE PLAT THEREOF RECORDED IN DOCUMENT NO. 2020-187, PLAT RECORDS, DENTON COUNTY, TEXAS (P.R.D.C.T.) AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT MAG NAIL FOUND AT THE NORTHWEST CORNER OF SAID LOT 1, SAID POINT BEING THE INTERSECTION OF THE SOUTH RIGHT-OF-WAY LINE OF DIXON LANE, A VARIABLE WIDTH RIGHT-OF-WAY, WITH THE EAST RIGHT-OF-WAY LINE OF WHYBURN DRIVE, A 60-FOOT RIGHT-OF-WAY;

THENCE SOUTH 89°44'26" EAST, ALONG SAID SOUTH RIGHT-OF-WAY LINE, A DISTANCE OF 888.79 FEET TO A 5/8-INCH IRON ROD WITH A CAP STAMPED "RPLS 5674" SET IN THE WEST LINE OF THE REPLAT OF WINDRIDGE ADDITION, AN ADDITION TO THE TOWN OF FLOWER MOUND, DENTON COUNTY, TEXAS ACCORDING TO THE PLAT THEREOF RECORDED IN CABINET H, SLIDE 31, P.R.D.C.T. AT THE NORTHEAST CORNER OF SAID LOT 1;

THENCE SOUTH 00°25'41" EAST, ALONG THE COMMON LINE OF SAID LOT 1 AND SAID REPLAT OF WINDRIDGE ADDITION AND WINDRIDGE ADDITION, AN ADDITION TO THE TOWN OF FLOWER MOUND, DENTON COUNTY, TEXAS ACCORDING TO THE PLAT THEREOF RECORDED IN CABINET E, SLIDE 74, P.R.D.C.T., A DISTANCE OF 995.26 FEET TO A 1/2-INCH IRON ROD WITH A CAP STAMPED "ARTHUR SURVEY COMPANY" FOUND AT THE WEST COMMON CORNER OF LOTS 4 AND 5 OF SAID WINDRIDGE ADDITION;

THENCE SOUTH 00°29'47" EAST, CONTINUING ALONG THE COMMON LINE OF SAID LOT 1 AND SAID WINDRIDGE ADDITION, PASSING AT A DISTANCE OF 1,053.13 FEET A 3/4-INCH IRON ROD FOUND AT THE SOUTHWEST CORNER OF LOT 9, BLOCK B OF SAID WINDRIDGE ADDITION, AND CONTINUING FOR A TOTAL DISTANCE OF 1,318.44 FEET TO A 5/8-INCH IRON ROD WITH A CAP STAMPED "RPLS 5674" SET FOR CORNER;

THENCE NORTH 46°19'53" WEST, LEAVING SAID COMMON LINE, A DISTANCE OF 22.11 FEET TO A 5/8-INCH IRON ROD WITH A CAP STAMPED "RPLS 5674" SET FOR CORNER;

THENCE NORTH 86°36'52" WEST, A DISTANCE OF 16.46 FEET TO A 5/8-INCH IRON ROD WITH A CAP STAMPED "RPLS 5674" SET FOR CORNER;

THENCE NORTH 32°58'50" WEST, A DISTANCE OF 58.29 FEET TO A 5/8-INCH IRON ROD WITH A CAP STAMPED "RPLS 5674" SET FOR CORNER;

THENCE SOUTH 85°08'11" WEST, A DISTANCE OF 58.76 FEET TO A 5/8-INCH IRON ROD WITH A CAP STAMPED "RPLS 5674" SET FOR CORNER;

THENCE NORTH 42°33'47" WEST, A DISTANCE OF 48.48 FEET TO A 5/8-INCH IRON ROD WITH A CAP STAMPED "RPLS 5674" SET FOR CORNER;

THENCE NORTH 78°36'54" WEST, A DISTANCE OF 32.29 FEET TO A 5/8-INCH IRON ROD WITH A CAP STAMPED "RPLS 5674" SET FOR CORNER;

THENCE NORTH 35°04'29" WEST, A DISTANCE OF 171.39 FEET TO A 5/8-INCH IRON ROD WITH A CAP STAMPED "RPLS 5674" SET FOR CORNER;

THENCE NORTH 00°00'43" EAST, A DISTANCE OF 141.47 FEET TO A 5/8-INCH IRON ROD WITH A CAP STAMPED "RPLS 5674" SET FOR CORNER;



THENCE NORTH 83°39'00" WEST, A DISTANCE OF 177.66 FEET TO A 5/8-INCH IRON ROD WITH A CAP STAMPED "RPLS 5674" SET FOR CORNER;

THENCE NORTH 00°29'47" WEST, A DISTANCE OF 53.35 FEET TO A 5/8-INCH IRON ROD WITH A CAP STAMPED "RPLS 5674" SET FOR CORNER;

THENCE SOUTH 89°30'13" WEST, A DISTANCE OF 472.43 FEET TO A 5/8-INCH IRON ROD WITH A CAP STAMPED "RPLS 5674" SET FOR CORNER;

THENCE NORTH 00°21'37" WEST, PASSING AT A DISTANCE OF 836.48 FEET A 5/8-INCH IRON ROD WITH A CAP STAMPED "SPOONER 5922" FOUND AT THE SOUTHEAST CORNER OF SAID WHYBURN DRIVE, AND CONTINUING ALONG SAID EAST RIGHT-OF-WAY LINE OF WHYBURN DRIVE FOR A TOTAL DISTANCE OF 1,444.08 FEET TO A 5/8-INCH IRON ROD WITH A CAP STAMPED "SPOONER 5922" FOUND FOR CORNER AT THE BEGINNING OF A CURVE TO THE RIGHT HAVING A CENTRAL ANGLE OF 10°00'00", A RADIUS OF 610.00 FEET AND A CHORD BEARING AND DISTANCE OF NORTH 04°38'23" EAST, 106.33 FEET;

THENCE CONTINUING ALONG SAID EAST RIGHT-OF-WAY LINE, THE FOLLOWING FOUR (4) COURSES AND DISTANCES:

NORTHERLY, ALONG SAID CURVE TO THE RIGHT, AN ARC DISTANCE OF 106.47 FEET TO A 5/8-INCH IRON ROD WITH A CAP STAMPED "SPOONER 5922" FOUND FOR CORNER;

NORTH 09°38'23" EAST, A DISTANCE OF 113.36 FEET TO A 5/8-INCH IRON ROD WITH A CAP STAMPED "SPOONER 5922" FOUND FOR CORNER AT THE BEGINNING OF A CURVE TO THE LEFT HAVING A CENTRAL ANGLE OF 10°00'00", A RADIUS OF 670.00 FEET AND A CHORD BEARING AND DISTANCE OF NORTH 04°38'23" EAST, 116.79 FEET;

THENCE NORTHERLY, ALONG SAID CURVE TO THE LEFT, AN ARC DISTANCE OF 116.94 FEET TO A 5/8-INCH IRON ROD WITH A CAP STAMPED "SPOONER 5922" FOUND FOR CORNER;

THENCE NORTH 00°21'37" WEST, A DISTANCE OF 86.57 FEET TO THE POINT OF BEGINNING AND CONTAINING 1,830,926 SQUARE FEET OR 42.032 ACRES OF LAND, MORE OR LESS.

SAVE & EXCEPT THE FOLLOWING TWO (2) TRACTS OF LAND:

TRACT 2

BEING A TRACT OF LAND LOCATED IN THE EDWIN MARSH SURVEY, ABSTRACT NO. 834, TOWN OF FLOWER MOUND, DENTON COUNTY, TEXAS AND BEING A PART OF LOT 1, BLOCK B OF WHYBURN ADDITION, AN ADDITION TO THE TOWN OF FLOWER MOUND, DENTON COUNTY, TEXAS ACCORDING TO THE PLAT THEREOF RECORDED IN DOCUMENT NO. 2020-187, PLAT RECORDS, DENTON COUNTY, TEXAS (P.R.D.C.T.) AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT A 5/8-INCH IRON ROD WITH A CAP STAMPED "RPLS 5674" SET AT THE INTERSECTION OF THE SOUTH RIGHT-OF-WAY LINE OF DIXON LANE, A VARIABLE WIDTH RIGHT-OF-WAY, WITH THE WEST LINE OF THE REPLAT OF WINDRIDGE ADDITION, AN ADDITION TO THE TOWN OF FLOWER MOUND, DENTON COUNTY, TEXAS ACCORDING TO THE PLAT THEREOF RECORDED IN CABINET H, SLIDE 31, P.R.D.C.T. AT THE NORTHEAST CORNER OF SAID LOT 1, FROM WHICH A MAG NAIL FOUND AT THE NORTHWEST CORNER OF SAID LOT 1 BEARS NORTH 89°44'26" WEST, A DISTANCE OF 888.79 FEET;

THENCE SOUTH 00°25'41" EAST, ALONG THE COMMON LINE OF SAID LOT 1 AND SAID REPLAT OF WINDRIDGE ADDITION AND WINDRIDGE ADDITION, AN ADDITION TO THE TOWN OF FLOWER MOUND, DENTON COUNTY, TEXAS ACCORDING TO THE PLAT THEREOF RECORDED IN CABINET E, SLIDE 74, P.R.D.C.T., A DISTANCE OF 995.26 FEET TO A 1/2-INCH IRON ROD WITH A CAP STAMPED "ARTHUR SURVEY COMPANY" FOUND AT THE WEST COMMON CORNER OF LOTS 4 AND 5 OF SAID WINDRIDGE ADDITION;



THENCE SOUTH 00°29'47" EAST, CONTINUING ALONG THE COMMON LINE OF SAID LOT 1 AND SAID WINDRIDGE ADDITION, DISTANCE OF 737.88 FEET TO A POINT FOR CORNER AT THE POINT OF BEGINNING OF THE TRACT OF LAND HEREIN DESCRIBED;

THENCE CONTINUING SOUTH 00°29'47" EAST, PASSING AT A DISTANCE OF 315.25 FEET A 3/4-INCH IRON ROD FOUND AT THE SOUTHWEST CORNER OF LOT 9, BLOCK B OF SAID WINDRIDGE ADDITION, AND CONTINUING FOR A TOTAL A DISTANCE OF 580.57 FEET TO A POINT FOR CORNER;

THENCE NORTH 46°19'53" WEST, LEAVING SAID COMMON LINE, A DISTANCE OF 22.11 FEET TO A POINT FOR CORNER;

THENCE NORTH 86°36'52" WEST, A DISTANCE OF 16.46 FEET TO A POINT FOR CORNER;

THENCE NORTH 32°58'50" WEST, A DISTANCE OF 58.29 FEET TO A POINT FOR CORNER;

THENCE SOUTH 85°08'11" WEST, A DISTANCE OF 58.76 FEET TO A POINT FOR CORNER;

THENCE NORTH 42°33'47" WEST, A DISTANCE OF 48.48 FEET TO A POINT FOR CORNER;

THENCE NORTH 78°36'54" WEST, A DISTANCE OF 32.29 FEET TO A POINT FOR CORNER;

THENCE NORTH 35°04'29" WEST, A DISTANCE OF 171.39 FEET TO A POINT FOR CORNER;

THENCE NORTH 00°00'43" EAST, A DISTANCE OF 141.47 FEET TO A POINT FOR CORNER;

THENCE NORTH 83°39'00" WEST, A DISTANCE OF 71.90 FEET TO A POINT FOR CORNER;

THENCE NORTH 00°29'47" WEST, A DISTANCE OF 215.96 FEET TO A POINT FOR CORNER;

THENCE NORTH 89°30'13" EAST, A DISTANCE OF 77.45 FEET TO A POINT FOR CORNER AT THE BEGINNING OF A NON-TANGENT CURVE TO THE LEFT HAVING A CENTRAL ANGLE OF 85°53'03", A RADIUS OF 75.00 FEET AND A CHORD BEARING AND DISTANCE OF SOUTH 85°50'26" EAST, 102.19 FEET;

THENCE EASTERLY, ALONG SAID CURVE TO THE LEFT, AN ARC DISTANCE OF 112.42 FEET TO A POINT FOR CORNER;

THENCE SOUTH 37°56'33" EAST, A DISTANCE OF 27.60 FEET TO A POINT FOR CORNER;

THENCE NORTH 89°34'19" EAST, A DISTANCE OF 157.58 FEET TO THE POINT OF BEGINNING AND CONTAINING 153,540 SQUARE FEET OR 3.525 ACRES OF LAND, MORE OR LESS.

TRACT 3 (MEDIUM DENSITY)

BEING A TRACT OF LAND LOCATED IN THE EDWIN MARSH SURVEY, ABSTRACT NO. 834, TOWN OF FLOWER MOUND, DENTON COUNTY, TEXAS AND BEING A PART OF LOT 1, BLOCK B OF WHYBURN ADDITION, AN ADDITION TO THE TOWN OF FLOWER MOUND, DENTON COUNTY, TEXAS ACCORDING TO THE PLAT THEREOF RECORDED IN DOCUMENT NO. 2020-187, PLAT RECORDS, DENTON COUNTY, TEXAS (P.R.D.C.T.) AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT A 5/8-INCH IRON ROD WITH A CAP STAMPED "RPLS 5674" SET AT THE INTERSECTION OF THE SOUTH RIGHT-OF-WAY LINE OF DIXON LANE, A VARIABLE WIDTH RIGHT-OF-WAY, WITH THE WEST LINE OF THE REPLAT OF WINDRIDGE ADDITION, AN ADDITION TO THE TOWN OF FLOWER MOUND, DENTON COUNTY, TEXAS ACCORDING TO THE PLAT THEREOF RECORDED IN CABINET H, SLIDE 31, P.R.D.C.T. AT THE NORTHEAST CORNER OF SAID LOT 1, FROM WHICH A MAG NAIL FOUND AT THE NORTHWEST CORNER OF SAID LOT 1 BEARS NORTH 89°44'26" WEST, A DISTANCE OF 888.79 FEET;



THENCE SOUTH 49°48'56" WEST, A DISTANCE OF 300.74 FEET TO A POINT FOR CORNER AT THE POINT OF BEGINNING OF THE TRACT OF LAND HEREIN DESCRIBED;

THENCE SOUTH 29°18'17" EAST, A DISTANCE OF 45.56 FEET TO A POINT FOR CORNER AT THE BEGINNING OF A CURVE TO THE RIGHT HAVING A CENTRAL ANGLE OF 28°52'37", A RADIUS OF 275.00 FEET AND A CHORD BEARING AND DISTANCE OF SOUTH 14°51'59" EAST, 137.14 FEET;

THENCE SOUTHERLY, ALONG SAID CURVE TO THE RIGHT, AN ARC DISTANCE OF 138.60 FEET TO A POINT FOR CORNER;

THENCE SOUTH 00°25'41" EAST, A DISTANCE OF 305.13 FEET TO A POINT FOR CORNER AT THE BEGINNING OF A CURVE TO THE RIGHT HAVING A CENTRAL ANGLE OF 16°03'51", A RADIUS OF 275.00 FEET AND A CHORD BEARING AND DISTANCE OF SOUTH 07°36'15" WEST, 76.85 FEET;

THENCE SOUTHERLY, ALONG SAID CURVE TO THE RIGHT, AN ARC DISTANCE OF 77.10 FEET TO A POINT FOR CORNER;

THENCE SOUTH 15°38'10" WEST, A DISTANCE OF 67.68 FEET TO A POINT FOR CORNER AT THE BEGINNING OF A CURVE TO THE LEFT HAVING A CENTRAL ANGLE OF 32°42'54", A RADIUS OF 275.00 FEET AND A CHORD BEARING AND DISTANCE OF SOUTH 00°43'17" EAST, 154.90 FEET;

THENCE SOUTHERLY, ALONG SAID CURVE TO THE LEFT, AN ARC DISTANCE OF 157.02 FEET TO A POINT FOR CORNER;

THENCE SOUTH 17°04'44" EAST, A DISTANCE OF 60.27 FEET TO A POINT FOR CORNER AT THE BEGINNING OF A CURVE TO THE RIGHT HAVING A CENTRAL ANGLE OF 16°34'57", A RADIUS OF 275.00 FEET AND A CHORD BEARING AND DISTANCE OF SOUTH 08°47'15" EAST, 79.31 FEET;

THENCE SOUTHERLY, ALONG SAID CURVE TO THE RIGHT, AN ARC DISTANCE OF 79.59 FEET TO A POINT FOR CORNER;

THENCE SOUTH 00°29'47" EAST, A DISTANCE OF 520.55 FEET TO A POINT FOR CORNER AT THE BEGINNING OF A CURVE TO THE RIGHT HAVING A CENTRAL ANGLE OF 90°00'00", A RADIUS OF 55.00 FEET AND A CHORD BEARING AND DISTANCE OF SOUTH 44°30'13" WEST, 77.78 FEET;

THENCE SOUTHWESTERLY, ALONG SAID CURVE TO THE RIGHT, AN ARC DISTANCE OF 86.39 FEET TO A POINT FOR CORNER;

THENCE SOUTH 89°30'13" WEST, A DISTANCE OF 245.00 FEET TO A POINT FOR CORNER;

THENCE NORTH 00°29'47" WEST, A DISTANCE OF 129.37 FEET TO A POINT FOR CORNER;

THENCE SOUTH 89°30'13" WEST, A DISTANCE OF 165.00 FEET TO A POINT FOR CORNER;

THENCE NORTH 00°29'47" WEST, A DISTANCE OF 73.01 FEET TO A POINT FOR CORNER;

THENCE SOUTH 89°23'56" WEST, A DISTANCE OF 165.01 FEET TO A POINT FOR CORNER;

THENCE NORTH 00°36'04" WEST, A DISTANCE OF 317.55 FEET TO A POINT FOR CORNER AT THE BEGINNING OF A CURVE TO THE LEFT HAVING A CENTRAL ANGLE OF 02°57'36", A RADIUS OF 275.00 FEET AND A CHORD BEARING AND DISTANCE OF NORTH 02°04'52" WEST, 14.21 FEET;

THENCE NORTHERLY, ALONG SAID CURVE TO THE LEFT, AN ARC DISTANCE OF 14.21 FEET TO A POINT FOR CORNER;

THENCE NORTH 03°33'40" WEST, A DISTANCE OF 333.77 FEET TO A POINT FOR CORNER AT THE BEGINNING OF A CURVE TO THE RIGHT HAVING A CENTRAL ANGLE OF 17°49'33", A RADIUS OF 225.00 FEET AND A CHORD BEARING AND DISTANCE OF NORTH 05°21'07" EAST, 69.72 FEET;



THENCE NORTHERLY, ALONG SAID CURVE TO THE RIGHT, AN ARC DISTANCE OF 70.00 FEET TO A POINT FOR CORNER;

THENCE NORTH 14°15'53" EAST, A DISTANCE OF 71.47 FEET TO A POINT FOR CORNER AT THE BEGINNING OF A CURVE TO THE LEFT HAVING A CENTRAL ANGLE OF 14°41'34", A RADIUS OF 425.00 FEET AND A CHORD BEARING AND DISTANCE OF NORTH 06°55'06" EAST, 108.69 FEET;

THENCE NORTHERLY, ALONG SAID CURVE TO THE LEFT, AN ARC DISTANCE OF 108.99 FEET TO A POINT FOR CORNER;

THENCE NORTH 00°25'41" WEST, A DISTANCE OF 354.64 FEET TO A POINT FOR CORNER;

THENCE SOUTH 89°52'45" EAST, A DISTANCE OF 310.02 FEET TO A POINT FOR CORNER;

THENCE SOUTH 00°25'41" EAST, A DISTANCE OF 107.78 FEET TO A POINT FOR CORNER;

THENCE NORTH 89°34'19" EAST, A DISTANCE OF 118.60 FEET TO A POINT FOR CORNER;

THENCE NORTH 00°29'47" WEST, A DISTANCE OF 55.13 FEET TO A POINT FOR CORNER;

THENCE NORTH 59°01'07" EAST, A DISTANCE OF 145.47 FEET TO A POINT FOR CORNER AT THE POINT OF BEGINNING AND CONTAINING 838,490 SQUARE FEET OR 19.249 ACRES OF LAND, MORE OR LESS.

LEAVING A NET AREA OF 838,896 SQUARE FEET OR 19.258 ACRES OF LAND, MORE OR LESS.

THE BASIS OF BEARINGS IS THE TEXAS STATE PLANE COORDINATE SYSTEM, NAD 83, NORTH CENTRAL ZONE (4202) AS DERIVED FROM GPS OBSERVATIONS. ALL AREAS AND DISTANCES ARE SURFACE MEASUREMENTS.



TOWN COUNCIL AGENDA K.3. REGULAR ITEM(S)

DATE: September 15, 2025

FROM: Joelle Hainley, Building Official

ITEM: **Public Hearing to consider approval of an ordinance adopting the 2023 National Electrical Code, 2024 International Building Code, 2024 International Energy Conservation Code, 2024 International Mechanical Code, 2024 International Plumbing Code, 2024 International Fuel Gas Code, 2024 International Residential Code, and the 2024 International Swimming Pool and Spa Code, with local amendments.**

BACKGROUND:

The National Fire Protection Association (NFPA) is an international nonprofit membership organization founded in 1896. Today, with more than 50,000 members representing nearly 100 nations, the NFPA serves as the world's leading advocate of fire prevention and is an authoritative source on public safety. NFPA's *National Electrical Code* is the only major electrical code in print today and is the most widely adopted electrical code in the United States.

NFPA encourages the broadest possible participation in code development. The process is driven by more than 10,000 volunteers from diverse professional backgrounds who serve on 250 technical code and standard-development committees. Throughout the entire process, interested parties are encouraged to provide NFPA technical committees with input. All NFPA members then have the opportunity to vote on proposed and revised codes and standards.

In addition to adopting the National Electrical Code, the proposed ordinance adopts certain local amendments to the Code to meet the unique needs of the Town. These local amendments, prepared by NCTCOG, have been reviewed, approved, and modified as appropriate by Town staff.

The International Code Council (ICC) is a nonprofit organization founded in 1994 to develop a single set of comprehensive and coordinated national model construction codes by combining the three largest building codes in the country. These combined codes are referred to as the International Codes and have replaced the Uniform Codes that were used in the past.

The Town of Flower Mound has been involved and supportive throughout the code development process and in the creation of the International Codes. This support has been through the North Texas Chapter of the International Code Council and through the regional review process by the Regional Codes Coordinating Committee of the North Central Texas Council of Governments (NCTCOG).

The International Codes were developed with the support of many organizations that have an interest in the construction industry, although the final vote on all items is by code officials only. Work on the International Codes has been a model of democracy, without territorial disparities getting in the way. The American Institute of Architects and the National Association of Home Builders were both very active participants in the code development process.

The Building Codes are a set of universally accepted standards adopted as guidelines for the construction of buildings and related building operations. The term “building codes” is a generic phrase that actually encompasses several individual codes, each of which must be approved and adopted by the Town Council before they can be applied or enforced.

The Town of Flower Mound is currently using the 2021 editions of the International Codes. The 2024 editions of the International Codes are the most current published building codes at this time. It takes at least a year for area cities to complete the review of the code and recommend regional amendments to the code through the Council of Governments.

In addition to adopting the International Codes, the proposed ordinance adopts certain local amendments to the Codes to meet the unique needs of the Town. These local amendments, prepared by NCTCOG, have been reviewed, approved, and modified as appropriate by Town staff.

During the 87th legislature, a change was made requiring that if a local authority proposed amendments to the IBC or the IRC, the adoption of those codes and the local amendments must be done through a public hearing (Sections 214.212 and 214.216).

The proposed amendments to the codes can be located in the attached exhibits.

BOARD REVIEW/CITIZEN FEEDBACK: N/A

ALTERNATIVES: N/A

FISCAL IMPACT: N/A

LEGAL REVIEW: Annabelle Ackling, of Taylor, Olson, Adkins, Sralla, & Elam L.L.P., has reviewed the ordinance as to form and legality.

ATTACHMENTS:

1. Ordinance Language
2. EXHIBIT A
3. EXHIBIT B
4. EXHIBIT C
5. EXHIBIT D
6. EXHIBIT E
7. EXHIBIT F
8. EXHIBIT G

DRAFT MOTION: Move to approve as presented in the agenda caption.

**TOWN OF FLOWER MOUND, TEXAS
ORDINANCE NO.**

AN ORDINANCE OF THE TOWN OF FLOWER MOUND, TEXAS, AMENDING VARIOUS PROVISIONS OF CHAPTER 14, "BUILDINGS AND BUILDING REGULATIONS," OF THE CODE OF ORDINANCES, TOWN OF FLOWER MOUND, TEXAS, BY ADOPTING THE 2023 EDITION OF THE NATIONAL ELECTRICAL CODE AND THE 2024 EDITIONS OF THE INTERNATIONAL BUILDING CODE, INTERNATIONAL ENERGY CONSERVATION CODE, INTERNATIONAL MECHANICAL CODE, INTERNATIONAL PLUMBING CODE, INTERNATIONAL FUEL GAS CODE, INTERNATIONAL RESIDENTIAL CODE, AND THE INTERNATIONAL SWIMMING POOL AND SPA CODE, AND LOCAL AMENDMENTS THERETO; PROVIDING THAT THIS ORDINANCE SHALL BE CUMULATIVE; PROVIDING A SAVINGS CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR A PENALTY FOR VIOLATIONS; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Town of Flower Mound, Texas (the "Town"), is a home rule municipality acting under its charter adopted by the electorate pursuant to Article XI, Section 5, of the Texas Constitution and Chapter 9 of the Local Government Code; and,

WHEREAS, the Town Council has previously adopted the 2020 edition of the National Electrical Code and the 2021 editions of the International Building Code, International Energy Conservation Code, International Mechanical Code, International Plumbing Code, International Fuel Gas Code, International Residential Code, and the International Swimming Pool and Spa Code; and,

WHEREAS, the International Building Code, International Residential Code, International Mechanical Code, International Plumbing Code, International Fuel Gas Code, International Energy Conservation Code, and the International Swimming Pool and Spa Code, have been prepared by the International Code Council ("ICC"), and the National Electrical Code has been prepared by the National Fire Protection Association and in addition to review by the North Central Texas Council of Governments ("NCTCOG"), have been reviewed by Town staff; and,

WHEREAS, the Town Council desires to update and adopt the 2023 edition of the National Electrical Code and the 2024 editions of the International Building Code, International Residential Code, International Mechanical Code, International Plumbing Code, International Fuel Gas Code, International Energy Conservation Code, and the International Swimming Pool and Spa Code; and,

WHEREAS, the Town Council desires to provide a mechanism by which local modifications reflecting the unique needs of the Town may be made when deemed appropriate; and,

WHEREAS, the NCTCOG and Town staff have recommended adoption of certain amendments to the Codes to reflect locally accepted practice; and,

WHEREAS, the Town Council has determined that to protect the public health, safety, and welfare, it is in the best interest of the citizens of the Town to update the Town's codes by adopting the 2023 edition of the National Electrical Code and the 2024 editions of the International Building Code, International Energy Conservation Code, International Mechanical Code, International Plumbing Code, International Fuel Gas Code, International Residential Code, and the International Swimming Pool and Spa Code, as the minimum standards of the Town, as set forth herein and as those said codes are specifically modified by this Ordinance;

NOW THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF FLOWER MOUND, TEXAS, THAT:

SECTION 1.

Section 14-31, "International Building Code adopted," and Section 14-32, "Local amendments to International Building Code," of Article II, "Building Code," of Chapter 14, "Buildings and Building Regulations," of the Code of Ordinances, Town of Flower Mound, Texas, are hereby amended in its entirety to read as follows:

"Sec. 14-31. – International Building Code adopted.

The 2024 edition of the International Building Code is hereby adopted as the official building code of the town and is fully incorporated by reference as though copied into this article in its entirety. The material contained in such code, and any local amendments thereto, shall not be included in the formal municipal codification of ordinances but shall be maintained as a public record in the office of the town secretary and will be available for public inspection and copying during regular business hours.

Sec. 14-32. – Local amendments to International Building Code.

The 2024 edition of the International Building Code, as adopted herein, is hereby amended as shown in Exhibit "A" attached to Ordinance No ____."

SECTION 2.

Section 14-71, "International Plumbing Code and International Fuel Gas Code adopted," and Section 14-72, "Local amendments to International Plumbing Code and International Fuel Gas Code," of Article III, "Plumbing Code," of Chapter 14, "Buildings and Building Regulations," of the Code of Ordinances, Town of Flower Mound, Texas, are hereby amended in its entirety to read as follows:

"Sec. 14-71. - International Plumbing Code and International Fuel Gas Code adopted.

The 2024 editions of the International Plumbing Code and International Fuel Gas Code are hereby adopted as the official plumbing code and fuel gas code of the town and are fully incorporated by reference as though copied into this article in its entirety. The material contained in such codes, and any local amendments thereto, shall not be included in the formal municipal codification of ordinances but shall be maintained as a public record in the office of the town secretary and will be available for public inspection and copying during regular business hours.

Sec. 14-72. – Local amendments to International Plumbing Code and International Fuel Gas Code.

The 2024 editions of the International Plumbing Code and International Fuel Gas Code, as adopted herein, are hereby amended as shown in Exhibit “B” attached to Ordinance No. _____.

SECTION 3.

Section 14-101, “International Mechanical Code adopted,” and Section 14-102, “Local amendments to International Mechanical Code,” of Article IV, “Mechanical Code,” of Chapter 14, “Buildings and Building Regulations,” of the Code of Ordinances, Town of Flower Mound, Texas, are hereby amended in its entirety to read as follows:

“Sec. 14.101. – International Mechanical Code adopted.

The 2024 edition of the International Mechanical Code is hereby adopted as the official mechanical code of the town and is fully incorporated by reference as though copied into this article in its entirety. The material contained in such code, and any local amendments thereto, shall not be included in the formal municipal codification of ordinances but shall be maintained as a public record in the office of the town secretary and will be available for public inspection and copying during regular business hours.

Sec. 14.102. – Local amendments to International Mechanical Code.

The 2024 edition of the International Mechanical Code, as adopted herein, is hereby amended as shown in Exhibit “C” attached to Ordinance No. _____.

SECTION 4.

Section 14-131, “National Electrical Code adopted,” and Section 14-132, “Amendments to the National Electric Code,” of Article V, “Electrical Code,” of Chapter 14, “Buildings and Building Regulations,” of the Code of Ordinances, Town of Flower Mound, Texas, are hereby amended in its entirety to read as follows:

“Sec. 14-131. – National Electrical Code adopted.

The 2023 edition of the National Electric Code is hereby adopted as the official electrical code of the town and is fully incorporated by reference as though copied into this article in its entirety. The material contained in such code, and any local amendments thereto, shall not be included in the formal municipal codification of ordinances but shall be maintained as a public record in the office of the town secretary and will be available for public inspection and copying during regular business hours.

Sec. 14-132. – Amendments to the National Electrical Code.

The 2023 edition of the National Electrical Code, as adopted herein is hereby amended as show in Exhibit “D” attached to Ordinance No. ____.”

SECTION 5.

Section 14-171, “International Swimming Pool and Spa Code adopted,” and Section 14-172, “Local amendments to International Swimming Pool and Spa Code,” of Article VI, “Swimming Pool Code,” of Chapter 14, “Buildings and Building Regulations,” of the Code of Ordinances, Town of Flower Mound, Texas are hereby amended in its entirety to read as follows:

“Sec. 14-171. – International Swimming Pool and Spa Code adopted.

The 2024 edition of the International Swimming Pool and Spa Code is hereby adopted as the official swimming pool and spa code of the town and is fully incorporated by reference as though copied into this article in its entirety. The material contained in such code, and any local amendments thereto, shall not be included in the formal municipal codification of ordinances but shall be maintained as a public record in the office of the town secretary and will be available for public inspection and copying during regular business hours.

Sec. 14-172. -Local amendments to International Swimming Pool and Spa Code.

The 2024 edition of the International Swimming Pool and Spa Code, as adopted herein is hereby amended as shown in Exhibit “E” attached to Ordinance No. ____.”

SECTION 6.

Section 14-571, “International Residential Code adopted,” Section 14-572, “Local amendments to International Residential Code,” and Section 14-573, “Board of appeals,” of Article XIV, “Residential Building Code,” of Chapter 14, “Buildings and Building Regulations,” of the Code of Ordinances, Town of Flower Mound, Texas, are hereby amended in its entirety to read as follows:

“Sec. 14-571. – International Residential Code adopted.

The 2024 edition of the International Residential Code is hereby adopted as the official residential code of the town and is fully incorporated by reference as though copied into this article in its entirety. The material contained in such code, and any local

amendments thereto, shall not be included in the formal municipal codification of ordinances but shall be maintained as a public record in the office of the town secretary and will be available for public inspection and copying during regular business hours.

Sec. 14-572. – Local amendments to International Residential Code.

The 2024 edition of the International Residential Code, as adopted herein is hereby amended as shown in Exhibit “F” attached to Ordinance No. _____.

Sec. 14-573. – Board of appeals.

The members of the town board of adjustment are hereby appointed as the board of appeals as provided by the 2024 edition of the International Residential Code, and any changes in members of the board of adjustment shall likewise be reflected in the membership of said board of appeals.”

SECTION 7.

Section 14-601, “International Energy Conservation Code adopted,” Section 14-602, “Local amendments to International Energy Conservation Code,” and Section 14-603, “Board of appeals,” of Article XV, “Energy Code,” of Chapter 14, “Buildings and Building Regulations,” of the Code of Ordinances, Town of Flower Mound, Texas, are hereby amended in its entirety to read as follows:

“Sec. 14-601. – International Energy Conservation Code adopted.

The 2024 edition of the International Energy Conservation Code is hereby adopted as the official energy conservation code of the town and is fully incorporated by reference as though copied into this article in its entirety. The material contained in such code, and any local amendments thereto, shall not be included in the formal municipal codification of ordinances but shall be maintained as a public record in the office of the town secretary and will be available for public inspection and copying during regular business hours.

Sec. 14-602. – Local amendments to International Energy Conservation Code.

The 2024 edition of the International Energy Conservation Code, as adopted herein is hereby amended as shown in Exhibit “G” attached to Ordinance No. _____.

Sec. 14-603. – Board of appeals

The members of the Flower Mound Board of Adjustment are hereby appointed as the Board of Appeals as provided by the 2024 edition of the International Energy Conservation Code, and any changes in membership of said Board of Adjustment shall likewise be reflected in the membership of said Board of Appeals.”

SECTION 8.

This Ordinance shall be cumulative of all provisions of the Code of Ordinances, Town of Flower Mound, Texas, as amended, except where the provisions of this Ordinance are in direct conflict with the provisions of such ordinances, in which event the conflicting provisions of such ordinances are hereby repealed.

SECTION 9.

All rights and remedies of the Town are expressly saved as to any and all violations of the provisions of any ordinances of the Town which have accrued at the time of the effective date of this Ordinance; and, as to such accrued violations and all pending litigation, both civil and criminal, whether pending in court or not, under such ordinances, same shall not be affected by this Ordinance but may be prosecuted until final disposition by the courts.

SECTION 10.

It is hereby declared to be the intention of the Town Council that the phrases, clauses, sentences, paragraphs, and sections of this Ordinance are severable, and if any phrase, clause, sentence, paragraph, or section of this Ordinance shall be declared unconstitutional by the valid judgement of decree of any court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs, or sections of this Ordinance since the same would have been enacted by the Town Council without incorporation in this Ordinance of any such unconstitutional phrase, clause, sentence, paragraph, or section.

SECTION 11.

Any person, firm, or corporation who violates, disobeys, omits, neglects, or refuses to comply with or who resists the enforcement of any of the provisions or terms of this Ordinance shall be deemed guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine as provided in Section 1-13 of the Code of Ordinance, Town of Flower Mound, Texas. Each day any such violation or violations exist shall constitute a separate offense and shall be punishable as such.

SECTION 12.

This Ordinance shall take effect and be in full force from and after its passage.

DULY PASSED AND APPROVED BY THE TOWN COUNCIL OF THE TOWN OF FLOWER MOUND, TEXAS, BY A VOTE OF ____ TO ____, ON THIS ____ DAY OF SEPTEMBER, 2025.

APPROVED:

Cheryl Moore, MAYOR

ATTEST:

Traci Henderson, TOWN SECRETARY

EXHIBIT A

2024 edition of the International Building Code

EXHIBIT B

2024 editions of the International Plumbing Code and International Fuel Gas Code

EXHIBIT C

2024 edition of the International Mechanical Code

EXHIBIT D

2023 edition of the National Electrical Code

EXHIBIT E

2024 edition of the International Swimming Pool and Spa Code

EXHIBIT F

2024 edition of the International Residential Code

EXHIBIT G

2024 edition of the International Energy Conservation Code

EXHIBIT A

Local Amendments to the 2024 International Building Code

The 2024 International Building Code adopted is hereby amended as follows, and all sections not expressly amended remain in full force and effect.

- (a) Section 101.1 of the *International Building Code*, 2024 edition, is hereby amended to read as follows:

Section 101.1. Title. These regulations shall be known as the Building Code of The Town of Flower Mound, hereinafter referred to as “this code.”

- (b) Section 101.4 of the *International Building Code*, 2024 edition, is hereby amended to read as follows:

Section 101.4. Referenced codes. The other codes listed in Sections 101.4.1 through 101.4.8 and referenced elsewhere in this code, when specifically adopted, shall be considered part of the requirements of this code to the prescribed extent of each such reference. Whenever amendments have been adopted to the referenced codes and standards, each reference to said codes and standards shall be considered to reference the amendments as well. Any reference to NFPA 70 or the Electrical Code shall mean the Electrical Code as adopted and amended.

- (c) Section 101.4.8 of the *International Building Code*, 2024 edition, is hereby added to read as follows:

Section 101.4.8. Electrical. The provisions of the Electrical Code shall apply to the installation of electrical systems, including alterations, repairs, replacement, equipment, appliances, fixtures, fittings and appurtenances thereto.

- (d) Section 103 of the *International Building Code*, 2024 edition, is hereby amended to read as follows:

Section 103 DEPARTMENT OF BUILDING INSPECTIONS

- (e) Section 103.1 of the *International Building Code*, 2024 edition, is hereby amended to read as follows:

Section 103.1. Creation of enforcement agency. The Department of Building Inspections is hereby created and the official in charge thereof shall be known as the *building official*.

- (f) Section 104.2.3 of the *International Building Code*, 2024 edition, is hereby amended by deleting the exception to such Section as follows:

Section 104.2.3. Alternative materials, design and methods of construction and equipment. Exception: Deleted.

- (g) Section 104.2.4.1 of the *International Building Code*, 2024 edition, is hereby amended to read as follows:

Section 104.2.4.1. Flood hazard areas. Deleted.

- (h) Section 104.3.1 of the *International Building Code*, 2024 edition, is hereby amended to read as follows:

Section 104.3.1. Determination of substantially improved or substantially damaged existing buildings and structures in flood hazard areas. Deleted.

- (i) Section 105.1 of the *International Building Code*, 2024 edition, is hereby amended to read as follows:

Section 105.1. Required. Any owner, contractor, 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 causes any such work to be done, shall first make application to the *building official* and obtain the required *permits*.

It shall be the responsibility of any person, firm, or corporation, upon submittal of an application for a building permit for work regulated by this code, to register as a contractor with the Town of Flower Mound. The registration form must be submitted prior to or with the permit application. Said registration shall become null and void one year from the date of registration with the Town. An appropriate fee for registration shall be assessed in accordance with the provisions of Appendix A of the Code of Ordinances of the Town of Flower Mound.

Any contractor registration regulated by this code may be placed on hold or suspended by the *building official*, thereby preventing any additional *permits* being issued to the contractor or applicant, if it is determined by the *building official* that corrective action is needed for compliance with the requirements of Chapter 18, Article II, Section 18-32. If any contractor registration regulated by this code is suspended, the procedures outlined in Chapter 18,

Article II, shall apply. Any registration placed on hold more than three times in a calendar year may be subject to suspension by the *building official*.

- (j) Section 105.2 of the *International Building Code*, 2024 edition, is hereby amended by deleting Item Nos. 1, 2, 6, 10 and 12, from the list of items that are exempt from building permit requirements.
- (k) Section 105.5 of the *International Building Code*, 2024 edition, is hereby amended to read as follows:

Section 105.5. Expiration. Every *permit* issued shall become invalid unless the work on the site authorized by such *permit* is commenced within 180 days after its issuance, or if the work authorized on the site by such *permit* is suspended or abandoned for a period of 180 days after the time the work is commenced. For this section, *suspended* or *abandoned* will be defined as an elapsed time of 180 days between any two approved required inspections. The *building official* is authorized to grant, in writing, one or more extensions of time, for periods of not more than 180 days each. The extension shall be requested in writing, and justifiable cause demonstrated. Once a *permit* becomes invalid and before such building or work can be recommenced, a new *permit* shall first be obtained to do so, and the fee therefor shall be one-half the amount required for a new *permit* for such building or work, provided no changes have been made or will be made in the previously submitted and approved plans and specifications for such building or work; and provided further that such suspension or abandonment has not exceeded one year. In order to renew action on a *permit* after expiration of more than one year, the permittee shall pay a new full *permit* fee.

- (l) Section 109.4 of the *International Building Code*, 2024 edition, is hereby amended to read as follows:

Section 109.4. Work commencing before permit issuance. Whenever work for which a *permit* is required by this code has been commenced without first obtaining a *permit*, a special investigation shall be made before a permit may be issued for such work. Any person who commences any work on a building, structure, electrical, gas, mechanical, or plumbing system before obtaining the necessary permits shall be subject to a citation and/or an investigation fee equal to the total permit fee for that project, and this citation and/or investigation fee shall be in addition to the required permit fees. The payment of such investigation fee shall not exempt the applicant from compliance with all other provisions of either this code or the technical codes nor from penalty prescribed by law for performing work without the required permit(s).

- (m) Section 110.1 of the *International Building Code*, 2024 edition, is hereby amended to read as follows:

Section 110.1. General. Construction or work for which a *permit* is required shall be subject to inspection by the *building official*, and such work shall remain visible and able to be accessed for inspection purposes until approved. Before any inspection is approved, all rights-of-way, streets, and alleys shall be clean and clear of mud, sand, concrete, and building materials. All trash, construction debris, and construction material on site shall be contained. In addition to the above requirements, toilet facilities shall be provided for construction workers, and such facilities shall be maintained in a sanitary condition. Construction-worker toilet facilities of the non-sewer type shall conform to ANSI Z4.3. Approval as a result of an inspection shall not be construed to be an approval of a violation of the provisions of this code or of other ordinances of the jurisdiction. Inspections presuming to give authority to violate or cancel the provisions of this code or of other ordinances of the jurisdiction shall not be valid. It shall be the duty of the owner, contractor, or the owner's authorized agent to cause the work to remain visible and able to be accessed for inspection purposes. Neither the *building official* nor the jurisdiction shall be liable for expense entailed in the removal or replacement of any material required to allow inspection.

- (n) Section 110.3.6 of the *International Building Code*, 2024 edition, is hereby amended by deleting the exception to such Section as follows:

Section 110.3.6. Lath and gypsum board inspection. Exception: Deleted.

- (o) Section 110.3.12 of the *International Building Code*, 2024 edition, is hereby amended to read as follows:

Section 110.3.12. Final inspection. The final inspection shall be made after all work required by the building *permit* is completed. No building or structure or any portion of a building or structure shall be occupied by persons or possessions without first receiving final inspection and approval from the *building official*.

- (p) Section 110.7 of the *International Building Code*, 2024 edition, is hereby added to read as follows:

Section 110.7. Inspections on high-rise buildings. All inspections required by Section 110 for the construction of a new high-rise building shall be performed by a third-party inspection firm selected and engaged by the *building official*. The applicant of the permit shall pay to the Town a fee to cover the entire expense of the third-party inspections in accordance with

the provisions of Appendix A of the Code of Ordinances of the Town of Flower Mound.

- (q) Section 111.1 of the *International Building Code*, 2024 edition, is hereby amended to read as follows:

Section 111.1. Use and Occupancy. No building or structure shall be used or occupied by persons or possessions, and no change in the existing occupancy classification or change in tenant or change in business name or ownership 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.

- (r) Section 113.1 of the *International Building Code*, 2024 edition, is hereby amended to read as follows:

Section 113.1. 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 members of the Flower Mound Board of Adjustment are hereby appointed to serve as the Board of Appeals as provided by the *International Building Code*, 2024 edition. Any changes in membership of the Flower Mound Board of Adjustment shall likewise be reflected in the membership of said Board of Appeals.

- (r) Section 202 of the *International Building Code*, 2021 edition, is hereby amended by amending the definitions of “ambulatory health care facility”, “assisted living facilities”, “atrium”, “high-rise building”, “special inspector” and creating a new definition for “construction trash and debris” to read as follows, each of which definitions shall be inserted into the list of definitions to replace the amended definition or add a new definition in alphabetical order:

Section 202. Definitions. {Text of existing definitions save and except to the extent specifically amended hereby remains unchanged.}

AMBULATORY CARE FACILITY. Buildings or portions thereof used to provide medical, surgical, psychiatric, nursing, or similar care on a less than 24-hour basis to individuals who are rendered incapable of self-preservation. This group may include but not be limited to the following:

- Dialysis centers

- Sedation dentistry
- Surgery centers
- Colonic centers
- Psychiatric centers

ASSISTED LIVING FACILITIES. A building or part thereof housing persons, on a 24-hour basis, who because of age, mental disability or other reasons, live in a supervised residential environment which provides personal care services. The occupants are capable of responding to an emergency situation without physical assistance from staff.

ATRIUM. An opening connecting three or more stories... *{Balance remains unchanged}*.

CONSTRUCTION TRASH AND DEBRIS. Any material generated by or from a construction site that has no useful purpose as determined by the administrative authority.

HIGH-RISE BUILDING. A building having any floor used for human occupancy located more than 55 feet (16,764 mm) above the lowest level of fire department vehicle access.

SPECIAL INSPECTOR. A qualified person employed or retained by an approved agency who shall prove to the satisfaction of the registered design professional in responsible charge and the Building Official as having the competence necessary to inspect a particular type of construction requiring special inspection.

- (s) Section 303.1.3 of the *International Building Code*, 2024 edition, is hereby amended to read as follows:

Section 303.1.3 Associated with Group E occupancies. A room or space used for assembly purposes that is associated with a Group E occupancy is not considered a separate occupancy, except when applying the assembly requirements of Chapter 10 and 11.

- (t) Section 304.1 of the *International Building Code*, 2024 edition, is hereby amended by adding the following new occupancies to the list of business occupancies for Business Group B, which new occupancies shall be inserted therein in alphabetical order:

Section 304.1. Business Group B. {List of existing occupancies remains unchanged.}

Fire Stations

Police Stations with detention for 5 or less

- (u) Table 307.1.1 of the *International Building Code*, 2024 edition, is hereby amended by adding a sentence to read as follows:

Table 307.1.1. Hazardous Materials Exemptions. Exemptions for cleaning establishments with combustible liquid solvents *{existing text remains unchanged}* ... See also IFC chapter 21, Dry Cleaning Plant provisions.

- (v) Section 403.1 of the *International Building Code*, 2024 edition, is hereby amended by deleting Exception No. 3 in its entirety and providing a new Exception No. 3 to read as follows:

Section 403.1. Applicability. Exception 3. Open air portions of buildings with an occupancy in Group A-5 in accordance with Section 303.6.

- (w) Section 403.3 of the *International Building Code*, 2024 edition, is hereby amended by deleting the Exception as follows:

Section 403.3. Automatic sprinkler systems. Exception. Deleted.

- (x) Section 403.3.2 of the *International Building Code*, 2024 edition, is hereby amended to read as follows:

Section 403.3.2 Water supply to required fire pumps. In buildings that are more than 120 feet (36.5 m) in building height, required fire pumps shall be supplied by connections to no fewer than two water mains located in different streets. Separate supply piping shall be provided between each connection to the water main and the pumps. Each connection and the supply piping between the connection and the pumps shall be sized to supply the flow and pressure required for the pumps to operate.

- (y) Section 404.5 of the *International Building Code*, 2024 edition, is hereby amended by deleting Exception No. 1 and No. 2 in its entirety as follows:

Section 404.5. Smoke control. Exception No. 1 and No. 2: Deleted.

- (z) Section 406.3.3.1 of the *International Building Code*, 2024 edition, is hereby amended by adding a sentence to read as follows:

Section 406.3.3.1. Carport separation. *{existing text remains unchanged}* ...A separation is not required between a Group R-2 and U carport provided that the carport is entirely open on all sides and that the distance between the two is at least 10 feet (3048mm).

- (aa) Table 506.2 of the International Building Code, 2024 edition, is hereby amended by deleting footnote i. in its entirety read as follows:

Table 506.2 Allowable Area Factor in Square Feet. Footnote i.: Deleted.

- (bb) Section 506.3.1 of the *International Building Code*, 2024 edition, is hereby amended by adding a sentence to the end of the existing text to read as follows:

Section 506.3.1. Minimum percentage of perimeter. *{existing text remains unchanged}* ... In order to be considered as accessible, if not in direct contact with a street or an *approved fire lane*, a minimum 10-foot-wide pathway meeting fire department access from the street or *approved fire lane* shall be provided.

- (cc) Section 602.1.1 of the International Building Code, 2024 edition, is hereby amended by adding a sentence to read as follows:

Section 602.1.1. Minimum requirements. *{existing text remains unchanged}* ..._Where a building contains more than one distinct type of construction, the building shall comply with the most restrictive area, height, and stories, for the lesser type of construction or be separated by fire walls.

- (dd) Section 708.4.3 of the *International Building Code*, 2024 edition, is hereby amended by adding a sentence to read as follows:

Section 708.4.3 Fireblocks and draftstops in combustible construction. Exception 1. *{existing text remains unchanged}* ... Portions of buildings containing concealed spaces filled with noncombustible insulation as permitted for sprinkler omission shall not apply to this exception for draftstopping.

- (ee) Section 712.1.9 of the *International Building Code*, 2024 edition, is hereby amended by replacing No. 4 to read as follows:

Section 712.1.9 Two-story opening. 4. Is not open to a corridor in Group I and H occupancies.

- (ff) Section 718.3 of the *International Building Code*, 2024 edition, is hereby amended by to read as follows:

Section 718.3 Draftstopping in floors. Exception. Buildings equipped throughout with an automatic sprinkler system in accordance with Section 903.3.1.1. and provided that in combustible construction, sprinkler protection is provided in the floor space.

- (gg) Section 718.4 of the *International Building Code*, 2024 edition, is hereby amended by to read as follows:

Section 718.4 Draftstopping in attics. Exception. Buildings equipped throughout with an automatic sprinkler system in accordance with Section 903.3.1.1. and provided that in combustible construction, sprinkler protection is provided in the floor space.

- (hh) Section 901.6.1.1. of the *International Building Code*, 2024 edition, is hereby added to read as follows:

Section 901.6.1.1 Standpipe Testing. Building owners/managers must maintain and test standpipe systems as per NFPA 25 requirements. The following additional requirements shall be applied to the testing that is required every 5 years:

1. The piping between the Fire Department Connection (FDC) and the standpipe shall be backflushed when foreign material is present, and also hydrostatically tested for all FDC's on any type of standpipe system. Hydrostatic testing shall also be conducted in accordance with NFPA 25 requirements for the different types of standpipe systems.
2. For any manual (dry or wet) standpipe system not having an automatic water supply capable of flowing water through the standpipe, the tester shall: connect hose from a fire hydrant or portable pumping system (as approved by the fire code official) to each FDC, and flow water through the standpipe system to the roof outlet to verify that each inlet connection functions properly; confirm that there are no open hose valves prior to introducing water into a dry standpipe; there is no required pressure criteria at the outlet; verify that check valves function properly and that there are no closed control valves on the system.
3. Any pressure relief, reducing, or control valves shall be tested in accordance with the requirements of NFPA 25. All hose valves shall be exercised.
4. If the FDC is not already provided with approved caps, the contractor shall install such caps for all FDCs as required by the fire code official.
5. Upon successful completion of standpipe test, place a blue tag (as per Texas Administrative Code, Fire Sprinkler Rules for Inspection, Test and Maintenance Service (ITM) Tag) at the bottom of each standpipe riser in the building. The tag shall be check-marked as "Fifth Year" for Type of ITM, and the note on the back of the tag shall read "5 Year Standpipe Test" at a minimum.

6. The procedures required by Texas Administrative Code Fire Sprinkler Rules with regard to Yellow Tags and Red Tags or any deficiencies noted during the testing, including the required notification of the local Authority Having Jurisdiction (fire code official) shall be followed.

7. Additionally, records of the testing shall be maintained by the owner and contractor, if applicable, as required by the State Rules mentioned above and NFPA 25.

8. Standpipe system tests where water will be flowed external to the building shall not be conducted during freezing conditions or during the day prior to expected night time freezing conditions.

9. Contact the fire code official for requests to remove existing fire hose from Class II and III standpipe systems where employees are not trained in the utilization of this firefighting equipment. All standpipe hose valves must remain in place and be provided with an approved cap and chain when approval is given to remove hose by the fire code official.

- (ii) Section 903.1.1 of the *International Building Code*, 2024 edition, is hereby deleted in its entirety and replaced with a new Section [F] 903.1.1 to read as follows:

Section 903.1.1. Alternative protection. Alternative automatic fire-extinguishing systems complying with Section 904 shall be permitted in addition to automatic sprinkler protection where recognized by the applicable standard, or as *approved* by the fire code official.

- (jj) Section 903.2 of the *International Building Code*, 2024 edition, is hereby amended to read as follows and by deleting the exception:

Section 903.2 Where required. Approved automatic sprinkler systems in new buildings and structures shall be provided in the locations described in Sections 903.2.1 through 903.2.12. Automatic Sprinklers shall not be installed in elevator machine rooms, elevator machine spaces, and elevator hoistways, other than pits where such sprinklers would not necessitate shunt trip requirements under any circumstances. Storage shall not be allowed within the elevator machine room. Signage shall be provided at the entry doors to the elevator machine room indicating “ELEVATOR MACHINERY – NO STORAGE ALLOWED.”

- (kk) Section 903.2.2.1 of the *International Building Code*, 2024 edition, is hereby amended by adding to the exception as follows:

Section 903.2.2.1 Ambulatory care facilities. *{existing text remains unchanged}* ...Exception: Unless otherwise required by this code, *{balance remains unchanged}*.

- (II) Section 903.2.9.4 of the *International Building Code*, 2024 edition, is hereby amended by deleting the exception:

Section 903.2.9.4 Group S-1 Upholstered furniture and mattresses.
Exception: Deleted

- (mm) Section 903.2. of the *International Building Code*, 2024 edition, is hereby amended by adding a new Section 903.2.9.5, entitled “Self-service storage facility,” to read as follows:

Section 903.2.9.5. Self-service storage facility. An automatic sprinkler system shall be installed throughout all self-storage facilities. The minimum sprinkler system design shall be based on an Ordinary Hazard Group II classification, in accordance with NFPA 13 requirements. Physical construction in compliance with open-grid ceilings as per NFPA 13, such as an open metal grid ceiling or chicken wire that does not obstruct the overhead sprinkler protection, shall be installed to prevent storage from exceeding the lower of either 12 feet above finished floor or 18 inches beneath standard sprinkler head deflectors. At least one sprinkler head shall be provided in each storage unit/room (additional sprinklers may be necessary for compliance with NFPA 13 spacing requirements), regardless of wall height or construction type separating such units.

- (nn) Section 903.2.11 of the *International Building Code*, 2024 edition, is hereby amended by amending Section 903.2.11.3, entitled “Buildings more than 35 feet in height,” and by adding new Sections 903.2.11.7, entitled “High-piled combustible storage,” 903.2.11.8, entitled “Spray booths and rooms,” and 903.2.11.9, entitled “Buildings over 5,000 sq. ft.,” to read as follows:

Section 903.2.11.3. Buildings more than 35 feet in height. An *automatic sprinkler system* shall be installed throughout buildings with a floor level, other than penthouses in compliance with Section 1510 of the *International Building Code*, that is located 35 feet (10,668 mm) or more above the lowest level of fire department vehicle access.

Exception: Open parking structures in compliance with Section 406.5 of the *International Building Code*, having no other occupancies above the subject garage.

Section 903.2.11.7. High-piled combustible storage. For any building with a clear height exceeding 12 feet (4,572 mm), see IFC Chapter 32 to determine if those provisions apply.

Section 903.2.11.8. Spray booths and rooms. New and existing spray booths and spraying rooms shall be protected by an approved automatic fire-extinguishing system.

Section 903.2.11.9. Buildings over 4,000 sq. ft. An *automatic sprinkler system* shall be installed throughout all buildings with a building area of 4,000 sq. ft. or greater and in all existing buildings that are enlarged to be 4,000 sq. ft. or greater. For the purpose of this provision, fire walls shall not define separate buildings.

Exceptions:

1. Open parking garages in compliance with Section 406.5 of the *International Building Code* where all of the following conditions apply:

- a. The structure is freestanding.
- b. The structure does not contain any mixed uses, accessory uses, storage rooms, electrical rooms, elevators, or spaces used or occupied for anything other than motor vehicle parking.
- c. The structure does not exceed 3 stories.
- d. An approved fire apparatus access road is provided around the entire structure.

(oo) Section 903.3.1.1.1 of the *International Building Code*, 2024 edition, is hereby amended to read as follows:

Section 903.3.1.1.1. Exempt locations. When approved by the fire code official, automatic sprinklers shall not be required in the following rooms or areas where such rooms or areas are protected with an approved automatic fire detection system in accordance with Section 907.2 that will respond to visible or invisible particles of combustion. Sprinklers shall not be omitted from any room merely because it is damp, of fire-resistance-rated construction, or contains electrical equipment.

1. Any room where the application of water, or flame and water, constitutes a serious life or fire hazard.

2. Any room or space where sprinklers are considered undesirable because of the nature of the contents, when approved by the fire code official.

3. Generator and transformer rooms, under the direct control of a public utility, separated from the remainder of the building by walls and floor/ceiling or roof/ceiling assemblies having a fire-resistance rating of not less than 2 hours.

4. Elevator machine rooms, machinery spaces, and hoistways, other than pits where such sprinklers would not necessitate shunt trip requirements under any circumstances.

- (pp) Section 903.3.1.1. of the *International Building Code*, 2024 edition, is hereby amended by adding a new Section 903.3.1.1.4, entitled “Residential Systems,” to read as follows:

903.3.1.1.4 RESIDENTIAL SYSTEMS. In Group R occupancies, an NFPA 13 fire sprinkler system installed per 903.3.1.1 shall be required where the building is designed to exceed the maximum allowable factors of Tables 504.3, 504.4, or 506.2 for the occupancy classification and construction type. For the purpose of this provision, fire walls shall not define separate buildings.

- (qq) Section 903.3.1.1. of the *International Building Code*, 2024 edition, is hereby amended by adding a new Section 903.3.1.1.5, entitled “Dry Pipe Sprinkler Systems,” to read as follows:

903.3.1.1.5 DRY PIPE SPRINKLER SYSTEMS. Dry pipe sprinkler systems protecting fire areas of Type V construction shall be required to meet the 60-second water delivery time, per NFPA 13, to the system test connection regardless of the system size unless more stringent criteria are applicable in NFPA 13. All dry pipe sprinkler systems shall be trip tested to flow/discharge water to verify compliance with this requirement unless otherwise approved by the fire code official.

- (rr) Section 903.3.1.2 of the *International Building Code*, 2024 edition, is hereby amended to read as follows:

Section 903.3.1.2 NFPA 13R sprinkler systems. Automatic sprinkler systems in Group R occupancies shall be permitted to be installed throughout in accordance with NFPA 13R where the Group R occupancy meets all of the following conditions:

1. Four stories or less above grade plane.

2. The floor level of the highest story is 35 feet (10668 mm) or less above the lowest level of fire department vehicle access.

3. The floor level of the lowest story is 35 feet (10668 mm) or less below the lowest level of fire department vehicle access. {No change to remaining text.}

- (ss) Section 903.3.1.2.2 of the *International Building Code*, 2024 edition, is hereby amended to read as follows:

Section 903.3.1.2.2 Corridors and balconies. Sprinkler protection shall be provided in all corridors and for all balconies.

- (tt) Section 903.3.1.2.3 of the *International Building Code*, 2024 edition, is hereby added to read as follows:

Section 903.3.1.2.3. Attached garages and attics. Sprinkler protection is required in attached garages and in the following attic spaces:

1. {existing text remains unchanged}
2. {existing text remains unchanged}
3. Attic spaces of buildings that are two or more stories in height above grade plane or above the lowest level of fire department vehicle access.
4. Group R-4, Condition 2 occupancy attics not required by Item 1 or 3 to have sprinklers shall comply with one of the following: {existing text remains unchanged}

- (uu) Section 903.3.1.3 of the *International Building Code*, 2024 edition, is hereby amended to read as follows:

Section 903.3.1.3. NFPA 13D sprinkler systems. *Automatic sprinkler systems* installed in one- and two-family dwellings; Group R-3; Group R-4 Condition 1, and townhouses shall be permitted to be installed throughout in accordance with NFPA 13D or in accordance with state law.

- (vv) Section 903.3.1.4 of the *International Building Code*, 2024 edition, is hereby added to read as follows:

Section 903.3.1.4 Freeze protection. Freeze protection systems for automatic fire sprinkler systems shall be in accordance with the requirements of the applicable referenced NFPA standard and this section.

Section 903.3.1.4.1 Attic protection 13R. In addition to the protection requirements of NFPA 13R, sprinkler protection shall be designed and provided in all attic spaces of Type V construction.

Only dry-pipe, pre-action, or listed antifreeze automatic fire sprinkler systems shall be allowed to protect attic spaces.

Exception: Wet-pipe fire sprinkler systems shall be allowed to protect non-ventilated attic spaces where:

1. A separate floor control valve assembly supplies the attic sprinklers to allow ease of draining the attic system without impairing sprinklers throughout the rest of the building and
2. Adequate heat shall be provided for freeze protection as per the applicable referenced NFPA standard, and
3. The attic space is a part of the building's thermal, or heat, envelope, such that insulation is provided at the roof deck, rather than at the ceiling level.

Section 903.3.1.4.2 ATTIC PROTECTION 13D. In addition to the protection requirements of NFPA 13D, sprinkler protection shall be designed and provided in all attic spaces of Type V construction. Only dry-pipe, pre-action, or listed antifreeze automatic fire sprinkler systems shall be allowed to protect attic spaces.

Exception: Wet-pipe fire sprinkler systems shall be allowed to protect non-ventilated attic spaces where:

1. A separate floor control valve assembly supplies the attic sprinklers to allow ease of draining the attic system without impairing sprinklers throughout the rest of the building and
2. Adequate heat shall be provided for freeze protection as per the applicable referenced NFPA standard and
3. The attic space is a part of the building's thermal, or heat, envelope, so insulation is provided at the roof deck rather than the ceiling level.

Section 903.3.1.4.3 Heat trace/insulation. Heat trace/insulation shall only be allowed where approved by the fire code official for small sections of large diameter water-filled pipe.

(ww) Section 903.3.5 of the *International Building Code*, 2024 edition, is hereby amended by adding a paragraph to read as follows:

Section 903.3.5 Water supplies. *{existing paragraph unchanged}* ... Water supply as required for such systems shall be provided in conformance with the supply requirements of the respective standards; however, every water-based *fire protection system* shall be designed with a

10 psi safety factor. Reference Section IFC 507.4 for additional design requirements.

- (xx) Section 903.3.9 of the *International Building Code*, 2024 edition, is hereby amended to read as follows:

Section 903.3.9 Building Floor Control Valves. Approved supervised indicating control valves shall be provided at the point of connection to the riser as indicated below:

1. In High-Rise Buildings, floor control assemblies shall be located in protected stairwells or as otherwise approved by the fire code official.
2. In all other buildings, floor control assemblies shall be located as approved by the fire code official.

- (yy) Section 903.4 of the *International Building Code*, 2024 edition, is hereby amended by adding a new paragraph after the exceptions to read as follows:

Section 903.4. Sprinkler system supervision and alarms. *{text of existing paragraph and exceptions remain unchanged.}*...

Sprinkler and standpipe system water-flow detectors shall be provided for each floor tap to the sprinkler system and shall cause an alarm upon detection of water flow for more than 45 seconds. All control valves in the sprinkler and standpipe systems except for fire department hose connection valves shall be electrically supervised to initiate a supervisory signal at the central station upon tampering.

- (zz) Section 903.4.3 of the *International Building Code*, 2024 edition, is hereby amended by adding a new paragraph after the existing text to read as follows:

Section 903.4.3. Alarms. *{existing text remains unchanged}* ...

The alarm device required on the exterior of the building shall be a weatherproof horn/strobe notification appliance with a minimum 75 candela strobe rating, installed as close as practicable to the fire department connection.

- (aaa) Section 905.3 of the *International Building Code*, 2024 edition, is hereby amended by adding a new Section 905.3.8, entitled “Buildings exceeding 10,000 sq. ft.,” to read as follows:

Section 905.3.8. Buildings exceeding 10,000 sq. ft. In buildings exceeding 10,000 square feet in area per story and where any portion of the building's interior area is more than 200 feet (60,960 mm) of travel, vertically and horizontally, from the nearest point of fire department vehicle access, Class I standpipes shall be provided.

- (bbb) Section 905.4 of the *International Building Code*, 2024 edition, is hereby amended by amending Item 5, and adding a new Item No. 7 to read as follows:

Section 905.4. Location of Class I standpipe hose connection.

5. Where the roof has a slope less than four units vertical in 12 units horizontal (33.3-percent slope), each standpipe shall be provided with a two-way hose connection located to serve the roof or at the highest landing of a stairway with stair access to the roof provided in accordance with Section 1011.12.

7. When required by this Chapter, standpipe connections shall be placed adjacent to all required exits to the structure and at two-hundred-foot (200') intervals along major corridors thereafter, or as otherwise approved by the fire code official.

- (ccc) Section 905.8 of the *International Building Code*, 2024 edition, is hereby amended to read as follows:

Section 905.8 Dry standpipes. Dry standpipes shall not be installed.

Exception: Where subject to freezing and in accordance with NFPA 14. Additionally, manual dry standpipe systems shall be supervised with a minimum of 10 psig and a maximum of 40 psig air pressure with a high/low Supervisory alarm.

- (ddd) Section 905.9 of the *International Building Code*, 2024 edition, is hereby amended by adding a new paragraph after the two listed exceptions to read as follows:

Section 905.9. Valve supervision. *{text of existing paragraph and two listed exceptions remain unchanged}* ...

Sprinkler and standpipe system water flow detectors shall be provided for each floor tap to the sprinkler system and shall cause an alarm upon detection of water flow for more than 45 seconds. All control valves in the sprinkler and standpipe systems except for fire department hose connection valves shall be electrically supervised to initiate a supervisory signal at the central station upon tampering.

- (eee) Section 906.1(1) of the *International Building Code*, 2024 edition, is hereby amended by deleting exception 3 to read as follows:

Section 906.1(1) Exception 3: Deleted

- (fff) Section 907.1 of the *International Building Code*, 2024 edition, is hereby amended by adding a new Section 907.1.4, entitled “Design standards,” to read as follows:

Section 907.1.4. Design standards. The devices shall be addressable when a new or replacement fire alarm system is installed. Fire alarm systems utilizing more than 20 smoke detectors shall have analog initiating devices.

Exception: Existing systems need only comply if the total building, fire alarm system, remodel, or expansion exceeds 30% of the building. When cumulative building or fire alarm system, remodel, or expansion initiated after the date of original fire alarm panel installation exceeds 50% of the building or fire alarm system, the fire alarm system must comply within 12 months of permit application.

- (ggg) Section 907.1 of the *International Building Code*, 2024 edition, is hereby amended by adding a new Section 907.1.5, entitled “Required Installations,” to read as follows:

Section 907.1.5. Required Installations. An approved manual and automatic fire alarm system shall protect all commercial occupancies. An approved remote supervising station shall monitor the system. Approved systems shall include complete audio/visual notification services and manual pull stations at all exits. Only one fire alarm control panel is allowed per business address or building.

- (hhh) Section 907.2.1 of the *International Building Code*, 2024 edition, is hereby amended to read as follows:

Section 907.2.1. Group A. A manual fire alarm system that activates the occupant notification system in accordance with Section 907.5 shall be installed in Group A occupancies having an occupant load of 300 or more persons or more than 100 persons above or below the lowest level of exit discharge. Group A occupancies not separated from one another in accordance with Section 707.3.10 shall be considered as a single occupancy for the purposes of applying this section. Portions of Group E

occupancies occupied for assembly purposes shall be provided with a fire alarm system as required for the Group E occupancy.

Activation of fire alarm notification appliances shall:

1. Cause illumination of the means of egress with light of not less than 1 foot-candle (11 lux) at the walking surface level, and
2. Stop any conflicting or confusing sounds and visual distractions.
3. Upon sprinkler water flow. The occupant notification appliances will activate throughout the notification zones.

{existing exception remains unchanged}

- (iii) Section 907.2.1.1 of the *International Building Code*, 2024 edition, is hereby amended by to read as follows:

Section 907.2.1.1 System initiation in Group A occupancies with an occupant load of 500 or more. Activation of the fire alarm in Group A occupancies with an occupant load of 500 or more shall initiate a signal using an emergency voice/alarm communications system in accordance with Section 907.5.2.2.

- (jjj) Section 907.2.3 of the *International Building Code*, 2024 edition, is hereby amended by amending the first paragraph of 907.2.3, amending Exception No. 1, and adding a new Exception No. 1.1 to read as follows:

Section 907.2.3. Group E. A manual fire alarm system that activates the occupant notification signal utilizing an emergency voice/alarm communication system meeting the requirements of Section 907.5.2.2 and installed in accordance with Section 907.6 shall be installed in Group E educational occupancies. When automatic sprinkler systems or smoke detectors are installed, such systems or detectors shall be connected to the building fire alarm system. An approved smoke detection system shall be installed in Group E day care occupancies. Unless separated by a minimum of 100' of open space, all buildings, whether portable buildings or the main building, will be considered one building for alarm occupant load consideration and interconnection of alarm systems.

Exception:

1. A manual fire alarm system is not required in Group E occupancies with an *occupant load* of 50 or less.
 - 1.1 Residential in-home day care with not more than 12 children may use interconnected single station detectors in all habitable rooms. (For care of more than five children 2 ½ or less years of age, see Section 907.2.6.)

{No change to remainder of exceptions.}

- (kkk) Section 907.2.6 of the *International Building Code*, 2024 edition, is hereby amended by adding a new Section 907.2.6.4, entitled “Group I-4 Occupancies,” to read as follows:

Section 907.2.6.4 GROUP I-4 Occupancies. Group I-4 occupancies shall have a manual fire alarm system and automatic smoke detection system for occupants and staff. The system shall be activated in accordance with Section 907.4.

- (III) Section 907.2.6.4 of the *International Building Code*, 2024 edition, is hereby amended by adding a new Section 907.2.6.4.1, entitled “Manual Fire Alarm Box,” to read as follows:

Section 907.2.6.4.1 Manual Fire Alarm Box. Manual fire alarm boxes must be in accordance with Sections 907.4.2 and at staff-attended locations.

- (mmm) Section 907.2.6.4 of the *International Building Code*, 2024 edition, is hereby amended by adding a new Section 907.2.6.4.2, entitled “Occupant Notification,” to read as follows:

Section 907.2.6.4.2 Occupant Notification. Occupant notification shall be required as per Section 907.5.

- (nnn) Section 907.2.10.1 of the *International Building Code*, 2024 edition, is hereby amended by to read as follows and by deleting the exception:

Section 907.2.10.1 Public- and Self-Storage Occupancies. A manual fire alarm system that activates the occupant notification system in accordance with Section 907.5 shall be installed in Group S public- and self-storage occupancies for interior corridors and interior common areas. Visible notification appliances are not required within storage units.

Exception: Deleted

- (ooo) Section 907.2.13 of the *International Building Code*, 2024 edition, is hereby amended by amending the third exception to read as follows:

Section 907.2.13 High-rise buildings. Exception 3. Open air portions of buildings with an occupancy in Group A-5 in accordance with Section 303.1 of the *International Building Code*; however, this exception does not apply to accessory uses including but not limited to sky boxes, restaurants, and similarly enclosed areas.

- (ppp) Section 907.4.2 of the *International Building Code*, 2024 edition, is hereby amended by amending the first paragraph of 907.4.2 and adding a new Section 907.4.2.7, entitled “Type,” to read as follows:

Section 907.4.2 Manual fire alarm boxes. {Text unchanged} ... Section 907.4.2.1 through 907.4.2.7.

Section 907.4.2.7. Type. Manual alarm initiating devices shall be an approved double-action type. Each occupancy shall have manual actuating devices installed in a building or strip of buildings consisting of multiple suites or businesses.

- (qqq) Section 907.5.2.3.1 of the *International Building Code*, 2024 edition, is hereby amended by adding a new Section 907.5.2.3.1.1, entitled “Private Offices,” to read as follows:

Section 907.5.2.3.1.1 Private offices. Visible alarm notification or audible/visual alarm notification appliances shall be provided in private offices in Group B and E occupancies when the occupant capacity of the office is three or greater; the office is provided with a conference table with seating for three or more; or the square footage of the office exceeds 200 sq. ft.

- (rrr) Section 907.5 of the *International Building Code*, 2024 edition, is hereby amended by adding a new Section 907.5.3, entitled “Occupant Notification,” to read as follows:

Section 907.5.3 Occupant Notification. Occupant notification following this section and 907.5 shall be required for all new construction or existing construction complying with the International Building Code, for renovations to existing buildings, tenant spaces, changes in occupancy, replacement, or modification of the existing fire alarm system, or as required by the Fire Code Official, for all buildings or spaces provided with an approved automatic sprinkler system.

- (sss) Section 907.6.1 of the *International Building Code*, 2024 edition, is hereby amended by adding a new Section 907.6.1.1, entitled “Installation,” to read as follows:

Section 907.6.1.1. Wiring Installation. All fire alarm systems shall be installed in such a manner that a failure of any single initiating device or single open in an initiating circuit conductor will not interfere with the normal operation of other such devices. All signaling line circuits (SLC) shall be installed in such a way that a single open will not interfere with the operation of any addressable devices (Class A). Outgoing and return SLC conductors shall be installed in accordance with NFPA 72 requirements for Class A

circuits and shall have a minimum of four feet separation horizontal and one foot vertical between supply and return circuit conductors. The initiating device circuit (IDC) from a signaling line circuit interface device may be wired Class B, provided the distance from the interface device to the initiating device is ten feet or less.

- (ttt) Section 907.6.3 of the *International Building Code*, 2024 edition, is hereby amended by deleting all four exceptions as follows:

Section 907.6.3. Initiating device identification. Exceptions 1 through 4. Deleted.

- (uuu) Section 907.6 of the *International Building Code*, 2024 edition, is hereby amended by adding a new Section 907.6.7, entitled “Waterflow Notification,” to read as follows:

Section 907.6.7. Waterflow Notification. When required by Section 903.4.2, an external audible and visible notification device shall be provided on the exterior of the building at the riser room; an external audible and visible device shall also be located above the Fire Department Connection, either on the aboveground enclosure or pole mounted. The notification device shall operate on a water flow alarm only, be non-silenceable, and continue to operate after the panel is silenced, on the condition that the alarm is only a water flow alarm. The notification device shall be wired from the fire alarm control panel as a dedicated latching circuit. The minimum candela rating for the notification device shall be 75 (cd) candelas.

- (vvv) Section 907.6 of the *International Building Code*, 2024 edition, is hereby amended by adding a new Section 907.6.9, entitled “Fire Extinguishing Systems,” to read as follows:

Section 907.11 Fire Extinguishing Systems. Automatic fire-extinguishing systems shall be connected to the building fire alarm system where another section of this code requires a fire alarm system or is otherwise installed.

- (www) Section 907.6 of the *International Building Code*, 2024 edition, is hereby amended by adding a new Section 907.6.10, entitled “Interconnection,” to read as follows:

907.12 Interconnection. Fire alarm systems installed in multi-building developments that share a standard address shall be interconnected. Each building shall have a fire alarm panel that reports to a common location for signal transmission to the monitoring station. Each building shall be provided with full command and control of its system without resetting from the standard signal transmitting location. All alarms shall be announced at a customarily occupied location per 907.6.3.

- (xxx) Section 910.2 of the International Building Code, 2024 edition, is hereby amended by amending Exception No. 2 and 3 and adding a new subsection 910.2.3. with exceptions to read as follows:

Section 910.2. Where required.

Exceptions:

2. Only manual smoke and heat removal shall not be required in areas of buildings equipped with early suppression fast-response (ESFR) sprinklers. Automatic smoke and heat removal is prohibited.
3. Only manual smoke and heat removal shall not be required in areas of buildings equipped with control mode special application sprinklers with a response time index of $50(m^*S)^{1/2}$ or less that are listed to control a fire in stored commodities with 12 or fewer sprinklers. Automatic smoke and heat removal is prohibited.

Section 910.2.3. Group H. Buildings and portions thereof used as a Group H occupancy as follows.

1. In occupancies classified as Group H-2 or H-3, any of which are more than 15,000 square feet (1394 m²) in single floor area.

Exception: Buildings of noncombustible construction containing only noncombustible materials.

2. In areas of buildings in Group H used for storing Class 2, 3, and 4 liquid and solid oxidizers, Class 1 and unclassified detonable organic peroxides, Class 3 and 4 unstable (reactive) materials, or Class 2 or 3 water-reactive materials as required for a high-hazard commodity classification.

Exceptions: Buildings of noncombustible construction containing only noncombustible materials.

- (yyy) Section 910.3.4 of the *International Building Code*, 2024 edition, is hereby amended by adding a new Sections 910.3.4.1, entitled "Sprinklered Buildings," and 910.3.4.2, entitled "Non-Sprinklered Buildings," to read as follows:

910.3.4.1 Sprinklered Buildings. Where installed in buildings equipped with an approved automatic sprinkler system, smoke and heat vents shall be designed to operate automatically. The automatic operating mechanism of the smoke and heat vents shall operate at a temperature rating of at least 100 degrees F (approximately 38 degrees Celsius) greater than the temperature rating of the sprinklers installed.

Exception: Manual-only systems per Section 910.2.

910.3.4.2 Non-sprinklered Buildings. Where installed in buildings not equipped with an approved automatic sprinkler system, smoke and heat vents shall operate automatically by actuation of a heat-responsive device rated at between 100°F (56°C) and 220°F (122°C) above ambient.

Exception: Listed gravity-operated drop-out vents.

(zzz) Section 910.4.3.1. of the International Building Code, 2024 edition, is hereby amended to read as follows:

Section 910.4.3.1. Makeup air. Makeup air openings shall be provided within 6 feet (1829 mm) of the floor level. Operation of makeup air openings shall be automatic. The minimum gross area of makeup air inlets shall be 8 square feet per 1,000 cubic feet per minute (0.74 m² per 0.4719 m³/s) of smoke exhaust.

(aaaa) Section 910.4.4. of the International Building Code, 2024 edition, is hereby amended to read as follows:

Section 910.4.4 Activation. The mechanical smoke removal system shall be activated automatically by the automatic sprinkler system or by an approved fire detection system. Individual manual controls shall also be provided.

Exception: Manual only systems per Section 910.2.

(bbbb) Section 912.2 of the *International Building Code*, 2024 edition, is hereby amended by adding a new Section 912.2.3. to read as follows:

912.2.3. Hydrant distance. An approved fire hydrant shall be located within 50 feet on the same side of the fire lane of the fire department connection as the fire hose lays along an unobstructed path unless approved by the Fire Marshal.

(cccc) Section 913.2.1 of the International Building Code, 2024 edition, is hereby amended by adding a new subsection 913.2.1.1 to read as follows:

913.2.1.1 Fire Pump Room Access. When located on the ground level at an exterior wall, the fire pump room shall be provided with an exterior fire department access door that is not less than 3 ft. in width and 6 ft. – 8 in. in height, regardless of any interior doors that are provided. A key box shall be provided at this door, as required by IFC Section 506.1.

Exception: When it is necessary to locate the fire pump room on other levels or not at an exterior wall, the corridor leading to the fire pump room access from the exterior of the building shall be provided with equivalent fire resistance as that required for the pump room, or as approved by the fire code official. Access keys shall be provided in the key box as required by IFC Section 506.1.

(dddd) Section 915 of the *International Building Code*, 2024 edition, is hereby deleted in its entirety and replaced with a new Section 915 to read as follows:

915.1 General. New and existing buildings shall be provided with carbon monoxide (CO) detection following Sections 915.2 through 915.5.

915.2 Where required. Carbon monoxide detection shall be provided in interior spaces, other than dwelling units or sleeping units, that are exposed to a carbon monoxide source following Sections 915.2.1 through 915.2.3. Carbon monoxide detection for dwelling units or sleeping units that are exposed to a carbon monoxide source shall be provided following Section 915.2.4.

915.2.1 Interior Spaces with Direct Carbon Monoxide Sources. In all occupancies, interior spaces with a direct carbon monoxide source shall be provided with carbon monoxide detection located near the direct carbon monoxide source and in accordance with Section 915.3.

Exception: Where environmental conditions in an enclosed space are incompatible with carbon monoxide detection devices, carbon monoxide detection shall be provided in an approved adjacent location.

915.2.2 Interior Spaces Adjacent to a Space Containing a Carbon Monoxide Source. In Groups A, B, E, I, M, and R Occupancies, interior spaces that are separated from and adjacent to an enclosed parking garage or an interior space that contains a direct carbon monoxide source shall be provided with carbon monoxide detection if there are communicating openings between the spaces. Detection devices shall be located close to communicating openings on the side that is furthest from the carbon monoxide source and in accordance with Section 915.3

Exceptions:

1. Where communicating openings between the space containing a direct carbon monoxide source and the adjacent space are permanently airtight, carbon monoxide detection is not required for the adjoining space.

2. Where the fire code official determines that the volume or configuration of the adjacent interior space is such that dilution or geometry would diminish the effectiveness of carbon monoxide detection devices located in such spaces, detection devices additional to those required by Section 915.2.1 shall be located on the side of communicating openings that is closest to the carbon monoxide source.

915.2.3 Interior Spaces with Forced-indirect Carbon Monoxide Sources. In all occupancies, interior spaces with a forced-indirect carbon monoxide source shall be provided with carbon monoxide detection in accordance with either of the following:

3. Detection in each space with a forced-indirect carbon monoxide source, located in accordance with Section 915.3.
4. Detection is only in the first space served by the main duct, leaving the forced-indirect carbon monoxide source, located in accordance with Section 915.3, with an audible and visual alarm signal provided at an approved location.

915.2.4 Dwelling Units and Sleeping Units. Carbon monoxide detection for dwelling and sleeping units shall comply with Sections 915.2.4.1 and 915.2.4.2.

915.2.4.1 Direct Carbon Monoxide Sources. Where a direct carbon monoxide source is located in a bedroom, sleeping room, or a bathroom attached to either, carbon monoxide detection shall be installed in the bedroom or sleeping room. Where carbon monoxide detection is not installed in bedrooms or sleeping rooms, carbon monoxide detection shall be installed outside of each separate sleeping area close to bedrooms or sleeping rooms for either of the following conditions:

5. The dwelling or sleeping unit has a communicating opening to an attached garage.
6. A direct carbon monoxide source is located outside bedrooms or sleeping rooms in the dwelling or sleeping unit.

915.2.4.2 Forced-indirect Carbon Monoxide Sources. Bedrooms or sleeping rooms in dwelling units or sleeping units exposed to a forced-indirect carbon monoxide source shall be provided with carbon monoxide detection per Section 915.2.4.1 or Section 915.2.3.

915.3 Location of Detection Devices. Carbon monoxide detection devices shall be installed in accordance with the manufacturer's instructions in a location that avoids dead air spaces, turbulent air spaces, fresh air returns, open windows, and obstructions that would inhibit the accumulation of

carbon monoxide at the detection location. Carbon monoxide detection in air ducts or plenums shall not be permitted as an alternative to required detection locations.

915.4 Permissible Detection Devices. Carbon monoxide detection shall be provided by a carbon monoxide detection system complying with Section 915.4.2 unless carbon monoxide alarms are permitted by Section 915.4.1.

915.4.1 Carbon Monoxide Alarms. Carbon monoxide alarms complying with Sections 915.4.1.1 through 915.4.1.3 shall be permitted instead of a carbon monoxide detection system in both of the following:

1. Dwelling units and sleeping units.
2. Locations other than dwelling units or sleeping units, where approved, provided that the manufacturer's instructions do not prohibit installation in locations other than dwelling units or sleeping units and that the alarm signal for any carbon monoxide alarm installed in an ordinarily unoccupied location is annunciated by an audible and visual signal in an approved location.

915.4.1.1 Power Source. In buildings with a wired power source, carbon monoxide alarms shall receive their primary power from a permanent connection to building wiring, with no disconnecting means other than for overcurrent protection. They shall be provided with a battery backup. Carbon monoxide alarms shall be battery-powered in buildings without a wired power source.

Exception: For buildings not previously required to have carbon monoxide alarms permanently connected to a wired power source, existing battery-powered and plug-in carbon monoxide alarms with battery backup shall remain in service. When replaced, replacement with battery-powered and plug-in with battery backup carbon monoxide alarms shall be permitted.

915.4.1.2 Listings. Carbon monoxide alarms shall be listed in accordance with UL 2034. Combination carbon monoxide/smoke alarms shall also be listed in accordance with UL 217.

915.4.1.3 Interconnection. Where more than one carbon monoxide alarm is installed, the actuation of any alarm shall cause all alarms to signal an alarm condition.

915.4.2 Carbon Monoxide Detection Systems. Carbon monoxide detection systems shall be installed in accordance with NFPA 72.

915.4.2.1 Fire Alarm System Integration. Where a building or combination fire alarm system, as defined in NFPA 72, is installed, carbon monoxide detection shall be provided by connecting carbon monoxide detectors to the fire alarm system. Where a building or a combination fire alarm system is not installed, carbon monoxide detection shall be provided by connecting carbon monoxide detectors to a carbon monoxide detection system complying with NFPA 72.

915.4.2.2 Listings. Carbon monoxide detectors shall be listed in accordance with UL 2075. Combination carbon monoxide/smoke detectors shall be listed in accordance with UL 268 and UL 2075.

915.4.2.3 Alarm Notification. For other than Group E Occupancies, activation of a carbon monoxide detector shall initiate alarm notification in accordance with any of the following:

1. An audible and visible alarm notification throughout the building and at the control unit.
2. Where specified in an approved fire safety plan, an audible and visible alarm in the signaling zone where the carbon monoxide has been detected, and other signaling zones defined in the fire safety plan, and at the control unit.
3. Where a sounder base is provided for each detector, an audible alarm at the activated carbon monoxide detector, and an audible and visible alarm at the control unit.

For Group E Occupations with an occupant load of 30 or less, alarm notification shall be provided in an on-site location staffed by school personnel or in accordance with the notification requirements for other occupations. For Group E occupations with an occupant load of more than 30, an audible and visible alarm shall be provided in an on-site location staffed by school personnel.

915.5 Maintenance. Carbon monoxide alarms and detection systems shall be maintained in accordance with NFPA 72 and the manufacturer's instructions. Alarms and detectors that become inoperable or begin producing end-of-life signals shall be replaced.

(eeee) Section 1006.2.1 of the International Building Code, 2024 edition, is hereby amended by amending Exception No. 3 to read as follows: *{text of existing paragraph and two listed exceptions remain unchanged}*

Exceptions:

1. *{existing exception remains unchanged}*
2. *{existing exception remains unchanged}*

3. Unoccupied rooftop mechanical rooms and penthouses are not required to comply with the common path of egress travel distance measurement.

(ffff) Section 1006.2.2 of the *International Building Code*, 2024 edition, is hereby amended by adding a Section 1006.2.2.7 to read as follows:

Section 1006.2.2.7. Electrical rooms. For electrical rooms, special exiting requirements may apply. Reference the electrical code as adopted.

(gggg) Section 1009.1 of the *International Building Code*, 2024 edition, is hereby amended by adding a new Exception No. 3 to read as follows:

Section 1009.1. Accessible means of egress required. Exception: 3. Buildings regulated under State Law and built in accordance with State-registered plans, including any variances or waivers granted by the State, shall be considered compliant with the requirements of Section 1009.

(hhhh) Section 1010.2.4 of the *International Building Code*, 2024 edition, is hereby amended by amending Table 1010.2.4 to read as follows:

Add Group M to Line item #1 in Table 1010.2.4: Group B, F, M or S occupancies with occupant load less than 50. {Remainder unchanged}

Add Group A and M to Line item #2 in Table 1010.2.4: Group A, B, F, M or S occupancies where the building is equipped... {Remainder unchanged}

(iiii) Section 1015.8 of the *International Building Code*, 2024 edition, is hereby amended by changing items 1. and 2. to read as follows:

Section 1015.8. Window openings.

1. Where the bottom of the clear opening of the window is located more than 72 inches (1829 mm) and less than 55 feet (16,754 mm)... {Remainder unchanged}
2. Where the bottom of the clear opening of the window is located 55 feet (16,754 mm) or more... {Remainder unchanged}

(jjjj) Section 1020.2 of the *International Building Code*, 2024 edition, is hereby amended by adding a new Exception No. 6 to read as follows:

Section 1020.2. Construction. Exceptions: 6. In group B occupancies, corridor walls and ceilings need not be of fire-resistive construction within a single tenant space when the space is equipped with approved automatic smoke-detection within the corridor. The actuation of any detector shall activate self-annunciating alarms audible in all areas within the corridor.

Smoke detectors shall be connected to an approved automatic fire alarm system where such system is provided.

(kkkk) Section 1030.1.1.1 of the *International Building Code*, 2024 edition, is hereby amended by deleting this section as follows:

Section 1030.1.1.1 Spaces under grandstands and bleachers. Deleted.

(llll) Section 1102.1. of the *International Building Code*, 2024 edition, is hereby amended by adding a new exception to read as follows:

Section 1102.1. Design. Exception: Components projects approved through the Architectural Barriers Division of Texas Department of Licensing and Regulation, either directly by the state or a licensed registered accessibility specialist shall be deemed in compliance with the requirements of this chapter.

(mmmm) Table 1505.1 of the *International Building Code*, 2024 edition, is hereby amended by amending footnote “b” and deleting footnote “c” to read as follows:

Table 1505.1. Minimum roof covering classification for types of construction. Footnote: b. Non-classified roof coverings shall be permitted on buildings of U occupancies having not more than 120 sq. ft. of projected roof area. When exceeding 120 sq. ft. of projected roof area, buildings of U occupancies may use non-rated non-combustible roof coverings.

Table 1505.1. Minimum roof covering classification for types of construction. Footnote: c. Deleted.

(nnnn) Section 1505.7 of the *International Building Code*, 2024 edition, is hereby amended by deleting this section:

Section 1505.7. Special purpose roofs. Deleted.

(oooo) Section 1512.1 of the *International Building Code*, 2024 edition, is hereby amended to read as follows:

Section 1512.1. General. Materials and methods of applications used for recovering or replacing an existing roof covering shall comply with the requirements of Chapter 15. All individual replacement shingles or shakes shall be in compliance with the rating required by Table 1505.1.

{Text of exception unchanged}

(pppp) Section 1704.2 of the *International Building Code*, 2024 edition, is hereby amended to read as follows:

Section 1704.2 Special inspections and tests. Where application is made to the Building Official for construction as specified in Section 105, the owner or the owner's authorized agent, or the registered design professional in responsible charge, other than the contractor, shall employ one or more approved agencies to provide special inspections and tests during construction on the types of work specified in Section 1705 and identify the approved agencies to the Building Official. The special inspector shall not be employed by the contractor. These special inspections and tests are in addition to the inspections by the Building Official that are identified in Section 110.

{Text of exceptions unchanged}

(qqqq) Section 1704.2.1. of the *International Building Code*, 2024 edition, is hereby amended to read as follows:

Section 1704.2.1 Special inspector qualifications. Prior to the start of construction and/or upon request, the approved agencies shall provide written documentation to the registered design professional in responsible charge and the building official demonstrating the competence and relevant experience or training of the special inspectors who will perform the special inspections and tests during construction. *{Remainder unchanged}*

(rrrr) Section 2901.1 of the *International Building Code*, 2024 edition, is hereby amended by adding a new paragraph to the end of the existing paragraph to read as follows:

Section 2901.1. Scope. *{existing text remains unchanged}* ...

The provisions of this chapter are meant to work in coordination with the provisions of Chapter 4 of the International Plumbing Code. Should any conflict arise between the two chapters, the building official shall determine which provision applies. All Health Department required fixtures for food related occupancies are in addition to fixtures listed in Table 2902.1.

(ssss) Section 2902.1 of the *International Building Code*, 2024 edition, is hereby amended by adding a new paragraph to the end of the existing paragraph to read as follows:

Section 2902.1. Minimum number of fixtures. *{existing text remains unchanged}* ...

In other than E occupancies, the minimum number of fixtures in Table 2902.1 may be lowered, if requested in writing by the applicant, stating reasons for a reduced number, and approved by the *building official*.

- (tttt) Section 2902.2 of the *International Building Code*, 2024 edition, is hereby amended by changing Exception 2. to read as follows:

Section 2902.2 Separate facilities. 2. Separate facilities shall not be required in structures or tenant spaces with a total occupant load, including both employees and customers, of 25 or fewer.

- (uuuu) Section 2902.6 of the *International Building Code*, 2024 edition, is hereby amended to read as follows:

Section 2902.6 Small occupancies. Drinking fountains are not required in M and B occupancies with an occupant load of 100 or less, and for dining and/or drinking establishments.

- (vvvv) Section 3002.1 of the *International Building Code*, 2024 edition, is hereby amended by adding two exceptions to read as follows:

Section 3002.1. Hoistway enclosure protection. Exceptions:

1. Elevators completely located within atriums complying with Section 404 shall not require hoistway enclosure protection.

- (wwwv) Section 3005.5 of the *International Building Code*, 2024 edition, is hereby added to read as follows:

Section 3005.5.1 Fire Protection in Machine rooms, control rooms, machinery spaces and control spaces.

Section 3005.5.1.1 Automatic sprinkler system. The building shall be equipped throughout with an automatic sprinkler system in accordance with Section 903.3.1.1, except as otherwise permitted by Section 903.3.1.1.1 and as prohibited by Section 3005.5.1.1.1.

Section 3005.5.1.1.1 Prohibited locations. Automatic sprinklers shall not be installed in machine rooms, elevator machinery spaces, control rooms, control spaces and elevator hoist-ways.

Section 3005.5.1.1.2 Automatic sprinkler system monitoring. The automatic sprinkler system shall have a sprinkler control valve supervisory switch and water-flow initiating device provided for each floor that is monitored by the building's fire alarm system.

Section 3005.5.1.2 Water protection. An approved method to prevent water from infiltrating into the hoistway enclosure from the operation of the automatic sprinkler system outside the elevator lobby shall be provided.

Section 3005.5.1.3 Omission of Shunt trip. Means for elevator shutdown in accordance with Section 3005.5 shall not be installed.

(xxxx) Section 3005.7 of the *International Building Code*, 2024 edition, is hereby added to read as follows:

Section 3005.7 Storage. Storage shall not be allowed within the elevator machine room, control room, machinery spaces and/or control spaces. Provide approved signage at each entry to the above listed locations stating: "No Storage Allowed."

(yyyy) Section 3006.2 of the *International Building Code*, 2024 edition, is hereby amended by changing Item 5. to read as follows:

Section 3006.2 Hoistway opening protection required. Item 5.

5. The building is a high rise and the elevator hoistway is more than 55 feet (16,764 mm) in height. The height of the hoistway shall be measured from the lowest floor at or above grade to the highest floors served by the hoistway.

(zzzz) Section 3007.3 of the *International Building Code*, 2024 edition, is hereby amended to read as follows:

Section 3007.3. Water Protection. Water from the operation of an automatic sprinkler system outside the elevator lobby shall be...{Remainder unchanged}

(aaaaa) Section 3008.3 of the *International Building Code*, 2024 edition, is hereby amended to read as follows:

Section 3008.3. Water Protection. Water from the operation of an automatic sprinkler system outside the elevator lobby shall be...{Remainder unchanged}

EXHIBIT B

Local Amendments to the 2024 editions of the International Plumbing Code and the International Fuel Gas Code.

The 2024 editions of the *International Plumbing Code* and the *International Fuel Gas Code* are hereby amended by amending only the enumerated sections and provisions, as follows, and all sections and provisions not expressly amended or deleted shall remain in full force and effect:

- (a) The Table of Contents under Chapter 7, Sanitary drainage, 713 of the *International Plumbing Code*, 2024 edition, is hereby amended to read as follows:

713 Engineered Drainage Design85

- (b) Section 101.1 of the *International Plumbing Code*, 2024 edition, is hereby amended to read as follows:

Section 101.1. Title. These regulations, combined with the regulations located in the *International Fuel Gas Code*, shall be known as the plumbing code of the town, hereinafter referred to as “this code.”

- (c) Section 101.5 of the *International Plumbing Code*, 2024 edition, is hereby added to read as follows:

Section 101.5. License and registration required. It shall be unlawful for any person, firm, or corporation to make any installation, alteration, repair, replacement, or remodel of any plumbing system regulated by this code without having registered a valid Texas Master Plumber’s License, or other applicable license, with the town. Said registration shall become null and void one year from the date of registration with the Town. If appropriate, a fee for registration shall be assessed in accordance with the provisions of Appendix A of the Code of Ordinances of the Town of Flower Mound, Texas.

Exception: Any residential property owner who, at his legal residence, desires to personally make or perform any installation, alteration, repair, replacement, or remodel of any plumbing system regulated by this code shall be exempt from paying a registration fee. For this section, *legal residence* shall be defined as property for which a property owner shows proof of a homestead exemption.

Any contractor registration regulated by this code may be placed on hold or suspended by the building official, preventing any additional permits from being issued, if it is determined by the building official that corrective action is needed for compliance with the requirements of section 18-32 of the Code of Ordinances of the Town of Flower Mound. If any contractor registration regulated by this code is suspended, the procedures outlined in Chapter 18,

Article II, of the Code of Ordinances of the Town of Flower Mound, shall apply. Any registration placed on hold more than three times in a calendar year may be subject to suspension by the building official.

The supervising master or journeyman plumber shall be on the job site at all times while plumbing work is being performed. The ratio of helpers, apprentice plumbers, or otherwise unlicensed plumbers shall not exceed three (3) unlicensed plumbers to one (1) supervising master or journeyman plumber.

- (d) Section 102.8 of the *International Plumbing Code*, 2024 edition, is hereby amended to read as follows:

Section 102.8. Referenced codes and standards. The codes and standards referenced in this code shall be those that are listed in chapter 15, 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. Where 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 adopted amendments. Any reference to NFPA 70 shall mean the National 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 the manufacturer's installation instruction shall apply.

- (e) Section 105.1 of the *International Plumbing Code*, 2024 edition, is hereby amended by adding a paragraph to read as follows:

Section 105.1. Where required. {Existing paragraph remains unchanged}. All permit applications for work required to be permitted by this code shall be submitted by a plumber licensed by the State of Texas and registered with the Town.

Exceptions:

1. An irrigator licensed by the Texas Commission on Environmental Quality and registered with the Town may submit permit applications for lawn irrigation systems.
 2. A registered general contractor may submit a building permit application as required by the *International Building Code* that includes plumbing work, as long as a licensed and registered plumber is named on said permit.
- (f) Section 105.5.3 of the *International Plumbing Code*, 2024 edition, is hereby amended to read as follows:

Section 105.5.3. Expiration. Every permit issued shall become invalid unless the work on the site authorized by such permit is commenced within 180 days after its issuance or if the work authorized on the site by such permit is suspended or abandoned at any time after the work has commenced for a period of 180 days. For this section, *suspended* or *abandoned* will be defined as an elapsed time between any two approved required inspections. Once a permit becomes invalid and before such building or work can be recommenced, a new permit shall first be obtained to do so, and the fee therefor shall be one-half the amount required for a new permit for such building or work, provided no changes have been made or will be made in the original plans and specifications for such building or work, and provided further that such suspension or abandonment has not exceeded one year. In order to renew action on a permit after expiration of more than one year, the permittee shall submit a new application and pay a new full permit fee.

Exception: Water heater and boiler replacement permits must receive a final inspection within 10 days of installation.

- (g) Section 112 of the *International Plumbing Code*, 2024 edition, is hereby amended by deleting the entire section and replacing it with the following provision to read as follows:

Section 112. Means of appeals. Any person shall have the right to appeal a decision of the building official to the board of appeals established by ordinance. The board shall be governed by the enabling ordinance.

- (h) Section 113 of the *International Plumbing Code*, 2024 edition, is hereby amended by deleting the entire section and replacing it with the following to read as follows:

Section 113. Membership of board. The membership of the board shall be governed by the enabling ordinance.

- (i) Section 305.1 of the *International Plumbing Code*, 2024 edition, is hereby amended to read as follows:

Section 305.1. Protection against contact. Metallic piping, except for cast iron, ductile iron and galvanized steel, shall not be placed in direct contact with steel framing members, concrete or cinder walls and floors or other masonry. Metallic piping shall not be placed in direct contact with corrosive soil. Where sheathing is used to prevent direct contact, the sheathing shall have a thickness of not less than 0.008 inch (8 mil) (0.203 mm) and the sheathing shall be made of approved material. Where sheathing protects piping that penetrates concrete or masonry walls or floors, the sheathing shall be installed in a manner that allows movement of the piping within the sheathing.

- (j) Section 305.4.1 of the *International Plumbing Code*, 2024 edition, is hereby amended to read as follows:

Section 305.4.1. Sewer depth. Building sewers shall be a minimum of 12 inches (304 mm) below grade.

- (k) Section 305.7 of the *International Plumbing Code*, 2024 edition, is hereby amended to read as follows:

Section 305.7. Protection of components of plumbing systems. Components of a plumbing system installed within 3 feet along alleyways, driveways, parking garages, or other locations in a manner in which they could be exposed to damage shall be recessed into the wall or otherwise protected in an approved manner.

- (l) Section 306.2.5 of the *International Plumbing Code*, 2024 edition, is hereby added to read as follows:

Section 306.2.5. Plastic sewer and DWV piping installation. Plastic sewer and DWV piping installed underground shall be installed in accordance with the manufacturer's installation instructions. Trench width shall be controlled to not exceed the outside the pipe diameter plus 16 inches or in a trench which has a controlled width equal to the nominal diameter of the diameter of the piping multiplied by 1.25 plus 12 inches. The piping shall be bedded in 4 inches of granular fill and then backfilled compacting the side fill in 6-inch layers on each side of the piping. The compaction shall be to minimum of 85 percent standard proctor density and extend to a minimum of 6 inches above the top of the pipe.

- (m) Sections 312.11 of the *International Plumbing Code*, 2024 edition, is hereby deleted and replaced to read as follows:

Section 312.11. Cross-Connection Control Program

A. General. No water service connection shall be made to any establishment where a potential or actual contamination hazard exists unless the water supply is protected in accordance with the Texas Commission on Environmental Quality's Rules and Regulations for Public Water Systems ("TCEQ Rules") and this code. The water purveyor shall discontinue water service if a required backflow prevention assembly is not installed, maintained, and tested in accordance with the TCEQ Rules and this code.

B. Backflow prevention assembly installation, testing, and maintenance.

- (1) All backflow prevention assemblies shall be tested upon installation by a registered backflow prevention assembly

tester and certified to be operating within specifications. Backflow prevention assemblies which are installed to provide protection against health hazards shall be registered with the town and shall be tested and certified to be operating within specifications at least annually by a registered backflow prevention assembly tester. Such registration shall be effective annually and subject to the fee specified in Appendix A of the Code of Ordinances of the Town of Flower Mound.

- (2) All backflow prevention assemblies shall be installed and tested in accordance with the manufacturer's instructions, the American Water Works Association's Recommended Practice for Backflow Prevention and Cross-Connection Control (Manual M14), or The University of Southern California Manual of Cross-Connection Control.
- (3) Assemblies shall be repaired, overhauled, or replaced at the expense of the customer whenever said assemblies are found to be defective. Original forms of such test, repairs, and overhaul shall be kept and submitted to the town within five (5) working days of the test, repair, or overhaul of each backflow prevention assembly.
- (4) No backflow prevention assembly or device shall be removed from use, relocated, or other assembly or device substituted without the approval of the town. Whenever the existing assembly or device is moved from the present location or cannot be repaired, the backflow assembly or device shall be replaced with a backflow prevention assembly or device that complies with this section, the American Water Works Association's Recommended Practice for Backflow Prevention and Cross-Connection Control (Manual M14), current edition, The University of Southern California Manual of Cross-Connection Control, current edition, or the current plumbing code, whichever control is more stringent.
- (5) Test gauges used for backflow prevention assembly testing shall be calibrated at least annually in accordance with the American Water Works Association's Recommended Practice for Backflow Prevention and Cross-Connection Control (Manual M14), current edition, or The University of Southern California Manual of Cross-Connection Control, current edition. The original calibration form must be submitted to the town within five (5) working days after calibration.
- (6) A recognized backflow prevention assembly tester must hold a current endorsement from the Texas Commission on Environmental Quality ("TCEQ" or "Commission").

- (7) Annual inspections shall be made of all backflow prevention assemblies and air gaps to determine whether they are operable. In the absence of local provisions, the owner is responsible to ensure that testing is performed.
- (8) Reduced pressure principle backflow preventer assemblies, double check-valve assemblies, pressure vacuum breaker assemblies, reduced pressure detector fire protection backflow prevention assemblies, double check detector fire protection backflow prevention assemblies, hose connection backflow preventers, and spill-proof vacuum breakers shall be tested at the time of installation, immediately after repairs or relocation, and at least annually. The testing procedure shall be performed in accordance with applicable local provisions. In the absence of local provisions, the owner is responsible to ensure that testing is done 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.

C. Customer service inspections.

- (1) A customer service inspection shall be completed prior to providing continuous water service to all new construction, on any existing service when the water purveyor has reason to believe that cross-connections or other contaminant hazards exist, or after any material improvement, correction, or addition to the private water distribution facilities.
- (2) Only individuals with the following credentials shall be recognized as capable of conducting a customer service inspection:
 - (a) Plumbing Inspectors and Water Supply Protection Specialists that have been licensed by the Texas State Board of Plumbing Examiners.
 - (b) Certified Waterworks Operators and members of other water-related professional groups who have completed a training course, passed an examination administered by the Commission or its designated agent, and hold a current endorsement issued by the Commission.
- (3) The Customer Service Inspection must certify that:

- (a) No direct connection between the public drinking water supply and a potential source of contamination exists.
- (b) Potential sources of contamination have been isolated from the public water system by a properly installed air gap or an appropriate backflow prevention assembly.
- (c) No cross-connection between the public water supply and a private water source exists. (Where an actual properly installed air gap is not maintained between the public water supply and a private water supply, an approved reduced pressure-zone backflow prevention assembly is properly installed and a service agreement exists for annual inspection and testing by a recognized backflow prevention assembly tester.)
- (d) No connection which allows water to be returned to the public drinking water supply exists.
- (e) No pipe or pipe fitting which contains more than 8% lead has been used for the installation or repair of plumbing at any connection that provides water for human use.
- (f) No solder or flux which contains more than 0.2% lead has been used for the installation or repair of plumbing at any connection that provides water for human use. (A minimum of one lead test shall be performed for each inspection.)

D. Certified backflow prevention assembly tester responsibilities.

- (1) No certified backflow assembly tester shall operate within the town without first registering with the town.
- (2) A registration shall remain in effect provided:
 - (a) The tester maintains certification by the TCEQ; and
 - (b) Registration is not revoked by the town.
- (3) A tester shall annually renew his/her registration with the town. If a certification remains expired for a period of one year, the tester shall reestablish registration eligibility.
- (4) Each applicant for registration shall:
 - (a) Provide proof of current certification in the State of

Texas.

- (b) Provide evidence to establish that the applicant has the necessary tools and equipment to properly test backflow prevention assemblies.
 - (c) Submit a list identifying all test gauges by the name of the manufacturer, model number, and the serial numbers of each gauge that will be used in testing backflow assemblies.
 - (d) Comply with and conform to all requirements of Chapter 18, Article II, Section 18-31, of the Code of Ordinances of the Town of Flower Mound.
- (5) A registered backflow prevention assembly tester shall:
 - (a) Annually have each recorded test kit tested for accuracy and calibrated according to TCEQ regulations, and submit a copy of the test results at the time of registration or renewal.
 - (b) Perform competent and accurate certifications of each backflow prevention assembly tested and shall submit complete reports thereof to the town.
 - (c) List registered serial numbers of test gauges on tests and maintenance reports prior to submitting them to the town.
 - (d) Not change the design or operation characteristics of a backflow prevention assembly.
 - (e) Submit a copy of test results to the town within 15 days of testing.
 - (f) Maintain testing and repair records for a minimum of three years.
- (6) After notice, the town may revoke a registration if the town determines that the tester:
 - (a) Has made false, incomplete, or inaccurate assembly testing reports;
 - (b) Has used inaccurate gauges;
 - (c) Has used improper testing procedures;

- (d) Is not in compliance with safety regulations;
 - (e) Has failed to submit the required information on his/her test kits or failed to calibrate gauges annually as required by subsection (5) above;
 - (f) Has violated any other provision of this code; or
 - (g) Is not in compliance with the requirements of Chapter 18, Article II, Section 18-32 of the Code of Ordinances of the Town of Flower Mound.
- (m) Section 314.2.1 of the International Plumbing Code, 2024 edition, is hereby amended to read as follows:

Section 314.2.1. Condensate disposal. Condensate from all cooling coils and evaporators shall be conveyed from the drain pan outlet to an approved place of disposal. ... *{text unchanged}* ... Condensate shall not discharge into a street, alley, sidewalk, or other areas so as to cause a nuisance.

- (n) Section 401.1 of the *International Plumbing Code*, 2024 edition, is hereby amended, in part, by adding a second paragraph to read as follows:

Section 401.1. Scope. *{Existing paragraph remains unchanged.}* The provisions of this chapter are meant to work in coordination with the provisions of the building code. Should any conflicts arise between the two chapters, the code official shall determine which provision applies.

- (o) Section 403.1 of the *International Plumbing Code*, 2024 edition, is hereby amended, in part, by adding a second paragraph to read as follows:

Section 403.1. Minimum number of fixtures. *{Existing paragraph remains unchanged.}*

In other than E occupancies, the minimum number of fixtures in Table 403.1 may be lowered, if requested in writing by the applicant, stating reasons for a reduced number, and approved by the building official.

- (p) Section 403.2 of the *International Plumbing Code*, 2024 edition, is hereby amended by changing Exception 2. to read as follows:

Section 403.2 Separate facilities.

2. Separate facilities shall not be required in structures or tenant spaces with a total occupant load, including both employees and customers, of 25 or less.

- (q) Section 409.2 of the International Plumbing Code, 2024 edition, is hereby amended to read as follows:

Section 409.2. Water connection. The water supply to a commercial dishwashing machine shall be protected against backflow by an air gap or backflow preventer in accordance with Section 608. *{Remaining text unchanged.}*

- (r) Section 410.2 of the International Plumbing Code, 2024 edition, is hereby amended by adding a paragraph to read as follows:

Section 410.2. Small occupancies. {Existing paragraph remains unchanged.} Drinking fountains are not required in M and B Occupancies with an occupant load of 100 or less, and for dining and/or drinking establishments.

- (s) Section 413.4 of the *International Plumbing Code*, 2024 edition, is hereby amended to read as follows:

Section 413.4. Required location for floor drains. Floor drains shall be installed in the following areas.

1. In public laundries and in the central washing facilities of multiple family dwellings, the rooms containing automatic clothes washers shall be provided with floor drains located to readily drain the entire floor area. Such drains shall have a minimum outlet of not less than 3 inches (76mm) in diameter.
2. Commercial kitchens. In lieu of floor drains in commercial kitchens, the code official may accept floor sinks.
3. Public restrooms.
4. Closets containing mop and service sinks.

- (t) Section 424.3 of the International Plumbing Code, 2024 edition, is hereby added to read as follows:

Section 424.3. Surrounding material. Wall and floor space to a point 2 feet (610 mm) in front of a urinal lip and 4 feet (1219 mm) above the floor and at least 2 feet (610 mm) to each side of the urinal shall be waterproofed with a smooth, readily cleanable, hard, nonabsorbent material.

- (u) Section 502.6 of the International Plumbing Code, 2024 edition, is hereby added to read as follows:

Section 502.6. Water heaters above ground or floor. When the attic,

roof, mezzanine, or platform in which a water heater is installed is more than eight (8) feet (2,438 mm) above the ground or floor level, it shall be made accessible by a stairway or permanent ladder fastened to the building.

Exception: A max 10 gallon water heater (or larger with approval) that is installed not more than ten (10) feet (3,048 mm) above the ground or floor level, may be accessible using a portable ladder.

Whenever the mezzanine or platform is not adequately lighted or access to a receptacle outlet is not obtainable from the main level, lighting and a receptacle outlet shall be provided.

- (v) Section 504.6 of the International Plumbing Code, 2024 edition, is hereby amended to read as follows:

Section 504.6. Requirements for discharge piping. The discharge piping serving a pressure relief valve, temperature relief valve, or combination thereof shall:

1. Not be directly connected to the drainage system.
2. Discharge through an air gap.
3. Not be smaller than the diameter of the outlet of the valve served and shall discharge full size to the air gap.
4. Serve a single relief device and shall not connect to piping serving any other relief device or equipment.

Exception: Multiple relief devices may be installed to a single T & P discharge piping system when approved by the administrative authority and permitted by the manufacturer's installation instructions and installed with those instructions.

5. Discharge to an indirect waste receptor or to the outdoors.
6. Discharge in a manner that does not cause personal injury or structural damage.
7. Discharge to a termination point that is readily observable by the building occupants.
8. Not be trapped.
9. Be installed so as to flow by gravity.
10. Not terminate less than 6 inches or more than 24 inches (152 mm) above grade nor more than 6 inches above the waste

receptor.

11. Not have a threaded connection at the end of such piping.
 12. Not have valves or tee fittings.
 13. Be constructed of those materials listed in Section 605.4 or materials tested, rated, and approved for such use in accordance with ASME A112.4.1.
 14. Be one nominal size larger than the size of the relief valve outlet, where the relief valve discharge piping is installed with insert fittings. The outlet end of such tubing shall be fastened in place.
- (w) Section 606.1 of the *International Plumbing Code*, 2024 edition, is hereby amended, in part, as follows:
- Section 606.1. Location of full-open valves.** Delete items 4 and 5 from the list.
- (x) Section 608.1 of the *International Plumbing Code*, 2024 edition, is hereby amended to read as follows:
- Section 608.1. General.** A potable water supply system shall be designed, installed, and maintained in such a manner so as to prevent contamination from non-potable liquids, solids, or gases being introduced into the potable water supply through cross-connections or any other piping connections to the system. Backflow preventer applications shall conform to applicable local regulations, table 608.1, and as specifically stated in sections 608.2 through 608.17.10.
- (y) Section 608.17.1 of the *International Plumbing Code*, 2024 edition, is hereby amended to read as follows:
- Section 608.17.1. Beverage dispensers.** The water supply connection to beverage dispensers shall be protected against backflow by a reduced pressure principle backflow preventer (RPZ) or an air gap.
- (z) Section 608.17.4 of the *International Plumbing Code*, 2024 edition, is hereby amended by adding a second paragraph to read as follows:
- Section 608.17.4. Connection to automatic fire sprinkler system and standpipe system.** *{First paragraph and exceptions remain unchanged}...*

The required backflow prevention device shall be installed in an approved, freeze protected, above ground, structure, and shall be monitored.

- (aa) Section 608.17.5 of the International Plumbing Code, 2024 edition, is hereby amended to add a second paragraph to read as follows:

Section 608.17.5. Connections to lawn irrigation systems. *{First paragraph unchanged}...*

All lawn sprinkling systems shall be equipped with a temperature sensing device that stops the flow of water through the lawn sprinkling system when the ambient temperature is thirty-eight degrees Fahrenheit (38° F) or less and a device that stops the flow of water through the lawn sprinkling system when one-quarter inch (1/4") or more of rain falls. Further, pursuant to Section 551.006 of the Texas Local Government Code, all lawn sprinkling systems shall comply with Section 1903.053 of the Texas Occupations Code, and any rules adopted by the Texas Commission on Environmental Quality under that section.

- (bb) Section 608.18 of the International Plumbing Code, 2024 edition, is hereby amended to read as follows:

Section 608.18. Protection of individual water supplies. An individual water supply shall be located and constructed so as to be safeguarded against contamination in accordance with applicable local regulations. In the absence of other local regulations, installation shall be in accordance with sections 608.18.1 through 608.18.8.

- (cc) Section 610.1 of the International Plumbing Code, 2024 edition, is hereby amended by adding an exception to read as follows:

Section 610.1. General.

Exception: With prior approval, the code official may waive this requirement when deemed unnecessary.

- (dd) Section 704.5 of the International Plumbing Code, 2024 edition, is hereby added to read as follows:

Section 704.5. Single stack fittings. Single stack fittings with internal baffle, PVC schedule 40 or cast-iron single stack shall be designed by a registered engineer and comply to a national recognized standard.

- (ee) Section 705.10.2 of the International Plumbing Code, 2024 edition, is hereby amended by deleting the exceptions as follows:

Section 705.10.2. Solvent cementing.

Exceptions: Deleted

- (ff) Section 712.4.3 of the International Plumbing Code, 2024 edition, is hereby added to read as follows:

Section 712.4.3. Dual pump system. All sumps shall be automatically discharged and, when in any “public use” occupancy where the sump serves more than 10 fixture units, shall be provided with dual pumps or ejectors arranged to function independently in case of overload or mechanical failure. For storm drainage sumps and pumping systems, see section 1113.

- (gg) Section 713 of the International Plumbing Code, 2024 edition, is hereby amended to read as follows:

**Section 713.
ENGINEERED DRAINAGE DESIGN**

- (hh) Section 713.1 of the International Plumbing Code, 2024 edition, is hereby amended to read as follows:

Section 713.1 Design of drainage system. The sizing, design and layout of the drainage system shall be designed by a registered engineer using *approved* design methods.

- (ii) Section 803.3 of the International Plumbing Code, 2024 edition, is hereby added to read as follows:

Section 803.3. Special waste pipe, fittings, and components. Pipes, fittings, and components receiving or intended to receive the discharge of any fixture into which acid or corrosive chemicals are placed shall be constructed of CPVC, high silicone iron, PP, PVDF, chemical resistant glass, or glazed ceramic materials.

- (jj) Section 903.1.1 of the International Plumbing Code, 2024 edition, is hereby amended to read as follows:

Section 903.1.1. Roof extension unprotected. Open vent pipes that extend through a roof shall be terminated at least six inches (6”) (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 be run at least 7 feet (7’) (2134 mm) above the roof.

- (kk) Section 918.3 of the International Plumbing Code, 2024 edition, is hereby amended to read as follows:

Section 918.3 Where permitted. This section shall only be used with pre-approval from the building official. A request, in writing, must be submitted with the permit application listing all reasons why open air venting cannot

be utilized. If approved by the building official ... *{remainder of section unchanged}*.

- (II) Section 1002.10 of the International Plumbing Code, 2024 edition, is hereby deleted as follows:

Section 1002.10. Plumbing in mental health centers. Deleted.

- (mm) Sections 1003.3.5, 1003.3.5.1, 1003.3.5.2, 1003.3.6, 1003.3.7, and 1003.3.8 of the International Plumbing Code, 2024 edition, are hereby deleted and replaced with a new Section 1003.3.5 to read as follows:

Section 1003.3.5. Sizing and location of traps and interceptors. When in the determination of the building official a device is needed, the following sizing, definitions, and locations shall apply.

Both interceptor and trap location must be approved and located outside the building. A design must be submitted at time of permit application.

For this section, the following definitions shall apply:

Grease interceptor- An interceptor of at least 750 gallons.

Grease trap- A device designed to retain grease from one (1) to a maximum of six (6) fixtures. If automatic dishwasher is used, fixture count is limited to a maximum of four (4) fixtures.

Single serve kitchen- A kitchen where the meals are served on disposable plates and utensils.

GREASE TRAPS:

If your system is within the definition for a grease trap, use the following sizing formula:

Total gallons per minute x .40 x 12 = Grease trap capacity in gallons.

Fixture	Fixture Abbreviation	Gallons per minute
Three compartment sink	3CP	15
Handwash sink	HWS	7.5
Mop sink	MS	22.5
Floor drain	FD	15
Prep sink	PS	7.5
Soaking sink	SS	7.5
Dishwasher	DW	22.5

GREASE INTERCEPTORS:

If your system does not fall under the definition of grease trap, the following formula must be used:

Sizing Formula

Number of meals Waste Flow Retention Storage Interceptor
Per peak hour x rate x time x factor = gallon capacity

Meals served at peak hour *
Waste flow rate

- (a) With dishwashing machine 6 gal.
- (b) Without dishwashing machine 5 gal.
- (c) Single serve kitchen 2 gal.

Retention time

- (a) Commercial kitchen waste
 - Dishwasher----- 2.5 hours
- (b) Single serve kitchen 1.5 hours

Storage factor for fully equipped commercial kitchen - hours of operation

- 8 hours - 1
- 16 hours - 2
- 24 hours - 3
- Single serve kitchen - 1.5

*- Meals served at peak hour may be obtained by the total number of fixed seats multiplied by 60 and divided by the estimated time a patron takes to eat. A restaurant which moves people quickly may have a seating time from 30 minutes to 45 minutes. Another may be from 90 minutes to 120 minutes. Where establishments have no fixed seating, the occupant load in the dining area must be used. For buildings with drive-through windows, an additional 60 occupants or seats must be added to peak meals per hour.

- (nn) Section 1101.8 of the International Plumbing Code, 2024 edition, is hereby amended to read as follows:

Section 1101.8. Cleanouts required. Cleanouts or manholes shall be installed in the building storm drainage system and shall comply with the provisions of this code for sanitary drainage pipe cleanouts.

- (oo) Section 1106.1 of the International Plumbing Code, 2021 edition, is hereby amended to read as follows:

Section 1106.1. General. The size of the vertical conductors and leaders, building storm drains, building storm sewers, and any horizontal branches of such drains or sewers shall be based on six (6) inches per hour rainfall rate.

- (pp) Section 1108.3 of the International Plumbing Code, 2024 edition, is hereby amended to read as follows:

Section 1108.3. Sizing of secondary drains. Secondary (emergency) roof drain systems shall be sized in accordance with section 1106. Scuppers shall be sized to prevent the depth of ponding water from exceeding that for which the roof was designed as determined by Section 1101.7. Scuppers shall not have an opening dimension of less than four (4) inches (102mm). The flow through the primary system shall not be considered when sizing the secondary roof drain system.

- (qq) Section 1202.1 of the International Plumbing Code, 2024 edition, is hereby amended by deleting the exceptions as follows:

Section 1202.1. Nonflammable medical gas. Exceptions 1 and 2. Deleted.

- (rr) Section 102.2 of the International Fuel Gas Code, 2024 edition, is hereby amended by adding an exception to read as follows:

Exception: Existing dwelling units shall comply with Section 621.2.

- (ss) Section 102.8 of the International Fuel Gas Code, 2024 edition, is hereby amended to read as follows:

Section 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 part of the requirements of this code to the prescribed extent of each such reference. Where differences occur between provisions of this code and the referenced standards, the provisions of this code shall apply. 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 National Electrical Code shall mean the electrical code as adopted.

- (tt) Section 306.3 of the International Fuel Gas Code, 2024 edition, is hereby amended to read as follows:

Section 306.3. Appliances in attics. {existing text remains unchanged}. 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 is capable of being serviced and removed through the required opening with the approval of the code official.
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.

- (uu) Section 306.5 of the International Fuel Gas Code, 2024 edition, is hereby amended, in part, by changing the first paragraph to read as follows:

Section 306.5. Equipment and appliances on roofs or elevated structures. Where equipment requiring access or appliances are installed on roofs or elevated structures at an aggregate height exceeding sixteen (16) feet (4,877 mm), such access shall be provided by a permanent interior or exterior approved means of access. Permanent exterior ladders providing roof access need not extend closer than twelve (12) feet (2,438 mm) to the finish grade or floor level below and shall extend to the equipment and appliance's level service space. Such access shall . . . *{bulk of section to read the same}*. . . on roofs having a slope greater than 4 units vertical in 12 units horizontal (33-percent slope). *{Remainder of section remains unchanged.}*

- (vv) Section 306.5.1 of the International Fuel Gas Code, 2024 edition, is hereby amended to read as follows:

Section 306.5.1. Sloped roofs. Where appliances, equipment, fans or other components that require service are installed on a roof having a slope of 3 units vertical in 12 units horizontal (25-percent slope) or greater and having an edge more than 30 inches (762 mm) above grade at such edge, a catwalk at least 16 inches in width with substantial cleats spaced not more than 16 inches apart shall be provided from the roof access to a level platform at the appliance. The level platform shall be provided on each side of the appliance to which access is required for service, repair or maintenance. The platform shall be not less than 30 inches (762 mm) in any dimension and shall be provided with guards. The guards shall extend not less than 42 inches (1067 mm) above the platform, shall be constructed so as to prevent the passage of a 21-inch-diameter (533 mm) sphere and shall comply with the loading requirements for guards specified in the *International Building Code*.

- (ww) Section 306.7 of the International Fuel Gas Code, 2024 edition, is hereby added to read as follows:

Section 306.7. Water heaters above ground or floor. When the attic, roof, mezzanine, or platform in which a water heater is installed is more than eight (8) feet (2,438 mm) above the ground or floor level, it shall be made accessible by a stairway or permanent ladder fastened to the building.

Exception: A max 10 gallon water heater (or larger with approval) that is installed not more than ten (10) feet (3,048 mm) above the ground or floor level, may be accessible with a portable ladder.

Whenever the mezzanine or platform is not adequately lighted or access to a receptacle outlet is not obtainable from the main level, lighting and a receptacle outlet shall be provided in accordance with section 306.3.1.

- (xx) Section 401.5 of the International Fuel Gas Code, 2024 edition, is hereby amended by adding a second paragraph to read as follows:

Section 401.5. Identification. {Existing paragraph remains unchanged.}

Both ends of each section of medium pressure corrugated stainless steel tubing (CSST) shall identify its operating gas pressure with an approved tag. The tags are to be composed of aluminum or stainless steel, and the following wording shall be stamped into the tag:

"WARNING
1/2 to 5 psi gas pressure
Do Not Remove"

- (yy) Section 402.3 of the International Fuel Gas Code, 2024 edition, is hereby amended by adding an exception to read as follows:

Section 402.3. Sizing. Exception: Corrugated stainless steel tubing (CSST) shall be a minimum of ½ inch (18EHD).

- (zz) Section 404.12 of the International Fuel Gas Code, 2024 edition, is hereby amended to read as follows:

Section 404.12. Minimum burial depth. Underground piping systems shall be installed a minimum depth of 18 inches (18") (458 mm) below grade to the top of the pipe.

- (aaa) Section 404.12.1. of the International Fuel Gas Code, 2024 edition, is hereby amended to read as follows:

Section 404.12.1. Individual outdoor appliances. Deleted.

- (bbb) Section 406.1 of the International Fuel Gas Code, 2024 edition, is hereby amended to read as follows:

Section 406.1. General. Prior to acceptance and initial operation, all piping installations shall be inspected and pressure tested to determine that the materials, design, fabrication, and installation practices comply with the requirements of this code. The permit holder shall make the applicable tests prescribed in sections 406.1.1 through 406.1.5 to determine compliance with the provisions of this code. The permit holder shall give reasonable advance notice to the code official when the piping system is ready for testing. The equipment, material, power, and labor necessary for the inspections and test shall be furnished by the permit holder, and the permit holder shall be responsible for determining that the work will withstand the test pressure prescribed in the following tests.

- (ccc) Section 406.4 of the International Fuel Gas Code, 2024 edition, is hereby amended to read as follows:

Section 406.4. Test pressure measurement. Test pressure shall be measured with a monometer or with a pressure-measuring device designed and calibrated to read, record, or indicate a pressure loss caused by leakage during the pressure test period. The source of pressure shall be isolated before the pressure tests are made. Mechanical gauges used to measure test pressures shall have a range such that the highest end of the scale is not greater than five times the test pressure. Spring type gauges do not meet the requirement of a calibrated gauge.

- (ddd) Section 406.4.1 of the International Fuel Gas Code, 2024 edition, is hereby amended to read as follows:

Section 406.4.1. Test pressure. The test pressure to be used shall be no less than 3 psig (20 kPa gauge), or at the discretion of the Code Official, the piping and valves may be tested at a pressure of at least six (6) inches (152 mm) of mercury, measured with a manometer or slope gauge. For tests requiring a pressure of 3 psig, diaphragm gauges shall utilize a dial with a minimum diameter of three and one half (3 ½) inches, a set hand, 1/10 pound incrementation and pressure range not to exceed 6 psi for tests requiring a pressure of three (3) psig. For tests requiring a pressure of 10 psig, diaphragm gauges shall utilize a dial with a minimum diameter of three and one-half (3 ½) inches, a set hand, a minimum of 2/10 pound incrementation and a pressure range not to exceed twenty (20) psi. For welded piping, and for piping carrying gas at pressures in excess of fourteen (14) inches water column pressure (3.48 kPa) (1/2 psi) and less than 200 inches of water column pressure (52.2 kPa) (7.5 psi), the test pressure shall not be less than ten (10) pounds per square inch (69.6 kPa). For piping carrying gas at a pressure that exceeds 200 inches of water column (52.2 kPa) (7.5 psi), the test pressure shall be not less than one and one-half

times the proposed maximum working pressure. Diaphragm gauges used for testing must display a current calibration and be in good working condition. The appropriate test must be applied to the diaphragm gauge used for testing.

- (eee) Section 406.4.2 of the *International Fuel Gas Code*, 2024 edition, is hereby amended to read as follows:

Section 406.4.2. Test duration. Test duration shall be held for a length of time satisfactory to the building official, but in no case for less than fifteen (15) minutes. For welded piping, and for piping carrying gas at pressures in excess of fourteen (14) inches of water column pressure (3.48 kPa), the test duration shall be held for a length of time satisfactory to the building official, but in no case for less than thirty (30) minutes.

- (fff) Section 409.1.4 of the *International Fuel Gas Code*, 2024 edition, is hereby added to read as follows:

Section 409.1.4. Valves in CSST installations. Shutoff valves installed with corrugated stainless steel (CSST) piping systems shall be supported with an approved termination fitting, or equivalent support, suitable for the size of the valves, of adequate strength and quality, and located at intervals so as to prevent or damp out excessive vibration, but in no case greater than twelve (12) inches from the center of the valve. Supports shall be installed so as not to interfere with the free expansion and contraction of the system's piping, fittings, and valves between anchors. All valves and supports shall be designed and installed so they will not be disengaged by movement of the supporting piping.

- (ggg) Section 410.1 of the *International Fuel Gas Code*, 2024 edition, is hereby amended by adding a second paragraph and exception to read as follows:

Section 410.1. Pressure regulators. {Existing paragraph remains unchanged.}

Access to regulators shall comply with the requirements for access to appliances as specified in section 306.

Exception: A passageway or level service space is not required when the regulator is capable of being serviced and removed through the required attic opening.

- (ggg) Section 621.2 of the *International Fuel Gas Code*, 2024 edition, is hereby amended by adding an exception to read as follows:

Section 621.2. Prohibited use.

Exception: Existing approved unvented heaters may continue to be

used in dwelling units, in accordance with the code provisions in effect when installed, when approved by the code official, unless an unsafe condition is determined to exist as described in Section 108.7.

EXHIBIT C

Local Amendments to the 2024 edition of the International Mechanical Code.

The 2024 edition of the *International Mechanical Code* is hereby amended by amending only the enumerated sections and provisions, as follows, and all sections and provisions not expressly amended or deleted shall remain in full force and effect:

- (a) Section 101.1 of the *International Mechanical Code*, 2024 edition, is hereby amended to read as follows:

Section 101.1. Title. These regulations shall be known as the mechanical code of the Town, hereinafter referred to as “this code.”

- (b) Section 101.5 of the *International Mechanical Code*, 2024 edition, is hereby added to read as follows:

Section 101.5. License and registration required. It shall be unlawful for any person, firm, or corporation to make or perform any installation, alteration, repair, replacement, or remodel of any mechanical system regulated by this code without having registered a valid Texas Mechanical License, or other applicable license, with the town. Said registration shall become null and void one year from the date of registration with the Town. If appropriate, a fee for registration shall be assessed in accordance with the provisions of Appendix A of the Code of Ordinances of the Town of Flower Mound, Texas.

Exception: Any residential property owner who, at his legal residence, desires to personally make or perform any installation, alteration, repair, replacement, or remodel of any mechanical system regulated by this code shall be exempt from paying a registration fee. For this section, *legal residence* shall be defined as property for which a property owner shows proof of a homestead exemption.

Any contractor registration regulated by this code may be placed on hold or suspended by the building official preventing any additional permits being issued if it is determined by the building official that corrective action is needed for compliance with the requirements of Chapter 18, Article II, Section 18-32, of the Code of Ordinances of the Town of Flower Mound. If any contractor registration regulated by this code is suspended, the procedures outlined in Chapter 18, Article II, of the Code of Ordinances of the Town of Flower Mound shall apply. Any registration placed on hold more than three times in a calendar year may be subject to suspension by the building official.

- (c) Section 102.8 of the *International Mechanical Code*, 2024 edition, is hereby amended to read as follows:

Section 102.8. Referenced codes and standards. The codes and standards referenced in this code shall be those that are listed in chapter 15, 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. Where differences occur between provisions of this code and the referenced standards, the provisions of this code shall apply. 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.

- (d) Section 106.1 of the *International Mechanical Code*, 2024 edition, is hereby amended by adding a paragraph to read as follows:

Section 106.1. Where required. {Existing paragraph remains unchanged}. All permit applications for work required to be permitted by this code shall be submitted by a mechanical contractor licensed by the Texas Department of Licensing and Regulations and registered with the Town.

Exception: A registered general contractor may submit a building permit application as required by the *International Building Code* that includes mechanical work, as long as a licensed and registered mechanical contractor is named on said permit.

- (e) Section 106.4.3 of the *International Mechanical Code*, 2024 edition, is hereby amended to read as follows:

Section 106.4.3. Expiration. Every permit issued shall become invalid unless the work on the site authorized by such permit is commenced within 180 days after its issuance. Similarly, every permit issued shall become invalid if the work authorized on the site by such permit is suspended or abandoned at any time after the work has commenced for a period of 180 days. For this section, *suspended or abandoned* will be defined as an elapsed time between any two approved required inspections. Once a permit becomes invalid and before such building or work can be recommenced, a new permit shall first be obtained to do so, and the fee therefor shall be one-half the amount required for a new permit for such building or work, provided no changes have been made or will be made in the original plans and specifications for such building or work, and provided further that such suspension or abandonment has not exceeded one year. In order to renew action on a permit after expiration of more than one year, the permittee shall submit a new application and pay a new full permit fee.

- (f) Section 114 of the *International Mechanical Code*, 2024 edition, is hereby amended by deleting such section in its entirety and replacing it with the following provision, to read as follows:

Section 114. Application for appeal. Any person shall have the right to appeal a decision of the building official to the board of appeals established by ordinance.

- (g) Section 202 of the *International Mechanical Code*, 2024 edition, is hereby amended by adding definitions to read as follows.:

Section 202 General Definitions

Effective Dispersal Volume Charge (EDVC). The maximum refrigerant charge permitted for an effective dispersal volume.

Refrigerant Detection System - The product safety standard addresses both refrigerant detection systems and leak detection systems. In the product safety standard, a leak detection system is defined as “a sensing system which responds to refrigerant leaking from a refrigerating system.” A leak detection system may include gas sensing, ultrasonic, or other such methods that meet the standards UL 60335-2-40/CSA C22.2 No. 60335-2-40 or UL 60335-2-89/CSA C22.2 No. 60335-2-89. [ASHRAE 15-2022: 3.1]

Refrigerant Detector - “Refrigerant sensor” is another term for refrigerant detector. A refrigerant sensor is a sensing element combined with electronic circuitry that provides a digital output or an analog signal output that corresponds to the sensed refrigerant gas concentration. [ASHRAE 15-2022: 3.1]

- (h) Section 306.3 of the *International Mechanical Code*, 2024 edition, is hereby amended to read as follows:

Section 306.3. Appliances in attics. {existing text remains unchanged}. 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 is capable of being serviced and removed through the required opening with the approval of the code official.

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.

- (i) Section 306.5 of the *International Mechanical Code*, 2024 edition, is hereby amended to read as follows:

Section 306.5. Equipment and appliances on roofs or elevated structures. Where equipment requiring access or appliances are located on an elevated structure or the roof of a building such that personnel will have to climb higher than 16 feet (4877 mm) above grade to access, a permanent interior or exterior means of access shall be provided. Permanent exterior ladders providing roof access need not extend closer than 12 feet (2438 mm) to the finish grade or floor level below and shall extend to the equipment and appliances' level service space. Such access shall{*Remainder unchanged.*}

- (j) Section 306.5.1 of the *International Mechanical Code*, 2024 edition, is hereby amended to read as follows:

Section 306.5.1. Sloped roofs. Where appliances, equipment, fans or other components that require service are installed on a roof having a slope of 3 units vertical in 12 units horizontal (25-percent slope) or greater and having an edge more than 30 inches (762 mm) above grade at such edge, a catwalk at least 16 inches in width with substantial cleats spaced not more than 16 inches apart shall be provided from the roof access to a level platform at the appliance. The level platform shall be provided on each side of the appliance to which access is required for service, repair or maintenance. The platform shall be not less than 30 inches (762 mm) in any dimension and shall be provided with guards. The guards shall extend not less than 42 inches (1067 mm) above the platform, shall be constructed so as to prevent the passage of a 21-inch-diameter (533 mm) sphere and shall comply with the loading requirements for guards specified in the *International Building Code*.

- (k) Section 306.6 of the *International Mechanical Code*, 2024 edition, is hereby added to read as follows:

Section 306.6. Water heaters above ground or floor. When the attic, roof, mezzanine, or platform in which a water heater is installed is more than eight (8) feet (2,438 mm) above the ground or floor level, it shall be made accessible by a stairway or permanent ladder fastened to the building.

Exception: A maximum 10-gallon water heater (or larger with approval) may be accessed through a lay-in ceiling when the water heater is installed not more than 10 feet (3,048 mm) above the ground or floor level and may be reached with a portable ladder.

Whenever the mezzanine or platform is not adequately lighted or access to a receptacle outlet is not obtainable from the main level, lighting and a receptacle outlet shall be provided in accordance with section 306.3.1.

- (l) Section 307.2.3 of the *International Mechanical Code*, 2024 edition, is hereby amended by changing item #2 to read as follows:

2. A separate overflow drain line shall be connected to the drain pan provided with the equipment. Such overflow drain shall discharge to a conspicuous point of disposal to alert occupants in the event of a stoppage of the primary drain. The overflow drain line shall connect to the drain pan at a higher level than the primary drain connection. However, the conspicuous point shall not create a hazard, such as dripping over a walking surface or other areas so as to create a nuisance.

- (m) Section 403.2.1 of the *International Mechanical Code*, 2024 edition, is hereby amended by adding a new item #5, to read as follows:

5. Toilet rooms within private dwellings that contain only a water closet, lavatory, or combination thereof may be ventilated with an approved mechanical recirculating fan or similar device designed to remove odors from the air.

- (n) Section 501.3 of the *International Mechanical Code*, 2024 edition, is hereby amended by adding a fourth exception to read as follows:

4. Toilet room exhaust ducts may terminate in a warehouse or shop area when infiltration of outside air is present.

- (o) Section 607.5.1 of the *International Mechanical Code*, 2024 edition, is hereby amended to read as follows:

Section 607.5.1. Fire walls. Ducts and air transfer openings permitted in fire walls in accordance with section 706.11 of the *International Building Code* shall be protected with listed fire dampers installed in accordance with their listing. For hazardous exhaust systems, see Sections 510.1 through 510.9.

- (p) Section 1104.2 of the *International Mechanical Code*, 2024 edition, is hereby amended by adding an exception to read as follows:

Section 1104.2 Machinery room. {existing text remains unchanged}

Exception:

1. {existing text remains unchanged}
2. {existing text remains unchanged}
3. Machinery Rooms are not required when in compliance with ASHRAE 15 Section 7.4.

- (q) Section 1104.3.1.1 of the *International Mechanical Code*, 2024 edition, is hereby added to read as follows:

Section 1104.3.1.1 Group A2L High-Probability Systems. High-probability systems using Group A2L refrigerants shall comply with ASHRAE 15 section 7.6.

- (r) Section 1109.2.5 of the *International Mechanical Code*, 2024 edition, is hereby amended by amending exception #2 to read as follows:

Section 1109.2.5 Refrigerant pipe shafts. {existing text remains unchanged}

Exceptions:

1. {existing text remains unchanged}
2. Piping in a direct refrigeration system where the refrigerant quantity does not exceed the limits of Table 1103.1 for the smallest occupied space through which the piping passes.
3. {existing text remains unchanged}

EXHIBIT D

Local Amendments to the 2023 edition of the National Electrical Code.

The following amendments shall supersede all requirements of the 2023 edition of the *National Electrical Code*. Where an amendment is not clear or is silent regarding a certain requirement, the requirements of the 2023 edition of the *National Electrical Code* must be met.

(a) **Disconnection.**

The electrical service provider must disconnect the electrical service to any building or premises, except private residences and duplex apartments, each time such building or premises changes ownership, is leased, or changes occupancy, and it shall not again supply electricity to such building or premises until authorized to do so by the Building Official. The owners or the new occupants of such buildings or premises must make application to the Building Official for an inspection.

(b) **Connection to electricity without Building Official approval.**

It is unlawful for any person, including the electrical service provider, to connect to a supply of electricity or to supply electricity to any electrical equipment that requires a permit for its installation, or which has been disconnected or ordered to be disconnected by the Building Official, or, except for private residences, which has been disconnected for any reason whatsoever, until such connection has been authorized by the Building Official.

(c) Article 100 of the *National Electrical Code*, 2023 edition, is hereby amended by adding the definition, "Engineering Supervision" and amending the definition "Intersystem Bonding Termination" to read as follows:

Engineering Supervision. Supervision by a Qualified State of Texas Licensed Professional Engineer engaged primarily in the design or maintenance of electrical installations as referenced by TBPELS 137.59 (a)(b) as acceptable by the AHJ.

Intersystem Bonding Termination. A device that provides a means for connecting bonding conductors for communication systems and other systems such as metallic gas piping systems to the grounding electrode system.

- (d) Article 110.2 of the *National Electrical Code*, 2023 edition, is hereby amended by deleting said provision and replacing it with a new Article 110.2 to read as follows:

Article 110.2. Approval. The conductors and equipment required or permitted by this Code shall be acceptable only if approved. Approval of equipment may be evident by listing and labeling of equipment by a Nationally Recognized Testing Lab (NRTL) with a certification mark of that laboratory or a qualified third party inspection agency or a field evaluation by a Field Evaluation Body accredited by either the International Code Council International Accreditation Service AC354 or ANSI National Accreditation Board programs and approved by the AHJ.

Exception: Unlisted equipment that is relocated to another location within a jurisdiction or is field modified is subject to the approval by the AHJ. This approval may be by a field evaluation by a NRTL or qualified third-party inspection agency or a field evaluation by a Field Evaluation Body accredited by either the International Code Council International Accreditation Service AC354 or ANSI National Accreditation Board programs and approved by the AHJ.

Informational Note No. 1: See 90.7, Examination of Equipment for Safety, and 110.3, Examination, Identification, Installation, and Use of Equipment. See definitions of Approved, Identified, Labeled, and Listed.

Informational Note No. 2: Manufacturer's self-certification of equipment may not necessarily comply with U.S. product safety standards as certified by an NRTL.

Informational Note No. 3: National Fire Protection Association (NFPA) 790 and 791 provide an example of an approved method for qualifying a third-party inspection agency.

- (e) Article 110.12(B) of the National Electrical Code, 2023 edition, is hereby amended to read as follows:

(B) Integrity of Electrical Equipment and Connections. Internal parts of electrical equipment, including busbars, wiring terminals, insulators, and other surfaces, shall not be damaged or contaminated by foreign materials such as paint, plaster, cleaners, abrasives, corrosive residues or influences, fire, products of combustion, or water. There shall be no damaged parts that may adversely affect safe operation or mechanical strength of the equipment such as parts that are broken; bent, cut; or deteriorated by corrosion, chemical action, or overheating. Except where prohibited elsewhere in this Code, equipment shall be specifically evaluated by its manufacturer or a qualified testing laboratory prior to being returned to service.

- (f) Article 210.52(C)(1) of the *National Electrical Code*, 2023 edition, is hereby amended by deleting exception number 2 to read as follows:

(1) Wall Spaces. {existing text remains unchanged}

Exception No. 1: {existing text remains unchanged}

Exception No. 2: Deleted

- (g) Article 210.52(C)(2) of the *National Electrical Code*, 2023 edition, is hereby amended to read as follows:

(2) Island and Peninsular Countertops and Work Surfaces. Receptacle outlets, if installed to serve an island or peninsular countertop or work surface, shall be installed in accordance with 210.52(C)(3). If a receptacle outlet is not provided to serve an island or peninsular countertop or work surface, a chapter 3 wiring method shall be installed and supplied from a small appliance branch circuit to a listed outlet box in

the peninsular or island cabinet at an accessible location, for future addition of a receptacle outlet to serve the island or peninsular countertop or work surface.

- (h) Article 210.52(G)(1) of the *National Electrical Code*, 2023 edition, is hereby amended to read as follows:

(1) Garages. In each attached garage and in each detached garage with electric power. At least one receptacle outlet must be installed for each car space.

- (i) Article 408.4 (A) of the *National Electrical Code*, 2023 edition, is hereby amended to read as follows:

(A) Circuit Directory or Circuit Identification. Every circuit and circuit modification shall be legibly identified as to its clear, evident, and specific purpose or use. The identification shall include an approved degree of detail that allows each circuit to be distinguished from all others. Spare positions that contain unused overcurrent devices or switches shall be described accordingly. The identification shall be included in a circuit directory that is permanently affixed and is located on the face or inside of, or in an approved location adjacent to the panel door in the case of a panelboard and at each switch or circuit breaker in a switchboard or switchgear. No circuit shall be described in a manner that depends on transient conditions of occupancy.

- (j) Article 410.118 of the *National Electrical Code*, 2023 edition, is hereby amended by adding a new exception at the end of this provision to read as follows:

Exception: Removable luminaires with a minimum measurement of 22 inches X 22 inches shall be permitted to be used as access to outlet, pull, junction boxes or conduit bodies.

- (k) Article 422.31 (B) of the *National Electrical Code*, 2023 edition, is hereby amended to read as follows:

(B) Appliances Rated over 300 Volt-Amperes. For permanently connected appliances rated over 300 volt-

amperes, the branch-circuit switch or circuit breaker shall be permitted to serve as the disconnecting means where the switch or circuit breaker is within sight from and is readily accessible to the appliance it serves or is capable of being locked in the open position in accordance with 110.25 and is readily accessible to the appliance it serves.

Informational Note No. 1: For appliances employing unit switches, see 422.34.

Informational Note No 2: The following means of access are considered to constitute readily accessible for this code change when conforming to the additional access requirements of the International Code Council Codes:

- (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.

- (l) Article 500.8(A)(3) of the *National Electrical Code*, 2023 edition, is hereby amended to read as follows:

(A) Suitability. Suitability of identified equipment shall be determined by one of the following:

- (3) Evidence acceptable to the authority having jurisdiction such as a manufacturer's self-evaluation or an engineering judgment signed and sealed by a qualified State of Texas Licensed Professional Engineer engaged primarily in the design or maintenance of electrical installations as referenced by TBPELS 137.59 (a)(b) as acceptable by the AHJ.

- (m) Article 505.7(A) of the *National Electrical Code*, 2023 edition, is hereby amended to read as follows:

(A) Implementation of Zone Classification System. Classification of areas, engineering and design, selection of equipment and wiring methods, installation, and inspection shall be performed by a Qualified State of Texas Licensed Professional Engineer engaged primarily in the design or

maintenance of electrical installations as referenced by TBPELS 137.59 (a)(b) as acceptable by the AHJ.

- (n) Article 695.6 (A) (1) of the *National Electrical Code*, 2023 edition, is hereby amended by deleting the exception at the end of this provision to read as follows:

Exception: Deleted.

EXHIBIT E

Local Amendments to the 2024 edition of the International Swimming Pool and Spa Code

The 2024 edition of the *International Swimming Pool and Spa Code* is hereby amended by amending only the enumerated sections and provisions, as follows, and all sections and provisions not expressly amended or deleted shall remain in full force and effect.

- (a) Section 101.1 of the *International Swimming Pool and Spa Code*, 2024 edition, is hereby amended to read as follows:

Section 101.1. Title. These regulations shall be known as the *Swimming Pool and Spa Code* of the Town of Flower Mound and shall be cited as such and will be referred to herein as “this code.”

- (b) Section 102.9 of the *International Swimming Pool and Spa Code*, 2024 edition, is hereby amended to read as follows:

Section 102.9. Other laws. The provisions of this code shall not be deemed to nullify any provisions of local, state or federal law, to include but not limited to;

1. Texas Department of State Health Services (TDSHS); Public Swimming Pools and Spas; Chapter 265, (TDSHS rules do not apply to pools serving one- and two-family dwellings or townhouses).
2. Texas Department of Licensing and Regulation (TDLR); 2012 Texas Accessibility Standards (TAS), TAS provide the scoping and technical requirements for accessibility for Swimming Pool, wading pools and spas and shall comply with 2012 TAS, Section 242. (TAS rules do not apply to pools serving one- and two-family dwellings or townhouses).

Exception: Elements regulated under Texas Department of Licensing and Regulation (TDLR) and built in accordance with TDLR approved plans, including any variances or waivers granted by the TDLR, shall be deemed in compliance with the requirements of this Chapter.

- (c) Section 103.1 of the *International Swimming Pool and Spa Code*, 2024 edition, is hereby amended to read as follows:

Section 103.1. Creation of agency. The Building and Inspections Department is hereby created and the official in charge thereof shall be known as the *code official*.

- (d) Section 105.1 of the *International Swimming Pool and Spa Code*, 2024 edition, is hereby amended to read as follows:

Section 105.1. Required. Any owner, contractor, or authorized agent who intends to construct, enlarge, alter, repair, move, or demolish a pool or spa or to erect, install, enlarge, alter, repair, remove, convert, or replace any system, the installation of which is regulated by this code, or causes any such work to be performed, shall first make application to the *code official* and obtain the required *permits*.

It shall be the responsibility of any person, firm, or corporation, upon submittal of an application for a building permit for work regulated by this code, to register as a contractor with the town. Said registration shall become null and void one year from the date of registration with the Town. An appropriate fee for registration shall be assessed in accordance with the provisions of Appendix A of the Code of Ordinances of the Town of Flower Mound.

Exception: Any residential property owner who, at his legal residence, desires to personally make or perform any installation, alteration, repair, replacement, or remodel regulated by this code shall be exempt from paying a registration fee. For this section, *legal residence* shall be defined as property for which a property owner shows proof of a homestead exemption.

Any contractor registration regulated by this code may be placed on hold or suspended by the *code official*, preventing any additional permits being issued, if it is determined by the *code official* that corrective action is needed for compliance with the requirements of Section 18-32 of the Code of Ordinances of the Town of Flower Mound. If any contractor registration regulated by this code is suspended, the procedures outlined in Chapter 18, Article II, of the Code of Ordinances of the Town of Flower Mound shall apply. Any registration placed on hold more than three times in a calendar year may be subject to suspension by the *code official*.

- (e) Section R105.2 of the *International Swimming Pool and Spa Code*, 2024 edition, is hereby amended to read as follows:

Section R105.2. Application for permit. Each application for a permit shall be filed with the code official on an electronic application form furnished for that purpose and shall contain a general description of the proposed work and its location. The permit application shall contain such other information required by the code official.

- (f) Section 105.3 of the *International Swimming Pool and Spa Code*, 2024 edition, is hereby amended to read as follows:

Section 105.3. Time limitation of application. An application for a *permit* for any proposed work shall be deemed to have been abandoned 45 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* is authorized to grant one or more extensions of time for additional periods not exceeding 45 days each. The extension shall be requested in writing and justifiable cause demonstrated.

- (g) Section 105.4.3 of the *International Swimming Pool and Spa Code*, 2024 edition, is hereby amended to read as follows:

Section 105.4.3. Expiration. Every swimming pool permit issued by the *code official* under the provisions of this code shall expire by limitation and becomes null and void if the building or work authorized by such permit has not received final inspection approval within 180 days of the issuance of the permit. In the event of the expiration of the permit, no work or inspections shall be performed until a new permit shall be first obtained to do so, and the fee therefor shall be equal to the original fee.

- (h) Section 105.4.4 of the *International Swimming Pool and Spa Code*, 2024 edition, is hereby amended to read as follows:

Section 105.4.4. Extensions. Any permittee holding an unexpired permit may apply for an extension of the time within which work may commence under that permit when the permittee is unable to commence work within the time required by this section for good and satisfactory reasons. The *code official* may extend the time for action by the permittee for a period not exceeding 30 days on written request by the permittee showing that circumstances beyond the control of the permittee have prevented action from being taken.

- (i) Section 107.1 of the *International Swimming Pool and Spa Code*, 2024 edition, is hereby amended to read as follows:

Section 107.1. Construction documents. Construction documents, engineering calculations, diagrams, and other such data shall be submitted electronically. {remaining text unchanged}.

- (j) Section 109.6 of the *International Swimming Pool and Spa Code*, 2024 edition, is hereby deleted in its entirety to read as follows:

Section 109.6. Fee Refunds. Deleted

- (k) Section 112 of the *International Swimming Pool and Spa Code*, 2024 edition, is hereby deleted in its entirety and replaced to read as follows:

Section 112.1 General. Appeals of orders, decisions, or determinations made by the *code official* relative to the application and interpretation of this code, shall be done in compliance with Chapter 78, Article II, Division 3. Board of Adjustment of the Town's code of ordinances. The members of the town board of adjustment are hereby appointed as the board of appeals as provided by the *International Swimming Pool and Spa Code*, 2024 edition, and any changes in membership of the board of adjustment shall likewise be reflected in the membership of said board of appeals.

- (l) Section 113.3 of the *International Swimming Pool and Spa Code*, 2024 edition, is hereby deleted in its entirety to read as follows:

Section 113.3. Prosecution of violation. Deleted

- (m) Section 113.4 of the *International Swimming Pool and Spa Code*, 2024 edition, is hereby amended to read as follows:

Section 113.4. 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 a pool or spa 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 may be punishable for each day of the violation set forth by the authority having jurisdiction.

- (n) Section 202 of the *International Swimming Pool and Spa Code*, 2024 edition, is hereby amended by amending the definition of "pool", which shall be inserted into the list of definitions to replace the amended definition in alphabetical order:

Section 202. Definitions. {Text of existing definitions save and except to the extent specifically amended hereby remains unchanged.}

POOL. Any structure intended for swimming or recreational bathing that contains water more than 24 inches (610 mm) deep. This includes in-ground, above-ground and on-ground swimming pools, hot tubs and spas. See "Public swimming pool" and "Residential swimming pool."

- (o) Section 302.6 of the *International Swimming Pool and Spa Code*, 2024 edition, is hereby amended to read as follows:

Section 302.6. Wastewater discharge. Where wastewater from pools or spas, such as backwash water from filters discharge to a building drainage system, the connection shall be through an air gap in accordance with the

International Plumbing Code or the International Residential Code as applicable in accordance with Section 102.7.1.

- (p) Section 303 of the *International Swimming Pool and Spa Code*, 2024 edition, is hereby deleted in its entirety to read as follows:

Section 303. Energy. Deleted

- (q) Section 304 of the *International Swimming Pool and Spa Code*, 2024 edition, is hereby deleted in its entirety to read as follows:

Section 304. Flood Hazard Areas. Deleted

- (r) Section 305.1 of the *International Swimming Pool and Spa Code*, 2024 edition, is hereby amended to read as follows:

Section 305.1. General. The provisions of this section shall apply to the design of barriers for restricting entry into areas having pools and spas. Where spas or hot tubs are equipped with a lockable safety cover complying with ASTM F1346, the areas where those spas or hot tubs are located shall not be required to comply with Sections 305.2 through 305.7.

- (s) Section 305.2.4 of the *International Swimming Pool and Spa Code*, 2024 edition, is hereby deleted in its entirety to read as follows:

Section 305.2.4. Mesh fence as barrier. Deleted

- (t) Section 305.2.6 of the *International Swimming Pool and Spa Code*, 2024 edition, is hereby amended to read as follows:

Section 305.2.6. Closely spaced horizontal members. Where a barrier is composed of horizontal and vertical members, and the distance between the tops of the horizontal members is less than 45 inches (1143 mm), the horizontal members must be on located on the pool or spa side of the fence unless the barrier is a common fence between neighbors or the tops of any one member is at least 45 degrees, when measured from the horizontal, in which such members would not be considered horizontal. Spacing between vertical members shall not exceed 1.75 inches (44mm) in width. Where there are decorative cutouts within vertical members, spacing within the cutouts shall not exceed 1.75 inches (44 mm) in width.

- (u) Section 305.2.8.1 of the *International Swimming Pool and Spa Code*, 2024 edition, is hereby added to read as follows:

Section 305.2.8.1 Chain link fencing prohibited. Chain link fencing is not permitted as a barrier in public pools built after January 1, 1994.

- (v) Section 305.4 of the *International Swimming Pool and Spa Code*, 2024 edition, is hereby amended by adding an exception to read as follows:

Section 305.4. Structure wall as a barrier. Where a wall of a dwelling or structure serves as part of the barrier and where doors, gates or windows provide direct access to the pool or spa through that wall, one of the following shall be required:

1. Operable windows having a sill height of less than 48 inches above the indoor finished floor, doors, and gates shall have an alarm that produces an audible warning when the window, door, gate or their screens are opened. The alarm shall be listed and labeled as a water hazard entrance alarm in accordance with UL 2017. {remaining text unchanged}.

Exception: Windows located on any story above grade level and windows equipped with a locking device located a minimum of 54" above the finished floor are not required to have an alarm.
{remaining text unchanged}.

- (w) Section 305.6 of the *International Swimming Pool and Spa Code*, 2024 edition, is hereby amended to read as follows:

Section 305.6. Natural Barriers for Residential Swimming Pools.
{remaining text unchanged}.

- (x) Section 307.1.5 of the *International Swimming Pool and Spa Code*, 2024 edition, is hereby amended by adding an exception to read as follows:

Section 307.1.5 Accessibility. {existing text remains unchanged}.

Exception: Components of projects regulated by and registered with Architectural Barriers Division of Texas Department of Licensing and Regulation shall be deemed to be in compliance with the requirements of this chapter.

- (y) Section 307.2.2.2 of the *International Swimming Pool and Spa Code*, 2024 edition, is hereby added to read as follows:

Section 307.2.2.2 Adjacency to Structural Foundations. The depth of the swimming pool and spa shall maintain a ratio of 1:1 from the nearest building foundation or footing of a retaining wall.

Exception: A sealed engineered design drawing of the proposed new structure may be submitted for approval.

- (z) Section 311.1 of the *International Swimming Pool and Spa Code*, 2024 edition, is hereby amended to read as follows:

Section 311.1 General. Suction entrapment avoidance for pools and spas shall be provided in accordance with APSP 7 (ANSI/PHTA/ICC 7) or for public swimming pools in accordance with State of Texas Rules for Public Swimming Pools and Spas, Title 25 TAC Chapter 265 Subchapter L, Rule §265.190.

{remaining text unchanged}

- (aa) Section 320.1 of the *International Swimming Pool and Spa Code*, 2024 edition, is hereby amended to read as follows:

Section 320.1. Backwash water or draining water. Backwash water and draining water shall be discharged to the sanitary sewer, or if no sanitary sewer is available to the property (lots with septic systems), it shall be disposed of by other means approved by the state or local authority.

- (bb) Section 402.12 of the *International Swimming Pool and Spa Code*, 2024 edition, is hereby amended to read as follows:

Section 402.12 Water envelopes. The minimum diving water envelopes shall be in accordance with the Texas department of State Health services, Administrative Code Title 25, Chapter 265, Section 186 (e) and Figure: 25 TAC 256.186 (e) (6). (Delete Table 402.12 and Figure 402.12)

- (cc) Section 411.2.1 of the *International Swimming Pool and Spa Code*, 2024 edition, is hereby amended to read as follows:

Section 411.2.1 Tread dimension and area. Treads shall have a minimum unobstructed horizontal depth (i.e., horizontal run) of 12 inches and a minimum width of 20 inches.

- (dd) Section 411.2.2 of the *International Swimming Pool and Spa Code*, 2024 edition, is hereby amended to read as follows:

Section 411.2.2 Risers. Risers for steps shall have a maximum uniform height of 10 inches, with the bottom riser height allowed to taper to zero.

- (ee) Section 411.5.1 of the *International Swimming Pool and Spa Code*, 2024 edition, is hereby amended to read as follows:

Section 411.5.1 Swimouts. Swimouts located in either the deep or shallow area of a pool, shall comply with all of the following:

1. Unchanged

2. Unchanged
3. Unchanged
4. The leading edge shall be visibly set apart and provided with a horizontal solid or broken stripe at least 1 inch wide on the top surface along the front leading edge of each step. This stripe shall be plainly visible to persons on the pool deck. The stripe shall be a contrasting color to the background on which it is applied, and the color shall be permanent in nature and shall be a slip-resistant surface.

(ff) Section 411.5.2 of the *International Swimming Pool and Spa Code*, 2024 edition, is hereby amended to read as follows:

Section 411.5.2 Underwater seats and benches. Underwater seats and benches, whether used alone or in conjunction with pool stairs, shall comply with all of the following:

1. Unchanged
2. Unchanged
3. Unchanged
4. Unchanged
5. The leading edge shall be visually set apart and provided with a horizontal solid or broken stripe at least 1 inch wide on the top surface along the front leading edge of each step. This stripe shall be plainly visible to persons on the pool deck. The stripe shall be a contrasting color to the background on which it is applied, and the color shall be permanent in nature and shall be a slip-resistant surface.
6. Unchanged
7. Unchanged

(gg) Section 610.5.1 of the *International Swimming Pool and Spa Code*, 2024 edition, is hereby amended to read as follows:

Section 610.5.1 Uniform height of 10 inches. Except for the bottom riser, risers at the centerline shall have a maximum uniform height of 9 10 inches (229 254 mm). The bottom riser height shall be permitted to vary from the other risers.

(hh) Section 804.1 of the *International Swimming Pool and Spa Code*, 2024 edition, is hereby amended to read as follows:

Section 804.1. General. The minimum diving water envelopes shall be in accordance with Table 804.1 and Figure 804.1, or the manufacturer's specifications, whichever is greater. Negative construction tolerances shall not be applied to the dimensions of the minimum diving water envelopes given in Table 804.1.

- (ii) Chapter 12 of the *International Swimming Pool and Spa Code*, 2024 edition, is hereby added to read as follows:

Section 1201. Location requirements.

- (a) **Front yard.** No swimming pool, spa, or hot tub shall be located within the required or established front yard. On a corner lot, where both street exposures are treated as front yards, for the purposes of this section, the front yard shall be determined by the placement of the main building along with the legal address.
- (b) **Side yard.** All swimming pools, spas, and hot tubs must be located at least five feet from the side property line to the water's edge.
- (c) **Rear yard.** All swimming pools, spas, and hot tubs must be located at least five feet from the rear property line to the water's edge.
- (d) **Easements.** No swimming pool, spa, or hot tub, including applicable decks, shall be located within an easement.
- (e) **Equipment.** No equipment may be placed within the required or established front yard as defined in subsection (a) of this section, or within any easement. Equipment in relation to the pool shall not be affixed to any required perimeter fencing or common fences between property owners. Adequate drainage must be provided between any equipment and any property line. At a minimum, two feet must be maintained.

Section 1202. Required inspections.

- (a) **Pre-drainage inspection.** This visual inspection verifies and approves the Drainage and Access plan that was submitted during the plan review phase.
- (b) **Belly steel and pool placement inspection.** Before any concrete or gunite can be placed, the belly steel and placement of the pool shall be inspected and approved. Rebar shall be a minimum size of three-eighths of an inch and located no more than 12 inches on center each way.
- (c) **Deck steel, electrical bond, electrical underground and plumbing.** Before any concrete is placed for the pool deck,

the placement of steel and the electrical bond shall be inspected and approved. The concrete deck shall be a minimum thickness of 3½ inches. Rebar shall be a minimum size of three-eighths of an inch and located no more than 18 inches on center each way. The bond conductor shall be a minimum size of No. 8 AWG. A minimum of four ground clamps that are evenly spaced around the pool shall be required to electrically bond the pool from stray ground current. All electrical conductors buried in the ground shall be inspected and approved prior to covering. All pool plumbing shall be subjected to a minimum water test of 15 psi.

- (d) **P-trap and gas line.** Before the backwash line, p-trap, and gas line are covered in any way, those items shall be inspected and approved. All pools shall have a p-trap and backwash line connected to the sanitary sewer.

Exception: Aboveground pools and spas that have a capacity of 750 gallons or less are not required to install a p-trap or backwash line. On lots that do not have access to town sewer and where sanitary drainage is provided through a septic system, no p-trap or backwash line is required; however, adequate drainage must be provided to allow for drainage of the pool.

- (e) **Pre-plaster inspection.** Before any water is placed in the pool, the permanent fence shall be installed, inspected, and approved.
- (f) **Final drainage inspection.** At the time of this inspection, all drain lines and dirt work must be completed. Installation of permeant vegetation in all disturbed areas must be installed before receiving a final drainage approval.

Exception: If pre-approved, the requirement for final vegetation may be waived. If permeant vegetation is waived, erosion control devices would be required in all disturbed areas before this inspection could be approved.

- (g) **Pool final.** All pool permits must receive an approved final inspection within 180 days of the issue date, or the permit will be expired.

EXHIBIT F

Local Amendments to the 2024 International Residential Code

The 2024 edition of the *International Residential Code* is hereby amended by amending only the enumerated sections and provisions, as follows, and all sections and provisions not expressly amended or deleted shall remain in full force and effect.

- (a) Section R101.1 of the *International Residential Code*, 2024 edition, is hereby amended to read as follows:

Section R101.1. Title. These provisions shall be known as the *Residential Code for One- and Two-family dwellings* of the Town of Flower Mound and shall be cited as such and will be referred to herein as “this code.”

- (b) Section R102.4 of the *International Residential Code*, 2024 edition, is hereby amended to read as follows:

Section R102.4. Referenced codes and standards. The codes, when specifically adopted, 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 Section 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. Any reference made to NFPA 70 or the electrical code shall mean the electrical code as adopted.

- (c) Section R104.2.3.1 of the *International Residential Code*, 2024 edition, is hereby deleted in its entirety as follows:

Section R104.2.3.1. Flood hazard area. Deleted.

- (d) Section R104.3.1 of the *International Residential Code*, 2024 edition, is hereby deleted in its entirety as follows:

Section R104.3.1. Determination of substantially improved or substantially damaged existing buildings in flood hazard areas. Deleted.

- (e) Section R105.1 of the *International Residential Code*, 2024 edition, is hereby amended to read as follows:

Section R105.1. Required. Any owner, contractor, 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 causes any such work to be performed, shall first make application to the *building official* and obtain the required *permits*.

It shall be the responsibility of any person, firm, or corporation, upon submittal of an application for a building permit for work regulated by this code, to register as a contractor with the town. Said registration shall become null and void one year from the date of registration with the Town. An appropriate fee for registration shall be assessed in accordance with the provisions of Appendix A of the Code of Ordinances of the Town of Flower Mound.

Exception: Any residential property owner who, at his legal residence, desires to personally make or perform any installation, alteration, repair, replacement, or remodel regulated by this code shall be exempt from paying a registration fee. For this section, *legal residence* shall be defined as property for which a property owner shows proof of a homestead exemption.

Any contractor registration regulated by this code may be placed on hold or suspended by the *building official*, preventing any additional permits being issued, if it is determined by the *building official* that corrective action is needed for compliance with the requirements of Section 18-32 of the Code of Ordinances of the Town of Flower Mound. If any contractor registration regulated by this code is suspended, the procedures outlined in Chapter 18, Article II, of the Code of Ordinances of the Town of Flower Mound shall apply. Any registration placed on hold more than three times in a calendar year may be subject to suspension by the *building official*.

- (f) Section R105.2 of the *International Residential Code*, 2024 edition, is hereby amended, in part, by deleting Item Nos. 5 and 10 and amending Item Nos.1 and 2 to read as follows:

Section R105.2. Work exempt from permit. Building:

1. One-story detached accessory structures used as tool and storage sheds, playhouses, and similar uses, provided the floor area does not exceed 120 square feet (11.15 m2).
2. Fences where an existing gate or pickets are being replaced as long as they are of the same height, material, size, and location, as those being replaced.
5. Deleted.
10. Deleted.

- (g) Section R105.3.2 of the *International Residential Code*, 2024 edition, is hereby amended to read as follows:

Section R105.3.2. Time limitations of applications. An application for a *permit* for any proposed work shall be deemed to have been abandoned 45 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 45 days each. The extension shall be requested in writing and justifiable cause demonstrated.

- (h) Section R105.5 of the *International Residential Code*, 2024 edition, is hereby amended by amending Section 105.5, adding a new Section 105.5.1, entitled "Lawn irrigation systems," adding a new Section 105.5.2, entitled "Fences and retaining walls," adding a new Section 105.5.3, entitled "Foundation repair, electrical, patio cover, re-roof, window/door, and all MISC permits," adding a new Section 105.5.4, entitled "Plumbing permits," adding a new Section 105.5.5, entitled "Mechanical permits," adding a new Section 105.5.6, entitled "Demolition permits," and adding a new Section 105.5.7, entitled "Umbrella permits," to read as follows:

Section R105.5. Expiration. Every *permit* issued shall become invalid unless the work on the site authorized by such permit is commenced within 45 days after its issuance. In addition, except for those *permits* specifically named in this section, every permit issued shall become invalid if work authorized on the site by such *permit* is suspended or abandoned for a period of 180 days after the time the work is commenced. For this section, *suspended* or *abandoned* will be defined as an elapsed time of 180 days between any two approved required inspections. 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. Once a permit becomes invalid and before such building or work can be recommenced, a new *permit* shall first be obtained to do so, and the fee therefor shall be one-half the amount required for a new *permit* for such building or work, provided no changes have been made or will be made in the original plans and specifications for such building or work and provided further that such suspension or abandonment has not exceeded one year. In order to renew action on a *permit* after expiration of more than one year, the permittee shall submit a new application and pay a new full *permit* fee.

105.5.1. Lawn irrigation systems. Every lawn irrigation system permit issued by the building official under the provisions of this code shall expire by limitation and becomes null and void if the building or work authorized by such permit has not received final inspection

approval within 60 days of the issuance of the permit. In the event of the expiration of the permit, no work or inspections shall be performed until a new permit shall be first obtained to do so, and the fee therefor shall be equal to the original fee.

Any permittee holding an unexpired permit may apply for an extension of the time within which work may commence under that permit when the permittee is unable to commence work within the time required by this section for good and satisfactory reasons. The building official may extend the time for action by the permittee for a period not exceeding 30 days on written request by the permittee showing that circumstances beyond the control of the permittee have prevented action from being taken. No permit shall be extended more than once.

105.5.2. Fences and retaining walls. Every fence or retaining wall permit issued by the building official under the provisions of this code shall expire by limitation and becomes null and void if the building or work authorized by such permit has not received final inspection approval within 60 days of the issuance of the permit. In the event of the expiration of the permit, no work or inspections shall be performed until a new permit shall be first obtained to do so, and the fee therefor shall be equal to the original fee.

Any permittee holding an unexpired permit may apply for an extension of the time within which work may commence under that permit when the permittee is unable to commence work within the time required by this section for good and satisfactory reasons. The building official may extend the time for action by the permittee for a period not exceeding 30 days on written request by the permittee showing that circumstances beyond the control of the permittee have prevented action from being taken. No permit shall be extended more than once.

105.5.3. Foundation repair, electrical, patio cover, re-roof, window/door, and all MISC permits. Every foundation repair, electrical, patio cover, or any other MISC permit issued by the building official under the provisions of this code shall expire by limitation and becomes null and void if the building or work authorized by such permit has not received final inspection approval within 60 days of the issuance of the permit. In the event of the expiration of the permit, no work or inspections shall be performed until a new permit shall be first obtained to do so, and the fee therefor shall be equal to the original fee.

Any permittee holding an unexpired permit may apply for an extension of the time within which work may commence under that permit when the permittee is unable to commence work within the time required by this section for good and satisfactory reasons. The building official may extend the time for action by the permittee for a period not exceeding 30 days on written request by the permittee showing that circumstances beyond the control of the permittee have prevented action from being taken. No permit shall be extended more than once.

105.5.4. Plumbing permits. Every plumbing permit issued by the building official under the provisions of this code shall expire by limitation and becomes null and void if the building or work authorized by such permit has not received final inspection approval within 45 days of the issuance of the permit. In the event of the expiration of the permit, no work or inspections shall be performed until a new permit shall be first obtained to do so, and the fee therefor shall be equal to the original fee.

Exception: Water heater replacement permits must receive a final inspection within 10 days of issue date.

Any permittee holding an unexpired permit may apply for an extension of the time within which work may commence under that permit when the permittee is unable to commence work within the time required by this section for good and satisfactory reasons. The building official may extend the time for action by the permittee for a period not exceeding 30 days on written request by the permittee showing that circumstances beyond the control of the permittee have prevented action from being taken. No permit shall be extended more than once.

105.5.5. Mechanical permits. Every mechanical permit issued by the building official under the provisions of this code shall expire by limitation and becomes null and void if the building or work authorized by such permit has not received final inspection approval within 45 days of the issuance of the permit. In the event of the expiration of the permit, no work or inspections shall be performed until a new permit shall be first obtained to do so, and the fee therefor shall be equal to the original fee.

Any permittee holding an unexpired permit may apply for an extension of the time within which work may commence under that permit when the permittee is unable to commence work within the time required by this section for good and satisfactory reasons. The building official may extend the time for action by the permittee for a

period not exceeding 30 days on written request by the permittee showing that circumstances beyond the control of the permittee have prevented action from being taken. No permit shall be extended more than once.

Exception: Indoor unit replacement permits must receive a final inspection within 10 days of issue date.

105.5.6. Demolition permits. Every demolition permit issued by the building official under the provisions of this code shall expire by limitation and becomes null and void if the building or work authorized by such permit has not received final inspection approval within 60 days of the issuance of the permit. In the event of the expiration of the permit, no work or inspections shall be performed until a new permit shall be first obtained to do so, and the fee therefor shall be equal to the original fee.

Any permittee holding an unexpired permit may apply for an extension of the time within which work may commence under that permit when the permittee is unable to commence work within the time required by this section for good and satisfactory reasons. The building official may extend the time for action by the permittee for a period not exceeding 30 days on written request by the permittee showing that circumstances beyond the control of the permittee have prevented action from being taken. No permit shall be extended more than once.

105.5.7. Umbrella permits. Every umbrella permit issued by the building official under the provisions of this code shall expire by limitation and becomes null and void if the building or work authorized by such permit has not received final inspection approval within 180 days of the issuance of the permit. In the event of the expiration of the permit, no work or inspections shall be performed until a new permit shall be first obtained to do so, and the fee therefor shall be equal to the original fee.

Any permittee holding an unexpired permit may apply for an extension of the time within which work may commence under that permit when the permittee is unable to commence work within the time required by this section for good and satisfactory reasons. The building official may extend the time for action by the permittee for a period not exceeding 30 days on written request by the permittee showing that circumstances beyond the control of the permittee have prevented action from being taken. Permits may be extended more than once, but not more than three times.

- (i) Section R105.10 of the *International Residential Code*, 2024 edition, is hereby added to read as follows:

Section R105.10. Work commencing before permit issuance. Any person who commences any work on a building, structure, electrical, gas, mechanical, or plumbing system before obtaining the necessary *permits* shall be subject to a citation for working without a *permit* and/or a fee equal to the total permit fee for that project, which shall be in addition to the required *permit* fees.

- (j) Section R106.1 of the *International Residential Code*, 2024 edition, is hereby amended by appending a paragraph following the existing text, to read as follows:

Section R106.1 Submittal documents. {existing text unchanged}... Foundation and framing plans must be submitted with each application. These plans shall be designed by an engineer licensed by the State of Texas and shall bear that engineer's seal. With the exception of conventional framing per this code, all framing plans for residential dwellings shall be designed by an engineer licensed by the State of Texas, and all drawings and documents must be signed and sealed. Additionally, any structure that contains cedar framing components must be designed by an engineer licensed by the State of Texas and shall bear that engineer's seal.

- (k) Section R106.1.4 of the *International Residential Code*, 2024 edition, is hereby deleted in its entirety to read as follows:

Section R106.1.4. Information for construction in flood hazard area.
Deleted.

- (l) Section R109.1.1 of the *International Residential Code*, 2024 edition, is hereby amended by appending a paragraph following the existing text, to read as follows:

Section R109.1.1 Foundation inspection. {existing text unchanged}... Prior to scheduling the required foundation inspection, the design engineer must perform an inspection and provide the building official with a signed and sealed letter stating that the foundation has been installed per the design.

- (m) Section R109.1.4 of the *International Residential Code*, 2024 edition, is hereby amended by appending a paragraph following the existing text, to read as follows:

Section R109.1.4 Framing and masonry inspection. {existing text unchanged}... Prior to scheduling the required “top-out” inspection, the design engineer must perform an inspection and provide the building official with a signed and sealed letter stating that the framing has been installed per the design.

- (n) A new Section R109.5 of the *International Residential Code*, 2024 edition, is hereby added to read as follows:

Section R109.5. General. Construction or work for which a *permit* is required shall be subject to inspection by the *building official*, and such work shall remain accessible and exposed for such purposes until approved. Before any inspection is approved, an address shall be posted that can be read from the street; and all rights-of-way, streets, and alleys shall be clean and clear of mud, sand, concrete, and building materials. All trash, construction debris, and construction material on site shall be contained in an approved manner. In addition to the above requirements, toilet facilities shall be provided for construction workers, and such facilities shall be maintained in a sanitary condition. Construction-worker toilet facilities of the non-sewer type shall conform to ANSI Z4.3. Approval as a result of an inspection shall not be construed to be an approval of a violation of the provisions of this code or of other ordinances of the town. Inspections presuming to give authority to violate or cancel the provisions of this code or of other ordinances of the town shall not be valid. It shall be the duty of the *permit* applicant to cause the work to remain accessible and exposed for inspection purposes. Neither the *building official* nor the town shall be liable for any expense entailed in the removal or replacement of any material required to allow inspection. Any inspection that is scheduled and found not to be ready may be assessed a re-inspection fee listed in Appendix A of the code of ordinances. This fee must be paid before approval of a Utility Final inspection. If a Utility Final inspection is not required, this fee must be paid before approval of the All Finals inspection.

- (o) Section R110 of the *International Residential Code*, 2024 edition, is hereby deleted in its entirety:

Section R110. Certificate of occupancy. Deleted.

- (p) Section R202 of the *International Residential Code*, 2024 edition, is hereby amended by adding a definition for “Construction trash and debris” and amending the definition of “Townhouse Unit” to read as follows, in alphabetical order:

Section R202. Definitions.

CONSTRUCTION TRASH AND DEBRIS. Any material generated by or from a construction site that has no useful purpose as determined by the administrative authority.

TOWNHOUSE UNIT. A single-family dwelling unit constructed in a group of three or more attached units separated by property lines in which each unit extends from foundation to roof and with a yard or public way on at least two sides.

- (q) Table R301.2(1) of the International Residential Code, 2024 edition, is hereby amended to read as follows and by deleting the remainder of table Manual J Design Criteria and footnote N:

Table R301.2 (1). Climatic and Geographic Design Criteria.

GROUND SNOW LOAD ^o	WIND DESIGN				SEISMIC DESIGN CATEGORY ^f	SUBJECT TO DAMAGE FROM			WINTER DESIGN TEMP ^e	ICE BARRIER UNDER-	FLOOD HAZARDS ^g	AIR FREEZING INDEX ⁱ	MEAN ANNUAL TEMP ^j
	SPEED ^d (MPH)	Topographic Effects ^k	Wind Special Detail	Windborne Debris Zone ^m		Weathering a	Frost Line Depth ^b	Termite ^c					
9 lb/ft	105 (3 sec-gust) / 33' above ground Exposure Category C	No	No	No	A	Mode rate	6"	Very Heavy	22 ^o F	No	Local Code	150	64.9 ^o F

- (r) Section R302.1 of the *International Residential Code*, 2024 edition, is hereby amended by adding a new Exception No. 6 to read as follows:

Section R302.1. Exterior walls. Exceptions:

6. Open non-combustible carport structures may be constructed when approved as required by other adopted ordinances.

- (s) Section R302.2.6 of the *International Residential Code*, 2024 edition, is hereby amended by deleting Exception No. 6 to read as follows:

Section R302.2.6. Structural independence. Exception 6: Deleted

- (t) Section R302.5.1 of the *International Residential Code*, 2024 edition, is hereby amended to read as follows:

Section R302.5.1. Opening protection. Openings from a private garage directly into a room used for sleeping purposes shall not be permitted. Other openings between the garage and residence shall be equipped with solid wood doors not less than 1 3/8 inches (35mm) in thickness, solid or honeycomb core steel doors not less than 1 3/8 inches (35mm) thick, or 20-minute fire-rated doors.

- (u) Section R306 of the *International Residential Code*, 2024 edition, is hereby amended by deleting it in its entirety as follows:

Section R306. Flood-Resistant Construction. Deleted.

- (v) Section R309.2 of the *International Residential Code*, 2024 edition, is hereby amended by deleting it in its entirety as follows:

Section R309.2. AUTOMATIC FIRE SPRINKLER SYSTEMS. Deleted.

- (w) Section R311.2.2 of the *International Residential Code*, 2024 edition, is hereby amended by amending exception 2. to read as follows:

Exceptions:

2. Installation, *alteration*, or repairs of all electrically powered plumbing or mechanical systems are exempt from the requirements of this section

- (x) Section R318.7.3 of the *International Residential Code*, 2024 edition, is hereby amended to read as follows:

Section R318.7.3. Vertical rise. A flight of stairs shall not have a vertical rise larger than 20 feet (6,096 mm) between floor levels or landings.

- (y) Section R318.7.8 of the *International Residential Code*, 2024 edition, is hereby amended to read as follows:

Section R318.7.8. Handrails. Handrails shall be provided on at least one side of each continuous run of treads or flight with four or more risers, except that for stairs or flights of stairs that incorporate winders, the handrail shall be located on the inside radius of the stair or flight of stairs.

- (z) Section R325.2 of the *International Residential Code*, 2024 edition, is hereby amended by amending the Exception to read as follows:

Section R325.2. Bathrooms. Exception: The glazed areas shall not be required where artificial light and a local exhaust system are provided. The minimum local exhaust rates shall be determined in accordance with Section M1507. Exhaust air from the space shall be exhausted directly to the outdoors unless the space contains only a water closet, a lavatory, or a water closet and a lavatory, which are permitted to be ventilated using an approved mechanical recirculating fan or similar system device designed to remove odors from the air.

- (aa) Section R327 of the *International Residential Code*, 2024 edition, is hereby amended by adding new Sections R327.3. Blocking Locations, and R327.4. Wall Blocking to read as follows:

Section R327.3. Blocking locations. Required at one toilet at grade level with blocking installed at rear wall and, if available, one wall adjacent to toilet and at one tub or shower at grade level. Blocking as shown in Figure R327.3.

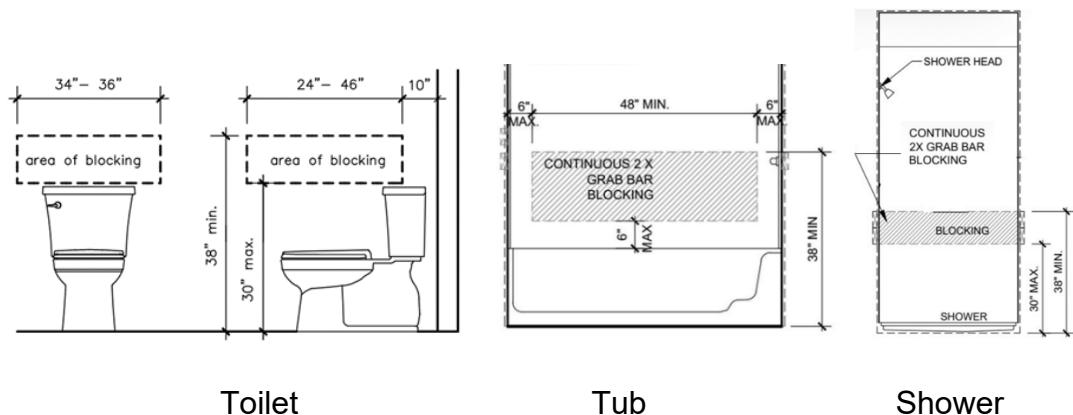


Fig R327.3

Section R327.4. Wall Blocking. Blocking may be 1/2" plywood or 2 x solid wood blocking or equivalent, flush with wall as shown in Figure R327.4.

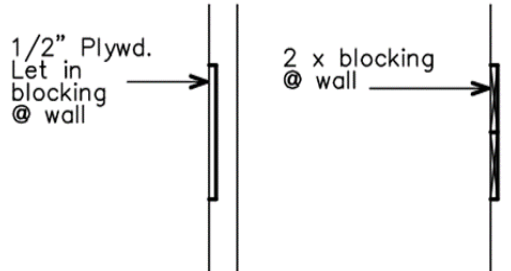


Fig R327.4

- (bb) Section R401.2 of the *International Residential Code*, 2024 edition, is hereby amended by adding a new paragraph following the existing paragraph and adding two new exceptions to read as follows:

Section R401.2. Requirements. *{existing text unchanged}* ...

Every foundation and/or footing, or any size addition to an existing post-tension foundation, regulated by this code shall be designed and sealed by a Texas-registered engineer. In addition, a letter stating that the design complies with this code shall be submitted at time of application for permit.

Exceptions:

1. Detached storage sheds, playhouses, and other similar buildings up to and including 150 square feet:

Buildings up to and including 150 square feet may be placed on the ground and shall provide resistance to wind load by one of the following methods:

Anchored to a 4-inch-thick slab reinforced with 6 X 6 #10 wire mesh or #3 (3/8") rebar spaced at 18 inches on center each way.

Anchored at all corners, each corner anchored by a system to resist a horizontal wind load of 115 (3-sec-gust)/76 miles per hour.

2. Habitable additions up to and including 500 square feet, and accessory buildings, playhouses, and similar buildings greater than 150 square feet up to and including 500 square feet:

Beams must be constructed at all perimeters. All beams are required to be at least 10 inches wide and 20 inches deep with 2 #5 (5/8") bars in the top and 2 #5 (5/8") bars in the bottom of the beam. Interior beams must also be constructed and located no more than 15 feet apart. All beams must extend at least 12 inches into undisturbed soil. Place #3 (3/8") bars 18 inches on center each way in the middle of the new 4-inch slab.

For house additions, the existing concrete pad must be connected to the perimeter beam of the new foundation by #3 (3/8") bars doweled into the existing foundation at 24-inch centers. The dowel bars must penetrate into the existing slab a minimum of 6 inches and extend into the new perimeter beam a minimum of 6 inches.

Note: Regardless of square footage, if the existing slab is post-tensioned, an engineer's design is required.

- (cc) Section R602.6.1 of the *International Residential Code*, 2024 edition, is hereby amended, the Exception is deleted in its entirety, and Figure R602.6.1 is replaced with a new Figure R602.6.1, entitled "Top Plate Framing to Accommodate Piping" to read as follows:

Section R602.6.1 Drilling and notching of top plate. When piping or ductwork is placed in or partly in an exterior wall or interior load-bearing wall, necessitating cutting, drilling, or notching of the top plate by more than 50 percent of its width, a galvanized metal tie not less than 0.054 inch thick (1.37 mm) (16 Ga) and 5 inches (127 mm) wide shall be fastened across and to the plate at each side of the opening with not less than eight 10d (0.148 inch diameter) having a minimum length of 1 ½ inches (38 mm) at each side of the notch to the first nail hole or equivalent. Fasteners will be offset to prevent splitting of the top plate material. The metal tie must extend a minimum of 6 inches past the opening. See figure R602.6.1.

Exception: Deleted.

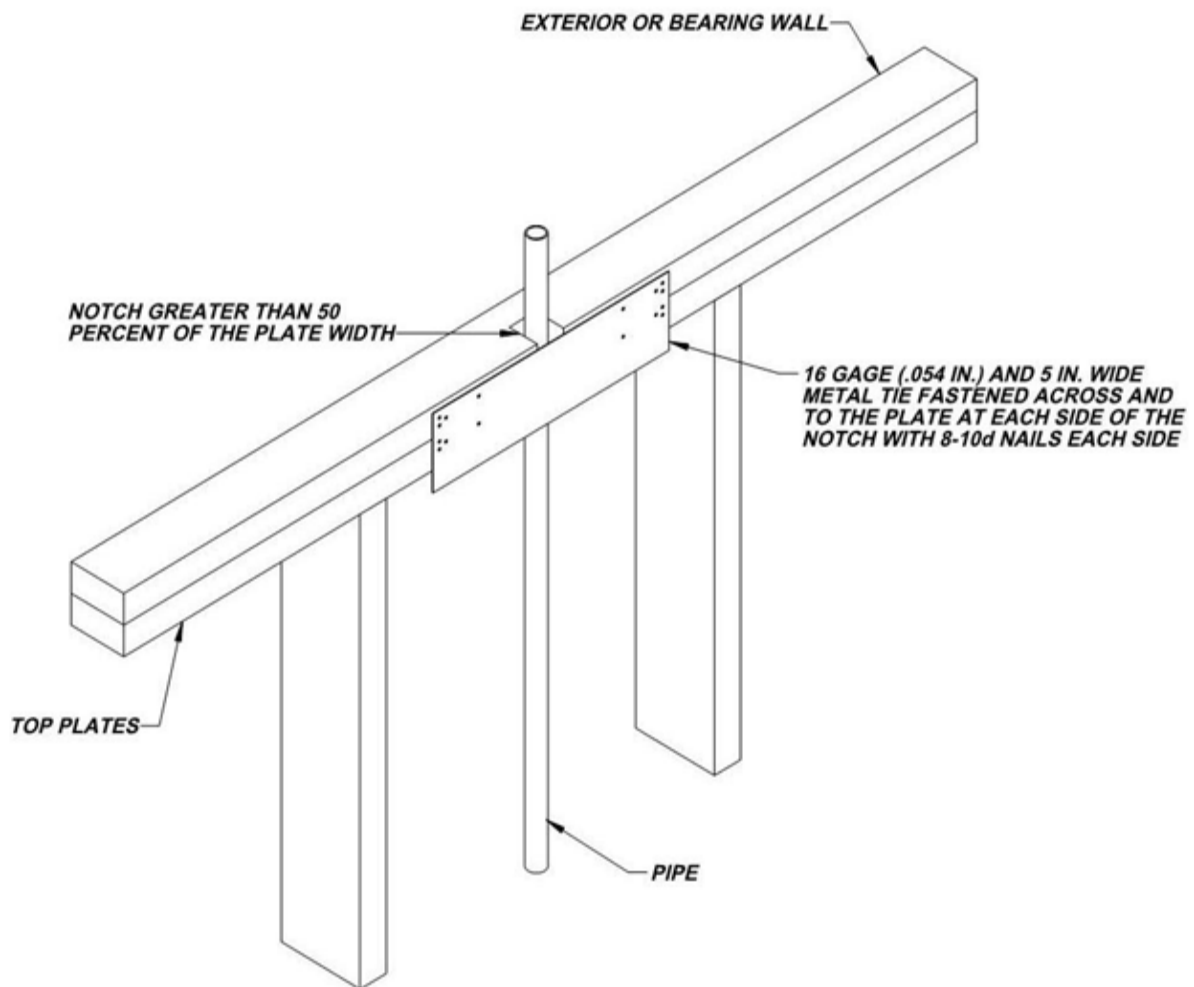


FIGURE R602.6.1
Top Plate Framing to Accommodate Piping

- (dd) Section R703.8.4.1 of the *International Residential Code*, 2024 edition, is hereby amended by adding a new second paragraph prior to the existing Exception to read as follows:

Section R703.8.4.1. Size and spacing. {*Existing paragraph unchanged.*}

...

In stud framed exterior walls, all ties shall be anchored to studs as follows:

1. When studs are 16 in (407 mm) o.c., stud ties shall be spaced no further apart than 24 in (737 mm) vertically starting approximately 12 in (381 mm) from the foundation; or

2. When studs are 24 in (610 mm) o.c., stud ties shall be spaced no further apart than 16 in (483 mm) vertically starting approximately 8 in (254) from the foundation.
- (ee) Section R902.1 of the *International Residential Code*, 2024 edition, is hereby amended to read as follows, and a new Exception No. 5 is added to read as follows:

Section R902.1. Roofing covering materials. Roofs shall be covered with materials as set forth in Sections R904 and R905. Class A, B, or C roofing shall be installed..... *{remainder unchanged}*.

Exceptions:

5. Non-classified roof coverings shall be permitted on one-story detached accessory structures used as tool and storage sheds, playhouses, and similar uses, provided the floor area does not exceed 120 square feet.
- (ff) Part IV-Energy Conservation of the *International Residential Code*, 2024 edition, is hereby amended by renaming this Part IV, as follows:

Part IV-Residential Provisions for Energy Efficiency

- (gg) Chapter 11 of the *International Residential Code*, 2024 edition, is hereby deleted and replaced with the *International Energy Conservation Code*, 2024 edition, *Residential Provisions* with amendments.
- (hh) Section M1305.1.2 of the *International Residential Code*, 2024 edition, is hereby amended to read as follows:

Section M1305.1.2. Appliances in attics. Attics containing appliances shall be provided . . . *{bulk of paragraph unchanged}* . . . 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 as 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...*{remaining text unchanged}*.
- (ii) Section M1401.3 of the *International Residential Code*, 2024 edition, is hereby amended to read as follows:

Section M1401.3 Equipment and appliance sizing. Heating and cooling equipment and appliances for new construction, including additions 500 square feet or greater, shall be sized in accordance with ACCA Manual S or other approved sizing methodologies based on building loads calculated in accordance with ACCA Manual J or other approved heating and cooling calculation methodologies. *{remaining existing text unchanged}*....

- (jj) Section M1411.9 of the *International Residential Code*, 2024 edition, is hereby amended to replace the first sentence to read as follows:

Section M1411.9. Condensate disposal. Condensate from all cooling coils or evaporators shall be conveyed from the drain pan outlet to the sanitary sewer through the fixture side of a trap, by means of a direct or indirect drain. *{remaining existing text unchanged}*....

- (kk) Section M1411.9.1 of the *International Residential Code*, 2024 edition, is hereby amended by amending Item Nos. 3 and 4 by adding a new sentence at the end of each item to read as follows:

Section M1411.9.1. Auxiliary and secondary drain systems.

3. *{existing text unchanged}*.... A water-level detection device may be installed only with prior approval of the building official.
 4. *{existing text unchanged}*.... A water-level detection device may be installed only with prior approval of the building official.
- (II) Section M1411.9.1.1 of the *International Residential Code*, 2024 edition, is hereby amended by adding a new sentence at the end of the existing paragraph to read as follows:

Section M1411.9.1.1. Water-level monitoring devices. *{existing text unchanged}*.... A water-level detection device may be installed only with prior approval of the building official.

- (mm) Section M1503.6 of the *International Residential Code*, 2024 edition, is hereby amended to read as follows:

Section M1503.6. Makeup air required. Exhaust hood systems capable of exhausting in excess of 400 cubic feet per minute (0.19 m³/s) shall be provided with makeup air at a rate approximately equal to the difference between the exhaust air rate and 400 cubic feet per minute. Such makeup air systems shall be equipped with a means of closure and shall be automatically controlled to start and operate simultaneously with the exhaust system.

Exception: Where all appliances in the house are of sealed combustion, power-vent, unvented, or electric, the exhaust hood system shall be permitted to exhaust up to 600 cubic feet per minute (0.28 m³/s) without providing makeup air. Exhaust hood systems capable of exhausting in excess of 600 cubic feet per minute (0.28 m³/s) shall be provided with a makeup air at a rate approximately equal to the difference between the exhaust air rate and 600 cubic feet per minute.

- (nn) Section M2005.2 of the *International Residential Code*, 2024 edition, is hereby amended to read as follows:

Section M2005.2. Prohibited locations. Fuel-fired water heaters shall not be installed in a room used as a storage closet. Water heaters located in a bedroom or bathroom shall be installed in a sealed enclosure so that *combustion air* will not be taken from the living space. Access to such enclosure may be from the bedroom or bathroom when through a solid door, weather-stripped in accordance with the exterior door air leakage requirements of the *International Energy Conservation Code* and equipped with an approved self-closing device. Direct-vent water heaters are not required to be installed within an enclosure.

- (oo) Section G2408.3 of the *International Residential Code*, 2024 edition, is hereby amended by deleting this section and the listed Exception in their entirety to read as follows:

Section G2408.3. Private garages. Deleted.

Exception. Deleted.

- (pp) Section G2413.3 of the *International Residential Code*, 2024 edition, is hereby amended by adding an exception after the three listed Items to read as follows:

Section G2413.3. (402.3) Sizing. {existing text unchanged}

Exception: Corrugated stainless steel tubing (CSST) shall be a minimum of 1/2" (18 EDH).

- (qq) Section G2415.2 of the *International Residential Code*, 2024 edition, is hereby amended by adding a new second paragraph to the existing paragraph to read as follows:

Section G2415.2. CSST. {existing text unchanged.}....

Both ends of each section of medium pressure corrugated stainless steel tubing (CSST) shall identify its operating gas pressure with an approved tag. The tags are to be composed of aluminum or stainless steel, and the following wording shall be stamped into the tag:

"WARNING
1/2 to 5 psi gas pressure
Do Not Remove"

- (rr) Section G2415.12 of the *International Residential Code*, 2024 edition, is hereby amended to read as follows:

Section G2415.12. (404.12) Minimum burial depth. *Underground piping systems* shall be installed a minimum depth of 18 inches (457 mm) below grade.

- (ss) Section G2415.12.1 of the *International Residential Code*, 2024 edition, is hereby amended by deleting this section in its entirety as follows:

Section G2415.12.1. (404.12.1) Individual outside appliances. Deleted.

- (tt) Section G2417.1 of the *International Residential Code*, 2024 edition, is hereby amended to read as follows:

Section G2417.1. (406.1) General. Prior to acceptance and initial operation, all *piping* installations shall be inspected and *pressure tested* to determine that the materials, design, fabrication, and installation practices comply with the requirements of this code. The permit holder shall make the applicable tests prescribed in sections 2417.1.1 through 2417.1.5 to determine compliance with the provisions of this *code*. The permit holder shall give reasonable advance notice to the building official when the *piping system* is ready for testing. The equipment, material, power, and labor necessary for the inspections and test shall be furnished by the permit holder, and the permit holder shall be responsible for determining that the work will withstand the test pressure prescribed in the following tests.

- (uu) Section G2417.4 of the *International Residential Code*, 2024 edition, is hereby amended to read as follows:

Section G2417.4. (406.4) Test pressure measurement. Test pressure shall be measured with a manometer or with a pressure-measuring device designed and calibrated to read, record, or indicate a pressure loss caused by leakage during the *pressure test* period. The source of pressure shall be isolated before the pressure tests are made.

- (vv) Section G2417.4.1 of the *International Residential Code*, 2024 edition, is hereby amended to read as follows:

Section G2417.4.1. (406.4.1) Test pressure. The test pressure to be used shall be not less than 3 psig (20 kPa gauge), or at the discretion of the building official, the *pipng* and valves may be tested at a pressure of at least six (6) inches (152 mm) of mercury, measured with a manometer or slope gauge. For tests requiring a pressure of 3 psig, diaphragm gauges shall utilize a dial with a minimum diaphragm diameter of three and one-half inches (3 ½”), a set hand, 1/10 pound incrementation, and pressure range not to exceed 6 psi for tests requiring a pressure of 3 psig. For tests requiring a pressure of 10 psig, diaphragm gauges shall utilize a dial with a minimum diameter of three and one-half inches (3 ½”), a set hand, a minimum of 2/10 pound incrementation, and a pressure range not to exceed 20 psi.

For welded *pipng*, and for piping carrying gas at pressures in excess of fourteen (14) inches of water column pressure (3.48 kPa) (1/2 psi) and less than 200 inches of water column pressure (52.2 kPa) (7.5 psi), the test pressure shall not be less than ten (10) pounds per square inch (69.6 kPa). For *pipng* carrying gas at a pressure that exceeds 200 inches of water column pressure (52.2 kPa) (7.5 psi), the test pressure shall be not less than one and one-half times the proposed maximum working pressure.

Diaphragm gauges used for testing must display a current calibration and be in good working condition. The appropriate test must be applied to the diaphragm gauge used for testing.

- (ww) Section G2417.4.2 of the *International Residential Code*, 2024 edition, is hereby amended to read as follows:

Section G2417.4.2. (406.4.2) Test duration. The test duration shall be held for a length of time satisfactory to the Building Official, but in no case for less than fifteen (15) minutes. For welded piping, and for piping carrying gas at pressures in excess of fourteen (14) inches water column pressure (3.48

kPa), the test duration shall be held for a length of time satisfactory to the Building Official, but in no case for less than thirty (30) minutes.

- (xx) Section G2420.1 (409.1) of the *International Residential Code*, 2024 edition, is hereby amended by adding a new Section G2420.1.4 (409.1.4), entitled "Valves in CSST installations," to read as follows:

Section G2420.1.4. (409.1.4) Valves in CSST installations. Shutoff valves installed with corrugated stainless steel (CSST) *pipng* systems shall be supported with an approved termination fitting, or equivalent support, suitable for the size of the valves, of adequate strength and quality, and located at intervals so as to prevent or damp out excessive vibration, but in no case greater than 12 inches from the center of the valve. Supports shall be installed so as not to interfere with the free expansion and contraction of the system's *pipng*, fittings, and valves between anchors. All valves and supports shall be designed and installed so they will not be disengaged by movement of the supporting *pipng*.

- (yy) Section G2420.5.1 of the *International Residential Code*, 2024 edition, is hereby amended by adding a sentence at the end to read as follows:

Section G2420.5.1. (409.5.1) Located within the same room. *{existing text unchanged}* A secondary shutoff valve must be installed within 3 feet (914 mm) of the firebox if appliance shutoff is located in the firebox.

- (zz) Section G2421.1 of the *International Residential Code*, 2024 edition, is hereby amended by adding a new second paragraph and new exception to read as follows:

Section G2421.1. (410.1) Pressure regulators. *{existing text unchanged}*
....

Access to regulators shall comply with the requirements for access to appliances as specified in section M1305.

Exception: A passageway or level service space is not required when the regulator is capable of being serviced and removed through the required attic opening.

- (aaa) Section G2422.1.2.3 of the *International Residential Code*, 2024 edition, is hereby amended by deleting Exception Nos. 1 and 4 in their entirety as follows:

Section G2422.1.2.3. (411.1.3.3) Prohibited locations and penetrations.

Exception No.1. Deleted

Exception No. 4. Deleted.

- (bbb) Section G2445.2 of the *International Residential Code*, 2024 edition, is hereby amended by adding a new exception to read as follows:

Section G2445.2. Prohibited use. {existing text unchanged}

Exception: Existing approved unvented heaters may continue to be used in dwelling units, in accordance with the code provisions in effect when installed, when approved by the building official, unless an unsafe condition is determined to exist as described in *International Fuel Gas Code* section 108.7.

- (ccc) Section G2448.1.1 of the *International Residential Code*, 2024 edition, is hereby amended to read as follows:

Section G2448.1.1. (624.1.1) Installation requirements. The requirements for *water heaters* relative to access, sizing, *relief valves*, drain pans, and scald protection shall be in accordance with this *code*.

- (ddd) Section P2503.5.1 of the *International Residential Code*, 2024 edition, is hereby amended by adding a new sentence to item one (1) to read as follows:

Section P2503.5.1. Drain, waste, and vent system testing. {existing text unchanged}

1. Water test. {existing text unchanged} Repairs to underground plumbing shall be tested to a head pressure at the level of the slab.

- (eee) Section P2603.3 of the *International Residential Code*, 2024 edition, is hereby amended to read as follows:

Section P2603.3 Protection against corrosion. Metallic piping, except for cast iron, ductile iron and galvanized steel, shall not be placed in direct contact with steel framing members, concrete or cinder walls and floors or other masonry. Metallic piping shall not be placed in direct contact with corrosive soil. Where sheathing is used to prevent direct contact, the sheathing shall have a thickness of not less than 0.008 inch (8 mil) (0.203 mm) and the sheathing shall be made of approved material. Where sheathing protects piping that penetrates concrete or masonry walls or floors, the sheathing shall be installed in a manner that allows movement of the piping within the sheathing.

- (fff) Section P2603.5.1 of the *International Residential Code*, 2024 edition, is hereby amended to read as follows:

Section P2603.5.1. Sewer depth. Building sewers shall be a minimum of 12 inches (304 mm) below grade.

- (ggg) Section P2801.5.1 of the *International Residential Code*, 2024 edition, is hereby amended to read as follows:

Section P2801.5.1. Pan size and drain. {existing text unchanged}.....The pan shall not be less than 1 1/2 inches (38 mm) in depth and shall be of sufficient size and shape to receive all dripping or condensate from the tank or water heater. The pan shall be drained by an indirect waste pipe having a diameter of not less than 3/4 inch (19 mm). Piping for safety pan drains shall be of those materials listed in Table 2906.5. Where a pan drain was not previously installed, a pan drain shall be required for replacement water heaters located on exterior walls or in garages. Replacement water heaters that are not located on an exterior wall or in a garage, shall not be required to add a pan drain, but must be equipped with an automatic shutoff or water-level detection device.

- (hhh) Section P2801.6 of the *International Residential Code*, 2024 edition, is hereby amended by adding new Exception No. 2 to read as follows:

Section P2801.6. Water heaters installed in garages. {existing text unchanged}

Exception 2: Electric water heaters.

- (iii) Section P2801.9 of the *International Residential Code*, 2024 edition, is hereby added to read as follows:

Section P2801.9 Water heaters installed in attics or with living space below. Water heaters other than tankless, when located in attic space or a space located above living space, shall be equipped with an approved device to automatically shut off the water supply if a water leak is detected.

- (jjj) Section P2804.6.1 of the *International Residential Code*, 2024 edition, is hereby amended to read as follows:

Section P2804.6.1. Requirements for discharge piping. The discharge piping serving a pressure relief valve, temperature relief valve or combination thereof shall:

1. Not be directly connected to the drainage system.
2. Discharge through an air gap

3. Not be smaller than the diameter of the outlet of the valve served and shall discharge full size to the air gap.

4. Serve a single relief device and shall not connect to piping serving any other relief device or equipment.

Exception: Multiple relief devices may be installed to a single T & P discharge piping system when approved by the administrative authority and permitted by the manufacturer's installation instructions and installed in compliance with those instructions.

5. Discharge to an approved location or to the outdoors.

[remainder unchanged]

(kkk) Section P2902.5.3 of the *International Residential Code*, 2024 edition, is hereby amended to read as follows:

Section P2902.5.3. Lawn sprinkler systems. The potable water supply system to lawn irrigation systems shall be protected against backflow by an atmospheric-type vacuum breaker, a pressure-type vacuum breaker, or a reduced pressure principle backflow preventer. A valve shall not be installed down-stream from an atmospheric breaker. Where chemicals are introduced into the system, the potable water supply shall be protected against backflow by a reduced pressure principle backflow preventer.

All lawn sprinkler systems shall be equipped with a temperature sensing device that stops the flow of water through the lawn sprinkler system when the ambient temperature is thirty-eight degrees Fahrenheit or less. In addition, all systems shall be equipped with a device that stops the flow of water through the lawn sprinkler system when one-quarter inch or more of rain falls. Further, pursuant to Section 551.006 of the Texas Local Government Code, all lawn sprinkling systems shall comply with Section 1903.053 of the Texas Occupations Code, and any rules adopted by the Texas Commission on Environmental Quality pursuant to that section.

(III) Section P3003.9.2 of the *International Residential Code*, 2024 edition, is hereby amended by deleting the exceptions to read as follows:

Section P3003.9.2. Solvent cementing.

Exceptions. Deleted.

(mmm) Section P3005.2.2.1 of the *International Residential Code*, 2024 edition, is hereby added to read as follows:

Section P3005.2.2.1. Building sewer and sewer lateral junction. A clean out must be provided at this junction in compliance with most current Town of Flower Mound Design Criteria and Construction Standards.

- (nnn) Section P3005.2.3 of the *International Residential Code*, 2024 edition, is hereby amended by adding a second paragraph to read as follows:

Section P3005.2.3. Building drain and building sewer junction.

For swimming pools that are constructed on lots that have public sewer, a drain or backwash line with a minimum size of 1½ inch must be provided. This line must direct waste into the public sewer by use of an air gap into a 3-inch trap. The trap seal of this trap must be protected from freezing, and the standpipe must rise at least 3 inches above grade.

- (ooo) Section P3111 of the *International Residential Code*, 2024 edition, together with all of its component sections, is hereby deleted in its entirety as follows:

Section P3111. Combination waste and vent system. Deleted.

Section 3111.1. Type of fixtures. Deleted.

Section 3111.1.1 Single-fixture systems. Deleted.

Section 3111.2. Installation. Deleted.

Section 3111.2.1. Slope. Deleted.

Section 3111.2.2. Vent connection. Deleted.

Section 3111.2.3. Vent size. Deleted.

Section 3111.3. Size and length. Deleted.

- (ppp) Section P3112.2 of the *International Residential Code*, 2024 edition, is hereby amended to read as follows:

Section P3112.2. Installation. Traps for island sinks and similar equipment shall be roughed in above the floor and may be vented by extending the vent as high as possible, but not less than the drain board height, and then returning it downward and connecting it to the horizontal sink drain immediately downstream from the vertical fixture drain. The return vent shall be connected to the horizontal drain through a wye-branch fitting and shall, in addition, be provided with a foot vent taken off the vertical fixture vent by means of a wye-branch immediately below the floor and extending

to the nearest partition and then through the roof to the open air, or may be connected to other vents at a point not less than six (6) inches (152 mm) above the flood level rim of the fixtures served. Drainage fittings shall be used on all parts of the vent below the floor level, and a minimum slope of one-quarter (1/4) inch per foot (20.9 mm/m) back to the drain shall be maintained. The return bend used under the drain board shall be a one (1) piece fitting or an assembly of a forty-five (45) degree (0.79 radius), a ninety (90) degree (1.6 radius), and a forty-five (45) degree (0.79 radius) elbow in the order named. Pipe sizing shall be as elsewhere required in this code. The island sink drain, upstream of the return vent, shall serve no other fixtures. An accessible cleanout shall be installed in the vertical portion of the foot vent.

- (qqq) Section BF101.2 of the *International Residential Code*, 2024 edition, is hereby amended to read as follows:

Section BF101.2 Permitted uses. Solid-roofed patio covers shall be permitted to be attached or detached. Attached solid-roofed patio covers must maintain the setbacks required for the main structure. Detached solid-roofed patio covers must be set back five feet from any building or structure located on the property, must be located no closer to the front property line than the main building, and must maintain a minimum of five feet from all property lines, except that on corner lots, the patio cover must adhere to the exterior side-yard setback established for the primary structure. Open-roofed patio covers shall be permitted to be attached or detached and all structural components must be located at least five (5) feet from any property line and must be located no closer to the front property line than the main building. A maximum overhang of twenty-four (24) inches is permitted into the required five (5) foot setback. Patio covers shall be used for recreational, outdoor living purposes and not as carports, storage areas, accessory buildings, or habitable rooms.

- (rrr) Section BF103.1 of the *International Residential Code*, 2024 edition, is hereby amended to read as follows:

Section BF103.1. Enclosure walls. The sides of detached patio cover structures shall not enclose more than 25 percent of the exterior walls measured around the perimeter or more than 25 percent of the floor area measured under roof. Any structure that exceeds these percentages must be reviewed and permitted using the accessory building regulations. No patio cover may exceed 25 percent of the floor area of the main structure.

- (sss) Section BF104.1 of the *International Residential Code*, 2024 edition, is hereby amended to read as follows:

Section BF104.1 Height. Attached patio covers must comply with the height requirements of the main structure. Detached patio covers shall be permitted as one-story structures not exceeding 14 feet in height, except that those located in SFE (single-family estate) and A (agriculture) zoning shall be limited in height to 20 feet. Height shall be measured from the average grade adjacent to the patio cover to the peak of the roof.

EXHIBIT G

Local Amendments to the 2024 edition of the International Energy Conservation Code.

The 2024 edition of the *International Energy Conservation Code* is hereby amended by amending only the enumerated sections and provisions, as follows, and all sections and provisions not expressly amended or deleted shall remain in full force and effect.

- (a) Section C101.1 and Section R101.1 of the *International Energy Conservation Code*, 2024 edition, are hereby amended to read as follows:

Section C101.1. Title. This code shall be known as the Energy Conservation Code of the Town of Flower Mound and shall be cited as such. It is referred to herein as “this code.”

Section R101.1 Title. This code shall be known as the Energy Conservation Code of the Town of Flower Mound and shall be cited as such. It is referred to herein as “this code.”

- (b) Sections C104.1.2 and R104.1.2 of the *International Energy Conservation Code*, 2024 edition, are hereby added to read as follows:

Section C104.1.2. Alternative compliance. A building certified by a national, state, or local accredited energy efficiency program and determined by the Energy Systems Laboratory to be in compliance with the energy efficiency requirements of this section may, at the option of the code official, be considered in compliance. The United States Environmental Protection Agency's Energy Star Program certification of energy code equivalency shall be considered in compliance.

Section R104.1.2. Alternative compliance. A building certified by a national, state, or local accredited energy efficiency program and determined by the Energy Systems Laboratory to be in compliance with the energy efficiency requirements of this section may, at the option of the code official, be considered in compliance. The United States Environmental Protection Agency's Energy Star Program certification of energy code equivalency shall be considered in compliance. Regardless of the program or the path to compliance, each 1- and 2-family dwelling shall be tested for air and duct leakage as prescribed in Section R402.5.1.2 and R403.3.7 respectively.

- (c) Sections C202 and R202 of the *International Energy Conservation Code*, 2024 edition, are hereby amended by adding a new definition of “Projection

Factor” to the list of definitions, adding the definition of “Dynamic Glazing” to R202 only, and amending the definition of “Building Thermal Envelope,” in alphabetical order to read as follows:

BUILDING THERMAL ENVELOPE. *{Existing text unchanged}*. The building thermal envelope shall include any building element that separates a commercial occupancy from a residential occupancy and provides a boundary between conditioned spaces.

DYNAMIC GLAZING. Any fenestration product that has the fully reversible ability to change its performance properties, including U-factor, solar heat gain coefficient (SHGC), or visible transmittance (VT).

PROJECTION FACTOR. The ratio of the horizontal depth of the overhang, eave or permanently attached shading device, divided by the distance measured vertically from the bottom of the fenestration glazing to the underside of the overhang, eave or permanently attached shading device.

- (d) Section R401.2.1 of the *International Energy Conservation Code*, 2024 edition, is hereby amended to read as follows:

Section R401.2.1 Prescriptive Compliance Option. *{existing text remains unchanged}*...compliance with Sections R401 through R404.

- (e) Table R402.1.2 of the *International Energy Conservation Code*, 2024 edition, is hereby amended to read as follows:

CLIMATE ZONE	3
Attic Roofline U-factor ^f	0.035

f. Air-impermeable insulation located at the attic roofline but below the roof deck may be used if mechanical equipment and air distribution system are located entirely within the building thermal envelope. "Air-impermeable" shall be defined as having an air permeance not exceeding 0.02 L/s-m² at 75 Pa pressure differential tested according to ASTM E 2178 or ASTM E 283.

- (f) Table R402.1.3 of the *International Energy Conservation Code*, 2024 edition, is hereby amended to read as follows:

CLIMATE ZONE	3
Attic Roofline R-factor ⁱ	30+0ci

i. Air-impermeable insulation of R-30&0 or greater located at the attic roofline but below the roof deck may be used if mechanical equipment and air distribution system are located entirely within the building thermal envelope. "Air-impermeable" shall be defined as having an air permeance not exceeding 0.02 L/s-m² at 75 Pa pressure differential tested according to ASTM E 2178 or ASTM E 283.

- (g) Sections C402.2.8 and R402.2.14 of the *International Energy Conservation Code*, 2024 edition, are hereby added to read as follows:

Section C402.2.8. Insulation installed in walls. To ensure that insulation remains in place, insulation installed in walls shall be totally enclosed on all sides consisting of framing lumber, gypsum, sheathing, wood structural panel sheathing, netting, or other equivalent material approved by the building official.

Section R402.2.14. Insulation installed in walls. To ensure that insulation remains in place, insulation installed in walls shall be totally enclosed on all sides consisting of framing lumber, gypsum, sheathing, wood structural panel sheathing, netting, or other equivalent material approved by the building official.

- (h) Section R402.5.1.2 of the *International Energy Conservation Code*, 2024 edition, is hereby amended by adding a paragraph at the end to read as follows:

Section R402.5.1.2. Testing. *{Existing text unchanged}* ... Mandatory testing shall only be performed by individuals that are certified to perform air infiltration testing certified by national or state organizations as approved by the building official. The certified individuals must be an independent third-party entity, and may not be employed or have any financial interest in the company that constructs the structure.

- (i) Section R402.5.5 of the *International Energy Conservation Code*, 2024 edition, are hereby amended by adding an exception to read as follows:

Section R402.5.5. Air-sealed electrical and communication outlet boxes. *{existing text remains unchanged}*.

Exception: Boxes may be air-sealed in the field using caulk, tape, gasket or other approved method to prevent air leakage through the box in lieu of NEMA OS 4 boxes. Boxes air-sealed in the field shall

be sealed to the air barrier element being penetrated and installed in accordance with manufacturer's instructions.

- (j) Section C405.2.10 of the *International Energy Conservation Code*, 2024 edition, are hereby deleted in its entirety as follows:

Section C405.2.10 Sleeping unit and dwelling unit lighting and switched receptacle controls. Deleted.

- (k) Section R403.3.7 of the *International Energy Conservation Code*, 2024 edition, is hereby amended by adding a paragraph at the end to read as follows:

Section R403.3.7. Duct testing. (Mandatory). *{Existing text unchanged}*.

Mandatory testing shall only be performed by individuals that are certified to perform duct testing leakage testing certified by national or state organizations as approved by the building official. The certified individual must be an independent third-party entity, and may not be employed or have any financial interest in the company that constructs the structure.

- (l) Section R404.2 of the *International Energy Conservation Code*, 2024 edition, is hereby amended by deleting this section in its entirety.

Section R404.2. Interior lighting controls. Deleted.

- (m) Table R406.5 of the *International Energy Conservation Code*, 2024 edition, is hereby amended to read as follows:

TABLE R406.5 ¹
MAXIMUM ENERGY RATING INDEX

CLIMATE ZONE	ENERGY RATING
3	59

¹ This table is effective until August 31, 2025.

TABLE R406.5 ²
MAXIMUM ENERGY RATING INDEX

CLIMATE ZONE	ENERGY RATING INDEX
3	57

² The table is effective from September 1, 2025 to August 31, 2028.

TABLE R406.5 ³
MAXIMUM ENERGY RATING INDEX

CLIMATE ZONE	ENERGY RATING INDEX
3	55

³ This table is effective on or after September 1, 2028.

- (n) Section R406.7.5 of the *International Energy Conservation Code*, 2024 edition, is hereby amended by adding a sentence to the end of the paragraph to read as follows:

Section R406.7.5. Specific approval. *{Existing text unchanged}*. Acceptable performance software simulation tools may include, but are not limited to, REM Rate™, Energy Gauge, and IC3. Other performance software programs accredited by RESNET BESTEST and having the ability to provide a report as outlined in R406.7.1 may also be deemed acceptable performance simulation programs and may be considered by the building official.

- (o) Section R408 of the *International Energy Conservation Code*, 2024 edition, is hereby amended by deleting it in its entirety as follows:

Section R408 Additional Efficiency Requirements. Deleted.



TOWN COUNCIL AGENDA K.4. REGULAR ITEM(S)

DATE: September 15, 2025

FROM: Meg Jakubik, Director of Budget Services

ITEM: **Public Hearing to consider the proposed budget for the fiscal year beginning on October 1, 2025, and ending on September 30, 2026.**

BACKGROUND: The Town is required by Section 102.006 of the Texas Local Government Code and Section 9.07 of the Town Charter to hold a public hearing on the proposed budget. During the public hearing on the proposed budget, all interested persons shall be given an opportunity to be heard for or against any item, or the amount of any item, therein contained.

The Fiscal Year 2025-2026 Proposed Budget was filed with the Town Secretary and distributed to the Town Council on August 1, 2025. The proposed budget is on file for review at Town Hall and the Town's internet website. Town Council received a presentation of the proposed budget during the Town Council Work Session on August 21, 2025.

BOARD REVIEW/CITIZEN FEEDBACK: N/A

ALTERNATIVES: N/A

FISCAL IMPACT: N/A

LEGAL REVIEW: N/A

ATTACHMENTS:

None

DRAFT MOTION: No action is required by the Town Council on this item.



TOWN COUNCIL AGENDA K.5. REGULAR ITEM(S)

DATE: September 15, 2025
FROM: Meg Jakubik, Director of Budget Services
ITEM: **Town Council acting as the Board of Directors for the Town of Flower Mound Crime Control and Prevention District to consider approval of a resolution adopting the Town of Flower Mound Crime Control and Prevention District budget for the fiscal year beginning on October 1, 2025, and ending on September 30, 2026.**

BACKGROUND: Section 363.204 of the Local Government Code requires the budget to be adopted by the Crime Control and Prevention District (Crime District), Board of Directors.

At the March 3, 2008 Town Council meeting, the Town Council acting as the Board of Directors for the Crime District, adopted alternative budget procedures for the Crime District to follow similar procedures and dates to the Town's annual budget.

The Flower Mound Town Council acting as the Board of Directors for the Crime District and staff held the FY 2025-2026 Budget Work Session on August 21, 2025, in the Council Chambers. A public hearing for the Crime District's Proposed Budget was held on August 18, 2025.

BOARD REVIEW/CITIZEN FEEDBACK: N/A

ALTERNATIVES:

FISCAL IMPACT: N/A

Proposed Revenue

\$5,059,430

Proposed Expenditure

\$5,620,050

Account Number(s):

Fund 318- Crime District

Account Number(s):

Fund 318- Crime District

LEGAL REVIEW: No alteration to the legal content of this resolution was made, which had originally been approved by Taylor, Olson, Adkins, Sralla, & Elam L.L.P.

ATTACHMENTS:

1. Attachment 1-Resolution - Crime Control - Budget for 2025-2026

DRAFT MOTION: The Town Council, acting as the Board of Directors for the Crime Control and Prevention District, move to approve a resolution adopting the Town of Flower Mound Crime Control and Prevention District budget for the fiscal year beginning on October 1, 2025, and ending on September 30, 2026.

TOWN OF FLOWER MOUND, TEXAS

RESOLUTION NO. _____

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF FLOWER MOUND, TEXAS, ACTING AS THE BOARD OF DIRECTORS OF THE TOWN OF FLOWER MOUND CRIME CONTROL AND PREVENTION DISTRICT, ADOPTING AND APPROVING THE BUDGET FOR THE TOWN OF FLOWER MOUND CRIME CONTROL AND PREVENTION DISTRICT FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2025, AND ENDING SEPTEMBER 30, 2026; PROVIDING A SEVERABILITY CLAUSE; AND DECLARING AN EFFECTIVE DATE.

WHEREAS, the Town Council acting as the Board of Directors of the Town of Flower Mound Crime Control and Prevention District ("Crime District") has adopted procedures for adopting a budget that are different from the procedures outlined in Texas Local Government Code Section 363.204, as permitted by such section; and

WHEREAS, the Town Council acting as the Board of Directors of the Crime District caused to be filed with the Town Secretary, in accordance with the procedures adopted therefore, a budget to cover all proposed expenditures of the Crime District for the fiscal year beginning October 1, 2025, and ending September 30, 2026; and

WHEREAS, said budget shows, as definitely as possible, each of the various projects for which appropriations are made in the budget and the estimated amount of money carried in the budget for each such project; and

WHEREAS, said budget has been filed with the Town Secretary and has been available for inspection by any taxpayer; and

WHEREAS, notice of public hearing on the proposed Crime District Budget, stating the date, time, place, and subject matter of said public hearing was given as required by the laws of the State of Texas; and

WHEREAS, one (1) such public hearing was held on August 18, 2025, prior approval of such date being hereby ratified and confirmed by the Town Council acting as the Board of Directors for the Crime District, and all those wishing to speak on the budget were heard; and

WHEREAS, the Town Council acting as the Board of Directors for the Crime District has studied said budget and listened to the comments of the taxpayers at the public hearing held, and therefore has determined that the budget attached is in the best interest of the Crime District.

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF FLOWER MOUND, TEXAS, ACTING AS THE BOARD OF DIRECTORS OF THE TOWN OF FLOWER MOUND CRIME CONTROL AND PREVENTION DISTRICT, THAT:

SECTION 1

All of the above premises are hereby found to be true and correct legislative and factual determinations of the Town of Flower Mound and they are hereby approved and incorporated into the body of this Resolution as if copied in their entirety.

SECTION 2

The budget attached in total hereto as Exhibit "A", and incorporated herein for all purposes, is adopted for the fiscal year beginning October 1, 2025, and ending September 30, 2026, and there is hereby appropriated from the funds indicated and for such purposes, respectively, such sums of money for such projects, operations, activities, purchases, and other expenditures as proposed in the attached budget.

SECTION 3

No expenditure of the funds of the Crime District shall hereafter be made except in strict compliance with said budget except that, in the case of public necessity, the Town Council acting as the Board of Directors of the Crime District shall authorize amendments to said budget for emergency expenditures necessary to meet unusual and unforeseen conditions which could not, by reasonably diligent thought and attention, have been included in the original budget.

SECTION 4

The Town Manager shall file or cause to be filed three (3) true and correct copies of said approved budget, along with this Resolution, with the Town Secretary, who shall file or cause to be filed one (1) true and correct copy of same in the office of the County Clerk of Denton County, Texas and one (1) true and correct copy of same in the office of the County Clerk of Tarrant County, Texas.

SECTION 5

If any section, paragraph, sentence, clause, phrase, or word in this Resolution, or application thereof by any persons or circumstances is held invalid in any Court of competent jurisdiction, such holding shall not affect the validity of the remaining portions of this Resolution; and the Town Council acting as the Board of Directors of the Crime District hereby declares it would have passed such remaining portions of the resolution despite such invalidity, which remaining portions shall remain in full force and effect.

SECTION 6

The necessity of adopting and approving a budget for the next fiscal year as required by the laws of the State of Texas requires that this Resolution shall take effect immediately from and after its passage.

RESOLUTION NO. _____

PAGE 3

DULY PASSED, APPROVED AND ADOPTED BY THE TOWN COUNCIL OF THE
TOWN OF FLOWER MOUND, TEXAS, BY A VOTE OF _____ TO _____ ON THIS 15th
DAY OF SEPTEMBER, 2025.

APPROVED:

Cheryl Moore, MAYOR

ATTEST:

Traci Henderson, TOWN SECRETARY

EXHIBIT A

Town of Flower Mound, Texas
FY 25-26

CRIME CONTROL AND PREVENTION DISTRICT

PROPOSED REVENUES	Crime District Sales Tax Fund
Taxes	\$ 5,029,430
Licenses and Permits	-
Intergovernmental Revenue	-
Charges for Services	-
Fines and Forfeitures	-
Investment Earnings	30,000
Interfund Transfer	-
Other Revenue	-
TOTAL REVENUE	\$ 5,059,430

PROPOSED EXPENDITURES	Crime District Sales Tax Fund
Town Manager's Office	\$ -
Legislative Services	-
Development Services	-
Community Services	-
Police Services	5,620,050
Financial Services	-
Fire & Emergency Services	-
Communications	-
Public Works	-
TOTAL EXPENDITURES	\$ 5,620,050
NET CHANGE	\$ (560,620)

2025-2026 FUND BALANCE PROJECTION	Crime District Sales Tax Fund
Estimated Fund Balance 10/1/25	\$ 5,000,320
Revenue	5,059,430
Expenditure	(5,620,050)
Estimated Fund Balance 09/30/26	\$ 4,439,700



TOWN COUNCIL AGENDA K.6. REGULAR ITEM(S)

DATE: September 15, 2025
FROM: Meg Jakubik, Director of Budget Services
ITEM: **Town Council acting as the Board of Directors for the Town of Flower Mound Fire Control, Prevention, and Emergency Medical Services District to consider approval of a resolution adopting the Town of Flower Mound Fire Control, Prevention, and Emergency Medical Services District budget for the fiscal year beginning on October 1, 2025, and ending on September 30, 2026.**

BACKGROUND: Section 344.204 of the Local Government Code requires the budget to be adopted by the Fire Control, Prevention, and Emergency Medical Services District (Fire District), Board of Directors.

At the March 3, 2008 Town Council meeting, the Town Council acting as the Board of Directors for the Fire District, adopted alternative budget procedures for the Fire District to follow similar procedures and dates to the Town's annual budget.

The Flower Mound Town Council acting as the Board of Directors for the Fire District and staff held the FY 2025-2026 Budget Work Session on August 21, 2025, in the Council Chambers. A public hearing for the Fire District's Proposed Budget was held on August 18, 2025.

BOARD REVIEW/CITIZEN FEEDBACK: N/A

ALTERNATIVES:

FISCAL IMPACT: N/A

Proposed Revenue

\$5,049,430

Proposed Expenditure

\$6,984,430

Account Number(s):

Fund 319- Fire District

Account Number(s):

Fund 319- Fire District

LEGAL REVIEW: No alteration to the legal content of this resolution was made, which had originally been approved by Taylor, Olson, Adkins, Sralla, & Elam L.L.P.

ATTACHMENTS:

1. Attachment 1-Resolution - Fire Control - Budget for 2025-2026

DRAFT MOTION: The Town Council, acting as the Board of Directors for the Fire Control, Prevention, and Emergency Medical Services District, move to approve a resolution adopting the Town of Flower Mound Fire Control, Prevention, and Emergency Medical Services District budget for the fiscal year beginning on October 1, 2025, and ending on September 30, 2026.

TOWN OF FLOWER MOUND, TEXAS

RESOLUTION NO. _____

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF FLOWER MOUND, TEXAS, ACTING AS THE BOARD OF DIRECTORS OF THE TOWN OF FLOWER MOUND FIRE CONTROL, PREVENTION, AND EMERGENCY MEDICAL SERVICES DISTRICT, ADOPTING AND APPROVING THE BUDGET FOR THE TOWN OF FLOWER MOUND FIRE CONTROL, PREVENTION, AND EMERGENCY MEDICAL SERVICES DISTRICT FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2025, AND ENDING SEPTEMBER 30, 2026; PROVIDING A SEVERABILITY CLAUSE; AND DECLARING AN EFFECTIVE DATE.

WHEREAS, the Town Council acting as the Board of Directors of the Town of Flower Mound Fire Control, Prevention, and Emergency Medical Services District (Fire District) has adopted procedures for adopting a budget that are different from the procedures outlined in Texas Local Government Code Section 344.204, as permitted by such section; and

WHEREAS, the Town Council acting as the Board of Directors of the Fire District caused to be filed with the Town Secretary, in accordance with the procedures adopted therefore, a budget to cover all proposed expenditures of the Fire District for the fiscal year beginning October 1, 2025, and ending September 30, 2026; and

WHEREAS, said budget shows, as definitely as possible, each of the various projects for which appropriations are made in the budget and the estimated amount of money carried in the budget for each such project; and

WHEREAS, said budget has been filed with the Town Secretary and has been available for inspection by any taxpayer; and

WHEREAS, notice of public hearing on the proposed Fire District Budget, stating the date, time, place, and subject matter of said public hearing was given as required by the laws of the State of Texas; and

WHEREAS, one (1) such public hearing was held on August 18, 2025, prior approval of such date being hereby ratified and confirmed by the Town Council acting as the Board of Directors for the Fire District, and all those wishing to speak on the budget were heard; and

WHEREAS, the Town Council acting as the Board of Directors for the Fire District has studied said budget and listened to the comments of the taxpayers at the public hearing held, and therefore has determined that the budget attached is in the best interest of the Town of Flower Mound Fire District.

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF FLOWER MOUND, TEXAS, ACTING AS THE BOARD OF DIRECTORS OF THE TOWN OF FLOWER MOUND FIRE CONTROL, PREVENTION, AND EMERGENCY MEDICAL SERVICES DISTRICT, THAT:

SECTION 1

All of the above premises are hereby found to be true and correct legislative and factual determinations of the Town of Flower Mound and they are hereby approved and incorporated into the body of this Resolution as if copied in their entirety.

SECTION 2

The budget attached in total hereto as Exhibit "A", and incorporated herein for all purposes, is adopted for the fiscal year beginning October 1, 2025, and ending September 30, 2026, and there is hereby appropriated from the funds indicated and for such purposes, respectively, such sums of money for such projects, operations, activities, purchases, and other expenditures as proposed in the attached budget.

SECTION 3

No expenditure of the funds of the Fire District shall hereafter be made except in strict compliance with said budget except that, in the case of public necessity, the Town Council acting as the Board of Directors of the Fire District shall authorize amendments to said budget for emergency expenditures necessary to meet unusual and unforeseen conditions which could not, by reasonably diligent thought and attention, have been included in the original budget.

SECTION 4

The Town Manager shall file or cause to be filed three (3) true and correct copies of said approved budget, along with this Resolution, with the Town Secretary, who shall file or cause to be filed one (1) true and correct copy of same in the office of the County Clerk of Denton County, Texas and one (1) true and correct copy of same in the office of the County Clerk of Tarrant County, Texas.

SECTION 5

If any section, paragraph, sentence, clause, phrase, or word in this Resolution, or application thereof by any persons or circumstances is held invalid in any Court of competent jurisdiction, such holding shall not affect the validity of the remaining portions of this Resolution; and the Town Council acting as the Board of Directors of the Fire District hereby declares it would have passed such remaining portions of the resolution despite such invalidity, which remaining portions shall remain in full force and effect.

SECTION 6

The necessity of adopting and approving a budget for the next fiscal year as required by the laws of the State of Texas requires that this Resolution shall take effect immediately from and after its passage.

RESOLUTION NO. _____

PAGE 3

DULY PASSED, APPROVED AND ADOPTED BY THE TOWN COUNCIL OF THE
TOWN OF FLOWER MOUND, TEXAS, BY A VOTE OF _____ TO _____ ON THIS 15th
DAY OF SEPTEMBER, 2025.

APPROVED:

Cheryl Moore, MAYOR

ATTEST:

Traci Henderson, TOWN SECRETARY

EXHIBIT A

**Town of Flower Mound, Texas
FY 25-26**

**FIRE CONTROL, PREVENTION, AND EMERGENCY
MEDICAL SERVICES DISTRICT**

PROPOSED REVENUES	Fire District Sales Tax Fund
Taxes	\$ 5,029,430
Licenses and Permits	-
Intergovernmental Revenue	-
Charges for Services	-
Fines and Forfeitures	-
Investment Earnings	20,000
Interfund Transfer	-
Other Revenue	-
TOTAL REVENUE	\$ 5,049,430

PROPOSED EXPENDITURES	Fire District Sales Tax Fund
Town Manager's Office	\$ -
Legislative Services	-
Development Services	-
Community Services	-
Police Services	-
Financial Services	-
Fire & Emergency Services	6,984,430
Communications	-
Public Works	-
TOTAL EXPENDITURES	\$ 6,984,430
NET CHANGE	\$ (1,935,000)

2024-2025 FUND BALANCE PROJECTION	Fire District Sales Tax Fund
Fund Balance 10/1/23	\$ 3,658,996
Revenue	5,049,430
Expenditure	(6,984,430)
Fund Balance 09/30/24	\$ 1,723,996



TOWN COUNCIL AGENDA K.7. REGULAR ITEM(S)

DATE: September 15, 2025
FROM: Meg Jakubik, Director of Budget Services
ITEM: **Consider approval of an ordinance adopting the budget for the fiscal year beginning on October 1, 2025, and ending on September 30, 2026, providing a taxpayer impact statement, and making appropriations for each fund.**

BACKGROUND: The FY 2025-2026 Proposed Budget is hereby presented for adoption in fund total. Section 9.08 of the Town's Charter states that, "The budget shall be adopted by the favorable vote of three (3) of the members of the Town Council."

The Flower Mound Town Council and staff held the FY 2025-2026 Budget Work Session on August 21, 2025, in the Council Chambers. A public hearing for the Proposed Budget was also held on September 15, 2025. The proposed budget for FY 2025-2026 includes a five-year Capital Improvement Program (CIP).

The proposed budget for the General Fund includes \$97,259,360 in revenues and \$97,220,851 in expenditures, which includes the baseline budget, non-discretionary requests, and decision packages. Agencies that provide community support for the Town of Flower Mound, and meet certain criteria are eligible to request community support funding. The proposed budget includes \$309,740 for community support funding.

The proposed budget for the Utility Fund includes \$64,012,255 in revenues, and \$63,101,893 in expenditures, which includes the baseline budget, non-discretionary requests, and proposed decision packages.

The proposed budget for the Stormwater Utility Fund includes \$3,018,000 in revenues, and \$1,879,020 in expenditures, which includes the baseline budget, non-discretionary requests, and proposed decision packages.

The Town utilizes four Internal Service Funds: the Health Insurance/Flex Fund, the Vehicle and Equipment Replacement Fund, the Technology Replacement Fund, and the Small Equipment Replacement Fund. The Health Insurance/Flex Fund is supported by internal charges and employee contributions. The proposed budget for the Health Insurance/Flex Fund includes \$17,656,720 in revenues, and \$18,665,765 in expenditures. The Vehicle and Equipment Replacement Fund, the Technology Replacement Fund, and the Small Equipment Replacement Fund are supported by internal transfers. The Vehicle and Equipment Replacement Fund includes \$2,487,500 in revenues, and \$3,017,895 in expenditures. The Technology Replacement Fund includes \$620,250 in revenues, and \$461,340 in expenditures. The Small Equipment Replacement Fund includes \$404,205 in revenues, and \$0 in expenditures.

The General Government Capital Improvement Program (CIP) addresses needs pertaining to streets, signals, street reconstruction, facilities, and parks, and, including incomplete prior authorized projects and totals \$181,738,295. These projects will be supported by additional debt in the amounts of

\$30,000,000 for facility projects, \$8,570,000 for streets projects, and \$17,300,000 for parks projects. These projects are also supported by prior authorized debt, dedicated sales tax, park development funds, grants and interlocal agreements, impact fees, TIRZ revenue, and cash transfers from the General Fund.

The CIP in the Utility Fund totals \$59,972,063 for FY 2025-2026, which includes incomplete prior authorized projects, water and wastewater lines and stormwater projects. These projects will be supported by \$23,115,000 in additional debt.

A complete listing of Funds approved is included in the Fiscal Impact section.

House Bill 1522, passed by the Texas Legislature in 2025, amends section 551.043 of the Texas Government Code to require that the notice of a meeting required to be posted under section 551.043(a) of the Texas Open Meetings Act, at which a governmental body will discuss or adopt a budget for the governmental body, must include a taxpayer impact statement showing, for the median-valued homestead property, a comparison of the property tax bill in dollars pertaining to the property for the current fiscal year to an estimate of the property tax bill in dollars for the same property for the upcoming fiscal year. The taxpayer impact statement is included as an attachment to this agenda item.

Since the budget will require raising more revenue from property taxes than in the previous year, Section 102.007(c), Local Government Code, requires a separate vote of the governing body (in addition to and separate from the vote to adopt the budget) to ratify the property tax revenue increase reflected in the budget. This separate motion is set out below under the recommendation.

BOARD REVIEW/CITIZEN FEEDBACK: N/A

ALTERNATIVES:

FISCAL IMPACT: N/A

Proposed Expenditure:

General Fund	\$ 97,220,851
Utility Fund	63,101,893
Stormwater Utility Fund	1,879,020
Health insurance/Flex Fund	18,665,765
Vehicle and Equipment Replacement Fund	3,017,895
Technology Replacement Fund	461,340
Small Equipment Replacement Fund	-
Library Development Fund	5,000
TIRZ Fund	53,407,267
Park Development Fund	5,787,635
Tree Preservation Fund	298,390
Public Education Government (PEG) Fund	406,800
Street Maintenance Sales Tax Fund	17,739,180
4B Parks Sales Tax Fund	10,901,870
IRS Equitable Sharing Fund	-
Justice Seizures Fund	153,000

Chapter 59 Seizures Fund	-
Animal Care Fund	29,500
Opioid Settlement Fund	-
CDBG-HUD Grant Fund	597,755
Neighborhood Improvement Fund	-
COVID-19 Fund	355,801
Grants Fund	15,045
Hotel Occupancy Tax Fund	419,000
Municipal Court Security Fund	81,565
Municipal Court Technology Fund	49,695
Municipal Court Jury Fund	1,000
Municipal Court Truancy Prevention	60,500
General Debt Service Fund	10,266,367
Total Expenditures	\$ 284,922,134

Proposed Revenue:

General Fund	\$ 97,259,360
Utility Fund	64,012,255
Stormwater Utility Fund	3,018,000
Health insurance/Flex Fund	17,656,720
Vehicle and Equipment Replacement Fund	2,487,500
Technology Replacement Fund	620,250
Small Equipment Replacement Fund	405,205
Library Development Fund	3,000
TIRZ Fund	35,734,419
Park Development Fund	150,000
Tree Preservation Fund	100,000
Public Education Government (PEG) Fund	100,000
Street Maintenance Sales Tax Fund	5,329,430
4B Parks Sales Tax Fund	5,179,430
IRS Equitable Sharing Fund	-
Justice Seizures Fund	500
Chapter 59 Seizures Fund	-
Animal Care Fund	11,000
CDBG-HUD Grant Fund	597,755
Neighborhood Improvement Fund	74,300
COVID-19 Fund	355,801
Grants Fund	17,740
Hotel Occupancy Tax Fund	680,000
Municipal Court Security Fund	56,900
Municipal Court Technology Fund	46,000
Municipal Court Jury Fund	1,105
Municipal Court Truancy Prevention	56,800
General Debt Service Fund	10,085,000
Total Resources	\$ 244,038,470

Proposed Expenditure:

Crime District - Sales Tax	5,620,050
Fire District - Sales Tax	6,984,430

Proposed Revenue:

Crime District - Sales Tax	5,059,430
Fire District - Sales Tax	5,049,430

Proposed Expenditure:

General Capital Projects	4,810,002
Interlocal Capital Projects	19,548,000
CO's - Streets/Signals	3,255,270
CO's - Facilities	32,933,717
GO's - Streets/Signals	6,570,000
GO's - Parks	17,300,000
Road Impact Fund	8,135,721
Tax Notes - Capital	1,349,633
Sewer Impact Fees	358,354
Water Impact Fees	1,969,095
Utility Capital Projects - Reserve	3,053,994
CO's/Rev Bond - Water	54,590,620
Total Expenditures	\$ 153,874,406

Proposed Revenue:

General Capital Projects	-
Interlocal Capital Projects	13,700,000
CO's - Streets/Signals	2,000,000
CO's - Facilities	30,000,000
GO's - Streets/Signals	6,570,000
GO's - Parks	17,300,000
Road Impact Fund	655,000
Tax Notes - Capital	-
Sewer Impact Fees	105,000
Water Impact Fees	400,000
Utility Capital Projects - Reserve	1,227,000
CO's/Rev Bond - Water	23,115,000
Total Resources	\$ 95,072,000

Total Proposed Expenditure	\$ 451,401,020
Total Proposed Revenue	\$ 349,219,330
	\$ (102,181,690)

LEGAL REVIEW: No alteration to the legal content of this ordinance was made, which had originally been approved by Taylor, Olson, Adkins, Sralla, & Elam L.L.P.

ATTACHMENTS:

1. Attachment 1-Ordinance - Adopted Budget for 25-26
2. Taxpayer Impact Statement

DRAFT MOTION: Note: Budget adoption must include two motions- the second motion is to ratify the property tax increase reflected in the budget.

1. Move to approve an ordinance adopting the budget for the fiscal year beginning on October 1, 2025, and ending on September 30, 2026, and making appropriations for each fund and department.
2. Move to ratify the property tax revenue increase reflected in the FY 2025-2026 budget.

TOWN OF FLOWER MOUND, TEXAS

ORDINANCE NO. _____

AN ORDINANCE OF THE TOWN OF FLOWER MOUND, TEXAS, ADOPTING AND APPROVING THE BUDGET FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2025, AND ENDING SEPTEMBER 30, 2026, AND MAKING APPROPRIATIONS FOR EACH FUND AND DEPARTMENT; PROVIDING FOR THE LEVYING AND COLLECTION OF A SUFFICIENT TAX TO PAY THE INTEREST ON SINKING FUND AND OTHER OBLIGATIONS; REPEALING CONFLICTING ORDINANCES; PROVIDING A SEVERABILITY CLAUSE; AND DECLARING AN EFFECTIVE DATE.

WHEREAS, the Town Manager has caused to be filed with the Town Secretary a budget to cover all proposed expenditures of the government of the Town for the fiscal year beginning October 1, 2025, and ending September 30, 2026; and,

WHEREAS, said budget shows, as definitely as possible, each of the various projects for which appropriations are made in the budget and the estimated amount of money carried in the budget for each such project; and,

WHEREAS, the Town of Flower Mound Crime Control and Prevention District ("Crime District") and the Town of Flower Mound Fire Control, Prevention, and Emergency Medical Services District ("Fire District") have each submitted budgets for the fiscal year beginning October 1, 2025 and ending September 30, 2026, deemed appropriate by the Town Council; and,

WHEREAS, said budget has been filed with the Town Secretary and has been available for inspection by any taxpayer; and,

WHEREAS, notice of public hearing on the proposed Annual Budget, stating the date, time, place, and subject matter of said public hearing was given as required by the laws of the State of Texas; and,

WHEREAS, one (1) such public hearing was held on September 15, 2025 prior approval of which date being hereby ratified and confirmed by the Town Council, and all those wishing to speak on the budget were heard; and,

WHEREAS, the Town Council has studied said budget and listened to the comments of the taxpayers at the public hearing held, and therefore has determined that the budget attached in fund total hereto is in the best interest of the Town of Flower Mound.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF FLOWER MOUND, TEXAS, THAT:

SECTION 1

All of the above premises are hereby found to be true and correct legislative and factual findings of the Town of Flower Mound and they are hereby approved and incorporated into the body of this Ordinance, as if copied in their entirety.

SECTION 2

The budget attached in fund total hereto as Exhibit "A", and incorporated herein for all purposes, is adopted for the fiscal year beginning October 1, 2025, and ending September 30, 2026, and there is hereby appropriated from the funds indicated and for such purposes, respectively, such sums of money for such projects, operations, activities, purchases, and other expenditures as proposed in the attached budget. The budget includes a contingent appropriation in the General Fund of \$9,722,085 (i.e., 10 percent of total expenditures) to be used in the event of unforeseen items of expenditure. Such contingent appropriations shall be under the control of the Town Manager and distributed by him, after approval of the Town Council.

SECTION 3

No expenditure of the funds of the Town shall hereafter be made except in strict compliance with said budget, except that in the case of public necessity, the Town Council shall authorize amendments to said budget such emergency expenditures to meet unusual and unforeseen conditions which could not, by reasonably diligent thought and attention, have been included in the original budget.

SECTION 4

The Town Manager shall file or cause to be filed three (3) true and correct copies of said approved budget, along with this Ordinance, with the Town Secretary, who shall file or cause to be filed one (1) true and correct copy of same in the office of the County Clerk of Denton County, Texas and one (1) true and correct copy of same in the office of the County Clerk of Tarrant County, Texas.

SECTION 5

The Town council hereby approves the Crime District Budget and the Fire District budget for the fiscal year beginning October 1, 2025 and ending September 30, 2026.

SECTION 6

Any and all ordinances, resolutions, rules, regulations, policies, or provisions in conflict with the provisions of this Ordinance are hereby repealed and rescinded to the extent of any conflict herewith.

SECTION 7

If any section, paragraph, sentence, clause, phrase, or word in this Ordinance, or application thereof by any persons or circumstances is held invalid in any Court of competent jurisdiction, such holding shall not affect the validity of the remaining portions of this Ordinance; and the Town Council hereby declares it would have passed such remaining portions of the ordinance despite such invalidity, which remaining portions shall remain in full force and effect.

SECTION 8

The necessity of adopting and approving a budget for the next fiscal year as required by the laws of the State of Texas requires that this Ordinance shall take effect immediately from and after its passage.

DULY PASSED, APPROVED AND ADOPTED BY THE TOWN COUNCIL OF THE TOWN OF FLOWER MOUND, TEXAS, BY A VOTE OF _____ TO _____ ON THIS 15th DAY OF SEPTEMBER, 2025.

APPROVED:

Cheryl Moore, MAYOR

ATTEST:

Traci Henderson, TOWN SECRETARY

EXHIBIT A

TOWN OF FLOWER MOUND					
SUMMARY OF REVENUE AND EXPENDITURES BY FUND					
OPERATING, SPECIAL REVENUE, & INTERNAL SERVICE FUNDS					
FISCAL YEAR 2025-2026					
	ESTIMATED				ESTIMATED
	BEGINNING	REVENUE	EXPENDITURES	FY 25-26	ENDING
FUND NAME	BALANCE			DIFFERENCE	BALANCE
GENERAL FUND	\$ 35,174,135	\$ 97,259,360	\$ 97,220,851	\$ 38,509	\$ 35,212,644
GENERAL DEBT SERVICE FUND	595,637	10,085,000	10,266,367	(181,367)	414,270
UTILITY FUND	19,010,437	64,012,255	63,101,893	910,362	19,920,799
STORMWATER UTILITY FUND	686,795	3,018,000	1,879,020	1,138,980	1,825,775
LIBRARY DEVELOPMENT FUND	101,207	3,000	5,000	(2,000)	99,207
TIRZ FUND	17,702,928	35,734,419	53,407,267	(17,672,848)	30,080
PARK DEVELOPMENT FUND	6,027,302	150,000	5,787,635	(5,637,635)	389,667
TREE PRESERVATION FUND	2,824,366	100,000	298,390	(198,390)	2,625,976
PEG FUND	969,189	100,000	406,800	(306,800)	662,389
STREET MAINTENANCE - SALES TAX FUND	12,432,429	5,329,430	17,739,180	(12,409,750)	22,679
PARKS 4B - SALES TAX FUND	11,623,738	5,179,430	10,901,870	(5,722,440)	5,901,298
IRS EQUITABLE SHARING FUND	9,806	-	-	-	9,806
JUSTICE SEIZURES FUND	655,152	500	153,000	(152,500)	502,652
CHAPTER 59 SEIZURE FUND	66,982	-	-	-	66,982
ANIMAL CARE FUND	100,309	11,000	29,500	(18,500)	81,809
OPIOID SETTLEMENT FUND	7,227	-	-	-	7,227
CDBG - HUD GRANT	-	597,755	597,755	-	-
GRANTS FUND	70,600	17,740	15,045	2,695	73,295
NEIGHBORHOOD IMPROVEMENT FUND	283,614	74,300	-	74,300	357,914
COVID-19 FUND	315,832	355,801	355,801	-	315,832
HOTEL OCCUPANCY TAX FUND	992,789	680,000	419,000	261,000	1,253,789
MUNICIPAL COURT SECURITY FUND	143,885	56,900	81,565	(24,665)	119,220
MUNICIPAL COURT TECHNOLOGY FUND	99,685	46,000	49,695	(3,695)	95,990
MUNICIPAL COURT JURY FUND	836	1,105	1,000	105	941
MUNICIPAL COURT TRUANCY PREVENTION FUND	88,432	56,800	60,500	(3,700)	84,732
VEHICLE & EQUIPMENT REPLACEMENT FUND	15,933,797	2,487,500	3,017,895	(530,395)	15,403,402
TECHNOLOGY REPLACEMENT FUND	1,237,286	620,250	461,340	158,910	1,396,196
SMALL EQUIPMENT REPLACEMENT FUND	821,703	405,205	-	405,205	1,226,908
HEALTH INSURANCE/FLEX ACCOUNT FUND	2,224,682	17,656,720	18,665,765	(1,009,045)	1,215,637
	\$ 130,200,780	\$ 244,038,470	\$ 284,922,134	\$ (40,883,664)	\$ 89,317,116

EXHIBIT A

TOWN OF FLOWER MOUND					
SUMMARY OF REVENUE AND EXPENDITURES BY FUND					
SPECIAL DISTRICTS					
FISCAL YEAR 2025-2026					
	ESTIMATED				ESTIMATED
	BEGINNING	REVENUE	EXPENDITURES	FY 25-26	ENDING
FUND NAME	BALANCE			DIFFERENCE	BALANCE
CRIME DISTRICT - SALES TAX FUND	\$ 5,000,320	\$ 5,059,430	\$ 5,620,050	\$ (560,620)	\$ 4,439,700
FIRE DISTRICT - SALES TAX FUND	3,658,996	5,049,430	6,984,430	(1,935,000)	1,723,996
	\$ 8,659,316	\$ 10,108,860	\$ 12,604,480	\$ (2,495,620)	\$ 6,163,696

CAPITAL IMPROVEMENT PROGRAM

The Capital Improvement Program provides budget authorization for previously approved, but unexpended projects, along with the proposed projects for FY 2025-2026. The Charts below show authorized spending for each capital project fund and new expected revenue. The CIP proposes additional debt issuances of \$30,000,000 for Facilities, \$8,570,000 for streets, \$17,300,000 for parks and \$23,115,000 for Water and Wastewater projects.

Exhibit A

TOWN OF FLOWER MOUND					
SUMMARY OF REVENUE AND EXPENDITURES BY FUND					
CAPITAL FUNDS					
FISCAL YEAR 2025-2026					
	ESTIMATED				ESTIMATED
	BEGINNING	REVENUE	EXPENDITURES	FY 25-26	ENDING
FUND NAME	BALANCE			DIFFERENCE	BALANCE
GENERAL CAPITAL PROJECTS	\$ 4,810,002	\$ -	\$ 4,810,002	\$ (4,810,002)	\$ -
INTERLOCAL CAPITAL PROJECTS	8,847,305	13,700,000	19,548,000	(5,848,000)	2,999,305
ROAD ESCROW PROJECT FUND	593,656	-	-	-	593,656
CO'S - STREETS/SIGNALS	1,310,679	2,000,000	3,255,270	(1,255,270)	55,409
CO'S - PARKS	218	-	-	-	218
CO'S - FACILITIES	17,892,926	30,000,000	32,933,717	(2,933,717)	14,959,209
GO'S - STREETS/SIGNALS	-	6,570,000	6,570,000	-	-
GO'S - PARKS	-	17,300,000	17,300,000	-	-
ROAD IMPACT FUND	12,675,141	655,000	8,135,721	(7,480,721)	5,194,420
TAX NOTES-CAPITAL	1,391,520	-	1,349,633	(1,349,633)	41,887
SEWER IMPACT FEES	8,134,756	105,000	358,354	(253,354)	7,881,402
WATER IMPACT FEES	10,641,748	400,000	1,969,095	(1,569,095)	9,072,653
UTILITY CAPITAL PROJECTS - RESERVE	1,826,994	1,227,000	3,053,994	(1,826,994)	-
CO'S / REV BOND - WATER	51,527,721	23,115,000	54,590,620	(31,475,620)	20,052,101
	\$ 119,652,666	\$ 95,072,000	\$ 153,874,406	\$ (58,802,406)	\$ 60,850,260

TOWN OF FLOWER MOUND TAXPAYER IMPACT STATEMENT

House Bill 1522, passed by the Texas Legislature in 2025, amends section 551.043 of the Texas Government Code to require that the notice of a meeting required to be posted under section 551.043(a) of the Texas Open Meetings Act, at which a governmental body will discuss or adopt a budget for the governmental body, must include a taxpayer impact statement showing, for the median-valued homestead property, a comparison of the property tax bill in dollars pertaining to the property for the current fiscal year to an estimate of the property tax bill in dollars for the same property in the upcoming fiscal year.

The Town of Flower Mound has proposed a budget for the Town's 2025-2026 fiscal year. The Town intends to adopt its budget on or before September 30, 2025.

Properties located in Denton County:

Under the proposed budget and tax rate for FY 2025-2026, the average homeowner (based on the Town's 2025 median homestead value of \$471,805 provided by the Denton Central Appraisal District) would pay:

- \$61.59 less than in the current year
- \$71.47 more than under the no-new- revenue rate

	Tax Year 2024	Tax Year 2025 Proposed Rate	Tax Year 2025 No-New- Revenue Rate*
Median Value Homestead Property	487,708	471,805	471,805
Town of Flower Mound Tax Rate	0.387278	0.387278	0.372129
Estimated Property Tax Bill	\$1,888.79	\$1,827.20	\$1,755.72

Properties located in Tarrant County:

Under the proposed budget and tax rate for FY 2025-2026, the average homeowner (based on the Town's 2025 median homestead value of \$471,805 provided by the Tarrant Appraisal District) would pay:

- \$168.41 less than in the current year
- \$75.75 more than under the no-new- revenue rate

	Tax Year 2024	Tax Year 2025 Proposed Rate	Tax Year 2025 No-New- Revenue Rate*
Median Value Homestead Property	543,486	500,000	500,000
Town of Flower Mound Tax Rate	0.387278	0.387278	0.372129
Estimated Property Tax Bill	\$2,104.80	\$1,936.39	\$1,860.65

** The No-New-revenue Tax Rate, as calculated under Chapter 26 of the Texas Tax Code, may not be capable of funding a balanced budget for the Town.*

The estimates in this Impact Statement are valid only for the proposed budget and proposed tax rate that the Town Council will discuss at its meeting on **September 15, 2025**. The proposed budget and the proposed tax rate may each be amended by the Town Council at any time before their final adoption. If the Town Council intends to discuss the proposed budget at a subsequent meeting, the Town will include a Taxpayer Impact Statement in the notice for that meeting which will include updated estimates based on any amendments to the proposed budget and proposed tax rate.



TOWN COUNCIL AGENDA K.8. REGULAR ITEM(S)

DATE: September 15, 2025

FROM: Meg Jakubik, Director of Budget Services

ITEM: **Public Hearing to consider approval of an ordinance adopting the 2025 tax rolls and fixing and levying municipal ad valorem taxes for the fiscal year beginning on October 1, 2025, and ending on September 30, 2026, and for each fiscal year thereafter until otherwise provided, at the rate of \$0.387277 per \$100 assessed valuation on all taxable property within the corporate limits of the Town of Flower Mound as of January 1, 2025.**

BACKGROUND: Chapter 26 of the Property Tax Code requires municipalities to comply with truth-in-taxation laws in adopting their tax rates. The laws are designed to make taxpayers aware of tax rate proposals and to allow taxpayers, in certain cases, to limit a tax increase. The Town is required to hold a public hearing on the tax rate before adopting a tax rate that exceeds \$0.372129, the no-new-revenue tax rate. The Town is also required to publish a notice in the newspaper, on TV, and web site before adopting a tax rate. During the public hearing, taxpayers will be given the opportunity to express their views about the rate as it is proposed.

The no-new-revenue tax rate enables the public to evaluate the relationship between taxes for the current year and taxes that a proposed tax rate would produce if applied to the same properties taxed in both years.

The voter-approval rate calculation is split into two separate components: an operating and maintenance rate and a debt rate. The voter-approval rate calculation allows municipalities to raise 103.5 percent of the operating and maintenance money raised in the prior year, plus the necessary debt rate. The Town's voter-approval rate for FY 2025-2026 is \$0.388067.

The Denton Central Appraisal District and the Tarrant Appraisal District provide the final appraisal rolls during the budget process that are utilized by the Town in the calculation of the Town's property tax revenues. The Chief Appraisers certify the appraisal rolls that allow the Town to calculate and submit the no-new-revenue and voter-approval tax rates and estimate revenues. On August 18, 2025, the Town Council approved the certified estimate appraisal roll. The approval of the tax rolls is an annual process required by Section 26.09(e) of the Texas Tax Code.

This ordinance apportions the tax levy for the purpose of defraying the current expenses of the General Fund (i.e., \$0.334294) and for creating an interest and sinking fund for outstanding bonded indebtedness not otherwise provided for (i.e., \$0.052983); it also provides for the collection and payment of taxes and assesses penalties and interest for the nonpayment of taxes within the time set.

An ordinance setting a property tax rate that exceeds the no-new-revenue tax rate (as with this ordinance) requires the affirmative vote of at least 60% of the members of the governing body.

BOARD REVIEW/CITIZEN FEEDBACK: N/A

ALTERNATIVES:

FISCAL IMPACT: \$(64,000,000)

Proposed Revenue

\$(50,700,000)

\$(8,200,000)

\$(5,100,000)

Account Number(s):

100-4105

110-4105

308-4105

LEGAL REVIEW: No alteration to the legal content of this ordinance was made, which had originally been approved by Taylor, Olson, Adkins, Sralla, & Elam L.L.P.

ATTACHMENTS:

1. Attachment 1-Ordinance - 25-26 Tax Rate

DRAFT MOTION: "I move that the property tax rate be increased by the adoption of a tax rate of \$0.387277 per \$100 of assessed value, which is effectively a 4.07 percent increase in the tax rate; and move to approve an ordinance adopting the 2025 tax rolls and fixing and levying municipal ad valorem taxes for the fiscal year beginning on October 1, 2025, and ending on September 30, 2026, and for each fiscal year thereafter until otherwise provided, at the rate of \$0.387277 per \$100 assessed valuation on all taxable property within the corporate limits of the Town of Flower Mound as of January 1, 2025."

TOWN OF FLOWER MOUND, TEXAS

ORDINANCE NO. _____

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF FLOWER MOUND, TEXAS, FIXING AND LEVYING MUNICIPAL AD VALOREM TAXES FOR THE FISCAL YEAR BEGINNING ON OCTOBER 1, 2025, AND ENDING ON SEPTEMBER 30, 2026, AND FOR EACH FISCAL YEAR THEREAFTER UNTIL OTHERWISE PROVIDED, AT A RATE OF \$0.387277 PER ONE HUNDRED DOLLARS (\$100) ASSESSED VALUATION ON ALL TAXABLE PROPERTY WITHIN THE CORPORATE LIMITS OF THE TOWN AS OF JANUARY 1, 2024; DIRECTING THE ASSESSMENT THEREOF TO PROVIDE REVENUES FOR THE PAYMENT OF CURRENT EXPENSES AND TO PROVIDE AN INTEREST AND SINKING FUND ON ALL OUTSTANDING DEBTS OF THE TOWN; PROVIDING FOR DUE AND DELINQUENT DATES TOGETHER WITH PENALTIES AND INTEREST; PROVIDING FOR APPROVAL OF THE 2025 TAX ROLLS; REPEALING CONFLICTING ORDINANCES; PROVIDING A SEVERABILITY CLAUSE; AND DECLARING AN EFFECTIVE DATE.

WHEREAS, the Town Council hereby finds that the tax rate for the fiscal year beginning October 1, 2025, and ending September 30, 2026, hereinafter levied for current expenses of the Town and the general improvements of the Town and its property, must be levied to provide the revenue requirements of the budget for the ensuing year; and

WHEREAS, the Town Council has approved by a separate Ordinance adopting the budget for the fiscal year beginning on October 1, 2025, and ending on September 30, 2026; and

WHEREAS, the Town Council provided notice of the no-new-revenue tax rate as required by law; and

WHEREAS, all statutory and constitutional requirements concerning the levying and assessing of ad valorem taxes have been completed in due and correct time.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF FLOWER MOUND, TEXAS, THAT:

SECTION 1

All of the above premises are hereby found to be true and correct legislative and factual determinations of the Town of Flower Mound and they are hereby approved and incorporated into the body of this Ordinance as if copied in their entirety.

SECTION 2

There be and is hereby levied and ordered to be assessed and collected for the fiscal year beginning on October 1, 2025, and ending on September 30, 2026, and for each fiscal year thereafter until otherwise provided, on all taxable property, real, personal, and mixed, situated within the corporate limits of the Town of Flower Mound, Texas, and not exempt by the Constitution of the State and valid state laws, a tax rate of \$0.387277 on each One

Hundred Dollars (\$100) assessed value of taxable property, which shall be apportioned and distributed as follows:

- A. For the purpose of defraying the current expenses of the municipal government of the Town, a tax rate of \$0.334294 on each One Hundred Dollars (\$100) assessed value of all taxable property within the Town; and
- B. For the purpose of creating an interest and sinking fund to pay the interest and principal of all outstanding debt obligations of the Town, not otherwise provided for, a tax rate of \$0.052983 on each One Hundred Dollars (\$100) assessed value of all taxable property within the Town.

THIS TAX RATE WILL RAISE MORE TAXES FOR MAINTENANCE AND OPERATIONS THAN LAST YEAR'S TAX RATE.

THE TAX RATE WILL EFFECTIVELY BE INCREASED BY 4.07 PERCENT AND WILL INCREASE TAXES FOR MAINTENANCE AND OPERATIONS ON A \$100,000 HOME BY APPROXIMATELY \$10.54.

SECTION 3

All ad valorem taxes shall become due and payable on October 1, 2024, and all ad valorem taxes shall become delinquent after January 31, 2026. There shall be no discount for payment of taxes prior to said January 31, 2026. If any person fails to pay said ad valorem taxes on or before January 31, 2026, the following penalties shall be payable thereon, to-wit:

During the month of February 2026, six percent	(6%)
During the month of March 2026, seven percent	(7%)
During the month of April 2026, eight percent	(8%)
During the month of May 2026, nine percent	(9%)
During the month of June 2026, ten percent	(10%)
On or after July 1, 2026, twelve percent	(12%)

SECTION 4

Taxes shall be payable at the offices of the Denton County Tax Office. The Town shall have available all rights and remedies provided by law for enforcement of the collection of taxes levied under this Ordinance.

SECTION 5

All delinquent taxes shall bear interest at the rate of twelve percent (12%) per annum, in addition to the penalties.

SECTION 6

The Town Council hereby approves the 2026 tax rolls of the Town of Flower Mound, Texas, in the amount of \$16,941,672,937, based upon the certified appraisal roll and roll under protest as approved by the Appraisal Review Boards of the Denton Central Appraisal District and the Tarrant Appraisal District, to be used for the authorized collection of ad valorem taxes for the fiscal year beginning on October 1, 2025, and ending on September 30, 2026.

SECTION 7

Pursuant to the authority granted by Section 33.07 of the Texas Tax Code, in the event that 2025 taxes and taxes for all subsequent years become delinquent on or after February 1 but not later than May 1 of the year in which they become delinquent, and in the event such delinquent taxes are referred to an attorney for collection, an additional amount of twenty percent (20%) of the total amount of tax, penalty and interest then due shall be added as collection costs to be paid by the taxpayer, for all taxes delinquent on or after July 1, 2026.

SECTION 8

Pursuant to the authority granted by Section 33.08 of the Texas Tax Code, the Town further provides that all 2025 taxes and taxes for all subsequent years that become delinquent on or after June 1 of the year in which they become delinquent shall, in order to defray the costs of collection, incur an additional 20% of the delinquent tax, penalty and interest.

SECTION 9

Any and all ordinances, resolutions, rules, regulations, policies, or provisions in conflict with the provisions of this Ordinance are hereby repealed and rescinded to the extent of the conflict herewith.

SECTION 10

If any section, paragraph, sentence, clause, phrase, or word in this Ordinance, or application thereof by any persons or circumstances is held invalid in any Court of competent jurisdiction, such holding shall not affect the validity of the remaining portions of this Ordinance; and, the Town Council hereby declares it would have passed such remaining portions of the Ordinance despite such invalidity, which remaining portions shall remain in full force and effect.

SECTION 11

The fact that it is necessary that this Ordinance be enacted in order to authorize the collection of ad valorem taxes for the fiscal year beginning on October 1, 2025, and ending on September 30, 2026, requires that this Ordinance shall take effect from and after its passage as the law in such cases provides.

ORDINANCE NO. _____

PAGE 4

DULY PASSED, APPROVED, AND ADOPTED BY THE TOWN COUNCIL OF THE
TOWN OF FLOWER MOUND, TEXAS, BY A VOTE OF _____ TO _____ ON THIS
15th DAY OF SEPTEMBER, 2025.

APPROVED:

Cheryl Moore, MAYOR

ATTEST:

Traci Henderson, TOWN SECRETARY



TOWN COUNCIL AGENDA K.9. REGULAR ITEM(S)

DATE: September 15, 2025
FROM: Meg Jakubik, Director of Budget Services
ITEM: **Consider approval of a resolution adopting Atmos Energy Corp., Mid-Tex Division's rate tariffs that reflect the negotiated rate change pursuant to the Rate Review Mechanism process.**

BACKGROUND: The City, along with 181 other Mid-Texas cities served by Atmos Energy Corporation, Mid-Tex Division ("Atmos Mid-Tex" or "Company"), is a member of the Atmos Cities Steering Committee ("ACSC"). In 2007, ACSC and Atmos Mid-Tex settled a rate application filed by the Company pursuant to Section 104.301 of the Texas Utilities Code for an interim rate adjustment commonly referred to as a GRIP filing (arising out of the Gas Reliability Infrastructure Program legislation). That settlement created a substitute rate review process, referred to as Rate Review Mechanism ("RRM"), as a substitute for future filings under the GRIP statute.

Since 2007, there have been several modifications to the original RRM Tariff. The most recent iteration of an RRM Tariff was reflected in an ordinance adopted by ACSC members in 2018. On or about April 1, 2025, the Company filed a rate request pursuant to the RRM Tariff adopted by ACSC members. The Company claimed that its cost-of-service in a test year ending December 31, 2024, entitled it to additional system-wide revenues of \$245.2 million.

Application of the standards set forth in ACSC's RRM Tariff reduces the Company's request to \$225.6 million, \$163.5 million of which would be applicable to ACSC members. After reviewing the filing and conducting discovery, ACSC's consultants concluded that the system-wide deficiency under the RRM regime should be \$185.6 million instead of the claimed \$245.2 million.

After several settlement meetings, the parties have agreed to settle the case for \$205.6 million. This is a reduction of \$20 million to the Company's initial request. This includes payment of ACSC's expenses. The Effective Date for new rates is October 1, 2025.

The impact of the settlement on average residential rates is an increase of \$7.83 on a monthly basis, or 9.27%. The increase for average commercial usage will be \$25.73 or 6.56%. Atmos provided bill impact comparisons containing these figures.

BOARD REVIEW/CITIZEN FEEDBACK: N/A

ALTERNATIVES: N/A

FISCAL IMPACT: N/A

LEGAL REVIEW: Thomas Brocato, of Lloyd Gosselink Rochelle & Townsend, P.C., created the proposed resolution for the cities in the Steering Committee of Cities Served by Atmos.

ATTACHMENTS:

1. Atmos Mid-Tex 2025 RRM Settlement Resolution_Corrected
2. Attachment 1_CY24 MTX RRM - Tariffs
3. Attachment 2_CY24 MTX RRM - Pension Benchmark
4. CY24 MTX RRM - Average Bill

DRAFT MOTION: Move to approve as presented in the agenda caption.

**TOWN OF FLOWER MOUND
RESOLUTION NO. ____25**

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF FLOWER MOUND, TEXAS, APPROVING A NEGOTIATED SETTLEMENT BETWEEN THE ATMOS CITIES STEERING COMMITTEE (“ACSC”) AND ATMOS ENERGY CORP., MID-TEX DIVISION REGARDING THE COMPANY’S 2025 RATE REVIEW MECHANISM FILING; DECLARING EXISTING RATES TO BE UNREASONABLE; ADOPTING TARIFFS THAT REFLECT RATE ADJUSTMENTS CONSISTENT WITH THE NEGOTIATED SETTLEMENT; FINDING THE RATES TO BE SET BY THE ATTACHED SETTLEMENT TARIFFS TO BE JUST AND REASONABLE AND IN THE PUBLIC INTEREST; APPROVING AN ATTACHMENT ESTABLISHING A BENCHMARK FOR PENSIONS AND RETIREE MEDICAL BENEFITS; REQUIRING THE COMPANY TO REIMBURSE ACSC’S REASONABLE RATEMAKING EXPENSES; DETERMINING THAT THIS RESOLUTION WAS PASSED IN ACCORDANCE WITH THE REQUIREMENTS OF THE TEXAS OPEN MEETINGS ACT; ADOPTING A SAVINGS CLAUSE; DECLARING AN EFFECTIVE DATE; AND REQUIRING DELIVERY OF THIS RESOLUTION TO THE COMPANY AND THE ACSC’S LEGAL COUNSEL.

WHEREAS, the Town of Flower Mound, Texas (“Town”) is a gas utility customer of Atmos Energy Corp., Mid-Tex Division (“Atmos Mid-Tex” or “Company”), and a regulatory authority with an interest in the rates, charges, and services of Atmos Mid-Tex; and,

WHEREAS, the Town is a member of the Atmos Cities Steering Committee (“ACSC”), a coalition of similarly-situated cities served by Atmos Mid-Tex (“ACSC Cities”) that have joined together to facilitate the review of, and response to, natural gas issues affecting rates charged in the Atmos Mid-Tex service area; and,

WHEREAS, ACSC and the Company worked collaboratively to develop a Rate Review Mechanism (“RRM”) tariff that allows for an expedited rate review process by ACSC Cities as a substitute to the Gas Reliability Infrastructure Program (“GRIP”) process instituted by the Legislature, and that will establish rates for the ACSC Cities based on the system-wide cost of serving the Atmos Mid-Tex Division; and,

WHEREAS, the current RRM tariff was adopted by the Town in a rate ordinance in 2018; and,

WHEREAS, on about April 1, 2025, Atmos Mid-Tex filed its 2025 RRM rate request with ACSC Cities based on a test year ending December 31, 2024; and,

WHEREAS, ACSC coordinated its review of the Atmos Mid-Tex 2025 RRM filing through its Executive Committee, assisted by ACSC’s attorneys and consultants, to resolve issues identified in the Company’s RRM filing; and,

WHEREAS, the Executive Committee, as well as ACSC's counsel and consultants, recommend that ACSC Cities approve an increase in base rates for Atmos Mid-Tex of \$205.6 million on a system-wide basis with an Effective Date of October 1, 2025; and,

WHEREAS, ACSC agrees that Atmos' plant-in-service is reasonable; and,

WHEREAS, with the exception of approved plant-in-service, ACSC is not foreclosed from future reasonableness evaluation of costs associated with incidents related to gas leaks; and,

WHEREAS, the attached tariffs (Attachment 1) implementing new rates are consistent with the recommendation of the ACSC Executive Committee, are agreed to by the Company, and are just, reasonable, and in the public interest; and,

WHEREAS, the settlement agreement sets a new benchmark for pensions and retiree medical benefits (Attachment 2); and,

WHEREAS, the RRM Tariff contemplates reimbursement of ACSC's reasonable expenses associated with RRM applications.

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF FLOWER MOUND, TEXAS:

SECTION 1

That the findings set forth in this Resolution are hereby in all things approved.

SECTION 2

That, without prejudice to future litigation of any issue identified by ACSC, the Town Council finds that the settled amount of an increase in revenues of \$205.6 million on a system-wide basis represents a comprehensive settlement of gas utility rate issues affecting the rates, operations, and services offered by Atmos Mid-Tex within the municipal limits arising from Atmos Mid-Tex's 2025 RRM filing, is in the public interest, and is consistent with the Town's authority under Section 103.001 of the Texas Utilities Code.

SECTION 3

That despite finding Atmos Mid-Tex's plant-in-service to be reasonable, ACSC is not foreclosed in future cases from evaluating the reasonableness of costs associated with incidents involving leaks of natural gas.

SECTION 4

That the existing rates for natural gas service provided by Atmos Mid-Tex are unreasonable. The new tariffs attached hereto and incorporated herein as Attachment 1, are just and reasonable, and are designed to allow Atmos Mid-Tex to recover annually an additional \$205.6 million on a system-wide basis, over the amount allowed under currently approved rates. Such tariffs are hereby adopted.

SECTION 5

That the ratemaking treatment for pensions and retiree medical benefits in Atmos Mid-Tex's next RRM filing shall be as set forth on Attachment 2, attached hereto and incorporated herein.

SECTION 6

That Atmos Mid-Tex shall reimburse the reasonable ratemaking expenses of the ACSC in processing the Company's 2025 RRM filing.

SECTION 7

That to the extent any resolution or ordinance previously adopted by the Council is inconsistent with this Resolution, it is hereby repealed.

SECTION 8

That the meeting at which this Resolution was approved was in all things conducted in strict compliance with the Texas Open Meetings Act, Texas Government Code, Chapter 551.

SECTION 9

That if any one or more sections or clauses of this Resolution is adjudged to be unconstitutional or invalid, such judgment shall not affect, impair, or invalidate the remaining provisions of this Resolution, and the remaining provisions of the Resolution shall be interpreted as if the offending section or clause never existed.

SECTION 10

That consistent with the Town Ordinance that established the RRM process, this Resolution shall become effective from and after its passage with rates authorized by attached tariffs to be effective for bills rendered on or after October 1, 2025.

SECTION 11

That a copy of this Resolution shall be sent to Atmos Mid-Tex, care of Chris Felan, Vice President of Rates and Regulatory Affairs Mid-Tex Division, Atmos Energy Corporation, 5420 LBJ Freeway, Suite 1862, Dallas, Texas 75240, and to Thomas Brocato, General Counsel to ACSC, at Lloyd Gosselink Rochelle & Townsend, P.C., 816 Congress Avenue, Suite 1900, Austin, Texas 78701.

DULY PASSED AND APPROVED BY THE TOWN COUNCIL OF THE TOWN OF FLOWER MOUND, TEXAS, BY A VOTE OF ____ TO ____, ON THIS THE 15TH DAY OF SEPTEMBER, 2025.

APPROVED:

Cheryl Moore, MAYOR

ATTEST:

Traci Henderson, TOWN SECRETARY

**MID-TEX DIVISION
ATMOS ENERGY CORPORATION**

RATE SCHEDULE:	R – RESIDENTIAL SALES	
APPLICABLE TO:	ALL CUSTOMERS IN THE MID-TEX DIVISION UNDER THE RRM TARIFF	
EFFECTIVE DATE:	Bills Rendered on or after 10/01/2025	

Application

Applicable to Residential Customers for all natural gas provided at one Point of Delivery and measured through one meter.

Type of Service

Where service of the type desired by Customer is not already available at the Point of Delivery, additional charges and special contract arrangements between Company and Customer may be required prior to service being furnished.

Monthly Rate

Customer's monthly bill will be calculated by adding the following Customer and Ccf charges to the amounts due under the riders listed below:

Charge	Amount
Customer Charge per Bill	\$ 23.65 per month
Rider CEE Surcharge	\$ 0.03 per month ¹
Total Customer Charge	\$ 23.68 per month
Commodity Charge – All <u>Ccf</u>	\$ 0.74748 per Ccf

Gas Cost Recovery: Plus an amount for gas costs and upstream transportation costs calculated in accordance with Part (a) and Part (b), respectively, of Rider GCR.

Weather Normalization Adjustment: Plus or Minus an amount for weather normalization calculated in accordance with Rider WNA.

Franchise Fee Adjustment: Plus an amount for franchise fees calculated in accordance with Rider FF. Rider FF is only applicable to customers inside the corporate limits of any incorporated municipality.

Tax Adjustment: Plus an amount for tax calculated in accordance with Rider TAX.

Surcharges: Plus an amount for surcharges calculated in accordance with the applicable rider(s).

Agreement

An Agreement for Gas Service may be required.

Notice

Service hereunder and the rates for services provided are subject to the orders of regulatory bodies having jurisdiction and to the Company's Tariff for Gas Service.

¹Reference Rider CEE - Conservation and Energy Efficiency as approved in GUD 10170. Surcharge billing effective July 1, 2025.

**MID-TEX DIVISION
ATMOS ENERGY CORPORATION**

RATE SCHEDULE:	C – COMMERCIAL SALES	
APPLICABLE TO:	ALL CUSTOMERS IN THE MID-TEX DIVISION UNDER THE RRM TARIFF	
EFFECTIVE DATE:	Bills Rendered on or after 10/01/2025	

Application

Applicable to Commercial Customers for all natural gas provided at one Point of Delivery and measured through one meter and to Industrial Customers with an average annual usage of less than 30,000 Ccf.

Type of Service

Where service of the type desired by Customer is not already available at the Point of Delivery, additional charges and special contract arrangements between Company and Customer may be required prior to service being furnished.

Monthly Rate

Customer's monthly bill will be calculated by adding the following Customer and Ccf charges to the amounts due under the riders listed below:

Charge	Amount
Customer Charge per Bill	\$ 94.00 per month
Rider CEE Surcharge	\$ 0.01 per month ¹
Total Customer Charge	\$ 94.01 per month
Commodity Charge – All Ccf	\$ 0.22261 per Ccf

Gas Cost Recovery: Plus an amount for gas costs and upstream transportation costs calculated in accordance with Part (a) and Part (b), respectively, of Rider GCR.

Weather Normalization Adjustment: Plus or Minus an amount for weather normalization calculated in accordance with Rider WNA.

Franchise Fee Adjustment: Plus an amount for franchise fees calculated in accordance with Rider FF. Rider FF is only applicable to customers inside the corporate limits of any incorporated municipality.

Tax Adjustment: Plus an amount for tax calculated in accordance with Rider TAX.

Surcharges: Plus an amount for surcharges calculated in accordance with the applicable rider(s).

Agreement

An Agreement for Gas Service may be required.

Notice

Service hereunder and the rates for services provided are subject to the orders of regulatory bodies having jurisdiction and to the Company's Tariff for Gas Service.

Presumption of Plant Protection Level

For service under this Rate Schedule, plant protection volumes are presumed to be 10% of normal, regular, historical usage as reasonably calculated by the Company in its sole discretion. If a customer believes it needs to be modeled at an alternative plant protection volume, it should contact the company at mdtx-div-plantprotection@atmosenergy.com.

¹ Reference Rider CEE - Conservation and Energy Efficiency as approved in GUD 10170. Surcharge billing effective July 1, 2025.

**MID-TEX DIVISION
ATMOS ENERGY CORPORATION**

RATE SCHEDULE:	I – INDUSTRIAL SALES	
APPLICABLE TO:	ALL CUSTOMERS IN THE MID-TEX DIVISION UNDER THE RRM TARIFF	
EFFECTIVE DATE:	Bills Rendered on or after 10/01/2025	

Application

Applicable to Industrial Customers with a maximum daily usage (MDU) of less than 200 MMBtu per day for all natural gas provided at one Point of Delivery and measured through one meter. Service for Industrial Customers with an MDU equal to or greater than 200 MMBtu per day will be provided at Company's sole option and will require special contract arrangements between Company and Customer.

Type of Service

Where service of the type desired by Customer is not already available at the Point of Delivery, additional charges and special contract arrangements between Company and Customer may be required prior to service being furnished.

Monthly Rate

Customer's monthly bill will be calculated by adding the following Customer and MMBtu charges to the amounts due under the riders listed below:

Charge	Amount
Customer Charge per Meter	\$ 1,848.75 per month
First 0 MMBtu to 1,500 MMBtu	\$ 0.7678 per MMBtu
Next 3,500 MMBtu	\$ 0.5623 per MMBtu
All MMBtu over 5,000 MMBtu	\$ 0.1206 per MMBtu

Gas Cost Recovery: Plus an amount for gas costs and upstream transportation costs calculated in accordance with Part (a) and Part (b), respectively, of Rider GCR.

Franchise Fee Adjustment: Plus an amount for franchise fees calculated in accordance with Rider FF. Rider FF is only applicable to customers inside the corporate limits of any incorporated municipality.

Tax Adjustment: Plus an amount for tax calculated in accordance with Rider TAX.

Surcharges: Plus an amount for surcharges calculated in accordance with the applicable rider(s).

Curtailment Overpull Fee

Upon notification by Company of an event of curtailment or interruption of Customer's deliveries, Customer will, for each MMBtu delivered in excess of the stated level of curtailment or interruption, pay Company 200% of the midpoint price for the Katy point listed in *Platts Gas Daily* published for the applicable Gas Day in the table entitled "Daily Price Survey."

Replacement Index

In the event the "midpoint" or "common" price for the Katy point listed in *Platts Gas Daily* in the table entitled "Daily Price Survey" is no longer published, Company will calculate the applicable imbalance fees utilizing a daily price index recognized as authoritative by the natural gas industry and most closely approximating the applicable index.

**MID-TEX DIVISION
ATMOS ENERGY CORPORATION**

RATE SCHEDULE:	I – INDUSTRIAL SALES	
APPLICABLE TO:	ALL CUSTOMERS IN THE MID-TEX DIVISION UNDER THE RRM TARIFF	
EFFECTIVE DATE:	Bills Rendered on or after 10/01/2025	

Agreement

An Agreement for Gas Service may be required.

Notice

Service hereunder and the rates for services provided are subject to the orders of regulatory bodies having jurisdiction and to the Company's Tariff for Gas Service.

Special Conditions

In order to receive service under Rate I, Customer must have the type of meter required by Company. Customer must pay Company all costs associated with the acquisition and installation of the meter.

Presumption of Plant Protection Level

For service under this Rate Schedule, plant protection volumes are presumed to be 10% of normal, regular, historical usage as reasonably calculated by the Company in its sole discretion. If a customer believes it needs to be modeled at an alternative plant protection volume, it should contact the company at mdtx-div-plantprotection@atmosenergy.com.

**MID-TEX DIVISION
ATMOS ENERGY CORPORATION**

RATE SCHEDULE:	T – TRANSPORTATION	
APPLICABLE TO:	ALL CUSTOMERS IN THE MID-TEX DIVISION UNDER THE RRM TARIFF	
EFFECTIVE DATE:	Bills Rendered on or after 10/01/2025	

Application

Applicable, in the event that Company has entered into a Transportation Agreement, to a customer directly connected to the Atmos Energy Corp., Mid-Tex Division Distribution System (Customer) for the transportation of all natural gas supplied by Customer or Customer's agent at one Point of Delivery for use in Customer's facility.

This tariff is not available to customers with a maximum daily demand of 1,000 MMBtu or greater and a daily/annual load factor of 10% or less. Load factor is calculated as follows: annual usage / (maximum daily connected demand X 365). Load factors will be recalculated once each year to determine appropriate eligibility for Rate T.

Type of Service

Company's receipt and delivery of all gas quantities under the applicable Transportation Agreement will be on a wholly interruptible basis subject to the Terms and Conditions incorporated in the Transportation Agreement. If Customer is an Industrial Customer, then Customer may elect, at the reasonable discretion of Company, to contract for Plant Protection transportation quantities defined as the minimum natural gas required to prevent physical harm and/or protect critical safety to the plant facilities, plant personnel, or the public when such protection cannot be achieved through the use of an alternate fuel. Where service of the type desired by Customer is not already available at the Point of Delivery, additional charges and special contract arrangements between Company and Customer may be required prior to service being furnished.

Monthly Rate

Customer's bill will be calculated by adding the following Customer and MMBtu charges to the amounts and quantities due under the riders listed below:

Charge	Amount
Customer Charge per Meter	\$ 1,848.75 per month
First 0 MMBtu to 1,500 MMBtu	\$ 0.7678 per MMBtu
Next 3,500 MMBtu	\$ 0.5623 per MMBtu
All MMBtu over 5,000 MMBtu	\$ 0.1206 per MMBtu

Upstream Transportation Cost Recovery: Plus an amount for upstream transportation costs in accordance with Part (b) of Rider GCR.

Retention Adjustment: Plus a quantity of gas as calculated in accordance with Rider RA.

Franchise Fee Adjustment: Plus an amount for franchise fees calculated in accordance with Rider FF. Rider FF is only applicable to customers inside the corporate limits of any incorporated municipality.

Tax Adjustment: Plus an amount for tax calculated in accordance with Rider TAX.

Surcharges: Plus an amount for surcharges calculated in accordance with the applicable rider(s).

**MID-TEX DIVISION
ATMOS ENERGY CORPORATION**

RATE SCHEDULE:	T – TRANSPORTATION	
APPLICABLE TO:	ALL CUSTOMERS IN THE MID-TEX DIVISION UNDER THE RRM TARIFF	
EFFECTIVE DATE:	Bills Rendered on or after 10/01/2025	

Imbalance Fees

All fees charged to Customer under this Rate Schedule will be charged based on the quantities determined under the applicable Transportation Agreement and quantities will not be aggregated for any Customer with multiple Transportation Agreements for the purposes of such fees.

Monthly Imbalance Fees

Customer shall pay Company the greater of (i) \$0.10 per MMBtu, or (ii) 150% of the difference per MMBtu between the highest and lowest “midpoint” price for the Katy point listed in *Platts Gas Daily* in the table entitled “Daily Price Survey” during such month, for the MMBtu of Customer’s monthly Cumulative Imbalance, as defined in the applicable Transportation Agreement, at the end of each month that exceeds 10% of Customer’s receipt quantities for the month.

Overpull Fee

Upon notification by Company of an event of interruption of Customer’s deliveries, Customer will, for each MMBtu delivered in excess of the stated level of interruption, pay Company 200% of the midpoint price for the Katy point listed in *Platts Gas Daily* published for the applicable Gas Day in the table entitled “Daily Price Survey.”

Replacement Index

In the event the “midpoint” or “common” price for the Katy point listed in *Platts Gas Daily* in the table entitled “Daily Price Survey” is no longer published, Company will calculate the applicable imbalance fees utilizing a daily price index recognized as authoritative by the natural gas industry and most closely approximating the applicable index.

Agreement

A transportation agreement is required.

Notice

Service hereunder and the rates for services provided are subject to the orders of regulatory bodies having jurisdiction and to the Company’s Tariff for Gas Service.

Special Conditions

In order to receive service under Rate T, customer must have the type of meter required by Company. Customer must pay Company all costs associated with the acquisition and installation of the meter.

**MID-TEX DIVISION
ATMOS ENERGY CORPORATION**

RIDER:	SUR – SURCHARGES	
APPLICABLE TO:	ALL CUSTOMERS IN THE MID-TEX DIVISION UNDER THE RRM TARIFF	
EFFECTIVE DATE:	Bills Rendered on or after 10/01/2025	

Application

This Rider is applicable to customer classes in the incorporated areas under the RRM tariff as authorized by the state or any governmental entity, a municipality, or a regulatory authority pursuant to any statute, ordinance, order, rule, contract, or agreement.

Monthly Calculation

Surcharges will be calculated in accordance with the applicable statute, ordinance, order, rule, contract, or agreement.

FASB ASC 740-10 (Fin48) Refund

Applicable to Customers taking service under Rate Schedules R – Residential, C – Commercial, I – Industrial and T – Transportation.

To ensure that gas utility customers receive the benefit associated with the changes in the Company's Uncertain Tax Positions ("UTPs") arising from recognition of Texas Margin Tax returns.

The decrease shall be calculated as follows:

Beginning with implementation of rates from the negotiated RRM Tariff, and annually thereafter, the portion of UTP liabilities identified in Schedule FIN48-1.1 for the prior fiscal year shall be allocated based on the final class allocations of GUD No. 10170 as per the RRM Tariff, divided by the annual bill count to derive rates to be refunded through Rider SUR in the subsequent fiscal year. Each year's calculation will include a true-up (+ or -) due to account for over/under collections. Amounts identified in Schedule FIN48-1 shall be adjusted to reflect any audit adjustments received from the Texas Comptroller of Public Accounts.

No action on the part of the Regulatory Authority is required to give effect to the amount to be refunded to customers. However, any amount refunded to customers shall be fully subject to review for reasonableness and accuracy in the gas utility's next statement of intent proceeding with the Railroad Commission of Texas, and if applicable, the gas utility shall be required to reconcile any discrepancies.

The following refund as authorized in the most recent negotiated RRM Tariff shall be refunded to each Rate Schedules R – Residential, C – Commercial, I – Industrial and T – Transportation customer's monthly bill in each month for a 12-month period. The refund amount by month by Rate Schedule is shown in the table below:

Rate Schedules	Rate
Rate R – Residential Sales	\$ (0.12)
Rate C – Commercial Sales	\$ (0.41)
Rate I – Industrial Sales	\$ (8.68)
Rate T – Transportation	\$ (8.68)

**MID-TEX DIVISION
ATMOS ENERGY CORPORATION**

RIDER:	TAX – TAX ADJUSTMENT	
APPLICABLE TO:	Entire Division as Set Forth Below	
EFFECTIVE DATE:	Bills Rendered on or after 10/01/2025	PAGE:

Application

Applicable to Customers taking service under Rate R, Rate C, Rate I, and Rate T, except for exempt State Agency Customers, to the extent of state gross receipts taxes only.

1. State Gross Receipts Taxes

Applicability - Entire Division except for Unincorporated Areas

Each monthly bill shall be adjusted for Miscellaneous state gross receipts taxes imposed by Sections 182-021 - 182-025 of the Texas Tax Code.

Entire Division

Each monthly bill shall also be adjusted by an amount equivalent to the amount of all applicable taxes and any other governmental impositions, rentals, fees, or charges (except state, county, city, and special district ad valorem taxes and taxes on net income) levied, assessed, or imposed upon or allocated to Company with respect to the Gas Service provided to Customer by Company, and any associated facilities involved in the performance of such Gas Service. Each monthly bill shall also be adjusted by an amount equivalent to the proportionate part of any increase or decrease of any tax and any other governmental imposition, rental, fee, or charge (except state, county, city, and special district ad valorem taxes and taxes on net income) levied, assessed, or imposed subsequent to the effective date of this tariff, upon or allocated to Company's operations, by any new or amended law, ordinance, or contract.

2. Federal or State Tax Law or Rate Changes:

Applicability – All Customers in the Mid-Tex Division (“MTX”) Under the RRM Tariff

Applicable to Customers taking service under Rate R, Rate C, Rate I, and Rate T.

To ensure that gas utility customers receive the benefits or costs associated with the changes in tax rates at a federal or state level, MTX shall establish and accrue on its books and records, as of the effective date of the federal or state tax law or rate change: 1) regulatory liabilities to reflect the impact of a decrease in federal corporate income tax rates or state margin tax rates; or, 2) regulatory assets to reflect the impact of an increase in federal corporate income tax rates or state margin tax rates.

The gas utility may not change rates to give effect to a change in Federal or State Tax law or rates through the Rider TAX unless and until the city issues final authorization, an Accounting Order, or other express guidance authorizing such recovery through the RRM process.

Company may also not change rates to capture the impacts associated with the effects of Public Law 117-169, 136 STAT. 1818 of August 16, 2022 (“Tax Act 2022”) and certain other tax-related costs that will change from the amounts included in the most recent base revenue requirement established through an RRM filing unless and until the city issues a final authorization, an Accounting Order, or other express guidance authorizing such recovery.

Upon receipt of authorization from the city through an Accounting Order, final authorization or other express guidance, the calculation applicable to the aforementioned federal or state tax rate or law changes are as follows; however, to the extent there is a conflict between the calculation or methodology

**MID-TEX DIVISION
ATMOS ENERGY CORPORATION**

RIDER:	TAX – TAX ADJUSTMENT	
APPLICABLE TO:	Entire Division as Set Forth Below	
EFFECTIVE DATE:	Bills Rendered on or after 10/01/2025	PAGE:

prescribed by an Accounting Order, final authorization, or other express guidance, and those contained in this rate schedule, the Accounting Order, final authorization, or other express guidance controls:

Calculations

1. With regard to changes in the tax rates at a federal or state level, the increase or decrease shall be calculated as follows:
 - a. A portion of the gas utility's revenue representing the difference between: 1) the cost of service as approved by the Commission or the applicable regulatory authority in the gas utility's most recent statement of intent or other rate proceeding, and 2) the cost of service that would have resulted had the rates been based on the new federal income tax rate (increase or decrease) or state margin taxes (increase or decrease), as of the effective date of the change;
 - b. If applicable, the portion of the gas utility's revenue representing the difference between: 1) each Interim Rate Adjustment surcharge approved by the regulatory authority since the gas utility's most recent statement of intent or other rate proceeding, and 2) each Interim Rate Adjustment surcharge that would have resulted had the surcharges been based on the new federal income tax rate (increase or decrease) or state margin taxes (increase or decrease), as of the effective date of the change; and
 - c. The excess or deficient deferred tax reserve, including any associated gross up in taxes, caused by the reduction or increase in the federal corporate income tax rate or state related tax increases, as of the effective date of the change.

Upon the receipt of authorization from the Commission or applicable regulatory authority, the gas utility shall separately refund to customers based on a decrease in federal or state tax rates or separately collect from customers based on an increase in federal or state tax rates within twelve (12) months or, pursuant to applicable Internal Revenue Code ("IRC") rules and regulations, as follows:

- d. The amount collected/refunded by the gas utility that reflects the difference in base rates between: 1) the cost of service approved by the regulatory authority in the gas utility's most recent statement of intent rate proceeding, and 2) the cost of service that would have resulted had the rates been based upon the new federal or state tax rates, between the effective date of this order and the effective date of the changes.
- e. If applicable, the amount collected/refunded by the gas utility that reflects the difference between: 1) each Interim Rate Adjustment surcharge approved by the Commission or the regulatory authority since the gas utility's most recent statement of intent rate proceeding, and 2) each Interim Rate Adjustment surcharge that would have resulted had the rates been based upon the new federal or state tax rates, between the effective date of this order and the effective date of the changes.
- f. The amount collected/refunded by the gas utility that reflects the difference in the excess or deficient deferred tax reserve included in base rates between: 1) the cost of service approved by the Commission or the regulatory authority in the gas utility's most recent statement of intent rate proceeding, and 2) the cost of service that would have resulted had the rates been based upon the new federal or state tax rates, between the effective date of this order and the effective date of the changes. These amounts shall be refunded or collected from customers based upon IRC rules and regulations if applicable.

**MID-TEX DIVISION
ATMOS ENERGY CORPORATION**

RIDER:	TAX – TAX ADJUSTMENT	
APPLICABLE TO:	Entire Division as Set Forth Below	
EFFECTIVE DATE:	Bills Rendered on or after 10/01/2025	PAGE:

2. With regard to the Tax Act 2022 and certain other tax-related costs that will change from the amounts included in the base revenue requirement established through an RRM filing, any change in rates shall be calculated as follows:

- (a) The amount shall be calculated as the product of Company's grossed-up rate of return authorized in the cost of service as approved by the Commission or the applicable regulatory authority in the gas utility's most recent statement of intent or other rate proceeding times the Corporate Alternative Minimum Tax deferred tax asset ("CAMT DTA") estimated at September 30 of the fiscal year or applicable quarter-end within a fiscal year prior to the annual change in the rates pursuant to this tariff, less the income tax credits received in accordance with IRC requirements applicable to the Tax Act 2022 grossed-up for income taxes to a revenue equivalent.
- (b) The estimated CAMT DTA and the related effects on the rider revenue requirements shall be trued up to the actual effects in the following year and the over/under recovery amortized over the twelve months that each year's recalculated tariff rates are in effect. The over/under recovery shall include a grossed-up rate of return as authorized in Company's most recent statement of intent or other rate proceeding.
- (c) The methodology for computing Company's CAMT is as follows:
 - i. Confirm when Atmos Energy Corporation and its affiliates are subject to CAMT as an "applicable corporation" as defined the Tax Act 2022, then there will be MTX's CAMT DTA in the tariff.
 - ii. Calculate the Mid-Tex Division's (MTX) contribution to Adjusted Financial Statement Income ("AFSI") on a stand-alone basis. MTX's AFSI is calculated by adjusting MTX's applicable financial statement income by adjustments to depreciation, pension costs and federal income tax to arrive at AFSI. AFSI is intended to be computed consistent with applicable IRC requirements.
 - iii. Compare MTX's CAMT stand-alone amount with MTX's regular stand-alone tax liability. If the stand alone CAMT is in excess of the stand-alone regular tax, the CAMT DTA is recorded to MTX.

If the Internal Revenue Service issues new guidance related to the Tax Act 2022, Company shall have the right to make additional filings to recognize such adjustments.

Any Commission filing made to give effect to Federal or State Tax Law or Rate Changes shall be filed within 12-months following the enactment of a tax rate change with the Commission's Oversight and Safety Division or as part of a Statement of Intent.

Any city filing made to give effect to Federal or State Tax Law or Rate Changes shall be filed within 12-months following the enactment of a tax rate change and addressed to the city official at the address of record with the Mid-Tex Division.

With the exception of the authorization required from the Commission to allow the gas utility to recognize the new federal income tax rate (increase or decrease) or state taxes (increase or decrease) or the impacts associated with the effects of the Tax Act 2022 and certain other tax-related costs that will change from the amounts included in the base revenue requirement in the last approved RRM Tariff filing, no action on the part of the regulatory authority is required to give effect to the amount to be refunded or

**MID-TEX DIVISION
ATMOS ENERGY CORPORATION**

RIDER:	TAX – TAX ADJUSTMENT	
APPLICABLE TO:	Entire Division as Set Forth Below	
EFFECTIVE DATE:	Bills Rendered on or after 10/01/2025	PAGE:

collected from customers. However, any amount refunded or collected from customers shall be fully subject to review for reasonableness and accuracy in the gas utility's next statement of intent proceeding, and if applicable, the gas utility shall be required to reconcile any discrepancies.

Regulatory orders issued pursuant to this mechanism are ratemaking orders and shall be subject to appeal under Sections 102.001(b) and 103.021, et seq., of the Texas Utilities Code (Vernon 2007). Rate changes subject to the provisions of this tariff may be implemented upon the filing of an appeal to the relevant authority.

**MID-TEX DIVISION
ATMOS ENERGY CORPORATION**

RIDER:	WNA – WEATHER NORMALIZATION ADJUSTMENT	
APPLICABLE TO:	ALL CUSTOMERS IN THE MID-TEX DIVISION UNDER THE RRM TARIFF	
EFFECTIVE DATE:	Bills Rendered on or after 10/01/2025	

Provisions for Adjustment

The Commodity Charge per Ccf (100 cubic feet) for gas service set forth in any Rate Schedules utilized by the cities of the Mid-Tex Division service area for determining normalized winter period revenues shall be adjusted by an amount hereinafter described, which amount is referred to as the "Weather Normalization Adjustment." The Weather Normalization Adjustment shall apply to all temperature sensitive residential and commercial bills based on meters read during the revenue months of November through April. The five regional weather stations are Abilene, Austin, Dallas, Waco, and Wichita Falls.

Computation of Weather Normalization Adjustment

The Weather Normalization Adjustment Factor shall be computed to the nearest one-hundredth cent per Ccf by the following formula:

$$WNAF_i = R_i \frac{(HSF_i \times (NDD-ADD))}{(BL_i + (HSF_i \times ADD))}$$

Where

- i = any particular Rate Schedule or billing classification within any such particular Rate Schedule that contains more than one billing classification
- $WNAF_i$ = Weather Normalization Adjustment Factor for the i^{th} rate schedule or classification expressed in cents per Ccf
- R_i = Commodity Charge rate of temperature sensitive sales for the i^{th} schedule or classification.
- HSF_i = heat sensitive factor for the i^{th} schedule or classification divided by the average bill count in that class
- NDD = billing cycle normal heating degree days calculated as the simple ten-year average of actual heating degree days.
- ADD = billing cycle actual heating degree days.
- BL_i = base load sales for the i^{th} schedule or classification divided by the average bill count in that class

The Weather Normalization Adjustment for the j th customer in i th rate schedule is computed as:

$$WNA_i = WNAF_i \times q_{ij}$$

Where q_{ij} is the relevant sales quantity for the j th customer in i th rate schedule.

**MID-TEX DIVISION
ATMOS ENERGY CORPORATION**

RIDER:	WNA – WEATHER NORMALIZATION ADJUSTMENT	
APPLICABLE TO:	ALL CUSTOMERS IN THE MID-TEX DIVISION UNDER THE RRM TARIFF	
EFFECTIVE DATE:	Bills Rendered on or after 10/01/2025	

Base Use/Heat Use Factors

Weather Station	<u>Residential</u>		<u>Commercial</u>	
	Base use <u>Ccf</u>	Heat use <u>Ccf/HDD</u>	Base use <u>Ccf</u>	Heat use <u>Ccf/HDD</u>
Abilene	9.61	0.1476	91.65	0.7406
Austin	8.19	0.1394	183.99	1.1581
Dallas	12.74	0.2017	193.53	1.1001
Waco	9.23	0.1277	148.26	0.7631
Wichita Falls	10.43	0.1387	122.94	0.7038

Weather Normalization Adjustment (WNA) Report

On or before June 1 of each year, the company posts on its website at www.atmosenergy.com/MTXtariffs, in Excel format, a *Weather Normalization Adjustment (WNA) Report* to show how the company calculated its WNAs factor during the preceding winter season. Additionally, on or before June 1 of each year, the company files one hard copy and an Excel version of the *WNA Report* with the Railroad Commission of Texas' Gas Services Division, addressed to the Director of that Division.

**ATMOS ENERGY CORP., MID-TEX DIVISION
MID-TEX RATE REVIEW MECHANISM
PENSIONS AND RETIREE MEDICAL BENEFITS FOR CITIES APPROVAL
TEST YEAR ENDING DECEMBER 31, 2024**

Line No.	Description	Shared Services		Mid-Tex Direct			Adjustment Total
		Pension Account Plan	Post-Employment Benefit Plan	Pension Account Plan	Post-Employment Benefit Plan	Supplemental Executive Benefit Plan	
	(a)	(b)	(c)	(d)	(e)	(f)	(g)
1	Proposed Benefits Benchmark -						
	Fiscal Year 2025 Willis Towers Watson Report as adjusted	\$ 572,372	\$ (649,253)	\$ 882,931	\$ (3,920,499)	\$ 65,943	
2	Allocation Factor	46.27%	46.27%	84.14%	84.14%	100.00%	
3	Proposed Benefits Benchmark Costs Allocated to Mid-Tex (Ln 1 x Ln 2)	\$ 264,856	\$ (300,432)	\$ 742,888	\$ (3,298,664)	\$ 65,943	
4	O&M and Capital Allocation Factor	100.00%	100.00%	100.00%	100.00%	100.00%	
5	Proposed Benefits Benchmark Costs to Approve (Ln 3 x Ln 4)	\$ 264,856	\$ (300,432)	\$ 742,888	\$ (3,298,664)	\$ 65,943	\$ (2,525,408)
6							
7	O&M Expense Factor	76.41%	76.41%	39.54%	39.54%	10.97%	
8							
9	Summary of Costs to Approve:						
10	Total Pension Account Plan	\$ 202,374		\$ 293,727			\$ 496,101
11	Total Post-Employment Benefit Plan		\$ (229,557)		\$ (1,304,242)		(1,533,799)
12	Total Supplemental Executive Benefit Plan					\$ 7,231	7,231
13	Total (Ln 10 + Ln 11 + Ln 12)	\$ 202,374	\$ (229,557)	\$ 293,727	\$ (1,304,242)	\$ 7,231	\$ (1,030,467)

**ATMOS ENERGY CORP., MID-TEX DIVISION
MID-TEX RATE REVIEW MECHANISM
AVERAGE BILL COMPARISON - BASE RATES
TEST YEAR ENDING DECEMBER 31, 2024**

Line No.	Description	Average Volumes	Current Rates	Proposed Rates	Current Average Bill	Proposed Average Bill	Amount Change	Percent Change
	(a)	(b)	(c)	(d)	(e)	(f)	(g)	(h)
1	<u>Rate R @ 42.1 Ccf</u>							
2	Base Rates:							
3	Customer Charge		\$ 22.95	\$ 23.65	\$ 22.95	\$ 23.65	\$ 0.70	
4	Consumption Charge (Ccf)	42.1	\$ 0.58974	\$ 0.74748	24.80	31.44	6.64	
5	Total Base Rates				<u>\$ 47.75</u>	<u>\$ 55.09</u>	<u>\$ 7.34</u>	15.37%
6								
7	Gas Cost:							
8	Rider GCR Part A (Ccf)	42.1	\$ 0.20875	\$ 0.20875	\$ 8.78	\$ 8.78	\$ -	
9	Rider GCR Part B (Ccf)	42.1	\$ 0.53838	\$ 0.53838	22.64	22.64	-	
10	Total Gas Cost				<u>\$ 31.42</u>	<u>\$ 31.42</u>	<u>\$ -</u>	0.00%
11								
12	Total Base with Gas Cost				\$ 79.17	\$ 86.51	\$ 7.34	
13	Rider FF & Rider TAX		0.06725	0.06725	5.32	5.82	0.49	9.27%
14								
15	Total Residential Average Bill				<u>\$ 84.49</u>	<u>\$ 92.33</u>	<u>\$ 7.83</u>	<u>9.27%</u>
16								
17	<u>Rate C @ 367.6 Ccf</u>							
18	Base Rates:							
19	Customer Charge		\$ 81.75	\$ 94.00	\$ 81.75	\$ 94.00	\$ 12.25	
20	Consumption Charge (Ccf)	367.6	\$ 0.19033	\$ 0.22261	69.97	81.83	11.86	
21	Total Base Rates				<u>\$ 151.72</u>	<u>\$ 175.83</u>	<u>\$ 24.11</u>	15.89%
22								
23	Gas Cost:							
24	Rider GCR Part A	367.6	\$ 0.20875	\$ 0.20875	\$ 76.74	\$ 76.74	\$ -	
25	Rider GCR Part B	367.6	\$ 0.37860	\$ 0.37860	139.18	139.18	-	
26	Total Gas Cost				<u>\$ 215.92</u>	<u>\$ 215.92</u>	<u>\$ -</u>	0.00%
27								
28	Total Base with Gas Cost				\$ 367.64	\$ 391.75	\$ 24.11	
29	Rider FF & Rider TAX		0.06725	0.06725	24.72	26.35	1.62	6.56%
30								
31	Total Commercial Average Bill				<u>\$ 392.36</u>	<u>\$ 418.10</u>	<u>\$ 25.73</u>	<u>6.56%</u>
32								

ATMOS ENERGY CORP., MID-TEX DIVISION
MID-TEX RATE REVIEW MECHANISM
AVERAGE BILL COMPARISON - BASE RATES
TEST YEAR ENDING DECEMBER 31, 2024

Line No.	Description	Average Volumes	Current Rates	Proposed Rates	Current Average Bill	Proposed Average Bill	Amount Change	Percent Change
	(a)	(b)	(c)	(d)	(e)	(f)	(g)	(h)
33	<u>Rate I at 1277 MMBTU</u>							
34	Base Rates:							
35	Customer Charge		\$1,587.75	\$ 1,848.75	\$ 1,587.75	\$ 1,848.75	\$ 261.00	
36	Block 1 - Consumption Charge (MMBtu)	1,277	\$ 0.6553	\$ 0.7678	836.99	980.69	143.69	
37	Block 2 - Consumption Charge (MMBtu)	-	\$ 0.4799	\$ 0.5623	-	-	-	
38	Block 3 - Consumption Charge (MMBtu)	-	\$ 0.1029	\$ 0.1206	-	-	-	
39	Total Base Rates	<u>1,277</u>			<u>\$ 2,424.74</u>	<u>\$ 2,829.44</u>	<u>\$ 404.69</u>	16.69%
40								
41	Gas Cost:							
42	Rider GCR Part A (MMBtu)	1,277	\$ 2.07711	\$ 2.07711	\$ 2,653.03	\$ 2,653.03	\$ -	
43	Rider GCR Part B (MMBtu)	1,277	\$ 0.88986	\$ 0.88986	1,136.59	1,136.59	-	
44	Total Gas Cost				<u>\$ 3,789.63</u>	<u>\$ 3,789.63</u>	<u>\$ -</u>	0.00%
45								
46	Total Base with Gas Cost				\$ 6,214.37	\$ 6,619.07	\$ 404.69	
47	Rider FF and Rider TAX		0.06725	0.06725	417.92	445.14	27.22	6.51%
48								
49	Total Industrial Average Bill				<u>\$ 6,632.29</u>	<u>\$ 7,064.20</u>	<u>\$ 431.91</u>	<u>6.51%</u>
50								
51	<u>Rate T at 4534 MMBTU</u>							
52	Base Rates:							
53	Customer Charge		\$1,587.75	\$ 1,848.75	\$ 1,587.75	\$ 1,848.75	\$ 261.00	
54	Block 1 - Consumption Charge (MMBtu)	1,500	\$ 0.6553	\$ 0.7678	982.95	1,151.70	168.75	
55	Block 2 - Consumption Charge (MMBtu)	3,034	\$ 0.4799	\$ 0.5623	1,456.19	1,706.22	250.03	
56	Block 3 - Consumption Charge (MMBtu)	-	\$ 0.1029	\$ 0.1206	-	-	-	
57	Total Base Rates	<u>4,534</u>			<u>\$ 4,026.89</u>	<u>\$ 4,706.67</u>	<u>\$ 679.78</u>	16.88%
58								
59	Gas Cost:							
60	Rider GCR Part B (MMBtu)	4,534	\$ 0.88986	\$ 0.88986	\$ 4,034.96	\$ 4,034.96	\$ -	
61	Total Gas Cost				<u>\$ 4,034.96</u>	<u>\$ 4,034.96</u>	<u>\$ -</u>	0.00%
62								
63	Total Base with Gas Cost				\$ 8,061.85	\$ 8,741.63	\$ 679.78	
64	Rider FF and Rider TAX		0.06725	0.06725	542.17	587.88	45.72	8.43%
65								
66	Total Transportation Average Bill				<u>\$ 8,604.01</u>	<u>\$ 9,329.51</u>	<u>\$ 725.50</u>	<u>8.43%</u>