



**AGENDA  
CITY OF ALLEN  
CITY COUNCIL REGULAR MEETING  
TUESDAY, JUNE 14, 2022 – 7:00 PM  
CITY COUNCIL CHAMBERS  
ALLEN CITY HALL  
305 CENTURY PARKWAY  
ALLEN, TX 75013**

**1. Call to Order and Announce a Quorum is Present.**

**2. Pledge of Allegiance.**

2.1 Posting of the Colors by the VFW Post 2195 Color Guard.

**3. Public Recognition.**

3.1 Presentation of a Blue Star Flag to family members of Allen service personnel currently serving in the U.S. Armed Forces.

3.2 Recognition of Phillips Home Improvements and Andrews Distributing Company of North Texas for their partnership commitment to Market Street Allen USA Presented by Credit Union of Texas.

3.3 Recognition of the City of Allen 2021 Excellence in P.R.I.D.E. (People First, Respect, Integrity, Deliver, and Excel) Award Winners.

3.4 Presentation of Proclamations by the Office of the Mayor.

- Present a Proclamation to VFW Post 2195 proclaiming June 14, 2022, as "Flag Day."

3.5 Presentation of the Board of Adjustment / Building and Standards Commission / Sign Control Board's Annual Report.

3.6 Citizens' Comments. *[The City Council invites citizens to speak to the Council on any topic not on the agenda or not already scheduled for Public Hearing. Prior to the meeting, please complete a "Public Meeting Appearance Card" and present it to the City Secretary. The time limit is three minutes per speaker, not to exceed a total of fifteen minutes for all speakers.]*

**4. Consent Agenda.**

*[Routine Council business. Consent Agenda is approved by a single majority vote. Items may be removed for open discussion by a request from a Councilmember or member of staff.]*

4.1 Approve minutes of the May 17, 2022, Special Called Workshop.

4.2 Approve minutes of the May 24, 2022, Regular City Council Meeting.

- 4.3 Adopt an Ordinance amending the Code of Ordinances, Chapter 6, Article VIII, "Environmental Health," Division 2, 3, and 5 related to Food Establishments, Child Care Facilities, and Enforcement.
- 4.4 Adopt an Ordinance amending the Allen Land Development Code by amending in its entirety Article III, "Building Regulations" by adopting the International Building Code, 2021 Edition, with amendments; International Existing Building Code, 2021 Edition, with amendments; International Fire Code, 2021 Edition, with amendments; International Residential Code, 2021 Edition, with amendments; International Mechanical Code, 2021 Edition, with amendments; International Plumbing Code, 2021 Edition, with amendments; International Fuel Gas Code, 2021 Edition, with amendments; National Electrical Code, 2020 Edition, with amendments; International Swimming Pool And Spa Code 2021 Edition with amendments; and International Energy Conservation Code, 2021 Edition, with amendments.
- 4.5 Adopt an Ordinance amending the Code of Ordinances by amending Chapter 10, "Offenses - Miscellaneous" by adding Article VII, "Public Assembly Regulations."
- 4.6 Adopt a Resolution suspending the effective date of Oncor Electric Delivery Company's requested rate change for 90 Days.
- 4.7 Adopt a Resolution setting a date for a public hearing to discuss and review updates to the City's Land Use Assumptions, Capital Improvement Plan, and Impact Fees.
- 4.8 Adopt a Resolution authorizing the City Manager to apply for, accept, reject, alter or terminate a grant through Collin County Parks and Open Space Funding Assistance Program for the acquisition of Open Space.
- 4.9 Authorize the City Manager to purchase digital switches and other associated network equipment from Presidio Networked Solutions Group, LLC, for the Stephen G. Terrell Recreation Center for \$190,686.
- 4.10 Authorize the City Manager to execute a three-year agreement with Microsoft Corporation through SHI Government Solutions, Inc., to provide current Microsoft cloud, server, mobile and desktop software for an annual amount of \$303,163.
- 4.11 Authorize the City Manager to purchase various traffic signal equipment items from Consolidated Traffic Controls, Inc., for \$311,546.
- 4.12 Authorize payments from the Tax Increment Financing Reinvestment Zone No. 1 (TIF) Fund of \$429,663.83 from the City Tax Increment and \$157,184.86 from the County Tax Increment to Charter DW Watters Creek Village, LLC, and the payment of \$15,000 to the City of Allen for Administrative Support as recommended by the TIF No. 1 Board of Directors.
- 4.13 Motion to cancel the June 28, 2022, Regular City Council Meeting.

**5. Regular Agenda.**

- 5.1 Conduct a public hearing and adopt an Ordinance continuing and readopting Chapter 10, Article II, "Curfew for Juveniles," of the Code of Ordinances of the City of Allen, Texas.

5.2 Conduct the election of Mayor Pro Tem.

6. **Other Business.**

*[Council announcements regarding local civic and charitable events, meetings, fundraisers, and awards.]*

6.1 Calendar.

- June 25 - Market Street Allen USA Celebration
- June 28 - Council Meeting Canceled
- July 4 - City Facilities closed in observance of Independence Day
- July 12 - Next Regular Council Meeting

7. **Executive Session (As needed).**

*Legal, Section 551.071.*

*As authorized by Section 551.071(2) of the Texas Government Code, the Workshop Meeting and/or the Regular Agenda may be Convened into Closed Executive Session for the Purpose of Seeking Confidential Legal Advice from the City Attorney on any Agenda Item Listed Herein. (Closed to Public as Provided in the Texas Government Code.)*

7.1 **Pursuant to Section 551.074 of the Texas Government Code, for Personnel Matters:**

- Discussion Regarding Election of Mayor Pro Tem.

8. **Adjournment.**

*This notice was posted at Allen City Hall, 305 Century Parkway, Allen, Texas, at a place convenient and readily accessible to the public at all times. Said notice was posted on Friday, June 10, 2022, at 5:00 p.m.*

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*Shelley B. George, City Secretary*

*Allen City Hall is wheelchair accessible. Access to the building and special parking are available at the entrance facing Century Parkway. Requests for sign interpreters or special services must be received forty-eight (48) hours prior to the meeting time by calling the City Secretary at 214.509.4105.*

<b>CITY COUNCIL REGULAR MEETING AGENDA COMMUNICATION</b>
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<b>AGENDA DATE:</b>	June 14, 2022
<b>AGENDA CAPTION:</b>	Approve minutes of the May 17, 2022, Special Called Workshop.
<b>STAFF RESOURCE:</b>	Shelley B. George, City Secretary
<b>STRATEGIC PLANNING GOAL:</b>	Financially Sound and Transparent City Government.

**ATTACHMENT(S)**

[051722\\_cc\\_workshop](#)

**ALLEN CITY COUNCIL**  
**SPECIAL CALLED WORKSHOP**  
**MAY 17, 2022**

**Present:**

Kenneth M. Fulk, Mayor

**Councilmembers:**

Baine Brooks, Mayor Pro Tem (left at 8:10 p.m.)  
Daren Meis  
Carl Clemencich (arrived at 6:05 p.m.)  
Dave Cornette  
Chris Schulmeister (absent)  
Dave Shafer

**City Staff:**

Eric Ellwanger, City Manager  
Eric Strong, Deputy City Manager  
Tim Dentler, Assistant City Manager  
Rebecca Vice, Assistant City Manager  
Shelley B. George, City Secretary (absent)  
Rocio Gonzalez, Deputy City Secretary  
Teresa Warren, Director, Public and Media Relations  
Kate Meacham, Parks and Recreation Director  
Teresa Thomason, Parks and Recreation Assistant Director  
Kyle Benedict, Parks and Recreation Assistant Director  
Jeff Holt, Golf Services Manager  
Jennifer Robinson, Strategic Projects Manager

**Workshop Session**

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**1. Call to Order and Announce a Quorum is Present**

With a quorum of the Councilmembers present, the Special Called Workshop of the Allen City Council was called to order by Mayor Fulk at 5:48 p.m. on Tuesday, May 17, 2022, in the Banquet Pavilion of The Courses at Watters Creek, 7501 Chase Oaks Boulevard, Plano, Texas.

**2. Facility Tour of The Courses.**

**3. Receive an Overview of The Courses as Watters Creek Operations.**

**4. Adjournment.**

Mayor Fulk adjourned the Special Called Workshop of the Allen City Council at 9:17 p.m. on Tuesday, May 17, 2022.

These minutes were approved on the 14<sup>th</sup> day of June 2022.

**APPROVED:**

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**Kenneth M. Fulk, MAYOR**

**ATTEST:**

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**Shelley B. George, TRMC, CITY SECRETARY**

<b>CITY COUNCIL REGULAR MEETING AGENDA COMMUNICATION</b>
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<b>AGENDA DATE:</b>	June 14, 2022
<b>AGENDA CAPTION:</b>	Approve minutes of the May 24, 2022, Regular City Council Meeting.
<b>STAFF RESOURCE:</b>	Shelley B. George, City Secretary
<b>STRATEGIC PLANNING GOAL:</b>	Financially Sound and Transparent City Government.

**ATTACHMENT(S)**

[052422reg](#)

## **ALLEN CITY COUNCIL**

### **REGULAR MEETING**

**MAY 24, 2022**

#### **Present:**

Kenneth M. Fulk, Mayor

#### **Councilmembers:**

Baine Brooks, Mayor Pro Tem

Daren Meis

Carl Clemencich

Dave Cornette

Chris Schulmeister

Dave Shafer

Ben Trahan

#### **City Staff:**

Eric Ellwanger, City Manager

Eric Strong, Deputy City Manager

Tim Dentler, Assistant City Manager

Rebecca Vice, Assistant City Manager

Shelley B. George, City Secretary

Teresa Warren, Director, Public and Media Relations

Rocio Gonzalez, Deputy City Secretary

Pete Smith, City Attorney

#### **Workshop Session**

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The Workshop Session was not held as the Allen City Council hosted a reception to honor outgoing Mayor Pro Tem Baine Brooks and to recognize newly elected Councilmember Ben Trahan and re-elected Councilmember Chris Schulmeister.

#### **Regular Meeting**

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##### **1. Call to Order and Announce a Quorum is Present**

With a quorum of the Allen City Council present, the Regular Meeting of the Allen City Council was called to order by Mayor Fulk at 7:05 p.m. on Tuesday, May 24, 2022, in the City Council Chambers of Allen City Hall, 305 Century Parkway, Allen, Texas.

##### **2. Pledge of Allegiance**

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###### **2.1 Posting of the Colors by the VFW Post 2195 Color Guard.**



**3. Oaths and Certificates for Elected Officials**

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**3.1 Recognition of outgoing Mayor Pro Tem Baine Brooks.**

Mayor Fulk recognized Mayor Pro Tem Brooks for his dedicated service to the citizens of Allen and presented him with a framed collage of photos commemorating his 10 years of service.

**3.2 Administration of the Oath-of-Office and presentation of the Certificate-of-Election to elected councilmembers for Place Nos. 4 and 6.**

City Secretary George administered the Oaths-of-Office to re-elected Councilmember Chris Schulmeister and newly elected Councilmember Ben Trahan. Mayor Fulk presented Certificates-of-Election to both Councilmembers and offered his congratulations.

Councilmembers Schulmeister and Trahan took their seats at the Council dais with each presenting comments to the audience.

Mayor Fulk announced a recess at 7:23 p.m.

Mayor Fulk reconvened the Allen City Council Meeting at 7:33 p.m.

**4. Public Recognition**

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**4.1 Presentation of Proclamations by the Office of the Mayor.**

- **Present a Proclamation to the Municipal Court proclaiming May 24, 2022, as "Teen Court Day."**
- **Present a Proclamation to VFW Post 2195 proclaiming May 30, 2022, as "Memorial Day."**

**4.2 Citizens' Comments.**

Mayor Fulk invited anyone wishing to speak to the Council on any topic, not on the agenda or not already scheduled for Public Hearing and reminded them that each speaker is allowed three minutes.

Victoria Sublette, 1227 Palo Duro, Allen, Texas, encouraged the Council to include the public in revisioning what Allen should be to unite the community.

Sunil Modi, 968 Shaddock Park Lane, Allen, Texas, invited the Mayor, City Council, City Managers, City Secretary, and all Allen residents to attend the BAPS Walk-Run 2022 in Dallas, Texas. This year's event supports Susan G. Komen® and their fight to address breast cancer from multiple fronts.

Srini Raghavan, 1041 Hot Springs Drive, Allen, Texas, expressed his appreciation to the City staff for successfully conducting the City election. He also expressed his appreciation to the voters who cast votes for him, and he will continue to be a steward of taxpayers' dollars and be an advocate for public safety.

**5. Consent Agenda**

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**MOTION:** Upon a motion made by Councilmember Cornette and a second by Councilmember Clemencich, the Council voted seven (7) for and none (0) opposed to approve the Consent Agenda as follows:

- 5.1 Approve Minutes of the May 10, 2022, Regular City Council Meeting.**
- 5.2 Approve Minutes of the May 16, 2022, Special Called City Council Meeting to Canvass the Election Results.**
- 5.3 Adopt a Resolution authorizing the City Manager to execute contract amendments associated with the Interlocal Agreement executed on February 24, 2021, with Collin County regarding funding and implementation of the Emergency Rental Assistance Program funded by Collin County and the U.S. Treasury through the conclusion of the program on September 30, 2022.**

**RESOLUTION NO. 3914-5-22(R):** A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ALLEN, COLLIN COUNTY, TEXAS, AUTHORIZING THE CITY MANAGER TO EXECUTE CONTRACT AMENDMENTS ASSOCIATED WITH THE INTERLOCAL COOPERATION AGREEMENT (ILA) APPROVED ON FEBRUARY 24, 2021, BY AND BETWEEN THE CITY OF ALLEN AND COLLIN COUNTY, TEXAS, FOR THE FUNDING AND IMPLEMENTATION OF AN COVID-19 EMERGENCY RENTAL ASSISTANCE PROGRAM UNTIL THE PROGRAM CLOSES ON SEPTEMBER 30, 2022; AND PROVIDING AN EFFECTIVE DATE.

- 5.4 Award bid and authorize the City Manager to execute an agreement with HQS Construction, LLC, for the 2022 Streets and Alley Rehabilitation Project for \$1,932,009.**
- 5.5 Award bid and authorize the City Manager to execute an agreement with Flow-Line Construction, Inc., for the Sloan Creek Waterline Project for \$4,648,570.**
- 5.6 Accept the resignation of Sharon Lakes and declare a vacancy in Place No. 2 on the Convention and Visitors Bureau Advisory Committee.**

The motion carried.

**6. Regular Agenda**

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- 6.1 Adopt a Resolution establishing rates and fees for commercial and residential solid waste, recycling and household hazardous waste services.**

**RESOLUTION NO. 3915-5-22(R):** A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ALLEN, COLLIN COUNTY, TEXAS, ESTABLISHING FEES AND RATES FOR RESIDENTIAL AND COMMERCIAL SOLID WASTE COLLECTION SERVICES; PROVIDING A REPEALING CLAUSE; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

**MOTION:** Upon a motion made by Councilmember Shafer and a second by Councilmember Cornette, the Council voted seven (7) for and none (0) opposed to adopt Resolution No. 3915-5-22(R), as

previously captioned, to establish rates and fees for commercial and residential solid waste, recycling, and household hazardous waste services at the 7% CPI level. The motion carried.

**6.2 Conduct a public hearing and adopt an Ordinance for a Specific Use Permit for Single-Family Attached use for property generally located at the northeast corner of Boyd Drive and Butler Drive.**

Mayor Fulk opened the public hearing for this agenda item and asked anyone wishing to speak for or against this item to do so at this time.

Fahim Khan, 400 Chisholm Place, Suite 310, Plano, Texas, the architect representing the proponent, spoke in support of this item.

Dr. Haq, 1350 E. Bethany Drive, Allen, Texas, the proponent, spoke in support of this item.

Adelia Scaife, 403 W. Coats Drive, Allen, Texas, spoke against this item.

The following individuals did not speak, but wished to record their support for the item: Christie Woodard, 301 N. Greenville Ave., Allen, Texas; and, Pamela Ackerman, 738 Livingston Drive, Allen, Texas.

With no one else speaking, Mayor Fulk closed the public hearing.

**ORDINANCE NO. 3916-5-22:** AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ALLEN, COLLIN COUNTY, TEXAS, AMENDING THE ALLEN LAND DEVELOPMENT CODE AND ZONING MAP, AS PREVIOUSLY AMENDED, BY GRANTING SPECIFIC USE PERMIT NO. 183 FOR TOWNHOME USE RELATING TO THE DEVELOPMENT AND USE OF 1.4348± ACRES IN THE JAMES L. READ SURVEY, ABSTRACT NO. 758, LOCATED WITHIN THE CENTRAL BUSINESS DISTRICT “CBD”; PROVIDING A CONFLICTS RESOLUTION CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A SAVINGS CLAUSE; PROVIDING A PENALTY OF FINE NOT TO EXCEED THE SUM OF TWO THOUSAND DOLLARS (\$2,000) FOR EACH OFFENSE; AND PROVIDING AN EFFECTIVE DATE.

**MOTION:** Upon a motion made by Councilmember Shafer and a second by Councilmember Clemencich, the Council voted six (6) for and one (1) opposed, with Councilmember Cornette casting the negative vote, to adopt Ordinance No. 3916-5-22, as previously captioned, to adopt Specific Use Permit No. 183 for a Townhome use subject to the SUP Site Plan, Landscape Plan, and Building Elevations. The motion carried.

**6.3 Conduct a public hearing and adopt an Ordinance to establish a Planned Development Zoning District with a Base Zoning of Light Industrial, Corridor Commercial, and Townhome and to adopt Development Regulations, Zoning Exhibit, Concept Plan, and Building Elevations for approximately 84.3632 acres in the George Fitzhugh survey generally located at the northwest corner of Chelsea Boulevard and Ridgeview Drive.**

Mayor Fulk opened the public hearing for this agenda item and asked anyone wishing to speak for or against this item to do so at this time.

The following individuals spoke neither for nor against the item but requested Council require directional signage for larger trucks to exit at the service road for SH 121.

Brad Williams, 2204 Thornbury Lane, Allen, Texas; and,  
Kelsey Williams, 2204 Thornbury Lane, Allen, Texas.

Josh Eadie, 836 Emporio Drive, Allen, Texas, President of Ridgeview Crossing HOA, spoke in support of the item.

With no one else speaking, Mayor Fulk closed the public hearing.

**ORDINANCE NO. 3917-5-22:** AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ALLEN, COLLIN COUNTY, TEXAS, AMENDING THE ALLEN LAND DEVELOPMENT CODE AND ZONING MAP, AS PREVIOUSLY AMENDED, BY AMENDING THE REGULATIONS RELATING TO THE USE AND DEVELOPMENT OF 84.3632+/- ACRES OUT OF THE GEORGE FITZHUGH SURVEY, ABSTRACT NO. 321, AND FRANCIS DOSSER SURVEY, ABSTRACT NO. 280; PRESENTLY LOCATED IN PLANNED DEVELOPMENT “PD” NO. 92 CORRIDOR COMMERCIAL AND PLANNED DEVELOPMENT “PD” NO. 147 FOR LIGHT INDUSTRIAL BY CHANGING THE ZONING AND CREATING PLANNED DEVELOPMENT “PD” NO. 147A FOR LIGHT INDUSTRIAL “LI,” CORRIDOR COMMERCIAL “CC,” AND TOWNHOME “TH” USES AND ADOPTING DEVELOPMENT REGULATIONS INCLUDING A ZONING EXHIBIT, CONCEPT PLAN, AND BUILDING ELEVATIONS; PROVIDING FOR A CONFLICTS RESOLUTION CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A SAVINGS CLAUSE; PROVIDING A PENALTY OF FINE NOT TO EXCEED THE SUM OF TWO THOUSAND DOLLARS (\$2,000) FOR EACH OFFENSE; AND PROVIDING AN EFFECTIVE DATE.

**MOTION:** Upon a motion made by Councilmember Trahan and a second by Councilmember Cornette, the Council voted seven (7) for and none (0) opposed to adopt Ordinance No. 3917-5-22, as previously captioned, to establish Planned Development Zoning District 147A with a Base Zoning of Light Industrial, Corridor Commercial, and Townhome with the addition of special specific language regarding signage regarding truck traffic. The motion carried.

**7. Other Business**

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**7.1 Calendar**

- May 30 - City Facilities Closed in Observance of Memorial Day

**7.2 Items of Interest**

- Councilmember Cornette invited Allen residents to attend the following events:
  - May 28-30 – VFW Post 2195 will be collecting for the relief fund at Market Street.
  - May 30 – Memorial Day Ceremony at the Allen Cemetery at Noon.
  - May 30 – Memorial Day Ceremony at Veterans Memorial at 4 p.m.
  - June 11 – Flag Day Ceremony hosted by the Allen Heritage Guild with the VFW Post 2195 and Auxiliary and Daughters of American Revolution at the Allen Heritage Village at 10:30 a.m.
  - June 14 – Flag Day Ceremony at the Allen Veterans Memorial at 4 p.m.
- Mayor Fulk announced Kiwanis International as his Charity of the Month.

**8. Executive Session**

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The Executive Session was not held.

**8.1 Reconvene and Consider Action on Items Resulting from Executive Session.**

**9. Adjournment**

Mayor Fulk adjourned the Regular Meeting of the Allen City Council at 10:12 p.m. on Tuesday, May 24, 2022.

These minutes were approved on the 14<sup>th</sup> day of June 2022.

**APPROVED:**

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**Kenneth M. Fulk, MAYOR**

**ATTEST:**

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**Shelley B. George, TRMC, CITY SECRETARY**

## CITY COUNCIL REGULAR MEETING AGENDA COMMUNICATION

<b>AGENDA DATE:</b>	June 14, 2022
<b>AGENDA CAPTION:</b>	Adopt an Ordinance amending the Code of Ordinances, Chapter 6, Article VIII, "Environmental Health," Division 2, 3, and 5 related to Food Establishments, Child Care Facilities, and Enforcement.
<b>STAFF RESOURCE:</b>	Lee Battle, Director of Community Enhancement
<b>STRATEGIC PLANNING GOAL:</b>	Safe and Livable Community for All.

### **BACKGROUND**

The purpose of this amendment to the Environmental Health Ordinance is to maintain alignment with the State's Texas Food Establishment Regulations.

The Texas Food Establishment Regulations serve as the official health requirements for all food establishments in Texas. The City adopts these regulations in the City's Environmental Health Ordinance. Since the State has updated the regulations, the City needs to update the Environmental Health Ordinance to stay aligned.

The only substantial change to the regulations is the addition of requirements for farmers' markets. While the City does not currently have a farmer's market, adopting these requirements the City will be prepared with health requirements if one is proposed in the future.

### **STAFF RECOMMENDATION**

Staff recommends that the City Council adopt an Ordinance amending the Code of Ordinances, Chapter 6, Article VIII, "Environmental Health."

### **MOTION**

*I make a motion to adopt Ordinance No. \_\_\_\_\_ amending the Code of Ordinances, Chapter 6, Article VIII, "Environmental Health."*

### **ATTACHMENT(S)**

[Ordinance](#)

**ORDINANCE NO. \_\_\_\_\_**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ALLEN, COLLIN COUNTY, TEXAS, AMENDING THE CODE OF ORDINANCES BY AMENDING CHAPTER 6, "HEALTH AND ENVIRONMENT," ARTICLE VIII, "ENVIRONMENTAL HEALTH," DIVISION 2, "FOOD ESTABLISHMENTS," BY AMENDING SECTION 6-234 ADOPTING THE TEXAS FOOD ESTABLISHMENT RULES AND AMENDMENTS THERETO; ADDING NEW SECTION 6-235 ESTABLISHING RULES FOR FARMERS MARKET; BY AMENDING SECTION 6-236 PROVIDING FOR FOOD ESTABLISHMENT APPLICATION AND PERMIT FEES AND REPEALING SECTION 6-242; BY ADDING SECTION 6-236 PROVIDING FOR THE SUSPENSION, REVOCATION AND DENIAL OF FOOD ESTABLISHMENT PERMITS; BY AMENDING CHAPTER 6, "HEALTH AND ENVIRONMENT," ARTICLE VIII, "ENVIRONMENTAL HEALTH," DIVISION 3, "CHILD CARE FACILITIES," BY AMENDING SECTION 6-241 TO PROVIDE REQUIREMENTS FOR FOOD PREPARATION AND SERVICE AT COMMERCIAL CHILD CARE FACILITIES; BY AMENDING CHAPTER 6, "HEALTH AND ENVIRONMENT," ARTICLE VIII, "ENVIRONMENTAL HEALTH," DIVISION 5, "ENFORCEMENT AND FEES," BY AMENDING SECTIONS 6-256 AND 6-257 RELATING TO FEES AND ENFORCEMENT; PROVIDING A REPEALING CLAUSE; PROVIDING A SAVINGS CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR A PENALTY OF FINE NOT TO EXCEED THE SUM OF TWO THOUSAND DOLLARS (\$2,000) FOR EACH OFFENSE; AND PROVIDING FOR AN EFFECTIVE DATE.**

**NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ALLEN, COLLIN COUNTY, TEXAS, THAT:**

**SECTION 1.** The Code of Ordinances of the City of Allen, Collin County, Texas, be and the same is hereby amended by amending Chapter 6, "Health and Environment," Article VIII, "Environmental Health," Division 2, "Food Establishments," by amending Section 6-234 and Section 6-235, to read as follows:

**"DIVISION 2. – FOOD ESTABLISHMENTS**

**Sec. 6-234. – Adoption of the Texas Food Establishment Rules.**

- (a) Adopted. The Texas Food Establishment Rules (TFER) codified at Texas Administrative Code Title 25 Chapter 228 adopted by the Texas Department of Health Services, effective August 8, 2021, as amended from time to time are hereby adopted as the minimum standards for food service operations within the corporate limits of the city, and shall constitute the regulations governing the preparation, service, and sale of food within the city, except as amended and modified in this Section. For purposes of this Section, the phrase "food establishment rules" means collectively (i) the Texas Food Establishment Rules as adopted by this section and (ii) the local amendments adopted pursuant to section 6-234(b). The city manager, or authorized representative, is hereby authorized and directed to enforce all provisions of the food establishment rules.

(b) The following sections, paragraphs, definitions, and sections of TFER are amended and modified as follows:

(1) The following definitions are amended or added to read as follows:

*Agricultural product.* An agricultural, apicultural, or horticultural product, either in its natural or processed state that has been produced, processed, or otherwise had value added for use as human food.

*Authorized representative.* The official, or designee, charged with administration and enforcement of this article by the city manager.

*Central preparation facility (CPF).* An approved and permitted food service facility, excluding a restaurant or food establishment, at which:

- (1) food offered by a mobile food unit may be prepared, stored, and/or wrapped;
- (2) a mobile food unit is supplied with fresh water and ice;
- (3) emptied of wastewater into a proper liquid waste disposal system; and/or
- (4) cleaned, including washing, rinsing, and sanitizing of those food-contact surfaces or items not capable of being immersed in the mobile food unit's utensil-washing sink.

Use of a private residence as a central preparation facility is prohibited. A restaurant or food establishment that also owns and operates a mobile food unit may be used as a central preparation facility only for that mobile food unit.

*Childcare facility.* Any facility licensed by the State of Texas to provide care for less than twenty-four (24) hours a day for seven (7) or more children and which prepares, serves, or receives food for on-site or off-site consumption. These facilities may be titled nursery school, kindergarten, child development center, day care center, private school, Montessori, etc.

*Concession Stand.* A food establishment that is not mobile and is operated for the purpose of providing food at events associated with an independent school district, community college, for-profit or non-profit organization, university, private school, or City of Allen.

*Easily movable* means:

- (A) Portable; mounted on casters, gliders, or rollers; or provided with a mechanical means to safely tilt a unit of equipment for cleaning; and
- (B) Having no utility connection, a utility connection that disconnects quickly, or a flexible utility connection line of sufficient length to allow the equipment to be moved for cleaning of the equipment and adjacent to the area; and
- (3) Small and light enough to be moved easily by one (1) person.

*Farmers' market.* A type of food establishment that is an area at which two (2) or more vendors offer produce and other agricultural products for retail sale, sample, or consumption. It shall not include stands that only sell whole, uncut produce.



*Farmers' market vendor.* Any person who offers or sells produce or agricultural products at a farmers' market.

*Light in color.* A surface which has a light reflective value (LRV) of 55 to 100.

*Mobile food unit (MFU).* A vehicle-mounted, self-propelled, self-contained food service operation designed to be readily movable and used to store, prepare, display, serve, sell, or otherwise offer food. A MFU shall retain full mobility at all times. A MFU does not include a stand, trailer, or a booth. A roadside food vendor is classified as a MFU.

*Regulatory authority.* City of Allen Environmental Health, or other Department authorized by the City Manager.

*Sampling.* Preparation of food as an example, instruction, or for marketing purposes.

*Seasonal food establishment.* A food establishment that operates at a fixed location for a period greater than fourteen (14) consecutive days, but less than thirty (30) consecutive days in conjunction with a single event or celebration.

- (2) 3-306.11 Food Display is amended to read as follows:

Except for nuts in the shell and whole, raw fruits and vegetables that are intended for hulling, peeling, or washing by the consumer before consumption, food on display shall be protected from contamination through use of packaging; counter, service line, or salad bar food guards; display cases; or other effective means approved by the regulatory authority. Food guards and display cases shall meet requirements of an American National Standards Institute (ANSI)-accredited certification program.

- (3) 3-306.13 Consumer Self-Service Operations shall be amended to add (D) and read as follows:

(D) The seller shall post in the immediate display area a conspicuous sign that instructs the customer on the proper procedure for dispensing food.

- (4) 3-403.11 Reheating for Hot Holding shall be amended to add (F) and read as follows:

(F) Steam tables, bain-maries, warmers, and similar hot food holding facilities shall not be used for rapid reheating as specified under (A) and (C) of this section.

- (5) 4-205.10 Food Equipment, Certification and Classification shall be amended to read as follows:

Food equipment that is certified or classified for sanitation and commercial use by an American National Standards Institute (ANSI)-accredited certification program is deemed to comply with Parts 4-1 and 4-2 of this chapter.

- (6) 4-301.14 Ventilation Hood Systems, Adequacy shall be amended to read as follows:

Ventilation hood systems and devices shall be sufficient in number and capacity to prevent grease or condensation from collecting on floors, walls and ceilings, and shall not cause grease discharge to accumulate on the ground outside the physical facilities.

- (7) 5-203.12 Toilets and Urinals shall be amended to read as follows:

At least 1 toilet and not fewer than the toilets required by law shall be provided. If authorized by law and urinals are substituted for toilets, the substitution shall be done as specified by law. Restrooms shall be made available to the public in establishments with on-site consumption and shall not be accessible through food preparation or storage areas, or areas where other food service equipment or supplies are stored.

(8) 5-204.11 Handwashing Sinks (A) shall be amended and (C) added to read as follows:

- (A) Within twenty-five (25) unobstructed linear feet, or to allow convenient use by employees in food preparation, food dispensing and warewashing areas; and
- (C) Handwashing sinks located within eighteen (18) inches of food preparation or storage areas shall have a splash guard.

(9) 5-402.12 Grease Trap shall be amended to add (A) and (B) to read as follows:

If used, a grease trap shall be located to be easily accessible for cleaning.

- (A) Grease traps shall be located outside the physical facility, unless otherwise approved by the regulatory authority, and shall not be located in a fire lane.
- (B) A best management practices (BMP) poster provided by the regulatory authority shall be posted in all rooms with warewashing equipment.

(10) 6-202.15 Outer Openings, Protected shall be amended to add (F) to read as follows:

- (F) If an opening to the outside is near an exterior trash receptacle, grease trap, or other pest attractant, the regulatory authority may require an automatic air curtain, or other effective means to mitigate pest entry.

(11) 6-301.11 Handwashing Cleanser, Availability shall be amended to read as follows:

Each handwashing sink or group of 2 adjacent handwashing sinks shall be provided with a supply of hand cleaning liquid.

(12) 6-301.12 Hand Drying Provision shall be amended to read as follows:

Except as specified in part (E) of this section, each handwashing sink or group of adjacent handwashing sinks shall be provided with:

- (A) Individual, disposable towels;
- (B) A continuous disposable towel system that supplies the user with a clean towel;
- (C) A heated-air hand drying device, provided:
  - (1) The sink has a touchless faucet, and
  - (2) There is a kick plate or foot pull to avoid recontamination of hands when exiting the restroom facilities, except where the toilet room swings outward; or
- (D) A hand drying device that employs an air-knife system that delivers high velocity, pressurized air at ambient temperature, provided:

- (1) The sink has a touchless faucet, and
  - (2) There is a kick plate or foot pull to avoid recontamination of hands when exiting the restroom facilities, except where the toilet room door swings outward.
- (E) In food preparation or processing areas and warewashing areas, only (A) or (B) shall be used.
- (13) 6-501.111 Controlling Pests (C) shall be amended to read as follows:
  - (C) Using routine preventive pest control services and methods specified under §7-202.12, 7-206.12, and 7-206.13; and
- (14) 6-101.11 Surface Characteristics section (A) (3) shall be amended to read as follows:
  - (3) Nonabsorbent for areas subject to moisture such as food preparation areas, walk-in refrigerators, warewashing areas, toilet rooms, mobile food establishment servicing areas, and areas subject to flushing or spray cleaning methods. Flooring that is considered nonabsorbent includes terrazzo, ceramic or quarry tile, epoxy, or an equivalent as approved by the regulatory authority. Epoxy and other durable seamless flooring systems shall be installed to a finished product thickness of a minimum ¼ inch. Flooring that is not smooth, durable, and easily cleanable includes, but is not limited to, vinyl composite tile (VCT), cardboard, sawdust, wood shavings, peanut hulls, or similar material, and are not acceptable.
- (15) 6-201.13 Floor and Wall Junctures, Coved, and Enclosed or Sealed section (A) shall be amended to read as follows:
  - (A) Floors shall be coved at the juncture of the floor and wall and shall utilize a six-inch coved tile base installed integral and flush with the finished floor. Epoxy and seamless floor systems may be installed with an integral six-inch coved base. An aluminum cove shaped tile edge trim, installed integral and flush with the finished floor, may be used in dry storage areas, dressing rooms, locker rooms, employee toilet rooms, mop sink areas, and vestibules.
- (16) §228.221 Mobile Food Units section (a)(3)(B) shall be amended and (C) added to read as follows:
  - (B) The regulatory authority shall require an MFU to come, on an annual basis or as often as required, to a location designated by the regulatory authority as proof that the MFU is readily moveable.
  - (C) The Person in charge of a MFU shall document dates and times the MFU has utilized services of a central preparation facility and servicing area and provide this documentation to the regulatory authority upon request.
- (17) §228.241 Facility and Operating Plans shall be amended to read as follows:
 

Plans and appropriate fees shall be required by the regulatory authority for:

  - (1) the construction of a food establishment;
  - (2) the conversion of an existing structure for use as a food establishment; or

- (3) the remodeling of a food establishment, change of ownership, a change of type of food establishment or food operation, or under the conditions set by the regulatory authority, if the regulatory authority determines that plans and specifications are necessary to ensure compliance with this section.”

**SECTION 2.** The Code of Ordinances of the City of Allen, Collin County, Texas, be and the same is hereby amended by amending Chapter 6, “Health and Environment,” Article VIII, “Environmental Health,” Division 2, “Food Establishments,” by adding Section 235, to read as follows:

**“Sec. 6-235. – Farmers’ Markets.**

- (a) All farmers’ markets and each vendor attending a farmers’ market shall comply with requirements of this chapter, unless otherwise restricted by applicable state or federal law.
- (b) Responsibility, assignment.
  - (1) The farmers’ market permit holder shall be the person in charge or shall designate a person in charge and shall ensure that a person in charge is present at the farmer's market during all hours of operation. The person in charge shall be responsible to ensure all vendors comply with requirements of this chapter and shall provide proof of successfully passing an ANSI-accredited certified food protection managers' course upon request.
  - (2) Farmers’ market vendors that offer, sell, or distribute temperature control for safety (TCS) food shall have a person in charge that can provide proof upon request of successfully passing a Texas Department of State Health Services (TDSHS) recognized certified food handler course. Farmers’ market vendors that offer, sell, or distribute only prepackaged non-TCS food and plants, nuts in the shell, or whole, raw fruits and vegetables that are intended for hulling, peeling, or washing by the consumer before consumption, are exempt from the certified food handler requirement.
  - (3) The person in charge of the farmers’ market shall maintain, and provide upon request, a list of all farmers’ market vendors. This list shall be maintained for at least ninety (90) calendar days from the date of the end of the market, and shall include:
    - i. The name, address, and phone number of each farmers’ market vendor;
    - ii. The date(s) the farmers’ market vendor operated at the farmers’ market;
    - iii. A list of food(s) offered by a farmers’ market vendor for each date operated at the farmers’ market;
    - iv. A copy of any applicable permit(s) held by the farmers’ market vendor; and
    - v. The address or location of each food item's origin, including information on where the food was grown, cultivated, or otherwise obtained by the farmers’ market vendor.
- (c) Food.
  - (1) Approved source. Only food from an approved source as defined in this chapter, or cottage food prepared in a private residence, may be offered at a farmers’ market.

- (2) Prohibited items. Fish, foraged foods, game animals, gleaned food, and non-pasteurized dairy items are prohibited at a farmers' market.
  - (3) Temperature requirements. Food temperatures must comply with temperatures specified in this chapter.
    - i. Meats, refrigerated dairy items, and poultry shall be maintained at or below forty-one (41) degrees Fahrenheit for the duration of the market, and while transported to the market.
    - ii. Raw shell eggs shall be maintained at or below forty-five (45) degrees Fahrenheit for the duration of the market, and while transported to the market.
  - (4) Sampling. Sampling shall meet requirements of Section 437.020 of the Texas Health and Safety Code, as amended.
  - (5) Preventing contamination. Except for plants, nuts in the shell, and whole, raw fruits and vegetables that are intended for hulling, peeling, or washing by the consumer before consumption, food on display shall be protected from contamination by use of packaging; counter, service line, or sneeze guards that comply with NSF or equivalent standards; be in completely enclosed display cases accessible only to farmers' market vendor staff; or by other means approved by the regulatory authority.
  - (6) Food prepared at a farmers' market. Any vendor who offers for sale or distribution to consumers any food prepared or cooked at a farmers' market shall obtain a separate permit and meet requirements under this chapter.
- (d) Equipment, utensils, and facilities.
- (1) Functionality of equipment.
    - i. Equipment used to keep food refrigerated or frozen shall comply with this code and shall be able to maintain required temperatures for the duration of operations and transportation.
    - ii. Tables used within the vending area shall be made of durable, non-porous material and be easily cleanable.
  - (2) Equipment, numbers, and capacities.
    - i. Where required, at least one (1) hand washing facility approved by the regulatory authority that provides potable, clean, warm water; a wastewater catch basin, if needed; soap; disposable towels; and a waste receptacle, shall be located in each vending space for each vendor that conducts sampling operations.
    - ii. A hand wash facility is not required for vendors with only pre-packaged products, plants, nuts in the shell, and whole, raw fruits and vegetables that are intended for hulling, peeling, or washing by consumers before consumption.
  - (3) Physical facilities.
    - i. Floor construction. Floors and floor coverings of all vending areas shall be located on a concrete or asphalt surface, or other suitable materials approved

by the regulatory authority that effectively control dust and mud and provide adequate drainage.

- ii. Covered area. Vending areas shall be covered, free of pests, and capable of providing shelter for vendors and customers.”

**SECTION 3.** The Code of Ordinances of the City of Allen, Collin County, Texas, be and the same is hereby amended by amending Chapter 6, “Health and Environment,” Article VIII, “Environmental Health,” Division 2, “Food Establishments,” by adding Section 236, to read as follows:

**“Sec. 6-236. – Permits, Fees, and Inspections.**

(a) Authority.

- (1) The provisions of this article shall be enforced by the regulatory authority. It shall be unlawful for any person to interfere with the regulatory authority, or its representatives and designees in the performance of their duties as prescribed in this article.
- (2) Variance. A variance from this article may be granted by the regulatory authority in accordance with the provisions set out in 8-103.10 through 8-103.12 of the Federal Drug Administration Food Code adopted by the state of Texas.
- (3) Additional requirements. As necessary to protect against public health hazards or nuisances, the regulatory authority may impose additional requirements in addition to the requirements contained in this article that are authorized by law set out in 8-102.10 of the Federal Drug Administration Food Code adopted by the state of Texas.

(b) Permit required.

- (1) It shall be unlawful for any person to operate a food establishment, food processing establishment, mobile food unit, temporary food establishment, seasonal food establishment, bed and breakfast food establishment, childcare facility, or farmers’ market subject to this article, within the city without a valid permit issued by the regulatory authority. Only a person who complies with the requirements of this article shall be entitled to receive and retain such a permit. Permits shall not be transferable from one person or entity to another person, location, or entity. A valid permit shall be conspicuously posted in every establishment.
- (2) Any person desiring to operate a food establishment, food processing establishment, mobile food unit, temporary food establishment, seasonal food establishment, bed and breakfast food establishment, childcare facility, or farmers’ market shall make application in a manner provided by the regulatory authority and pay the appropriate fee.
- (3) Annual permits. All permit categories issued under this article, excluding temporary food establishment permits and seasonal food establishment permits, shall expire on December 31 annually, unless otherwise revoked or suspended under this article.
- (4) Temporary food establishment permits.
  - (i) The operation of a temporary food establishment, including sampling food product, may not exceed fourteen (14) consecutive days per event and must be in conjunction with a special event or celebration as approved by the regulatory authority.

- (ii) Application and fees must be submitted not later than five (5) working days prior to the event, or not later than ten (10) working days prior to the event if five (5) or more booths are to be permitted for the same vendor.
  - (iii) At events where vendors may have more than one (1) booth, each booth will be required to obtain a separate permit.
  - (iv) Vendors with a valid annual permit issued under subsection (a) of this section must obtain a separate temporary food establishment permit when participating in an event, except for mobile food establishments that have an annual permit.
  - (v) A permit fee waiver may be approved by the regulatory authority if the food establishment owner submits proof of charitable nonprofit status, i.e., school district or nonprofit with 501(c)(3) status, with application.
- (5) Seasonal food establishment permits.
  - (i) The operation of a seasonal food establishment is greater than fourteen (14) days but less than thirty (30) consecutive days per event per vendor. Seasonal permits are limited to two (2) per calendar year per vendor per location, or such shorter time as may be established pursuant to the Allen Land Development Code, as amended.
  - (ii) Seasonal food establishment permit applications must be submitted at least five (5) working days prior to the start date.
  - (iii) Vendors with a valid annual permit issued under subsection (a) of this section must obtain a separate seasonal food establishment permit when participating in an event, except for mobile food establishments that have an annual permit.
- (6) Late fees. Annual permit renewal applications received more than ten (10) days after the expiration date shall pay an administrative late fee in the amount set by the city council. Any renewal application received more than thirty (30) days after the expiration date shall make reapplication for a new permit.
- (c) Access. Representatives of the regulatory authority, after proper identification, shall be permitted to enter any food establishment or entity subject to this article at any reasonable time, for the purpose of making inspections to determine compliance with this article as set out in TFER.
- (d) Inspections. Shall be conducted at a frequency as described in §228.244 of the Texas Food Establishment Rules, and findings shall be recorded in a manner determined by the regulatory authority.
- (e) Physical facilities or equipment of a food establishment not in compliance with the applicable ordinances and regulations of this chapter shall be brought into compliance with the provisions of this chapter when:
  - (1) A new permit is issued for a food service establishment resulting from a change in ownership; or
  - (2) A change in type of operation; or

- (3) When it is determined by the regulatory authority that continued operation or use of the non-compliant facility or equipment poses an imminent risk to public health or safety.”

**SECTION 4.** The Code of Ordinances of the City of Allen, Collin County, Texas, be and the same is hereby amended by amending Chapter 6, “Health and Environment,” Article VIII, “Environmental Health,” Division 2, “Food Establishments,” by adding Section 237, to read as follows:

**“Sec. 6-237. – Suspension, Revocation, Denial of Permit, Notice, Appeals.**

- (a) Suspension, Revocation, or Denial of Permit.
  - (1) The regulatory authority may suspend, revoke, or deny a permit for failure to comply with any of the terms or provisions of this article.
  - (2) Whenever a permit is suspended or revoked, the holder of the permit shall be notified in writing that the permit is, upon delivery of the notice, immediately suspended or revoked. The suspension or revocation shall continue until the regulatory authority determines that the operation is in compliance with this article, or a permit has been reinstated. Suspension or revocation of a permit shall not preclude the regulatory authority from taking other enforcement action authorized by law.
  - (3) The regulatory authority may, without advance notice, suspend the permit of an establishment it is found to have one or more violations that constitutes an imminent hazard to public health or safety.
  - (4) The applicant for, or holder of a permit may appeal the suspension, denial, or revocation of the permit to the authorized representative, by submitting a written appeal stating the reasons for such appeal within five (5) business days after receipt of notice of such denial or suspension.
  - (5) Within five (5) business days after receipt of an appeal, the authorized representative shall set a date, time, and place for the hearing of the appeal and deliver written notice thereof to such person in accordance with this article. The authorized representative shall make a final decision by sustaining, modifying, or rescinding any notice or order considered in the appeal hearing. The authorized representative shall provide a written decision to the permit holder.
- (b) Notice. A notice required to be provided or delivered by the City pursuant to this article is deemed to have been delivered by the City on the date that it is hand delivered, or three (3) days after the date the notice is sent by first class mail United States mail postage prepaid addressed to the person provided in the appeal or permit application.

**Sec. 6-238 – 6-240. – Reserved.”**

**SECTION 5.** The Code of Ordinances of the City of Allen, Collin County, Texas, be and the same is hereby amended by amending Chapter 6, “Health and Environment,” Article VIII, “Environmental Health,” Division 3, “Child Care Facilities,” by repealing section 6-242 and amending section 6-241 to read as follows:

**“DIVISION 3. – CHILD CARE FACILITIES**

**Sec. 6-241. - Child care facilities.**



- (a) The purpose of this section is to establish uniform requirements for food preparation and service at commercial childcare facilities. The regulatory authority shall only be responsible for monitoring the health and safety of the food preparation, service and overall food service sanitation at childcare facilities located within the city. The regulatory authority will act as a liaison with applicable state agencies with respect to compliance with State minimum requirements. If State minimum requirements are more stringent than the city's requirements, the facility shall adhere to the State mandated requirements. The director or owner of the childcare facility has absolute responsibility for the operation of the childcare facility under this article.
- (b) Any commercial childcare facility, as defined by this article, shall conform to all applicable food service rules, construction requirements, permitting requirements, inspections and other provisions required by this article. Licensed childcare homes, and other in-home childcare facilities, are not regulated by this article.
- (c) Existing facilities. When remodeling or changing ownership, existing childcare facilities shall comply with all current applicable codes.
- (d) Any childcare facility receiving food from off-site food establishments shall have a permit and shall maintain documentation regarding off-site food sources.

**Sec. 6-242. – 6-245. – Reserved.”**

**SECTION 6.** The Code of Ordinances of the City of Allen, Collin County, Texas, be and the same is hereby amended by amending Chapter 6, “Health and Environment,” Article VIII, “Environmental Health,” Division 5, “Enforcement and Fees,” by amending sections 6-256 and 6-257 to read as follows:

**“DIVISION 5. - ENFORCEMENT AND FEES**

**Sec. 6-256. - Penalties.**

- (a) Any person who knowingly violates any provision of this article, or any order issued hereunder, shall, upon conviction be guilty of a misdemeanor, punishable by a fine of not more than two thousand dollars (\$2,000.00) per violation. Each day a violation continues to exist shall be considered a separate offense.
- (b) In addition to and cumulative of all penalties, notwithstanding any penal provision of this article, the city attorney is authorized to file suit on behalf of the City, the enforcement officer or both for injunctive relief as may be necessary to enforce the provisions of this article.
- (c) Additionally, the city shall be entitled to pursue any civil and criminal remedies to which it is entitled under law.

**Sec. 6-257. - Fees.**

All permit categories and fees referenced in this article shall be set by resolution by the city council of the city, a copy of which shall be on file in the city secretary's office for public inspection.”

**SECTION 7.** All ordinances of the City of Allen, Collin County, Texas, in conflict with the provisions of this ordinance be, and the same are hereby, repealed; provided, however, that all other provisions of said ordinances not in conflict with the provisions of this ordinance shall remain in full force and effect.

**SECTION 8.** Should any word, sentence, paragraph, subdivision, clause, phrase, or section of this ordinance, as amended hereby, be adjudged, or held to be void or unconstitutional, the same shall not affect the validity of the remaining portions of said ordinance, which shall remain in full force and effect.

**SECTION 9.** Any person, firm or corporation violating any of the provisions or terms of this ordinance or of the Code of Ordinances as amended hereby, shall be subject to the same penalty as provided for in the Code of Ordinances of the City of Allen, as previously amended, and upon conviction shall be punished by a fine not to exceed the sum of Two Thousand Dollars (\$2,000.00) for each offense.

**SECTION 10.** This ordinance shall take effect immediately from and after its passage, as the law and charter in such cases provide.

**DULY PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF ALLEN, COLLIN COUNTY, TEXAS, ON THIS THE 14<sup>TH</sup> DAY OF JUNE 2022.**

**APPROVED:**

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**Kenneth M. Fulk, MAYOR**

**APPROVED AS TO FORM:**

**ATTEST:**

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**Peter G. Smith, CITY ATTORNEY**  
(PGS:4-4-22:TM 128719)

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**Shelley B. George, TRMC, CITY SECRETARY**

<b>CITY COUNCIL REGULAR MEETING AGENDA COMMUNICATION</b>
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**AGENDA DATE:**

June 14, 2022

**AGENDA CAPTION:**

Adopt an Ordinance amending the Allen Land Development Code by amending in its entirety Article III, "Building Regulations" by adopting the International Building Code, 2021 Edition, with amendments; International Existing Building Code, 2021 Edition, with amendments; International Fire Code, 2021 Edition, with amendments; International Residential Code, 2021 Edition, with amendments; International Mechanical Code, 2021 Edition, with amendments; International Plumbing Code, 2021 Edition, with amendments; International Fuel Gas Code, 2021 Edition, with amendments; National Electrical Code, 2020 Edition, with amendments; International Swimming Pool And Spa Code 2021 Edition with amendments; and International Energy Conservation Code, 2021 Edition, with amendments.

**STAFF RESOURCE:**

Michael Sizemore, Building Official  
David Cannaday, Assistant Fire Chief

**BOARD/COMMISSION ACTION:**

On May 2, 2022, the Building and Standards Commission recommended approval of the proposed amendments to the 2021 International Codes and the 2020 National Electrical Code.

**PREVIOUS COUNCIL ACTION:**

August 2019 - City Council approved Ordinance No. 3693-8-19, adopting the 2018 International Codes and 2017 Electrical Code.

**STRATEGIC PLANNING GOAL:**

Safe and Livable Community for All.

**BACKGROUND**

Every three years, the International Code Council publishes a new set/cycle of building codes, which provide a comprehensive set of minimum standards for safe construction. The City of Allen currently operates under the 2018 version of these Codes. This amendment will move Allen from the 2018 version to the 2021 version, with the 2021 version being the most current that is available. Adoption of these building codes also serves to keep the City of Allen current with International Standards Organization (ICC) guidelines.

As part of the proposed amendments, the City has used regional amendments proposed by North

Central Texas Council of Governments which provide the majority of the basis for the amendments from the standard 2021 version of the ICC Building Codes and the 2020 National Electrical Code.

**STAFF RECOMMENDATION**

Staff recommends that the City Council adopt an ordinance amending the Allen Land Development Code Article III, "Building Regulations" and adopting the 2021 International Building Codes and 2020 National Electrical Code with amendments.

**MOTION**

*I make a motion to adopt Ordinance No. \_\_\_\_\_ amending the Allen Land Development Code Article III, "Building Regulations" and adopting the 2021 International Building Codes and 2020 National Electrical Code with amendments.*

**ATTACHMENT(S)**

[Ordinance](#)

**ORDINANCE NO. \_\_\_\_\_**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ALLEN, COLLIN COUNTY, TEXAS, AMENDING THE ALLEN LAND DEVELOPMENT CODE, AS PREVIOUSLY AMENDED, BY AMENDING IN ITS ENTIRETY ARTICLE III, “BUILDING REGULATIONS” BY ADOPTING THE INTERNATIONAL BUILDING CODE, 2021 EDITION, WITH AMENDMENTS; INTERNATIONAL EXISTING BUILDING CODE, 2021 EDITION, WITH AMENDMENTS; INTERNATIONAL FIRE CODE, 2021 EDITION, WITH AMENDMENTS; INTERNATIONAL RESIDENTIAL CODE, 2021 EDITION, WITH AMENDMENTS; INTERNATIONAL MECHANICAL CODE, 2021 EDITION, WITH AMENDMENTS; INTERNATIONAL PLUMBING CODE, 2021 EDITION, WITH AMENDMENTS; INTERNATIONAL FUEL GAS CODE, 2021 EDITION, WITH AMENDMENTS; NATIONAL ELECTRICAL CODE, 2020 EDITION, WITH AMENDMENTS; INTERNATIONAL ENERGY CONSERVATION CODE, 2021 EDITION, WITH AMENDMENTS; INTERNATIONAL SWIMMING POOL AND SPA CODE, 2021 EDITION; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A SAVINGS CLAUSE; PROVIDING A PENALTY OF FINE NOT TO EXCEED THE SUM OF TWO THOUSAND DOLLARS (\$2,000); AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, the International Code Council (ICC) has developed a set of comprehensive and coordinated national model construction codes (known generally as the “International Codes”); and,

**WHEREAS**, the National Fire Protection Association (NFPA) has developed a national model electrical code; and,

**WHEREAS**, the City of Allen has been involved throughout the development process of the International Codes and the National Electrical Code through participation with 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); and,

**WHEREAS**, the creation of the 2021 editions of the International Codes by the ICC and the 2020 edition of the National Electrical Code was in conjunction with the International Code Council (ICC), the organization whose codes the City of Allen has adopted for many years; and,

**WHEREAS**, the International Codes and the National Electrical Code have been reviewed by the NCTCOG and City staff; and,

**WHEREAS**, the City's building and construction codes are intended to be updated periodically, with the 2021 editions of the International Codes and the 2020 edition of the National Electrical Code being the most current published building and construction codes for which local amendments have been developed; and,

**WHEREAS**, the City Council of the City of Allen has determined that it is in the best interest of the residents of the City of Allen to adopt the 2021 editions of the International Building Code and the 2020 edition of the National Electrical Code, as stated herein, as the minimum standards for the construction, use, occupancy and maintenance of buildings and structures within the City limits, as set forth herein, and to adopt local amendments to said codes in order to account for unique local practices and/or conditions relating to the design and construction of structures within the City.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ALLEN, COLLIN COUNTY, TEXAS, THAT:**

**SECTION 1.** The Allen Land Development Code of the City of Allen, Texas, be amended by amending Article III, Building Regulations, in its entirety, to read as follows:

**“ARTICLE III BUILDING REGULATIONS**

**Section 3.01. Adoption of building codes.**

1. There is hereby adopted by the City for the purpose of establishing rules and regulations for the construction, alteration, removal, demolition, equipment, use and occupancy, location and maintenance of buildings and structures, within the City, including permits and penalties, the following model codes with amendments and authority to adopt policies thereto as set forth in this Article:
  - a. The 2021 edition of the *International Building Code*, as published by the International Code Council, except as it may be in conflict with the provisions of another ordinance of the city and as amended by Section 3.02.
  - b. The 2021 edition of the *International Existing Building Code*, as published by the International Code Council, except as it may be in conflict with the provisions of another ordinance of the city and as amended by Section 3.03.
  - c. The 2021 edition of the *International Fire Code*, as published by the International Code Council, except as it may be in conflict with the provisions of another ordinance of the city and as amended by Section 3.04.
  - d. The 2021 edition of the *International Residential Code*, as published by the International Code Council, except as it may be in conflict with the provisions of another ordinance of the city and as amended by Section 3.05.
  - e. The 2021 edition of the *International Mechanical Code*, as published by the International Code Council, except as it may be in conflict with the provisions of another ordinance of the city and as amended by Section 3.06.
  - f. The 2021 edition of the *International Fuel Gas Code*, as published by the International Code Council, except as it may be in conflict with the provisions of another ordinance of the city and as amended by Section 3.07.
  - g. The 2021 edition of the *International Plumbing Code*, as published by the International Code Council, except as it may be in conflict with the provisions of another ordinance of the city and as amended by Section 3.08.
  - h. The 2020 edition of the *National Electrical Code*, as published by the National Fire Protection Association, except as it may be in conflict with the provisions of any ordinance of the city and as amended by Section 3.09.
  - i. The 2021 edition of the *International Energy Conservation Code*, as published by the International Code Council, except as it may be in conflict with the provisions of another ordinance of the city and as amended by Section 3.10.
  - j. The 2021 edition of the *International Swimming Pool and Spa Code*, as published by the International Code Council, except as it may be in conflict with the provisions of another ordinance of the city and as amended by Section 3.11.

2. The codes adopted by reference in subsection 1 of this section are hereby amended as follows:
  - a. The following words, terms, and phrases, when used in this section, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning.
  - b. “Permanent toilet facilities” means a room in an existing building (including a construction trailer) or in the building being constructed with a water closet installed in such room which conforms to the plumbing code and is continuously available to all workers involved in a construction project.
  - c. “Temporary toilet facilities” means a portable, fully enclosed, chemically sanitized toilet which is serviced and cleaned at least once each week.
  - d. Every construction project requiring a permit within the city shall have adequate toilet facilities for workers associated with the project. The following shall be considered adequate facilities:
  - e. Residential construction projects: At least one permanent toilet facility shall be maintained in each subdivision for the employees or subcontractors of each builder holding a permit for a building in that subdivision. A toilet facility must be provided by each builder as long as the builder holds an active permit in the subdivision.

### **Section 3.02 Amendments to the International Building Code, 2021 edition.**

The following amendments to the International Building Code, 2021 edition, as adopted pursuant to Section 3.01, are hereby adopted:

#### **1. Section 101.4 is amended to read as follows:**

**101.4 Referenced codes.** The other codes listed in Sections 101.4.1 through 101.4.9 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 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.

#### **2. Section 101.4 is amended by adding Sections 101.4.8 and 101.4.9 to read as follows:**

**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.

**101.4.9 Swimming Pools and Spas.** The provisions of the International Swimming Pool and Spa Code shall apply to the construction, alteration, movement, renovation, replacement, repair and maintenance of aquatic recreation facilities.

3. Sections 103 and 103.1 are amended by replacing the phrase “Department of Building Safety” with the phrase “Building Inspections Department” where it appears.
4. Section [A]104.2.1 is amended by adding the following language after the phrase “Section 1612” in the last sentence:

104.10.1, and applicable provisions of Article V of the ALDC and the Code of Ordinance.

5. **Section 105.2 is amended to read as follows:**

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

**Building:**

1. Water tanks supported directly upon grade if the capacity does not exceed 5,000 gallons (18,925 L) and the ratio of height to diameter or width does not exceed 2 to 1.
2. Sidewalks and driveways not more than 30 inches (762 mm) above adjacent grade, and not over any basement or story below and which are not part of an accessible route or part of the exit discharge, and the placement and/or location of concrete does not violate other city requirement.
3. Window awnings supported by an exterior wall of Group R-3, as applicable in Section 101.2, and Group U occupancies. (IRC)
4. One-story detached accessory structures used as tool and/or storage sheds, playhouses and similar uses provided the floor area does not exceed 120 square feet or the height does not exceed 8 feet and the placement of the structure does not violate any other city requirements such as, but not limited to, placement of any structure in the Private Drainage Easement (PDE). (IRC)
5. Flag Poles installed on a parcel where the primary use is a single-family dwelling, two family dwelling or townhome provided the installation does not exceed the height requirements for the residential zoning district where located as specified in the ALDC. (IRC)
6. Residential swimming or wading pools that are temporary in nature and less than 24 inches in depth and do not require nor are provided mechanical circulation or heating equipment of any kind. (IRC)
7. Replacement of residential windows meeting the requirements of the International Energy Code that does not require a modification of the structural opening and does not reduce the requirements for Emergency Escape and Rescue Openings as provided for in the International Residential Code. (IRC)

6. **Section 109.2 is amended by adding Section 109.2.1 to read as follows:**

**Section 109.2.1 Plan Review Fees.** When submittal documents are required by Section 109.1, a plan review fee shall be paid at the time of submitting the submittal documents for plan review. Said plan review fee shall be as established by resolution of the City Council from time to time. The plan review fees are in addition to the permit fees.

7. **Section 109 is amended by adding new Sections 109.7, 109.8, 109.8.1, 109.8.2, and 109.9 to read as follows:**

**109.7 Re-inspection fee.** A reinspection fee as established by resolution of the city council may be charged when:

1. The inspection called for is not ready when the inspector arrives.



2. No building address or permit card is clearly posted.
3. City approved plans are not on the job site available to the inspector.
4. The building is locked or work otherwise not available for inspection when called.
5. The job site is red tagged twice consecutively for the same item.
6. The original red tag has been removed from the job site and/or,
7. Violations exist on the property including failure to maintain erosion control, trash control or tree protection.
8. Any re-inspection fees assessed shall be paid before any more inspections are made on that job site.

#### **109.8 Work without permit.**

**109.8.1 Investigation.** 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.

**109.8.1 Fee.** An investigation fee, in addition to the permit fee, shall be collected whether or not a permit is subsequently issued. The investigation fee shall be equal to the amount of the permit fee required by this code or the city fee schedule as applicable, 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 the penalty described by law.

**109.9 Unauthorized cover up fee.** Any work concealed without first obtaining the required inspection in violation of section 110 shall be assessed a fee established by the city fee schedule.

8. **Section 110.3.5 is amended by deleting the “Exception.”**

9. **Section 116.5 is amended by adding a new Section 116.5.1 to read as follows:**

**116.5.1 Damage or renovations to existing structures.** When a structure is renovated or is damaged to 50% of the gross floor area or if the value of the damage or renovation exceeds 50% of the value of the structure at the time of damage or renovation all requirements of this Code shall be complied with in any such repair, reconstruction, or renovation.

10. **Section 202 is amended by amending the definitions of “Ambulatory Care Facility,” “High-Rise Building,” “Repair Garage,” and “Special Inspector” and adding a definition for the phrase “Assisted Living Facilities” to read as follows:**

**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 by the services provided. 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.

**HIGH-RISE BUILDING.** A building with an occupied floor located more than 55 feet (16 764 mm) above the lowest level of fire department vehicle access.

**REPAIR GARAGE.** A building, structure or portion thereof used for servicing or repairing motor vehicles. This occupancy shall also include garages involved in minor repair, modification and servicing of motor vehicles for items such as lube changes, inspections, windshield repair or replacement, shocks, minor part replacement and other such minor repairs.

**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.

**11. Section 303.1.3 is amended by to read as follows:**

**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.

**12. Section 304.1 is amended to add the following to the list of occupancies, to read as follows:**

- Fire stations
- Police stations with detention facilities for 5 or less

**13. Section 307.1.1. Paragraph 4 is amended to read as follows:**

4. Cleaning establishments... (*text unchanged*) ...with Section 707 or 1-hour horizontal assemblies constructed in accordance with Section 711 or both. See also IFC Chapter 21, Dry Cleaning Plant.

**14. Section 402.4.2.1 Tenant Separations is amended as follows:**

Each tenant space shall be separated from other tenant spaces by a *fire partition* wall sheet rocked on both sides and complying with Section 708.

**Exception:** Existing conditions shall be subject to field inspection and reviewed for Approval at that time.

**15. Section 403.1 is amended by amending paragraph 3 under “Exceptions” to read as follows:**

3. The open-air portion of a building with a Group A-5 occupancy in accordance with Section 303.6.

**16. Section 403.3.2 is amended to read as follows:**

**(F)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

pipng between the connection and the pumps shall be sized to supply the flow and pressure required for the pumps to operate. (No change to exception)

17. **Section 403.3 is amended by deleting the exception.**

18. **Section 506.2 is amended by deleting footnote “i” to Table 506.2.**

19. **Section 708.4.2 is amended by amending paragraph 1 under “Exceptions” to read as follows:**

**Exceptions:**

1. Buildings equipped with an automatic sprinkler system installed throughout in accordance with Section 903.3.1.1, or in accordance with Section 903.3.1.2 provided that sprinkler protection is provided in the space between the top of the fire partition and the underside of the floor or roof sheathing, deck or slab above as required for systems complying with Section 903.3.1.1. Portions of buildings containing concealed spaces filled with noncombustible insulation as permitted for sprinkler omission shall not apply to this exception for draft stopping.

20. **Section 901.6.1 is amended by adding Section 901.6.1.1, to read as follows:**

**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 back flushed or inspected by approved camera when foreign material is present or when caps are missing, 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 FDC’s 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 nighttime 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.

**21. Section 903.1.1 is amended to read as follows:**

**(F)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.

**22. Section 903.2 is amended to read as follows:**

**(F)903.2 Where required.** *Approved automatic sprinkler systems* in new buildings and structures shall be provided in the locations described in Section 903.2.1 through 903.2.12. Automatic sprinklers shall not be installed in elevator machine rooms, elevator machine spaces, and elevator hoist ways, other than pits where such sprinklers would not necessitate shunt trip requirements under any circumstances. Storage shall not be allowed with the elevator machine room. Signage shall be provided at the entry doors to the elevator machine room indicating “ELEVATOR MACHINERY – NO STORAGE ALLOWED.”

**23. Section 903.2 is amended by deleting the paragraph titled “Exception.”**

**24. Section 903.2.9 is amended by adding Section 903.2.9.3 to read as follows:**

**(F)903.2.9.3 Self-service storage facility.** *An automatic sprinkler system* shall be installed throughout all self-service storage facilities.

**25. (F)Section 903.2.11.3 is amended to read as follows:**

**903.2.11.3 Buildings over 35 feet in height.** An automatic sprinkler system shall be installed throughout buildings that have one or more stories, other than penthouses in compliance with Section 1510 of the International Building Code, that is located 35 feet (10668 mm) or more above the lowest level of fire department vehicle access, measured to the finished floor.

**Exception:** Open parking structures in compliance with Section 406.5 of the International Building Code, having no other occupancies above the subject garage.

**26. Section 903.2.11 is amended by adding Sections 903.2.11.7, 903.2.11.8, and 903.2.11.9 to read as follows:**

**903.2.11.7 High-piled combustible storage.** For any building with a clear height exceeding 12 feet (4572 mm) see Chapter or 32 to determine if those provisions apply.

**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.

**903.2.11.9 Buildings over 6,000 square feet.** An automatic sprinkler system shall be installed throughout all buildings with a building area over 6,000 square feet, and in all existing buildings that are enlarged to be 6,000 square feet or greater. For the purpose of this provision, fire walls shall not define separate buildings.

**Exception:** Open parking garages in compliance with Section 406.5 of the International Building Code.

**27. Section 903.3.1.1.1 is amended to read as follows:**

**(F)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 *(intervening text unchanged)* 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 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 hoist ways, other than pits where such sprinklers would not necessitate shunt trip requirements under any circumstances.

**28. Section 903.3.1.2 is amended by adding Section 903.3.1.2.3 to read as follows:**

**(F)903.3.1.2.3 Attached Garages and Attics.** Sprinkler protection is required in attached garages, and in the following attic spaces:

10. *(Remainder Unchanged)*
11. *(Remainder Unchanged)*
12. Attic spaces of buildings of combustible construction and that are two or more stories in height above grade plane or above the lowest level of fire department vehicle access.
13. Group R-4, Condition 2 occupancy attics not required by item 1 or 3 to have sprinklers shall comply with one of the following; *(Remainder Unchanged)*

**29. Section 903.3.1.3 is amended to read as follows:**

**(F)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.

**30. Section 903.3.4 is amended by adding a new Section 903.3.1.4 to read as follows:**

**(F)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.

**903.3.1.4.1 Attics.** Only dry-pipe, pre-action, or listed 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. The attic sprinklers are supplied by a separate floor control valve assembly 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.

**903.3.1.4.2 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.

**31. Section 903.3.5 is amended by adding the following sentence to the end of the section:**

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 507.4 for additional design requirements.

**32. Section 903.4 is amended by adding the following paragraph after "Exceptions":**

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.

**33. Section 903.4.2 is amended by adding the following sentence at the end of the section:**

The alarm device required on the exterior of the building shall be weatherproof horn/strobe notification appliance with a minimum 75 candela strobe rating, installed as close as practicable to the fire department connection.

**34. Section 905.2 is amended to read as follows:**

**905.2 Installation standard.** Standpipe systems shall be installed in accordance with this section and NFPA 14 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 alarm.

**35. Section 905.3 is amended by adding Section 905.3.9, to read as follows:**

**905.3.9 Building area.** 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 automatic wet or manual wet standpipes shall be provided.

**Exceptions:**

1. Automatic dry and semi-automatic standpipes are allowed as provided for in NFPA 14.
2. R-2 occupancies of four stories or less in height having no interior corridors.

**36. Section 905.4, Paragraphs 1, 3, and 5 are amended to read as follows:**

1. In every required exit stairway, a hose connection shall be provided for each story above and below grade plane. Hose connections shall be located at an intermediate landing between stories, unless otherwise approved by the fire code official.
3. In every exit passageway, at the entrance from the exit passageway to other areas of a building.

**Exception:** Where floor areas adjacent to an exit passageway are reachable from an exit stairway hose connection by a (remainder unchanged).

5. Where the roof has a slope less than four unit's vertical in 12 unit's 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 an exit stairway with stair access to the roof provided in accordance with Section 1011.12.

**37. Section 905.4 is amended by adding a new Paragraph 7 to read as follows:**

7. 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 indicated by the fire code official.

**38. Section 905.9 is amended by adding the following paragraph after "Exceptions":**

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 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.

**39. Section 907.1 is amended by adding Section 907.1.4 to read as follows:**

**907.1.4 Design standards.** Where a new fire alarm system is installed, the devices shall be addressable. Fire alarm systems utilizing more than 20 smoke detectors shall have analog addressable.

**40. Section 907.2.1 is amended to read as follows:**

**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 707.3.10 of the International Building Code 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.

(“Exception” *remains unchanged*)

**41. Section 907.2.3 is amended by amending the first paragraph 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, 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’ 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.

**42. Section 907.2.3 is amended by amending Paragraph 1 under “Exceptions” to read as follows:**

**Exceptions:**

1. A manual fire alarm system is not required in Group E educational and day care occupancies with an occupant load of less than 50 when provided with an approved automatic sprinkler system.
- 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 1/2 or less years of age, see Section 907.2.6.)

**43. Section 907.2.10.1 is amended to read as follows:**

**Section 907.2.10.1 Group R-1.** Single- or multiple-station smoke alarms and carbon monoxide alarms shall be installed and maintained in all the following locations in Group R-1:

(*Paragraphs 1, 2, and 3 remain unchanged*)

4. For new construction, an approved carbon monoxide alarm shall be installed outside of each separate sleeping area in the immediate vicinity of the bedrooms in dwelling units that have an attached garage or gas fired appliance.
5. Where work requiring a permit occurs in existing dwellings that have attached garages or gas fired appliances; carbon monoxide alarms shall be provided.

**44. Section 907.2.10.2 is amended to read as follows:**



**Section 907.2.11.2 Groups R-2, R-3, R-4 and I-1.** Single-or multiple-station smoke alarms and carbon monoxide alarms shall be installed and maintained in Groups R2, R-3, R-4 and I-1 regardless of occupant load at all the following locations:

*(Paragraphs 1, 2, and 3 remain unchanged)*

4. For new construction, an approved carbon monoxide alarm shall be installed outside of each separate sleeping area in the immediate vicinity of the bedrooms in dwelling units that have an attached garage or gas fired appliances.
5. Where work requiring a permit occurs in existing dwellings that have attached garages or gas fired appliances carbon monoxide alarms shall be provided.

**45. Section 907.2.13 is amended by replacing exception 3 to read as follows:**

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 as determined by the building official.

**46. Section 907.4.2 is amended by adding Section 907.4.2.7, to read as follows:**

**907.4.2.7 Type.** Manual alarm initiating devices shall be an approved double action type.

**47. Section 907.6.1 is amended by adding Section 907.6.1.1, to read as follows:**

**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.

**48. Section 907.6.3 is amended by deleting all four Exceptions.**

**49. Section 907.6.6 is amended by adding the following sentence at the end of the paragraph:**

See 907.6.3 for the required information transmitted to the supervising station.

**50. Section 910.2 is amended by amending paragraphs 2 and 3 under “Exceptions” to read as follows:**

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 (meters-seconds) ½ or less that are listed to control a fire in stored commodities with 12 or fewer sprinklers. Automatic smoke and heat removal is prohibited.

**51. Section 910.2 is amended by adding Sections 910.2.3 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 are more than 15,000 square feet (1394 m<sup>2</sup>) 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.

**Exception:** Buildings of noncombustible construction containing only noncombustible materials.

**52. Section 910.3 is amended by adding Section 910.3.4; 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 910.3.2.1 thru 910.3.2.3

**(F)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 at least 100 degrees F (approximately 38 degrees Celsius) greater than the temperature rating of the sprinklers installed.

**Exception:** Manual only system per Section 910.2.

**(F)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.

**53. Section 910.4.3.1 is amended to read as follows:**

**(F)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 m<sup>2</sup> per 0.4719 m<sup>3</sup>/s smoke exhaust).

**54. Section 910.4.4 is amended to read as follows:**

**(F)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.

**55. Section 912.2 is amended by adding Section 912.2.3 to read as follows:**

[F]**912.2.3 Hydrant distance.** An approved fire hydrant shall be located within 100 feet of the fire department connection as the fire hose lays along an unobstructed path.

**56. Section 913.2.1 is amended by adding Section 913.2.1.1 with Exception to read as follows:**

**Section 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 feet in width and 6 feet – 8 inches 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 Section 506.1

**57. Section 913.4 is amended by adding the following sentence at the end of the section:**

The fire-pump system shall also be supervised for “loss of power,” “phase reversal,” and “pump running” conditions by supervisory signal on district circuits.

**58. Section 1006.2.2 is amended by adding Section 1006.2.2.7 to read as follows:**

**1006.2.2.7 Electrical rooms.** For electrical rooms, special exiting requirements may apply. Reference the Electrical Code as adopted.

**59. Section 1009.1 is amended by adding a new paragraph 4 under “Exceptions”:**

4. 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 be in compliance with the requirements of Section 1009.

**60. Section 1009.8 is amended by adding Exception 7 to read as follows:**

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 be in compliance with the requirements of Section 1009 and Chapter 11.

**61. Section 1010.2.5 is amended by amending Exceptions 3, and 4 to read as follows:**

3. Where a pair of doors serves an occupant load of less than 50 persons in a Group B, F, M, or S occupancy... *(Remainder unchanged)*
4. Where a pair of doors serves a Group A, B, F, M, or S occupancy. *(Remainder unchanged)*

**62. Section 1015.8 is amended to read as follows:**

1. Operable windows where the top of the sill of the opening is located more than 55 feet (16764 mm) above the finished grade or other surface below and that are provided with window fall prevention devices that comply with ASTM F2006.

**63. Section 1020.2 is amended by adding Exception 6 to read as follows:**

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.

**64. Section 1020.7 is amended to read as follows:**

**1020.7 Corridor continuity.** All corridors shall be continuous from the point of entry to an exit and shall not be interrupted by intervening rooms.

**65. Section 1030.1.1.1 is deleted.**

**66. Section 1101.1 is amended by adding an “Exception” to read as follows:**

**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.

**67. Table 1505.1 is amended by amending footnote “b” to read as follows and deleting footnote “c.”**

- b. Non-classified roof coverings shall be permitted on buildings of U occupancies having not more than 120 square feet of projected roof area. When exceeding 120 square feet of projected roof area, buildings of U occupancies may use non-rated non-combustible roof coverings.

**68. Section 1511.1 is amended by amending the first paragraph to read as follows:**

**1511.1 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 shall be in compliance with the rating required by Table 1505.1.

*(Exception text unchanged)*

**69. Section 2211.1 is amended by adding paragraph 5 to read as follows:**

5. All framed walls top plates must be braced and supported by structural members to ceiling steel or roof at 6’ (foot) on center spacing. (Lay in grid is not a structural support).

**70. 2702 is amended by adding the section 2702.5 to read as follows:**

**2702.5** Designated critical operations areas (DCOA) in areas within a facility or site requiring continuous operation for the purpose of public safety, emergency management, national security or business continuity, the power systems shall comply with NFPA 70 Article 708.

**71. Section 2901.1 is amended by adding the following sentences:**

The provisions of this Chapter are meant to work in coordination with the provisions of Chapter 4 of the International Plumbing Code. Should any conflicts arise between the two chapters, the Building Official shall determine which provision applies.

**72. Section 2902.1 is amended by adding the following sentence:**

In other than E Occupancies, the minimum number of fixtures in Table 2902.1 may be requested in writing, by the applicant stating reasons for a reduced number and approved by the Building Official.

**73. Section 2902.1 is amended by adding footnote “g” to read as follows:**

- g. Drinking fountains are not required in M Occupancies with an occupant load of 100 or less, B Occupancies with an occupant load of 25 or less, and for dining and/or drinking establishments.

**74. Section 2902.1 is amended by adding Section 2902.1.4 to read as follows:**

**2902.1.4 Additional fixtures for food preparation facilities.** In addition to the fixtures required in the Chapter, all food service facilities shall be provided with additional fixtures set out in this section.

**2902.1.4.1 Hand washing lavatory.** At least one hand washing lavatory shall be provided for use by employees that is accessible from food preparation, food dispensing and ware washing areas. Additional hand washing lavatories may be required based on convenience of use by employees.

**2902.1.4.2 Service sink.** In new or remodeled food service establishments, at least one service sink or one floor sink shall be provided so that it is conveniently located for the cleaning of mops or similar wet floor cleaning tool and for the disposal of mop water and similar liquid waste. The location of the service sink(s) and/or mop sink(s) shall be approved by the Building Official or health department.

**75. Section 2902.2.2 is amended by deleting exception 6.**

**76. Section 3001.2 is deleted.**

**77. Section 3002.1 is amended by adding Exceptions 1 and 2 to read as follows:**

- 1. Elevators completely located within atriums shall not require hoist way enclosure protection.
- 2. Elevators in open or enclosed parking garages that serve only the parking garage, shall not require hoistway enclosure protection.

**78. Section 3005.4 is amended to read in its entirety as follows:**

**Section 3005.4 Machine rooms, control rooms, machinery spaces and control spaces.**

Elevator machine rooms, control rooms, control spaces, and machinery spaces shall be enclosed with *fire barriers* constructed in accordance with Section 707 or *horizontal assemblies* constructed in accordance with Section 711, or both. The *fire-resistance rating* shall be not less than the required rating of the hoistway enclosure served by the machinery. Openings in the *fire barriers* shall be protected with assemblies having a *fire protection rating* not less than required for the hoistway enclosure door.

**Exceptions:**

1. Elevator machine rooms, control rooms, machinery spaces and control spaces completely located within atriums shall not require enclosure protection.
2. Elevator machine rooms, control rooms, machinery spaces and control spaces in open or enclosed parking garages that serve only the parking garage, shall not require enclosure protection.

**79. Section 3005 is amended by adding Section 3005.7 and Section 3005.8 to read as follows:**

**3005.7 Fire protection in machine rooms, control rooms, machinery spaces and control spaces.**

**3005.7.1 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 3005.7.2.1.

**3005.7.2.1 Prohibited locations.** Automatic sprinkler shall not be installed in machine rooms, elevator machinery spaces, control rooms, control spaces and elevator hoistways.

**3005.7.2.2 Sprinkler system monitoring.** The 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.

**3005.7.3 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.

**3005.7.4 Shunt trip.** Means for elevator shutdown in accordance with Section 3005.5 shall not be installed.

**3005.8 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."

**80. Section 3006.2 is amended by amending paragraph 5 to read as follows:**

5. The building is a high rise and the elevator hoist way is more than 55 feet (16764 mm) in height. The height of the hoist way shall be measured from the lowest floor at or above grade to the highest floors served by the hoist way.

**Section 3.03 Amendments to the International Existing Building Code, 2021 edition.**

The following amendments to the International Existing Building Code, 2021 edition, as adopted pursuant to Section 3.01, are hereby adopted:

**1. Section 102.4 is amended to read as follows:**

**(A)102.4 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 Sections 102.4.1 and 102.4.2.

2. **Section 202 is amended by amending the definitions of “Existing Building” and “Existing Structure” to read as follows:**

**Existing Building** - A building, structure, or space, with an approved final inspection issued under a code edition which is at least 2 published code editions preceding the currently adopted building code; a building, structure or space that is undergoing a change of use or a change of occupancy.

**Existing Structure** - A building, structure, or space, with an approved final inspection issued under a code edition which is at least 2 published code editions preceding the currently adopted building code; a building, structure or space that is undergoing a change in use or a change of occupancy.

3. **Section 30 6.1 is amended by adding a paragraph titled “Exception” to read as follows:**

**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.

4. **Section 401.3 is deleted.**

5. **Section 405.2.5 is deleted.**

6. **Section 406.1 is amended to read as follows:**

**406.1 Material.** Existing electrical wiring and equipment undergoing repair shall be allowed to be repaired or replaced with like material, in accordance with the requirements of NFPA 70.

7. **Section 502.3 is deleted.**

8. **Section 504.1.2 is amended to read as follows:**

**504.1.2 Existing fire escapes.** Existing fire escapes shall continue to be accepted as a component in the means of egress in existing buildings only. Existing fire escapes shall be permitted to be repaired or replaced.

9. **Section 504.1.3 is deleted.**

10. **Section 507.3 is deleted.**

11. **Section 701.3 is deleted.**

12. **Section 702.7 is amended to read as follows:**

**702.7 Materials and methods.** All new work shall comply with the materials and methods requirements in the *International Building Code*, *International Energy Conservation Code*, *International Mechanical Code*, *National Electrical Code*, *International Fuel Gas Code*, and *International Plumbing Code*, as applicable, that specify material standards, detail of installation and connection, joints, penetrations, and continuity of any element, component, or system in the building.

13. **Section 802.5.1 is amended to read as follows:**

**802.5.1 Minimum requirement.** Every portion of open-sided walking surfaces, including mezzanines, equipment platforms, aisles, stairs, ramps and landings that are not provided with guards, or those in which the existing guards are judged to be in danger of collapsing, shall be provided with guards.

**14. Section 803.1 is amended by adding the following sentence:**

For the purpose of fire sprinkler protection and fire alarm requirements included in this section, the work area shall be extended to include at least the entire tenant space or spaces bounded by walls capable of resisting the passage of smoke containing the subject work area, and if the work area includes a corridor, hallway, or other exit access, then such corridor, hallway, or other exit access shall be protected in its entirety on that particular floor level.

**15. Section 803.3 is amended to read in its entirety as follows:**

**803.3 Standpipes.** Refer to Section 1103.6 of the Fire Code for retroactive standpipe requirements.

**16. Section 804.2 is amended by deleting Exception 1.**

**17. Section 804.4.1.2 is amended to read as follows:**

**804.4.1.2 Fire escapes required.** For other than Group 1-2, where more than one exit is required an existing fire escape complying with Section 804.4.1.2.1 shall be accepted as providing one of the required means of egress.

**18. Section 80 4.1.2.1 is amended as follows:**

a. Numbered paragraph 2 is amended to read as follows:

2. Access to a fire escape shall be through a door.

b. Numbered paragraph 3 is deleted.

c. Numbered paragraph 5 is amended to read as follows:

5. In all building of Group E occupancy up to and including the 12<sup>th</sup> grade, buildings of Group I occupancy, boarding houses, and childcare centers, ladders of any type are prohibited on fire escapes used as a required means of egress.

**19. Section 804.6.2 Transoms is amended to read as follows:**

**804.6.2 Transoms.** In all buildings of Group B, E, I-1, R-1, and R-2 occupancies ...(*remainder unchanged*)

**20. Section 904.1 is amended by adding the following sentence:**

For the purpose of fire sprinkler protection and fire alarm requirements included in this section, the work area shall be extended to include at least the entire tenant space or spaces bounded by walls containing the subject work area, and if the work area includes a corridor, hallway, or other exit access, then such corridor, hallway, or other exit access shall be protected in its entirety on that particular floor level.



**21. Section 904.1.1 is amended to read as follows:**

**904.1.1 High-rise buildings.** An automatic sprinkler system shall be provided in work areas of high-rise buildings.

**22. Section 1103.3 is deleted.**

**23. Section 1201.4 is deleted.**

**24. Section 1301.3.2 is amended to read as follows:**

**1301.3.2 Compliance with other codes.** Buildings that are evaluated in accordance with this section shall comply with the *International Fire Code*.

**25. Section 1301.3.3 is deleted.**

**26. Section 1402.6 is deleted.**

**27. Section 1509 is amended to delete 1509.1 through 1509.5 and add Section 1509.1 to read as follows:**

**1509.1 When required.** An approved water supply for fire protection, either temporary or permanent, shall be made available as soon as combustible material arrives on site. The water supply design and the timing of water supply installation relative to building construction shall comply with the adopted Fire Code.

**Sec. 3.04. Amendments to the International Fire Code, 2021 edition.**

The following amendments to the International Fire Code, 2021 edition, as adopted pursuant to Section 3.01, are hereby adopted:

**28. Section 102.1 is amended by amending Item 3 to read as follows:**

3. Existing structures, facilities and conditions when required in Chapter 11 or in specific Sections of this code.

**29. Sections 103.1, and 103.2 are amended to read as follows:**

**103.1 General.** The Fire Code shall be enforced by the Division of Fire Prevention. The Division of Fire Prevention is hereby established as a division of the Fire Department of the City of Allen and shall operate under the supervision of the Chief of the Fire Department.

**103.2 Appointment.** The Assistant Fire Chief of Prevention is in charge of the Division of Fire Prevention and shall be appointed by the Fire Chief on the basis of proper qualification. *(remainder of Section unchanged)*

**30. Section 104.1 is amended by adding Section 104.1.1 to read as follows:**

**104.1.1 Code Official.** For the purpose of this code, “Code Official” shall mean the Fire Chief or his designated representative(s).

**31. Section 105.1 is amended by adding Section 105.1.7 to read as follows:**

**105.1.7 Failure to obtain permit or working without a permit.** Any person who fails to obtain a permit or is conducting work without a permit approved by the Allen Fire Department shall be liable to a fee of two (2) times the required permit fee figured in accordance with the fee schedule adopted by resolution of the city council. A minimum fee of one-hundred twenty dollars (\$120.00) in addition to the required permit fee will be assessed. Working without a permit shall include non-compliance of Sections 105.3.5 and 105.4.6.

**32. Section 105.2.3 is amended by adding Section 105.2.3.1 as follows:**

**105.2.3.1 Time limitation of application.** Reinstatement of expired permits will require the applicant to resubmit permit application and required documents and shall be liable for applicable permit fees.

**33. Section 105.3.3 is amended to read as follows:**

**105.3.3 Occupancy Prohibited before Approval.** The building or structure shall not be occupied prior to the Fire Code Official issuing a permit, when required, and conducting associated inspections indicating the applicable provisions of this code have been met. No building or structure shall be used or occupied, and no change in the existing occupancy classification of a building or structure or portion thereof shall be made, until the Building Official has issued a Certificate of Occupancy.

**34. Section 105.6 is amended to read as follows:**

**105.6 Required construction permits.** The code official is authorized to issue construction permits for work set forth in Sections 105.6.1 to 105.6.24.

**35. Section 105.6.11 is amended to read as follows:**

**105.6.11 Gates and barricades across fire apparatus access roads.** A construction permit shall be required to install any system that during normal operation delays or prevents entry to, or obstructs a fire lane or street into, the premises of a residential or commercial area.

**36. Section 105.6 is amended by adding Section 105.6.25 to read as follows:**

**105.6.25 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 that may be connected to the access control system. Maintenance performed in accordance with this code is not considered a modification and does not require a permit. For the purpose of this section, electronic access control devices utilized for controlling ingress, egress, or both, shall be permitted. Additionally, electronic access control devices which allow for free egress shall also be permitted.

**37. Section 105 is amended by adding Section 105.7 to read as follows:**

**105.7 Permit and other fees.** Fees for each permit required, plan reviews, inspections, re-inspections, other regulatory storage/handling, and equipment use or process established by resolution of the city council from time to time and made a part of the City's Fee Schedule shall be paid prior to the issuance of such permit, performance of such service, or use of such equipment.

**38. Section 106.4 is amended to read as follows:**

**106.4 Retention of construction documents.** One set of construction documents shall be retained by the Fire Code Official until final approval of the work covered therein. One set of approved construction documents shall be returned to the applicant, and said set, along with the Fire Department Permit shall be kept on site of the building or work at all times during which the work authorized thereby is in progress. Construction documents shall be retained by the installing company as required by the Texas State Fire Marshal's Office, after final approval of work covered therein.

39. **Section 107.3 Permit Valuations is deleted in its entirety.**

40. **Section 108.2 is amended by adding Section 108.2.3 to read as follows:**

**108.2.3 Inspection of existing premises.** The Fire Chief, or designated representative, shall inspect all buildings, premises, or portion thereof as often as may be necessary. An initial inspection and one (1) re-inspection shall be made free of charge. If the Fire Chief or his designee is required to make follow-up inspections after the initial inspection and re-inspection to determine whether a violation or violations observed during the previous inspection have been corrected, a fee shall be charged. The occupant, lessee, or person making use of the building or premises shall pay said fee or fees within thirty (30) days of being billed as a condition to continue lawful occupancy of the building or premises.

Fees for follow-up inspections after initial and re-inspection shall be as set forth in the fee schedule as adopted by resolution of the city council.

Recurring violations from year to year will result in issuance of a citation and shall not be restricted to the inspection and re-inspection procedure as indicated in this Section.

41. **Section 112.4 is amended to read as follows:**

**112.4 Violation Penalties.** Any person, firm, or corporation violating any of the provisions or terms of this Article or Code adopted herein or shall fail to comply with any of the 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 the provisions of this code shall be guilty of a misdemeanor and, upon conviction in the Municipal Court of the City of Allen, shall be subject to a fine not to exceed two thousand and no/100 dollars (\$2,000.00) for each offense. Each and every day any such violation shall continue shall be deemed to constitute a separate offense.

42. **Section 113.4 is amended to read as follows:**

**113.4 Failure to comply.** Any person who shall continue any work after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be liable to a fine of not more than two thousand and no/100 (\$2,000.00) dollars for each offense, and each and every day such violation shall continue shall be deemed to constitute a separate offense.

43. **Section 202 is amended by adding definitions for the phrases "ADDRESSABLE FIRE DETECTION SYSTEM," "ANALOGUE ADDRESSABLE FIRE DETECTION SYSTEM," "DEFENDING IN PLACE," "SELF-SERVICE STORAGE FACILITY," "STANDBY PERSONNEL," and "UPGRADED OR REPLACED FIRE ALARM SYSTEM" to read as follows:**

**ADDRESSABLE FIRE DETECTION SYSTEM.** Any system capable of providing identification of each individual alarm-initiating device. The identification shall be in plain

English and as descriptive as possible to specifically identify the location of the device in alarm. The system shall have the capability of alarm verification.

**ANALOG ADDRESSABLE FIRE DETECTION SYSTEM.** Any system capable of calculating a change in value by directly measurable quantities (voltage, resistance, etc.) at the sensing point. The physical analog may be conducted at the sensing point or at 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.

**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.

**SELF-SERVICE STORAGE FACILITY.** Real property designed and used for the purpose of renting or leasing individual storage spaces to customers for the purpose of storing and removing personal property on a self-service basis.

**STANDBY PERSONNEL.** Qualified fire service personnel approved by the Fire Chief. When utilized, the number required shall be as directed by the Fire Chief. Charges for utilization shall be as normally calculated by the jurisdiction.

**UPGRADED OR REPLACED FIRE ALARM SYSTEM.** A fire alarm system that is upgraded or replaced includes, but is not limited to the following:

1. Replacing one single board or fire alarm control unit component with a newer model.
2. Installing a new fire alarm control unit in addition to or in place of an existing one.
3. Conversion from a horn system to an emergency voice/alarm communication system.
4. Conversion from a conventional system to one that utilizes addressable or analog devices.
5. The following are not considered an upgrade or replacement:
  1. Firmware updates
  2. Software updates
  3. Replacing boards of the same model with chips utilizing the same or newer firmware

44. **Section 202 is amended by amending the definitions of “AMBULATORY HEALTH CARE FACILITY,” “ATRIUM,” “FIRE WATCH,” “FIREWORKS,” “HIGH-PILED COMBUSTIBLE STORAGE,” “HIGH RISE BUILDING,” AND “REPAIR GARAGE” to read as follows:**

**AMBULATORY HEALTH 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:

- a. Dialysis centers
- b. Procedures involving sedation
- c. Sedation dentistry
- d. Surgery centers
- e. Colonic centers
- f. Psychiatric centers

**ATRIUM.** An opening connecting three or more stories ... *(remaining text unchanged)*

**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 when required by the Fire Code Official, for the purposes of identifying and controlling fire hazards, detecting early signs of unwanted fire, raising an alarm of fire and notifying the Fire Department.

**FIREWORKS.** Any composition or device for the purpose of producing a visible or an audible effect for entertainment purposes by combustion, deflagration, or 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. *(remainder of text unchanged)*

**HIGH-PILED COMBUSTIBLE STORAGE.** *add a second paragraph to read as follows:*  
Any building or portion of building used for storage classified as a group S Occupancy or Speculative Building exceeding 6,000 square feet that has a clear height in excess of 14 feet, making it possible to be used for storage in excess of 12 feet, shall be considered to be high-piled storage. When a specific product cannot be identified; a fire protection system and life safety features shall be installed as for Group A cartooned, non-expanded plastics, to the maximum pile height.

**HIGH-RISE BUILDING.** A building with an occupied floor located more than 55 feet (16,764 mm) above the lowest level of Fire Department vehicle access.

**REPAIR GARAGE.** A building, structure or portion thereof used for servicing or repairing motor vehicles. This occupancy shall also include garages involved in minor repair, modification and servicing of motor vehicles for items such as lube changes, inspections, windshield repair or replacement, shocks, minor part replacement, and other such minor repairs.

**45. Section 307.1.1 is amended to read as follows:**

**307.1.1 Prohibited Open Burning.** Open burning that is offensive or objectionable because of smoke or emissions or when atmospheric conditions or local circumstances make such fires hazardous shall be prohibited.

**Exception:** *(No change)*

**46. Section 307.2 is amended to read as follows:**

**307.2 Permit required.** A permit shall be obtained from the Fire Code Official in accordance with Section 105.6 prior to kindling a fire for recognized silvicultural, range, or wildlife management practices, prevention or control of disease or pests, or open burning. Application for such approval shall only be presented by, and permits issued to the owner of, the land upon which the fire is to be kindled.

Examples of state, local law, or regulations referenced elsewhere in this Section may include but not be limited to the following:

1. Texas Commission on Environmental Quality (TCEQ) guidelines and/or restrictions;
2. State, County, or Local temporary or permanent bans on open burning; and
3. Local written policies as established by the Fire Code Official.

**47. Section 307.3 is amended to read as follows:**

**307.3 Extinguishing Authority.** The fire code official is authorized to order the extinguishment by the permit holder, another person responsible or the fire department of open burning that creates or adds to a hazardous or objectionable situation.

**48. Section 307.4 is amended to read as follows:**

**307.4 Location.** The location for open burning shall not be less than 300 feet (91,440 mm) from any structure, and provisions shall be made to prevent the fire from spreading to within 300 feet (91,440 mm) of any structure.

**Exceptions:** *(No change)*

**49. Section 307.4.1 is amended to read as follows:**

**307.4.1 Bonfires.** A bonfire shall not be conducted within 50 feet (15,240 mm), or greater distance as determined by the Fire Code Official, or a structure or combustible material, unless the fire is contained in a barbecue pit. Conditions that could cause a fire to spread within the required setback of a structure shall be eliminated prior to ignition.

**50. Section 307.4.3 is amended by adding a new paragraph 2 under “Exceptions” to read as follows:**

2. Where buildings, balconies, and decks are protected by an approved automatic sprinkler system.

**51. Section 307.4 is amended by adding Section 307.4.4 and Section 3.7.5 to read as follows:**

**307.4.4 Permanent Outdoor Firepits or Fire feature Devices.** Permanently installed outdoor firepits and similar fire feature devices, manufactured and non-manufactured, shall not be installed within 10 feet of a structure or combustible material.

**Exceptions:**

1. Permanent outdoor firepits of fire feature devices listed less than 100,000 BTU/hr shall not be installed within 10 feet of combustible materials (vertically and horizontally).
2. Permanently installed outdoor fireplaces constructed in accordance with the International Building Code.

**307.4.4.1 Solid Fuels.** All solid fuels are strictly prohibited for firepits and fire feature devices.

**Exception:** One - and two - family dwellings.

**307.4.4.2 Requirements for all firepits or fire feature devices.** Comply with all of the following Requirements:

1. Flame shall be fully enclosed by an approved permanent means to prevent debris from entering the fire and the prevent occupants from becoming burned;
2. Provide an emergency fuel gas supply line shut-off device at least 20 feet from the firepit device location but not greater than 50 feet. Provide emergency fuel gas shut-off device signage clearly visible from firepit or fire feature device locations;
3. Floor surface shall be a solid continuous non-combustible material without any gaps and all joints sealed; and
4. Time device on fuel gas line set to automatically shut-off gas supply and extinguishes flame at a set time agreed upon by the Fire Code Official.

**307.4.5 Trench Burns.** Trench burns shall be conducted in air curtain trenches and in accordance with Section 307.2.

**52. Section 307.5 is amended to read as follows:**

**307.5 Attendance.** Open burning, trench burns, bonfires, or recreational fires and use of portable outdoor fireplaces shall be constantly attended until the...(remainder of Section unchanged)

**53. Section 308.1.4 is amended to read as follows:**

**308.1.4 Open-flame cooking devices.** Open-flame cooking devices, charcoal grills, and other similar devices used for cooking shall not be located or used on combustible balconies, decks, or within 10 feet (3,048 mm) of combustible construction.

**Exceptions:**

1. One - and two - family dwellings, except that 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 lbs. (5 containers);
2. Where buildings, balconies, and decks are protected by an approved automatic sprinkler system, except that 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); and
3. LP-gas cooking devices having LP-gas container with a water capacity not greater than 2½ pounds [nominal 1 pound (0.454 kg) LP-gas capacity].

**54. Section of 308.1.4 is amended by adding Section 308.1.4.1 to read as follows:**

**308.1.4.1 Burning of refuse prohibited.** The burning of refuse in a barbeque grill or open-flame cooking device is not an approved method for refuse disposal, is declared a public nuisance, and is prohibited anywhere in the City of Allen. Refuse shall mean and include garbage, rubbish, and trade waste defined as follows:

*Garbage.* Garbage shall mean animal and vegetable matter such as that originating in houses, kitchens, restaurants, hotels, produce markets, food service, or processing establishments, greenhouses, hospitals, clinics, or veterinary facilities.

*Rubbish.* Rubbish shall mean solids not considered to be highly flammable or explosive such as, but not limited to, rags, old clothes, leather, rubber, carpets, wood, excelsior, paper, ashes, tree branches, yard trimmings, furniture, metal food containers, glass, crockery, masonry, and other similar materials.

*Trade Waste.* Trade waste shall mean all solid or liquid material resulting from construction, building operations, or the prosecution, or any business, trade, or industry such as, but not limited to, plastic products, cinders, and other forms of solid, or liquid waste materials.

*Materials Producing Dense Smoke Prohibited.* The burning of rubber, asphaltic materials, combustible, and flammable liquids, impregnated wood, or similar materials which produce dense smoke are considered objectionable, a hazard, a public nuisance to the community, and are strictly prohibited.

55. **Section 308.1.6.2 is amended by amending paragraph number 3 under “Exceptions” to read as follows:**

3. Torches or flame-producing devices in accordance with Section 308.1.3.

56. **Section 308.1.6.3 is amended to read as follows:**

**308.1.6.3 Sky Lanterns.** A person shall not release or cause to be released an unmanned free-floating device containing an open flame or other heat source, such as but not limited to a sky lantern.

57. **Section 311.5 is amended to read as follows:**

**311.5 Placards.** The Fire Code Official is authorized to require marking of any vacant or abandoned buildings or structures determined to be unsafe pursuant to Section 110 of this code relating to structural or interior hazards, as required by Section 311.5.1 through 311.5.5.

58. **Section 401.3 is amended by adding Section 401.3.4 to read as follows:**

**401.3.4 Fire Alarms and Nuisance Alarms.** False alarms and nuisance alarms shall not be given, signaled, transmitted, caused, permitted to be given, signaled, or transmitted in any manner.

59. **Section 403.4 is amended to read as follows:**

**403.4 Group E Occupancies.** An approved fire safety and evacuation plan in accordance with Section 404 shall be prepared and maintained for Group E occupancies and for buildings containing both a Group E occupancy, 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.

60. **Section 404.2.2 is amended by adding subparagraph 4.10 under paragraph to read as follows:**

**4.10 Fire extinguishing system controls.**

61. **Section 405.54 is amended to read as follows:**



**405.54 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 that occur in case of fire.

**Exceptions:**

1. (No Change)
2. (No Change)
3. Notification of teacher/staff having supervision of light- or sound-sensitive students/occupants, such as those on the autism spectrum, for the protection of those students/occupants, shall be allowed prior to conducting a drill.

**62. Section 501.4 is amended to read as follows:**

**501.4 Timing of installation.** When fire apparatus access roads or a water supply for fire protection is required to be installed for any structure or development, they shall be installed, tested, and approved prior to the time of which construction has progressed beyond completion of the foundation of any structure.

**63. Section 503.1.1 is amended to read as follows:**

**503.1.1 Buildings and facilities.** Approved fire apparatus... (*intervening text unchanged*)...building or facility. Except for one - or two - family dwellings, the path of measurement shall be along a minimum of a ten feet (10') wide unobstructed pathway around the external walls of the structure.

(**"Exception"** *remains unchanged*)

**64. Section 503.2.1 is amended to read as follows:**

**503.2.1 Dimensions.** Fire apparatus access roads shall have an unobstructed width of not less than 24 feet (7,315 mm), exclusive of shoulders, except for approved security gates in accordance with Section 503.6, and an unobstructed vertical clearance of not less than 14 feet (4,267 mm). Any such fire lane or fire apparatus access road shall either connect both ends to a dedicated street or be provided with a turnaround having a minimum outer radius of 50 feet. If two or more interconnecting fire lanes are provided, the interior radius for that connection shall be required to be in accordance with the following:

1. For 90 degrees or greater turns only:
  - a. 24-foot fire lane – 30-foot inside turning radius
  - b. 30-foot fire lane – 10-foot inside turning radius
2. For turns tighter than 90 degrees: American Association of State and Highway Transportation Officials (AASHTO) Geometric design of Highways and Streets shall be utilized.

**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.

**65. Sections 503.2.2 is amended to read as follows:**

**503.2.2 Authority.** The Fire Code Official shall have the authority to require an increase in  
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the minimum access widths and vertical clearances where they are inadequate for fire or rescue operations.

**66. Section 503.2.3 is amended to read as follows:**

**503.2.3 Surface.** Fire apparatus access roads shall be designed and maintained to support imposed loads of 95,000 Lbs. for fire apparatus and shall be surfaced so as to provide all-weather driving capabilities. All fire lanes shall be constructed to meet the City of Allen Engineering Standards.

**67. Section 503.2.5 is amended to read as follows:**

**503.2.5 Dead ends.** Dead end fire apparatus access roads are not permitted. An approved Fire Department vehicle access turn-around shall be required.

**68. Section 503.3 is amended to read as follows:**

**503.3 Marking.** Striping, signs, or other markings, when approved by the Fire Code Official, 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 in a clean and legible condition at all times and are 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 feet 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 on a white background with letters and borders in red, 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 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 as approved by the Fire Chief.

**69. Section 503.4 is amended to read as follows:**

**503.4 Obstruction of fire apparatus access roads.** Fire apparatus access roads shall not be obstructed in any manner, including the parking of vehicles, whether attended or unattended for any period of time. Persons in charge of a construction project, such as, but not limited to, a General Contractor, are responsible to ensure that fire apparatus access roads are kept clear of vehicles and other obstructions at all times and may be issued a citation for non-compliance under this section. The minimum widths and clearances established in Section 503.2.1 and any area marked as a fire lane as described in Section 503.3 shall be maintained at all times. The Fire Chief and Police Chief, and their designated representatives, are authorized to remove or cause to be removed any material, vehicle, or object obstructing a fire apparatus access road at the expense of the owner of such material, vehicle, or object.

**503.4.1 Obstruction and Control.** No owner or person in charge of any premises served by a fire lane or access easement shall abandon, restrict, or close any fire lane or easement without first securing from the City approval of an amended plat or other acceptable legal instrument showing the removal of the fire lane.

**503.4.2 Speed control devices.** Speed bumps or other similar obstacles designed to slow the speed of traffic and that have the effect of slowing or impeding the response of fire apparatus shall require a permit as required in Section 105.7 of this code prior to installation. Speed control devices shall be constructed out of concrete, by approved molded plastic, or a similar material.

**70. Section 503.6 is amended to read as follows:**

**503.6 Security Gates.** The installation of security gates or other devices intended to limit the access of vehicles or persons shall comply with the Fire Marshal's Office established written policy statement.

**71. Section 504 is amended by adding Section 504.4 to read as follows:**

**504.4 Fire Riser/Pump Room.** Access to fire riser rooms and fire pump rooms shall be from the exterior of the building for which they serve. Interior access is not permitted. Fire riser rooms and fire pump rooms shall maintain temperatures of 40-90°F, and fire pump rooms shall also maintain adequate air flow based on the requirements set forth by the fire pump manufacturer.

**72. Section 505.1 is amended to read as follows:**

**505.1 Address identification.** New and existing buildings shall be provided with approved address identification. The address identification shall be legible and placed in a position that is visible from the street or road fronting the property. Address identification characters shall contrast with their background. Address numbers shall be Arabic numbers or alphabetical letters. Numbers shall not be spelled out. Each character shall be not less than 6 inches (152.4 mm) high with a minimum stroke width of ½ inch (12.7 mm). Where required by the fire code official, address numbers shall be provided in additional approved locations to facilitate emergency response. Where access is by means of a private road, buildings do not immediately front a street, and/or the building cannot be viewed from the public way a monument, pole 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. Numerals or addresses shall be posted on a minimum 20-inch (508 mm) by 30-inch (762 mm) background on border. Address identification shall be maintained.

**505.1.1 Single Family Homes.** R-3 Single Family occupancies shall have approved numerals of a minimum 4" high, 5/8" stroke and a color contrasting with the background clearly visible and legible from the street fronting the property and rear alleyway where such alleyway exists.

**505.1.2 Multifamily Communities.** Street Address shall be a minimum of 12" high with a 2" stroke. Individual building numbers shall be a minimum of 18" high with a 3" stroke. Buildings over 100 feet in length require a minimum of two (2) numbers per building. Apartment spread numbers shall be a minimum of 7" high with a one-inch stroke and corridor spread numbers shall be a minimum of 4" high with a 5/8" brush stroke. Individual apartment unit numbers shall be a minimum of 4" in height with a 5/8" stroke.

**505.1.3 Large Office and Warehouse Buildings.** Address must be visible from all access directions. Number shall be a minimum of 24" in height with a 4" stroke. Buildings over 500 feet long shall have two address locations if more than one access point is visible. Suite numbers shall be required for multi-tenant complexes and shall be located over the front door and on the rear door, 6" in height with a 1" brush stroke.

**505.1.4 Shopping Centers, High Rise Buildings, and Other Applications.** A minimum of 12" high numbers with a 2" brush stroke shall be visible from all access directions. Suite numbers are required over the door with 4" high numbers with a 5/8" brush stroke. Buildings beyond 100 feet from the street and 10,000 square feet shall install 18" numbers with a 3" stroke.

**505.1.5 Marquee and Monument.** Addresses installed on a marquee located next to the street will require numbers 12" high with a 2" brush stroke to be located a minimum of 3 feet above grade. Marquee and Monument signs must meet City of Allen Sign Ordinance Requirements.

**73. Section 505 is amended by adding Section 505.3 to read as follows:**

**505.3 Directional/Equipment ID Signage.** Directional and equipment identification signage may be required by the code official and shall meet the requirements as set forth in the Fire Marshal's Office written policy statement as outlined in the most current version of the Allen Fire Marshal's Office Sign Book.

**74. Section 506.1 is amended by adding the following sentence at the end of the section:**

All new and existing occupancies, except single-family residences, shall provide (a) lock box(es) as specified in the Fire Marshal's Office written policy statement.

**75. Section 507.4 is amended 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 be conducted in accordance with NFPA 291 "Recommended Practice for Fire Flow Testing and Marking of Hydrants" and within one year of sprinkler plan submittal. The Fire Code Official shall be notified prior to the water supply test. Water supply tests shall be witnessed by the Fire Code Official, as 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 maximum and minimum operating levels of the tank, as well, or identify applicable water supply fluctuation. The licensed contractor must then design the fire protection system based on this fluctuation information, as per the applicable referenced NFPA standard. Reference Section 903.3.5 for additional design requirements.

**76. Section 507.5.1 is amended to read as follows:**

**507.5.1 Where required.** As properties develop, fire hydrants shall be located at all intersecting streets and at the maximum spacing indicated in Table 507.5.1. Distances between hydrants shall be measured along the route that fire hose is laid by a fire vehicle from hydrant to hydrant.

**TABLE 507.5.1  
MAXIMUM DISTANCE BETWEEN HYDRANTS**

OCCUPANCY	SPRINKLERED	NOT SPRINKLERED
Residential (1 & 2 Family)	600 feet	500 feet
Residential (Multi-Family)	400 feet	300 feet
All Other	500 feet	300 feet

There shall be a minimum of two (2) fire hydrants serving each property within the prescribed distance listed in Table 507.5.1.

**Protected Properties.** Fire Hydrants shall be installed along fire lanes with spacing as required for street installations specified in 507.5.1. In addition, hydrants required to provide supplemental water supply for automatic fire protection systems shall be within 100 feet of the Fire Department connection (FDC) for such systems.

**77. Section 507.5.4 is amended to read as follows:**

**507.5.4 Obstruction.** Unobstructed access to fire hydrants shall be maintained at all times. 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 or hindered from gaining immediate access to fire protection equipment or fire hydrants.

**78. Section 507.5 is amended by adding Sections 507.5.7 through 507.5.16 to read as follows:**

**507.5.7 Fire Hydrant Type.** All hydrants shall be of the three-way type with National Standard threads, breakaway construction, minimum 5¼" valve opening and shall comply with the latest AWWA specification C-502. The hydrant shall have a 4½" large connection with two 2½" side connections and shall be placed on water mains of no less than six inches (6") in size. Fire hydrants shall be Mueller "Centurion" or approved equal. All new hydrants shall come from the manufacturer with a silver powder coated and bonnet. Once installed, they shall be painted in accordance with Section 507.5.16.

**507.5.8 Valves.** Valves shall be placed on all fire hydrants leads.

**507.5.9 Breakaway point.** Fire hydrants shall be installed so that the breakaway point is no less than three (3) inches, and no greater than five (5) inches above the grade surface.

**507.5.10 Curb Line.** Fire hydrants shall be located a minimum of two (2) feet and a maximum of six (6) feet behind the curb line. No fire hydrant shall be placed in a cul-de-sac or the turning radius of fire lanes.

**507.5.11 Positioning.** All fire hydrants shall be installed so that the 4½" connection will face the fire lane or street.

**507.5.12 Limiting Access Obstruction.** Fire hydrants, when placed at intersections or access drives to parking lots, shall be placed so that the minimum obstruction of the intersection or access drive will occur when the hydrant is in use.

**507.5.13 Private Property.** Fire hydrants located on private property shall be accessible to the Fire Department at all times.

All fire hydrants placed on private property shall be adequately protected by either curb stops, concrete posts or other approved methods. Such stops shall be the responsibility of the landowner on which the fire hydrant is installed.

**507.5.14 Location to Building.** Fire hydrants shall not be located closer than 50' to a building or height of building + 10'.

**507.5.15 Identification.** An approved blue, two-sided reflector shall be utilized to identify each hydrant location. The reflector shall be affixed to the center line of each roadway or fire access lane opposite fire hydrants.

**507.5.16 Color.** Fire hydrant caps and bonnet shall be painted according to the water main size to which it is attached (see Table 507.5.16). The remainder of the hydrant above ground shall be painted silver.

**TABLE 507.5.16**

MAIN SIZE	COLOR
6"	Silver
8"	Blue
10" or greater	Yellow

79. Section 509.1 is amended by adding Section 509.1.2 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 two (2) inches when located inside a building and four (4) inches when located outside, or as approved by the Fire Code Official. The letters shall be of a color that contrasts with the background.

80. Section 509.2 is amended by adding Section 509.2.1 to read as follows:

**509.2.1 Outside electrical disconnect.** When electrical disconnects are not readily accessible on the exterior of a building, or an approved electrical room in which the building's main power disconnect does not have exterior access, an approved safety switch or other approved means of electrical disconnect shall be installed in an approved location on the exterior of the building. Knox EPO switches may be utilized.

81. Section 605.4 is amended to read as follows:

**605.4 Fuel oil storage systems.** Fuel oil storage systems shall be installed and maintained in accordance with this code. Tanks and fuel-oiled piping systems shall be installed in accordance with Chapter 13 of the International Mechanical Code and Chapter 57.

82. Sections 605.4.1 and 605.4.2 are amended to read as follows:

**605.4.1 Fuel oil storage in outside, above-ground tanks.** Where connected to a fuel-oil piping system, the maximum amount of fuel oil storage allowed outside above ground without additional protection shall be 660 gallons (2498 L). The storage of fuel oil 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 be in accordance with UL 142 or UL 2085, and also listed as double wall/secondary containment tanks.

**605.4.2 Fuel oil storage inside buildings.** Fuel oil storage inside buildings shall comply with Sections 605.4.2.2 through 605.4.2.8 and Chapter 57.

**605.4.2.1 Approval.** Indoor fuel oil storage tanks shall be in accordance with UL 80, UL 142, or UL 2085.

**605.4.2.2 Quantity limits.** One or more fuel oil storage tanks containing Class II, or III combustible liquid 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, where stored in a tank complying with UL 80, UL142 or UL2085 for Class III liquids, and also listed as a double wall/secondary containment tank for Class II liquids;
2. 1,320 gallons (4996 L) in buildings equipped with an automatic sprinkler system in accordance with Section 903.3.1.1, where stored in a tank complying with UL 142 or UL 2085 as a double- wall secondary containment tank; and
3. 3,000 gallons (11 356 L) where stored in protected above-ground tanks complying with UL 2085 and Section 5704.2.9.7 and the room is protected by an automatic sprinkler system in accordance with Section 903.3.1.1

**83. Section 807.5.2.2 is amended to read as follows:**

**807.5.2.2 Artwork in Corridors.** Artwork and teaching materials shall be limited on the walls of corridors to not more than 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 in accordance with Section 807 or be noncombustible.

**Exception:** Corridors protected by an approved automatic sprinkler system installed in accordance with Section 903.3.1.1 shall be limited to 50 percent of the wall area.

**84. Section 807.5.2.3 is amended to read as follows:**

**807.5.2.3 Artwork in Classrooms.** Artwork and teaching materials shall be limited on walls of classrooms to not more than 50 percent of the specific wall area to which they are attached. Curtains, draperies, wall hangings and other decorative material suspended from the walls or ceilings shall meet the flame propagation performance criteria of NFPA 701 in accordance with Section 807 or be noncombustible.

**85. Section 807.5.5.2 is amended to read as follows:**

**Section 807.5.5.2 Artwork in corridors.** Artwork and teaching materials shall be limited on the walls of corridors to not more than 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 propagations performance criteria of NFPA 701 in accordance with Section 807 or be noncombustible.

**86. Section 807.5.5.3 is amended to read as follows:**

**Section 807.5.5.3 Artwork in classrooms.** Artwork and teaching materials shall be limited on walls of classrooms to not more than 50 percent of the specific wall area to which they are attached. Curtains, draperies, wall hangings, and other decorative material suspended from the walls or ceilings shall meet the flame propagation performance criteria of NFPA 701 in accordance with Section 807 or be noncombustible.

**87. Section 901.6.1 is amended by adding Section 901.6.1.1 to read as follows:**

**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 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 pressure criteria required 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 FDC's 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 the 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.

**88. Section 901.6 is amended by adding Section 901.6.4 to read as follows:**

**901.6.4 False Alarms and Nuisance Alarms.** False alarms and nuisance alarms shall not be given, signaled or transmitted or caused or permitted to be given, signaled or transmitted in any manner.

**89. Section 901.7 is amended 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.

*(remaining unchanged)*

**90. Section 903.1.1 is amended to read as follows:**

**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 provided by the Fire Code Official.

**91. Section 903.1 is amended by adding Section 903.1.2 to read as follows:**

**903.1.2 Residential Systems.** Unless specifically allowed by this code or the International Building Code, residential sprinkler systems installed in accordance with NFPA 13D or NFPA 13R shall not be recognized for the purpose of exceptions or reductions, commonly referred to as “trade-offs,” permitted by other requirements of this code. In addition, residential sprinkler systems installed in accordance with NFPA 13R must include attics, breezeways, and patios. Garage areas must also be covered in residential sprinkler systems installed in accordance with NFPA 13D and NFPA 13R. If an urban living or multi-family structure includes any secondary uses to the building other than residential living units, then a NFPA 13 system is to be utilized.

**Exception:** Group R-3 attached garages need not be sprinklered throughout if a dry sprinkler is installed within 5 feet (1,524 mm) of the door opening between the garage and attached residence. Residential fire sprinkler risers shall be located on a heated wall in the garage.

**Exception:** Other riser location as approved by the Allen Fire Department Prevention Division.

**92. Section 903.2 is amended to read as follows:**

**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. 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.”

**93. Section 903.2 is further amended by deleting the paragraph titled “Exception.”**

**94. Section 903.2.4.2 is amended 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 for the manufacture of distilled spirits involving more than 120 gallons of distilled spirits (>16% alcohol) in the fire area at any one time.

**95. Section 903.2.9 is amended by adding Section 903.2.9.3 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 (>16% alcohol) in the fire area at any one time.

**96. Section 903.2.9 is amended by adding Section 903.2.9.5 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. A screen shall be installed at eighteen (18") inches below the level of the sprinkler heads to restrict storage above that level. This screen shall be a mesh of not less than one (1) inch not greater than six (6") inches in size. This screen and its supports shall be installed such that all elements are at least eighteen (18") inches below any sprinkler head.

**97. Section 903.2.11.3 is amended to read as follows:**

**903.2.11.3 Buildings 35 feet or more 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 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.

**98. Section 903.2.11 is amended by adding Sections 903.2.11.7, 903.2.11.8, and 903.2.11.9 to read as follows:**

**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.** New and existing spray booths and spraying rooms shall be protected by an approved automatic fire-extinguishing system.

**903.2.11.9 Buildings Over 6,000 square feet.** An automatic sprinkler system shall be installed throughout all buildings with a building area over 6,000 square feet. For the purpose of this provision, fire walls shall not define separate buildings. For this Section only, area measurement shall be based on outside dimensions of exterior walls, exclusive of vent shafts and courts, without deduction for corridors, stairways, closets, the thickness of interior walls, columns, or other features. The floor area of a building, or portion thereof, not provided with surrounding exterior walls shall be the usable area under the horizontal projection of the roof or floor above. For upper-level attic type rooms, areas where the ceiling height is less than five feet (5'0") shall not be considered. Unfinished spaces framed to permit future expansion of floor area shall be considered as part of the area. Joists designed to support floor loads shall be assumed to be for future area.

**Exception:** Open parking garages in compliance with Section 406.5 of the International Building Code.

**903.2.11.9.1 Modifications, repairs, and additions to existing buildings.** An automatic sprinkler system shall be installed throughout in accordance with NFPA 13, 13D, or 13R as applicable and this code in all existing buildings when:

1. Enlarged to a floor area of 6,000 square feet or greater;
2. The building has a floor area greater than 6,000 square feet and the square footage is increased;
3. The cumulative remodel of any building, over any period of time on or after March 11, 2008, results in the floor area of the building becoming equal to or greater than 6,000 square feet;
4. Fifty (50) percent or more of the roof assembly is replaced, or repaired, due to fire damage or structural failure, or when the removal of existing fire rated assemblies result in an increase of the original basic allowable area; or
5. Required to be protected in accordance with this Code or other provisions of Article III of the ALDC.

**99. Section 903.3.1.1.1 is amended 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. 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 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; and
4. Elevator machine rooms, machinery spaces, and hoistways, other than pits where such sprinklers would not necessitate shunt trip requirements under any circumstances.

**100. Section 903.3.1.2 is amended 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 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 (10,668 mm) or less above the lowest level of fire department vehicle access.
3. The floor level of the lowest story is 35 feet (10,668 mm) or less below the lowest level of fire department vehicle access.

**101. Section 903.3.1.2.2 is amended to read as follows:**

**903.3.1.2.2 Corridors and balconies.** Sprinkler protection shall be provided in all corridors and for all balconies.

**102. Section 903.3.1.2.3 is amended to read as follows:**

**903.3.1.2.3 Attics and Attached Garages.** Sprinkler protection is required in attached garages and in the following attic spaces:

1. Attics that are used or intended for living purposes or storage shall be protected by an automatic sprinkler system;
2. Where fuel-fired equipment is installed in an unsprinklered attic, not fewer than one quick response intermediate temperature sprinkler shall be installed above the equipment;
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; and
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:
  - 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 noncombustible 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 non-combustible insulation.

**103. Section 903.3.1.3 is amended 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 shall be permitted to be installed throughout in accordance with NFPA 13D or in accordance with state law.

**104. Section 903.3.1 is amended by adding Section 903.3.1.4 to read as follows:**

**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.

**903.3.1.4.1 Attics.** Only dry pipe, preaction, 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. The attic sprinklers are supplied by a separate floor control valve assembly to allow ease of draining the attic system without impairing sprinklers throughout the rest of the building;
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.

**903.3.1.4.2 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.

**105. Section 903.3.5 is amended by adding the following sentence at the end of the section:**

Water supply as 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. Reference Section 507.4 for additional design requirements.

**106. Section 903.3.7 is amended by adding Sections 903.3.7.1 and 903.3.7.2 to read as follows:**

**903.3.7.1 Missing or damaged FDC caps.** Missing or damaged FDC caps shall be replaced with locking "Knox" FDC caps. All new FDCs and standpipe hose valve connections shall have Knox caps or plugs installed.

**903.3.7.2 Remote FDCs.** Remote fire department connections shall be installed as a separate underground supply line to the fire riser room. A remote FDC cannot tie into the underground fire main supply.

**107. Section 903.4 is amended by adding the following paragraph after the paragraph titled "Exceptions":**

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.

**108. Section 903.4.1 is amended by adding Section 903.4.1.1 to read as follows:**

**903.4.1.1 Dry pipe fire sprinkler monitoring.** Dry pipe fire sprinkler systems shall be monitored for high pressure water flow, low air supervisory, and high air supervisory.

**109. Section 903.4.2 is amended by adding the following sentence at the end of the section:**

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.

**110. Section 903.4 is amended by adding Sections 903.4.4 and 903.4.5 to read as follows:**

**903.4.4 Individual zone controls.** Individual zone control valves shall be installed as follows:

1. Multi-story buildings shall be zoned by floor and have separate control valves installed that will allow each floor to be independently shut-off without having an effect on the operation of the sprinkler system on other floors;
2. Multi-story multi-family residential buildings that are separated by a breezeway or fire rated assembly can be zoned by building section if approved in advance by Allen Fire Rescue. The required sectional control valves shall be located in the main sprinkler control valve room or as directed by the Chief or his designee;
3. Hazardous areas such as spray booths, flammable liquid storage rooms, etc. shall be separate zones and have separate control valves installed that will allow the sprinkler system in these areas to be independently shut-off without having an effect on the operation of the system in other areas. The required zone control valves shall be located in an accessible area outside the spray booth or room or in the main sprinkler control valve room;
4. Special systems such as pre-action systems shall be separate zones and have separate control valves installed that will allow the sprinkler system in these areas to be independently shut-off without having an effect on the operation of the system in other areas;
5. Computer rooms shall be separate zones and have separate control valves installed that will allow the sprinkler system in these areas to be independently shut-off without having an effect on the operation of the system in other areas;
6. Where sprinklers are installed in racks, separate indicating control valves and drains shall be provided and arranged so that ceiling and in-rack sprinklers can be controlled independently;
7. Subfloor areas shall have separate control valves installed that will allow the subfloor area to be independently shutoff without having an effect on the operation of the sprinkler system in other areas. The required zone control valves shall be located in an accessible area outside the subfloor area; and
8. Where the zoning of the sprinkler system and installation of separate control valves will increase the level of fire protection for the building, and the life safety of the occupants and firefighters as determined by the Fire Marshal (AHJ).

**903.4.5 Monitoring and Supervising.** All valves on connections to water supplies, sectional control and isolation valves, and other valves in supply pipes to sprinklers and other fixed water-based fire suppression systems shall be supervised and monitored at all times. Graphic maps shall be posted in the sprinkler riser room depicting sprinkler zones. Proper tagging and/or signage complying with Fire Department specifications shall identify all valves as to their function and identify their location.

**111. Section 903.6 is amended by adding Section 903.6.1 to read as follows:**

**903.6.1 Spray booths and rooms.** New and existing spray booths and spray rooms shall be protected by an approved automatic fire-extinguishing system in accordance with Section 2404.

**112. Section 905.3 is amended by adding Section 905.3.9 to read as follows:**

**905.3.9 Building Exceeding 10,000 square feet.** 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 automatic wet or manual wet standpipes shall be provided.

**Exceptions:**

1. Automatic dry and semi-automatic dry standpipes are allowed as provided for in NFPA 14 where approved by the Fire Code Official.
2. R-2 occupancies of four stories or less in height having no interior corridors.

**113. Section 905.4 is amended by amending numbered paragraphs 1, 3, and 5 to read as follows:**

1. In every required exit stairway, a hose connection shall be provided for each story above and below grade plane. Hose connections shall be located at an intermediate landing between stories, unless otherwise approved by the fire code official.
3. In every exit passageway, at the entrance from the exit passageway to other areas of a building.

**Exception:** Where floor areas adjacent to an exit passageway are reachable from an exit stairway hose connection by a ...(*remainder of Exception unchanged*)

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 an exit stairway with stair access to the roof provided in accordance with Section 1011.12.

**114. Section 905.4 is amended by adding a new numbered paragraph 7 to read as follows:**

7. 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.

**115. Section 905.8 is amended to read as follows:**

**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 psi and a maximum of 40 psig air pressure with a high/low supervisory alarm. Manual dry standpipes may not be utilized inside a structure other than an approved open parking garage.

**116. Section 905.9 is amended by adding the following paragraph after the "Exceptions":**

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.

**117. Section 906.1 (1) is amended by deleting Exception 3 in its entirety.**

**118. Section 907.1 is amended by adding Section 907.1.4 to read as follows:**

**907.1.4 Design Standards.** All alarm systems, new or replacements, shall be addressable. Alarm systems serving more than 20 smoke detectors shall have analog initiating devices.

**119. Section 907.2.1 is amended to read as follows:**

**907.2.1 Group A.** A manual fire alarm system that activates the occupant notification system in accordance with new 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 of the International Building Code 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.

**Exception:** *(No change)*

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.

**120. Section 907.2.3 is amended by amending the first paragraph and adding paragraph 1.1 under paragraph 1 of “Exceptions” 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, 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' 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.

**Exceptions:**

1. *(No change)*
  - 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 1/2 or less years of age, see Section 907.2.6.)

**121. Section 907.2.10 is amended to read as follows:**

**907.2.10 Group S.** 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 area. Visible notification appliances are not required within storage units.

**Exception:** *(No change)*

**122. Section 907.2.13 is amended by amending Exception 3 to read as follows:**

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3. Open air portions of buildings with an occupancy in Group A-5 in accordance with Section 303.1 of the International Building Code, when used for open air seating; however, this Exception does not apply to accessory uses including but not limited to sky boxes, restaurants and similarly enclosed areas.

**123. Section 907.4.2 is amended by adding Section 907.4.2.7 to read as follows:**

**907.4.2.7 Type.** Manual alarm initiating devices shall be an approved double action type.

**124. Section 907.6.1 is amended by adding Section 907.6.1.1 to read as follows:**

**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.

**125. Section 907.6.3 is amended by deleting all four Exceptions.**

**126. Section 907.6.6 is amended by adding the following sentence to end of the paragraph:**

*See 907.6.3 for the required information transmitted to the supervising station.*

**127. Section 907.6.6 is amended by adding Section 907.6.6.4 to read as follows:**

**906.6.6.4 Communication requirements.** All alarm systems, new or replacements, shall transmit alarm, supervisory and trouble signals descriptively to the approved central station, remote supervisory station or proprietary supervising station as defined in NFPA 72, with the correct device designation and location of addressable device identification. Alarms shall not be permitted to be transmitted as a General Alarm or Zone condition.

**128. Section 907 is amended by adding Section 907.11 to read as follows:**

**907.11 Password Protection Prohibited.** No fire alarm system shall be protected by a password or pin number that would hinder immediate silencing capabilities by the Fire Department.

**129. Section 910.2 is amended by amending paragraphs 2, and 3 under “Exceptions” to read as follows:**

2. Manually activated, engineered mechanical smoke and heat exhaust systems shall be required in areas of buildings equipped with early suppression fast-response (ESFR) sprinklers. Automatic smoke and heat removal is prohibited.
3. Manually activated, engineered mechanical smoke and heat exhaust systems shall be required in areas of buildings equipped with control mode special application sprinklers with a response time index of 50 (meters-seconds) 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.

**130. Section 910.2 is amended by adding Section 910.2.3 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 are more than 15,000 square feet (1,394 m<sup>2</sup>) 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.

**Exception:** Buildings of noncombustible construction containing only noncombustible materials.

**131. Section 910.4.3.1 of the International Fire Code Section 910.4.3.1 is amended 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 automatic. The minimum gross area of makeup air inlets shall be 8 square feet per 1,000 cubic feet per minute (0.74 m<sup>2</sup> per 0.4719 m<sup>3</sup>/s) of smoke exhaust.

**132. Section 912.2 is amended by adding Section 912.2.3 to read as follows:**

**912.2.3 Hydrant distance.** An approved fire hydrant shall be located within 100 feet of the Fire Department connection as the fire hose lays along an unobstructed path.

**133. Section 913.2.1 is amended by adding the following sentence and Exception to read as follows:**

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 feet. in width, and 6 feet. - 8 inches in height, regardless of any interior doors that are 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.

**134. Section 913.4 is amended by adding the following sentence at the end of the section:**

The fire-pump system shall also be supervised for “loss of power,” “phase reversal,” and “pump running” conditions by supervisory signal on district circuits.

**135. Section 914.3.1.2 is amended to read as follows:**

**914.3.1.2 Water Supply to required Fire Pumps.** In buildings that are more than 120 feet (128 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

pipng between the connection and the pumps shall be sized to supply the flow and pressure required for the pumps to operate.

**Exception:** *(No change to exception)*

- 136. Section 1006.2.2 is amended by adding Section 1006.2.2.7 to read as follows:**

**1006.2.2.7 Electrical Rooms.** For electrical rooms, special exiting requirements may apply. Reference the Electrical Code as adopted.

- 137. Section 1009.8 is amended by adding Exception 7 to read as follows:**

7. 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 be in compliance with the requirements of Section 1009 and chapter 11.

- 138. Section 1010.2.5 is amended by amending Exceptions 3, and 4 to read as follows:**

3. Where a pair of doors serves an occupant load of less than 50 persons in a Group B, F, M, or S occupancy. *(Remainder unchanged)*
4. Where a pair of doors serves a Group A, B, F, M, or S occupancy *(Remainder unchanged)*

- 139. Section 1020.2 is amended by adding paragraph 6 under “Exceptions” to read as follows:**

6. In Group B occupancies, corridor walls and ceilings need not be of fire-resistive construction within a single tenant when the space is equipped with an approved automatic fire alarm system with corridor smoke detection. The actuation of any detector shall activate alarms audible in all areas served by the corridor. The smoke-detection system shall be connected to the building's fire alarm system where such a system is provided.

- 140. Section 1030.1.1.1 is deleted.**

- 141. Section 1032.2 is amended to read as follows:**

**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 other emergency. 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 approval of the Fire Code Official.

- 142. Section 1103.3 is amended by adding the following sentence to end of paragraph:**

Provide emergency signage as required by Section 604.4.

- 143. Section 1103.5.1 is amended by adding the following sentence to end of paragraph:**

Fire sprinkler system installation shall be completed with 24 months from date of notification by the fire code official.

- 144. Section 1103.5 is amended by adding Section 1103.5.6 to read as follows:**

**1103.5.6 Spray Booths and Rooms.** Existing spray booths and spray rooms shall be protected by an approved automatic fire-extinguishing system in accordance with Section 2404.

**145. Section 1103.7 is amended by adding Sections 1103.7.7 and 1103.7.7.1 to read as follows:**

**1103.7.7 Fire Alarm System Design Standards.** Where an existing fire alarm system is upgraded or replaced, the devices shall be addressable. 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, or 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 18 months of permit application.

**1103.7.7.1 Communication requirements.** Refer to Section 907.6.6 for applicable requirements.

**146. Section 1203.1.3 is amended to read as follows:**

**1203.1.3 Installation.** Emergency power systems 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.

**Exception:** Where the system is supplied with natural gas from a utility provider and is approved.

**120. Section 1203.1 is amended by adding Section 1203.1.10 to read as follows:**

**1203.1.10 Critical Operations Power Systems (COPS).** For Critical Operations Power Systems necessary to maintain continuous power supply to facilities or parts of facilities that require continuous operation for the reasons of public safety, emergency management, national security, or business continuity, see NFPA 70.

**121. Section 1203.2 is amended to read as follows:**

**1203.2 Where required.** Emergency and standby power systems shall be provided where required by Sections 1203.2.1 through 1203.2.19 or elsewhere identified in this code or any other referenced code.

**122. Section 1203.2.4 is amended to read as follows:**

**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 be capable of powering the required load for a duration of 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 Buildings, Section 907.2.12.3 and 914.7  
High-rise Buildings, Section 907.2.13 and 914.3  
Atriums, Section 907.2.14 and 914.4

**123. Section 1203.2.15 is amended to read as follows:**

**1203.2.15 Means of Egress Illumination.** Emergency power shall be provided for means of egress illumination in accordance with Sections 1008.3 and 1104.5.1. (90 minutes)

**124. Section 1203.2.16 is amended to read as follows:**

**1203.2.16 Membrane Structures.** Emergency power shall be provided for exit signs in temporary tents and membrane structures in accordance with Section 3103.12.6.1. (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.

**125. Section 1203.2.18 is amended to read as follows:**

**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 410.3.7.2

Special Amusement Buildings (as applicable to Group A's), International Building Code, Section 411.1

Smoke Protected Seating, Section 1029.6.2.1

Buildings considered to be a high-rise.

**126. Section 1203.2 is amended by adding Sections 1203.2.20, 1203.2.21, 1203.2.22, 1203.2.23, 1203.2.24, 1203.2.25, and 1203.2.26 to read as follows:**

**1203.2.20 Covered and Open Mall Buildings.** Emergency power shall be provided in accordance with Section 907.2.20 and 914.2.3.

**1203.2.21 Airport Traffic Control Towers.** A standby power system shall be provided in airport traffic control towers more than 65 feet in height. 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 alternative and associated automatic fire detection systems as required by the International Building Code, Section 909.20.7.2.

**1203.2.23 Elevator Pressurization.** Standby power shall be provided for 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.)

**127. Section 2304.1 is amended to read as follows:**

**2304.1 Supervision of Dispensing.** The dispensing of fuel at motor fuel-dispensing facilities shall be in accordance with 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 in accordance with Section 2304.3.

At any time, the qualified attendant of Item 1 or 2 above is not present, such operations shall be considered as an unattended self-service facility and shall also comply with Section 2304.3.

**128. Section 2401.2 is deleted.**

**129. Section 3103.3.1 is deleted.**

**130. Table 3206.2 is amended by amending Footnotes “h” to read as follows:**

- h. Where storage areas are protected by either early suppression fast response (ESFR) sprinkler systems or control mode special application sprinklers with a response time index of 50 (meters-second)  $1/2$  or less that are listed to control a fire in the stored commodities with 12 or fewer sprinklers, installed in accordance with NFPA 13, manual smoke and heat vents or manually activated engineered mechanical smoke exhaust systems shall be required within these areas.

**Table 3206.2 is amended by adding Footnote “j” to row titled “High Hazard,” and “Greater than 300,000” to read as follows:**

- j. High hazard high-piled storage areas shall not exceed 500,000 square feet. A 2-hour fire wall constructed in accordance with Section 706 of the

International Building Code shall be used to divide high-piled storage exceeding 500,000 square feet in area.

**131. Section 3311.1 is amended by adding the following sentence to the end of the section:**

When fire apparatus access roads are required to be installed for any structure or development; they shall be approved prior to the time at which construction has progressed beyond completion of the foundation of any structure.

**132. Section 5601.1.3 is amended to read in its entirety 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, storage, and handling of fireworks as allowed in Section 5604, and 5608.
2. The use of fireworks for approved displays as allowed in Section 5608.

**133. Section 5703.6 is amended by adding a sentence to read as follows:**

**5703.6 Piping systems.** Piping systems, and their component parts, for flammable and combustible liquids shall be in accordance with Sections 5703.6.1 through 5703.6.11. An approved method of secondary containment shall be provided for underground tank and piping systems.

**134. Section 5704.2.11.4 is amended 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 5704.2.11.4.1 through 5704.2.11.4.3. An approved method of secondary containment shall be provided for underground tank and piping systems.

**135. Section 5704.2.11.4.2 is amended 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 of the system that is designed and installed in accordance with NFPA 30 and as specified in Section 5704.2.11.4.3.

**136. Section 5704.2.11.4 is amended by adding Section 5704.2.11.4.3 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.

**137. Section 5707.4 is amended by adding the following paragraph:**

Mobile fueling sites shall be restricted to commercial, industrial, governmental, or manufacturing, where the parking area having such operations is primarily intended for employee vehicles. Mobile fueling shall be conducted for fleet fueling or employee vehicles only, 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.

**138. Section 6103.2.1 is amended by adding Section 6103.2.1.8 to read as follows:**

**6103.2.1.8 Jewelry Repair, Dental Labs, and Similar Occupancies.** Where natural gas service is not available, portable LP-Gas containers are allowed to be used to supply approved torch assemblies or similar appliances. Such containers shall not exceed 20-pound (9.0 kg) water capacity. Aggregate capacity shall not exceed 60-pound (27.2 kg) water capacity. Each device shall be separated from other containers by a distance of no less than 20 feet.

**139. Section 6104.2 is amended by adding Exception 2 to read as follows:**

2. Except as permitted in Sections 308 and 6104.3.2, LP-gas containers are not permitted in residential areas.

**140. Section 6104.3 is amended by adding Section 6104.3.3 to read as follows:**

**6104.3.3 Spas, Pool Heaters, and Other Listed Devices.** Where natural gas service is not available, an LP-gas container is allowed to be used to supply spa and pool heaters or other listed devices. Such container shall not exceed 250-gallon water capacity per lot. See Table 6104.3 for location of containers.

**Exception:** Lots where LP-gas can be off-loaded wholly on the property where the tank is located may install up to 500 gallon above ground or 1,000 gallon underground approved containers.

**141. Section 6107.4 is amended to read as follows:**

**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 Section 312.

**142. Section 6109.13 is amended to read as follows:**

**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.

**143. Appendix L *Requirements for Fire Fighter Air Replenishment Systems* is amended by adding Section L101.2 to read as follows:**

**Section L101.2 Required Location.** In new buildings, fill stations shall be required when any of the following conditions occur:

1. Any new building 5 or more stories in height;
2. Any new building with 2 or more floors below grade; and
3. Any new building 500,000 feet or more in size.



Each stairwell shall have a supply riser. SCBA fill stations shall be located on odd numbered floors in the primary stairwell and on even numbered stairs in the secondary stairwells. The primary stairwell will be the stair located closest to the main entrance.

**Section: 3.05. Amendments to the International Residential Code, 2021 edition.**

The following amendments to the International Residential Code, 2021 edition, as adopted pursuant to Section 3.01, are hereby adopted:

**1. Section R102.4 is 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 Sections R102.4.1 and R102.4.2. Whenever amendments have been adopted to the referenced codes and standards, each reference to said code and standard shall be considered to reference the amendments as well. Any reference made to NFPA 70, or the ICC Electrical Code shall mean the Electrical Code as adopted.

**2. Section R103, and R103.1 are amended to insert the Department Name as follows:**

**R103.1 Creation of enforcement agency.** The City of Allen Building Inspection Department is hereby created and the official in charge thereof shall be known as the Building Official.

**3. Section R104.10.1 is deleted.**

**4. Section R105.2 is amended by amending the text under the subtitle “Building” to read as follows:**

**R105.2. Work exempt from permit.** Exemptions from permit requirements of this code shall not be deemed to grant authorization for any work to be done in any manner in violation of the provisions of this code or any other laws or ordinances of this jurisdiction. Permits shall not be required for the following:

**Building:**

1. Water tanks supported directly upon grade if the capacity does not exceed 5,000 gallons (18,925 L) and the ratio of height to diameter or width does not exceed 2 to 1.
2. Sidewalks and driveways and other flat work not more than 30 inches (762 mm) above adjacent grade, and not over any basement or story below and which are not part of an accessible route or exit discharge and the placement and/or location of concrete does not violate other city requirements.
3. Decks less than 200 square feet and not more than 30 inches above grade at any point. (IRC)
4. Window awnings supported by an exterior wall of Group R-3, as applicable in Section 101.2, and Group U occupancies. (IRC)
5. One-story detached accessory structures used as tool and/or storage sheds, playhouses and similar uses provided the floor area does not exceed 120 square feet, or the height does not exceed 8 feet and the placement of the structure does not violate any other city requirements such as but not limited to placement of any structure in the (PDE) Private Drainage Easement. (IRC)

6. Poles installed on a parcel where the primary use is a single-family dwelling, two family dwelling or townhome provided the installation does not exceed the height requirements for the residential zoning district where located as specified in the ALDC. (IRC)
7. Residential swimming or wading pools that are temporary in nature and less than 24 inches in depth and do not require nor are provided with mechanical circulation or heating equipment of any kind. (IRC)

5. **Section R105.3.1.1 is deleted.**

6. **Section R106.1.4 is deleted.**

7. **Section R108 is amended by adding Section R108.7 to read as follows:**

**R108.7 Re-inspection fee.** A fee as established by city council resolution may be charged when:

1. The inspection called for is not ready when the inspector arrives;
2. No building address or permit card is clearly posted;
3. Approved plans are not on the job site and available to the inspector at time of inspection;
4. The building is locked or work otherwise is not available for inspection when called;
5. The job site is red tagged twice consecutively for the same item;
6. The original red tag has been removed from the job site;
7. Violations exist on the property including failure to maintain erosion control, trash control or tree protection; and
8. Any re-inspection fees assessed shall be paid before additional inspections are conducted on that job site.

8. **Section R110 (inclusive of Sections R110.1 through R110.5) is deleted in its entirety.**

9. **Section R112 is amended in its entirety to read as follows:**

**Section R112  
MEANS OF APPEAL**

**R112.1 Application for appeal.** Any person shall have the right to appeal a decision of the building official to the Board of Adjustment as provided in Section 2.02 of the Allen Land Development Code.

10. **Section R202 is amended by amending the definition of “Townhouse” to read as follows:**

**TOWNHOUSE.** 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.

11. Table R301.2(1) is amended to read as follows:

**TABLE R301.2(1)**  
**CLIMATIC AND GEOGRAPHIC DESIGN CRITERIA**

<b>GROUND SNOW LOAD</b>	<b>WIND DESIGN</b>				<b>SEISMIC DESIGN CATEGORYf</b>
	<b>SPEEDd (mph)</b>	<b>Topographic Effectsk</b>	<b>Special Wind Regionl</b>	<b>Windborne Debris Zonem</b>	
5 lb/ft2	115 (3 sec- gust)/76 fastest mile	No	No	No	A

<b>SUBJECT TO DAMAGE FROM</b>		
<b>Weatheringa</b>	<b>Frost line depthb</b>	<b>Termitec</b>
Moderate	6"	Very Heavy

<b>WINTER DESIGN TEMPe</b>	<b>ICE BARRIER UNDER-LAYMENT REQUIREDh</b>	<b>FLOOD HAZARDSg</b>	<b>AIR FREEZING INDEXi</b>	<b>MEAN ANNUAL TEMPj</b>
22oF	No	Local Code	150	64.9oF

12. Section R302.1 is amended by amending paragraph 4, and adding a new paragraph 6 under “Exceptions” to read as follows:

**Exceptions:**

4. Detached garages accessory to a dwelling located within 5 feet of a lot line may have roof projections not exceeding 12 inches.
6. Open metal carport structures may be constructed within three (3) feet of the property line without fire-resistive or opening protection when the location of such is approved as required within adopted ordinances.

13. Section R302.3 is amended by adding Exception 3 to read as follows:

3. Two-family dwelling units that are also divided by a property line through the structure shall be separated as required for townhouses.

14. Section R302.5.1 is amended to read as follows:

**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 (35 mm) in thickness, solid or honeycomb core steel doors not less than 1 3/8 inches (35 mm) thick, or 20-minute fire rated doors.

15. Section 303.3 is amended by amending the paragraph titled “Exception” to read as follows:

**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 M1505. Exhaust air from the space shall be exhausted directly to the outdoors. Spaces containing only a water closet or water closet and a lavatory may be ventilated with an approved mechanical recirculating fan or similar device designed to remove odors from the air.

16. Section R313.2 and its subsections are deleted.

17. Section R315.2.2 is amended by amending paragraph 2 under “Exceptions” to read as follows:

2. Installation, alteration, or repairs of electrically powered mechanical systems, or plumbing appliances.

18. Section R322 is deleted.

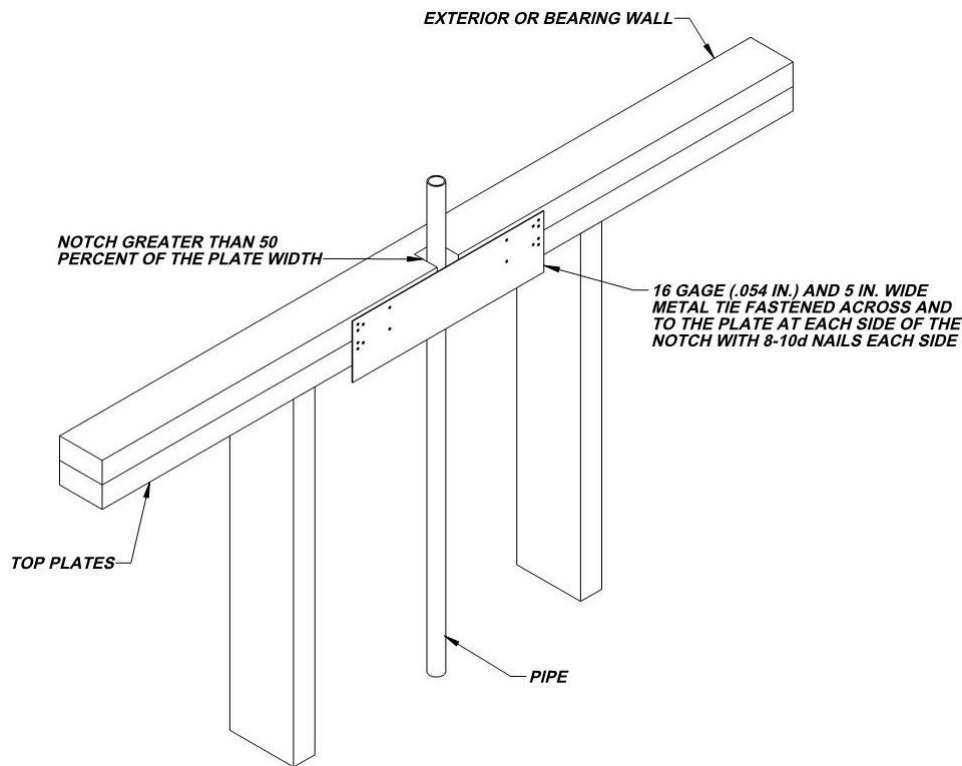
19. Section R401.2 is amended by adding the following sentence at the end of the section:

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.

20. Section R602.6.1 is amended to read as follows:

**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) tie must extend a minimum of 6 inches past the opening. 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” remains unchanged)

21. Figure R602.6(1) is amended to appear as follows:



22. Section R703.8.4.1 is amended by adding Section 703.8.4.1.2 to read as follows:

**R703.8.4.1.2 Veneer Ties for Wall Studs.** In stud framed exterior walls, all ties shall be anchored to studs as follows:

1. When studs are 16 inches (407 mm) O.C., stud ties shall be spaced no further apart than 24 inches (737 mm) vertically starting approximately 12 inches (381 mm) from the foundation; or
2. When ties are placed on studs 24 inches (610 mm) O.C., stud ties shall be spaced no further apart than 16 inches (483 mm) vertically starting approximately 8 inches (254 mm) from the foundation.

23. Section R902.1 is amended by amending the first paragraph to read as follows:

**R902.1 Roofing covering materials.** Roofs shall be covered with materials set forth in Sections R904 and R905. Class A, B, or C roofing shall be installed. Classes A, B, and C roofing required by this section to be listed shall be tested in accordance with UIL 790, or ASTM E 108.

24. Chapter 11 [RE] Energy Efficiency is deleted in its entirety.

25. Section M1305.1.2 is amended to read as follows:

**M1305.1.2 Appliances in attics.** Attics containing appliances shall be provided...*(intervening text 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 ½-inch plywood or 5/8-inch oriented strand board. 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. (136kg) capacity; and
3. An access door from an upper floor level.

**Exceptions:** *(unchanged)*

**26. Section M1401.4 is amended to read as follows:**

**M1401.4 Exterior installations.** Equipment and appliances installed outdoors shall be listed and labeled for outdoor installation. No a/c condensers shall be located inside yards less than 7 feet, unless approved by the Building Official. *(remaining text unchanged)*

**27. Section M1411.3 is amended to read as follows:**

**M1411.3 Condensate disposal.** Condensate from all cooling coils or evaporators shall be conveyed from the drain pan outlet to a sanitary sewer through a trap, by means of a direct or indirect drain. *(remaining text unchanged)*

**28. Section M1411.3.1 is amended by adding Items 3, and 4 to read as follows:**

3. An auxiliary drain pan *(intervening text unchanged)* with item 1 of this section. A water level detection/shut off device may be installed only with prior approval of the building official.
4. A water level detection device... *(intervening text unchanged)* overflow rim of such pan. A water level detection/shut off device may be installed with prior approval of the building official.

**29. Section M1411.3.1.1 is amended to read as follows:**

**M1411.3.1.1 Water-level monitoring devices.** On down-flow units... *(bulk of text unchanged)* installed in the drain line. A water level detection device may be installed only with prior approval of the building official.

**30. Section M1503.6 Makeup Air Required is amended to read as follows:**

**M1503.6 Makeup air required.** Where one or more gas, liquid or solid fuel-burning appliance that is neither direct vent nor uses a mechanical draft venting system is located within a dwelling unit's air barrier, each exhaust system capable of exhausting in excess of 400 cubic feet per minute (0.19 m<sup>3</sup>/s) shall be mechanically or passively 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 no fewer than one damper complying with Section M1503.6.2.

**Exception:** Make up air is not required for exhaust systems installed for the exclusive purpose of space cooling and intended to be operated only when windows or other air inlets are open. 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 m<sup>3</sup>/s) without providing makeup air Exhaust hood systems capable of exhausting in excess of 600 cubic feet per minute (0.28 m<sup>3</sup>/s) shall be provided with a makeup air at a rate of approximately equal to the difference between the exhaust air rate and 600 cubic feet per minute.

**31. Section M1601.4.4 is amended to read as follows:**

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**M1601.4.4 Support.** Metal ducts listed in accordance with UL 181 shall be supported in accordance with manufacturer's installation instructions or other approved means. Flexible ducts shall be supported by 1-inch wide 18-gauge solid metal straps with 6" metal saddles at intervals not exceeding 10 feet or in accordance with the manufacturer's installation instructions.

**32. Section M2005.2 is amended to read as follows:**

**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. Installation of direct-vent water heaters within an enclosure is not required. ***No tank type water heaters shall be permitted to be installed in New Residential attics.*** Tank less type of water heater(s) shall be approved for attic installation and shall require a pan and drain the T&P line directly to the outdoor or approved location.

**33. Section G2404.1 (301.1) is amended by adding the following sentence to the end of the section:**

All gas meters shall be located on the structure.

**34. Section G2408.3 (305.5) is deleted.**

**35. Section G2415.2 (404.2) is amended by adding a second paragraph to read as follows:**

Both ends of each section of medium pressure gas piping 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"

**36. Section 2415.12 (404.12) is amended to read as follows:**

**G2415.12 (404.12) Minimum burial depth.** Underground piping systems shall be installed a minimum depth of 18 inches (457 mm) below grade.

**37. Section G2415.12.1 (404.12.1) is deleted.**

**38. Section G2417.1 (406.1) is amended to read as follows:**

**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. The pressure test will require a diaphragm gauge that has been certified annually and the system tested through its entirety and with All stops open.

**39. Section G2417.4 is amended to read as follows:**

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**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.

**40. Section G2417.4.1 is amended to read as follows:**

**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 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 inches (3 1/2"), a set hand, 1/10-pound incrementation and pressure range not to exceed 6 psi for test 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 1/2"), a set hand, a minimum of 2/10-pound incrementation and a pressure range not to exceed 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 psa) 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.

**41. Section G2417.4.2 is amended to read as follows:**

**G2417.4.2 (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 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. The test shall be through the entire system with All stops open.

**42. Section G2420.1 (409.1) is amended by adding Section G2420.1.4 to read as follows:**

**G2420.1.4 (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 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.

**43. Section G2420.5.1 (409.5.1) is amended to read as follows:**

**G2420.5.1 (409.5.1) Located within the same room.** The shutoff valve (*Intervening text unchanged*) in accordance with the appliance manufacturer's instructions. A secondary shutoff valve must be installed within 3 feet (914 mm) of the firebox if appliance shutoff is located in the firebox.

**44. Section G2421.1 (410.1) is amended to read as follows:**



**G2421.1 (410.1) Pressure regulators.** A line pressure regulator shall be... (*intervening text unchanged*) approved for outdoor installation. Access to regulators shall comply with 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.

**45. Section G2445.2 (621.2) is amended by adding a paragraph titled “Exception” to read as follows:**

**G2445.2 (621.2) Prohibited use.** One or more unvented room heaters shall not be used as the sole source of comfort heating in a dwelling unit.

**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 of the Fuel Gas Code.

**46. Section G2448.1.1 (624.1.1) is amended to read as follows:**

**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.

**47. Section P2602.1 is amended by amending the paragraph titled “Exception” to read as follows:**

**Exception:** Sanitary drainage systems that were installed with a septic tank or septic system, upon failure or need of repair must be connected to the City Sanitary Sewer System.

**48. Section P2603.3 is amended to read as follows:**

**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.

**49. Section P2603.5.1 is amended to read as follows:**

**P2603.5.1 Sewer depth.** Building sewers that connect to private sewage disposal systems shall be a minimum of 12 inches (304 mm) below finished grade at the point of septic tank connection. Building sewers shall be a minimum of 12 inches (304 mm) below grade.

**50. Section P2604.2 is amended by adding Section P2604.2.1 to read as follows:**

**P2604.2.1 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 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.

**51. Section P2718.1 is amended by adding new Section P2718.1.1 to read as follows:**

**Section P2718.1.1 Pan required.** All clothes washing machines on a second floor or above shall have a pan. The pan shall be tested with a water test during construction and exit the exterior of the structure to the outside.

**52. Section P2801.5 is amended to read as follows:**

**Section P2801.5 Prohibited locations.** Water heaters shall be located in accordance with Chapter 20. No tank type water heaters shall be permitted to be installed in New Residential attics. Tank less water heater(s) may be approved for attic installation and shall require a pan and drain the T&P line directly to the outdoor or approved location.

**53. Section P2801.6.1 is amended to read as follows:**

**P2801.6.1 Pan size and drain.** The pan shall be not 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 605.4. Multiple pan drains may terminate to a single discharge piping system when approved by the administrative authority and permitted by the manufacturer's installation instructions and installed with those instructions.

**54. Section P2801.7 is amended by adding an "Exception" to read as follows:**

**Exception:** Electric Water Heater.

**55. Section P2804.6.1 is amended to read as follows:**

**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; and

**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.

*(Remaining text is unchanged)*

**56. Section P2902.5.3 is amended to read as follows:**

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**P2902.5.3 Lawn Irrigation 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, a double-check assembly or a reduced pressure principle backflow preventer. A valve shall not be installed downstream from an atmospheric vacuum breaker. Where chemicals are introduced into the system, the potable water supply shall be protected against backflow by a reduced pressure principal backflow preventer. All irrigation systems shall have rain and freeze protection installed.

**57. Section P3003.9.2 is amended to read in its entirety as follows:**

**P3003.9.2 Solvent cementing.** Joint surfaces shall be clean and free from moisture. A purple primer that conforms to ASTM F656 shall be applied. Solvent cement not purple in color and conforming to ASTM D2564, CSA B137.3, CSA B181.2, or CSA B182.1 shall be applied to all joint surfaces. The joint shall be made while the cement is wet and shall be in accordance with ASTM D2855. Solvent cement joints shall be permitted above or below ground.

**58. Section P3111 including all subsections, is deleted in its entirety.**

**59. Section P3112.2 is amended in its entirety to read as follows:**

**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 drainboard 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 drainboard 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.

**Section 3.06 Amendments to International Mechanical Code, 2021 edition.**

The following amendments to the International Mechanical Code, 2021 edition, as adopted pursuant to Section 3.01, are hereby adopted:

**1. Section 102.8 is amended to read as follows:**

**102.8 Referenced codes and standards.** The codes and standards referenced herein shall be those that are listed in Chapter 15 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 ICC *Electrical Code* shall mean the Electrical Code as adopted.

**2. Sections 106.5.2, and 106.5.3 are amended to read as follows:**

**Ordinance No. \_\_\_\_\_, Page 63**

**106.5.2 Fee schedule.** Fees for the issuance of permits and performance of inspections as required by this code shall be as established from time to time by resolution of the City Council and set forth in the City's Fee Schedule

**106.5.3 Fee refunds.** The building official shall establish a policy for authorizing the refunding of fees.

**3. Section 306.3 is amended to read as follows:**

**306.3 Appliances in attics.** Attics containing appliances shall be provided (*intervening language unchanged*)... side of the appliance. The clear access opening dimensions shall be a minimum of 20 inches by 30 inches (508 mm by 762 mm), or larger where such dimensions are not large enough to allow removal of the largest appliance. A walkway to an appliance shall have continuous solid flooring with a minimum thickness of ½-inch plywood or 5/8-inch oriented strand board, and shall be placed over a load bearing wall or with engineered approval. At a minimum, for access to the attic space, provide one of the following:

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

**4. Section 306.5.1 is amended to read as follows:**

**306.5.1 Sloped roofs.** Where appliances, equipment, fans or other components that require service are installed on roofs having a slope of 3 unit's vertical in 12 units horizontal 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*.

**5. Section 306 is amended by adding Section 306.6 to read as follows:**

**306.6 Water heaters above ground or floor.** When the mezzanine or platform in which a water heater is installed is more than eight (8) feet (2438 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) is capable of being accessed through a lay-in ceiling and a water heater is installed is not more than ten (10) feet (3048 mm) above the ground or floor level and may be reached with a portable ladder.

**306.6.1 Inadequate lighting at location.** 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.

**6. Section 307.2.3 is amended by amending numbered paragraph 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.

7. **Section 403.2.1 is amended by adding paragraph 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.

8. **Section 505.1 is amended to read as follows:**

**505.1 General.** Domestic cooking exhaust equipment shall comply with the requirements of this section. All domestic cooking exhaust equipment ventilation shall be made vertical through the roof and shall not be permitted horizontal.

9. **Section 506.1 is amended to read as follows:**

**506.1 General.** Commercial kitchen hood ventilation ducts and exhaust *equipment* shall comply with the requirements of this section. All commercial cooking exhaust equipment ventilation shall be made vertical through the roof and shall not be permitted horizontal. Type I, and Type II hoods.

10. **Section 603.6.1.1 is amended to read as follows:**

**603.6.1.1 Duct length.** Flexible air ducts shall be a maximum of 5' (feet) and are required to have 1" (inch) solid metal straps and 6" (inch) metal saddles.

11. **Section 607.5.1 is amended to read as follows:**

**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 Section 510.1-510.9 IMC.

**Section 3.07 Amendments to the International Fuel Gas Code, 2018 edition.**

The following amendments to the International Fuel Gas Code, 2021 edition, as adopted pursuant to Section 3.01, are hereby adopted:

1. **Section 102.8 is amended to read as follows:**

**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 ICC Electrical Code shall mean the Electrical Code as adopted.

2. **Sections 109.2, and 109.6. are amended to read as follows:**

**109.2 Fees.** Fees for the issuance of permits and performance of inspections as required by this code shall be as established from time to time by resolution of the City Council and set forth in the City's Fee Schedule.

**109.6 Fee refunds.** The building official shall establish a policy for authorizing the refunding of fees.

3. **Section 113 is amended in its entirety to read as follows:**

**Section 113  
MEANS OF APPEAL**

**113.1 Application for appeal.** Any person shall have the right to appeal a decision of the building official to the Board of Adjustment as provided in Section 2.02 of the Allen Land Development Code.

4. **Section 306.3 is amended to read in its entirety as follows:**

**(M) 306.3 Appliances in attics.** Attics containing appliances shall be provided...*(intervening language unchanged)*... side of the appliance. The clear access opening dimensions shall be a minimum of 20 inches by 30 inches (508mm by 762mm) or larger where such dimensions are not large enough to allow removal of the largest appliance. A walkway to an shall have continuous solid flooring with a minimum thickness of ½" plywood or 5/8" oriented strand board and shall be placed over a load bearing wall or with engineered approval. As a minimum, for access to the attic space, provide one of the following:

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

5. **Section 306.5.1 is amended to read as follows:**

**(M)306.5.1 Sloped roofs.** Where appliances, equipment, fans or other components that require service are installed on roofs having slopes greater than 3 units vertical in 12 units horizontal (25-percent slope) or greater and having an edge more than 30 inches (762mm) 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 21inch diameter (533 mm) sphere and shall comply with the loading requirements for guards specified in the *International Building Code*.

6. **Section 306 is amended by adding Section 306.7 and Subsection 306.7.1 to read as follows:**

**306.7 Water heaters above ground floor.** When the attic, roof, mezzanine or platform in which a water heater is installed is more than eight (8) feet (2438 mm) above the ground or floor level, it shall be made accessible by a stairway or permanent ladder fastened to the building.

**306.7.1 Illumination and convenience outlet.** 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.

**7. Section 401.5 is amended by adding the following sentence at the end of the section:**

Both ends of each section of medium pressure gas piping 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”

**8. Section 404.12 is amended to read as follows:**

**404.12 Minimum burial depth.** Underground piping systems shall be installed a minimum depth of 18 inches (458 mm) top of pipe below grade.

**9. Section 404.12.1 is deleted.**

**10. Section 406.4 is amended to read as follows:**

**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.

**11. Section 406.4.1 is amended to read as follows:**

**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 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 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 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 exceed 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. All diaphragm gauges must be tested and certified annually.

**12. Section 409.1.3 is amended to read as follows:**

**Access to shut off valves.** Shut off valves shall be located in places so as to provide *access* for operation and shall be installed so as to be protected from damage. All shut off valves in commercial kitchen installations shall be located no more than 6’ (feet) from floor level with a ball valve for emergency shutoff.

**13. Section 409 is amended by adding Section 409.1.4 to read as follows:**

**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 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.

**14. Section 410.1 is amended by adding the following sentence at the end of the section and a paragraph titled “Exception” to read as follows:**

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.

**15. Section 621.2 is amended by adding a paragraph titled “Exception” to read as follows:**

**621.2 Prohibited use.** One or more unvented room 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 115.6.

**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 115.6.

**Section 3.08. Amendments to the International Plumbing Code, 2021 edition.**

The following amendments to the International Plumbing Code, 2021 edition, as adopted pursuant to Section 3.01, are hereby adopted:

**1. Table of Contents Chapter 7, Section 713 is amended to read as follows:**

**713.** Registered Professional Engineer Drainage Design.

**2. Section 102.8 is amended to read as follows:**

**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 the differences occur between provisions of this code and the referenced standards, the provisions of this code shall be the minimum requirements. Whenever amendments have been adopted to the referenced codes and standards, each reference to said code and standard shall be considered to reference the adopted amendments as well. Any reference to NFPA 70 or the ICC *Electrical Code* shall mean the Electrical Code as adopted.

**3. Sections 109.2, and 109.5 are amended to read as follows:**



**109.2 Fee schedule.** Fees for the issuance of permits and performance of inspections as required by this code shall be as established from time to time by resolution of the City Council and set forth in the City's Fee Schedule.

**109.5 Fee refunds.** The building official shall establish a policy for authorizing the refunding of fees.

4. **Section 114 is amended in its entirety to read as follows:**

**SECTION 114  
MEANS OF APPEAL**

**114.1 Application for appeal.** Any person shall have the right to appeal a decision of the building official to the Board of Adjustment as provided in Section 2.02 of the Allen Land Development Code.

5. **Section 305.1 is amended to read as follows:**

**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.

6. **Section 305.4.1 is amended to read as follows:**

**305.4.1 Sewer depth.** Building sewers shall be a minimum of 12 inches (304 mm) below grade.

7. **Section 305.7 is amended to read as follows:**

**305.7 Protection of components of plumbing system.** 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.

8. **Section 306 is amended by adding Section 306.2.4 to read as follows:**

**306.2.4 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. All PBVC shall be schedule 40 with No Foam or Cell Core Allowed.

9. **Sections 314.2.1 is amended to read as follows:**

**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(*intervening text unchanged*) Condensate shall not discharge into a street, alley, sidewalk, rooftop, or other areas so as to cause a nuisance.

**10. Section 409.2 is amended to read as follows:**

**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. (*remainder of section unchanged*)

**11. Section 413.4 is amended to read as follows:**

**413.4 Required location for floor drains.** Floor drains shall be installed in the following areas with trap primers as required:

1. In public coin-operated laundries and in the central washing facilities of multiple family dwellings, the rooms containing the 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 (76 mm) in diameter;
2. Commercial kitchens. In lieu of floor drains in commercial kitchens, the code official may accept floor sinks; and
3. Public restrooms.

**12. Section 502.3 is amended to read as follows:**

**502.3 Water heaters installed in attics.** Attics containing a water heater shall be provided (*intervening language unchanged*)...side of the water heater. The clear access opening dimensions shall be a minimum 20 inches by 30 inches (508mm by 762 mm) or larger where such dimensions be not less than 20 inches by 30 inches (508mm by 762mm) where such dimensions are large enough to allow removal of the water heater. A walkway to the appliance, shall have continuous solid flooring with a minimum thickness of ½" plywood or 5/8" oriented strand board, and shall be placed over a load bearing wall or with engineered approval. As a minimum, for access to the attic space, provide one of the following:

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

**13. Section 502 is amended by adding Section 502.6 to read as follows:**

**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 (2438 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) is capable of being accessed through a lay-in ceiling and a water heater is installed is not more than ten (10) feet (3048 mm) above the ground or floor level and may be reached with a portable ladder.

**14. Section 504.6 is amended to read as follows:**

**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 fitting;
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;
5. **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.
6. Discharge to an indirect waste receptor or to the outdoors;
7. Discharge in a manner that does not cause personal injury or structural damage;
8. Discharge to a termination point that is already observable by the building occupants;
9. Not be trapped;
10. Be installed so as to flow by gravity;
11. Terminate not more than 6 inches above and not less than two times the discharge pipe diameter of the floor or flood level rim of the waste interceptor;
12. Not have a threaded connection at the end of such piping;
13. Not have valves or tee fittings;
14. 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; and
15. Be of nominal size larger than the size of the relief valve outlet, where the relief valve discharging piping is installed with insert fittings. The outlet end of such tubing shall be fastened in place.

**15. Section 504.7.1 is amended to read as follows:**

**Section 504.7.1 Pan size and drain.** The pan shall be not less than 1 ½ 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 ¾ inch (19 mm). Piping for safety pan drains shall be of those materials listed in Table 605.4. Multiple pan drains may terminate to a single discharge piping system when approved by the administrative authority and permitted by the manufacturer's installation instructions and installed with those instructions.

**16. Section 605.3 is amended by adding a paragraph title "Exception" to read as follows:**

**Exception:** Where specific materials are required due to the special requirements such as a science lab or industrial use, then the specialty pipe required for that use will be permitted.

17. **Section 605.4 is amended by adding a paragraph title “Exception” to read as follows:**

**Exception:** Where specific materials are required due to the special requirements such as a science lab or industrial use, then the specialty pipe required for that use will be permitted.

18. **Section 605.5 is amended by adding a paragraph title “Exception” to read as follows:**

**Exception:** Where specific materials are required due to the special requirements such as a science lab or industrial use, then the specialty pipe fittings required for that use will be permitted.

19. **Section 606.1 is amended by deleting numbered paragraphs 4, and 5.**

20. **Section 608.1 is amended to read as follows:**

**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. Back flow preventer applications shall conform to applicable local regulations, Table 608.1, and as specifically stated in Section 608.

21. **Section 608.17.5 change to read as follows:**

**608.17.5 Connections to lawn irrigation systems.** The potable water supply to lawn irrigation systems shall be protected against backflow by an atmospheric-type vacuum breaker, a pressure-type vacuum breaker, a double-check assembly or a reduced pressure principle backflow preventer. A valve shall not be installed downstream from an atmospheric vacuum breaker. Where chemicals are introduced into the system, the potable water supply shall be protected against backflow by a reduced pressure principle backflow preventer. All irrigation systems shall have rain and freeze protection installed.

22. **Section 608.18 is amended to read as follows:**

**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. Installation shall be in accordance with Section 608.

23. **Section 702.1 is amended by adding a paragraph titled “Exception” to read as follows:**

**Exception:** Where specific materials are required due to the special requirements such as a science lab for industrial use, specialty pipe designed for that use will be permitted.

24. **Section 703.6 is deleted.**

25. **Section 704 is amended by adding Section 704.5 to read as follows:**

**704.5 Single stack fittings.** Single stack fittings with internal baffle, single stack shall be designed by a registered engineer and comply to a national recognized standard.

26. **Section 712 is amended by adding Section 712.5 to read as follows:**

**712.5 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.

27. **Sections 713 is amended by changing the title caption to read “ENGINEERED DRAINAGE DESIGN.”**

28. **Section 713.1 is amended to read as follows:**

**713.1 Design of drainage system.** The sizing requirements for plumbing drainage systems shall be determined by a registered professional engineering using approved design methods.

29. **Section 903.1 is amended to read as follows:**

**903.1 Roof extension.** All open vent pipes that extend through a roof shall terminate not less than six(6) inches (152 mm) above the roof. Where the roof is to be used for assembly or as a promenade, observation deck, sunbathing deck or similar purposes, open vent pipes shall terminate not less than 7 feet (2134 mm) above the roof.

30. **Section 1002.10 is deleted.**

31. **Section 1003.3.5.1 is amended in its entirety (inclusive of deleting Table 1003.3.5.1) to read as follows:**

**1003.3.5.1 Grease Interceptor Capacity.** All food establishments having a food disposal or discharge of more than 50 gallons per minute shall discharge into a minimum 750-gallon grease trap. Establishments with a discharge of 50 gallons per minute or less shall discharge into at least a 100- pound size grease trap. An approved-type grease interceptor or grease trap complying with the provisions of this subsection shall be installed in the waste line leading from sinks, drains, and other fixtures or equipment in establishments such as restaurants, cafes, lunch counters, cafeterias, bars and clubs, hotels, hospitals, sanitarium, factory or school kitchens, or other establishments where grease may be introduced into the drainage or sewage system in quantities that can affect line stoppage or hinder sewage treatment or private sewage disposal when grease interceptors are required. All grease traps shall be located outside the building. A grease trap is not required for individual dwelling units or for any private living quarters.

**1003.3.5.1.1 Grease Interceptors Minimum Specifications: Grease interceptors shall be constructed as a minimum as follows:**

1. Concrete: Shall be composed of one part Portland cement and five parts aggregate. Reinforcement bars deformed number four bars on 18-inch centers;
2. Manholes: Cast iron frame with 20-inch cover;
3. Vents: Four-inch sanitary vent may be reduced to two inches if interceptor is connected to a properly vented sewer or waste line within 25 feet. Relief vents shall be two inches between compartments and to atmosphere above roof, and inside building;
4. Capacity: 750 gallons retention capacity or engineered; and
5. Clean out: Should be two-way located as near as possible to the interceptor on outflow line above seal.

**32. Section 1106.1 is amended to read as follows:**

**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.

**33. Section 1108.3 is amended to read as follows:**

**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 4 inches (102 mm). The flow through the primary system shall not be considered when sizing the secondary roof drainage system.

**34. Section 1109 is deleted.**

**35. Section 1202.1 is amended by deleting Exceptions 1 and 2.**

**Section 3.09 Amendments to National Electrical Code, 2020 edition.**

The following amendments to the National Electrical Code, 2020 edition, as adopted pursuant to Section 3.01 are hereby adopted.

**1. Article 90.4 is amended by adding section 90.4.1 to read as follows:**

**Article 90.4.1 Administration and enforcement.** Fees for the issuance of permits and performance of inspections as required by this code shall be as established from time to time by resolution of the City Council and set forth in the City's Fee Schedule. There shall be a re-inspection fee, as set forth in the City's Fee Schedule, where it is necessary for the electrical inspector to re-inspect any phase of an electrical job.

**2. Article 100, Part 1, is amended by adding the definitions of "Engineering Supervision" 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.

**3. Article 110.2 is amended to read as follows:**

**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 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 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 US product safety standards as certified by a Nationally Recognized Testing Lab.

Informational Note No. 3: NFPA 790, and 791 provide an example of an approved method for qualifying a third-party inspection agency.

**4. Article 210.52(G)(1) is amended to read as followed:**

**(1)Garages.** In each attached garage and in each detached garage with electric power, at least one receptacle outlet shall be installed for each car space.

**5. Article 300.1(A) is amended to read as follows:**

**300.1(A) All Wiring Installations.** This Article covers general questions requirements for wiring methods and materials for all wiring installations unless modified by other articles. All electrical conductors for commercial, office, or industrial installation shall be installed in approved conduits or raceways, regardless of type of construction.

1. No electrical panels or plastic electrical boxes shall be mounted on the opposite sides of the walls around bathtubs and shower enclosures, and Romex in such locations shall be enclosed in metal conduit around bath areas;
2. Smoke detectors (alarms), carbon monoxide alarms, GFCI and AFI protection shall be updated at time-of-service upgrade or remodel; and
3. All commercial structures that are framed in wood material shall be wired in either MC cable or conduit.

**6. Article 300.11 is amended by adding Paragraph (C) to read as follows:**

**(C)** All ceiling grid lights shall be supported to structural framing of the building and not to the grid into which they are laid.

**7. Article 330.1 is amended to read as follows:**

**330.1 Scope.** This article covers the use, installation, and construction specifications of metal-clad cable, Type MC. All metal clad cable installations shall install insulated bushings such as red devils.

**8. Article 500.8 (A)(3) is amended to read as follows:**

**(A)(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.

**9. Article 505.7 (A) is 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.

**10. Article 517.30(G) is amended to read as follows:**

- (G) **Coordination.** Overcurrent protection devices serving the equipment branch of the essential electrical system shall be coordinated for the period of time that a fault's duration extends beyond 0.1 second.

**Exception No. 1:** Between transformer primary and secondary overcurrent protective devices, where only one overcurrent protective device or set of overcurrent protective devices exists on the transformer secondary.

**Exception No. 2:** Between overcurrent protective devices of the same size (ampere rating) in series. Informational Note: The terms coordination and coordinated as used in this section do not cover the full range of overcurrent conditions.

Informational Note: the terms coordination and coordinated as used in this section do not cover the full range of overcurrent conditions.

**11. Article 700 is amended by adding Article 700.27 to read as follows:**  
**Article 700.27 Wiring of Emergency Light Fixtures and Locations.**

1. Battery pack fixtures must be wired to the normal lighting circuit where they are installed. The battery pack shall be tied onto the hot leg of the room switch. Where room switches are not provided and lights are turned off at the breaker switch, it shall be necessary to provide a light switch at the breaker control panel, wiring the fixtures as previously described. Permanent identification of a RED circular mark at the breaker located in the electrical panel box;
2. Where battery pack florescent fixtures are installed on a security light circuit which remains on at all times, it is not necessary to wire through a control switch provided the breaker is locked in the on position. All other installations shall be wired in the same manner as battery pack incandescent fixtures;
3. Where large open areas are lighted with two or more circuits, it shall be necessary to wire each emergency light fixture to the nearest lighting circuit;
4. All bathrooms including male, female and family. Also, all Fire Riser and Command Rooms; and
5. All Emergency and Exit Lights shall be installed according to the drawings and shall be field verified meeting all code requirements and additional lighting may be required.

**Section 3.10. Amendments to International Energy Conservation Code, 2021 edition.**

The following amendments to the International Energy Conservation Code, 2021 edition, as adopted pursuant to Section 3.01, are hereby adopted:

**1. Section C102/R102 is amended by adding Section C102.1.2, and Section R102.1.2 to read as follows:**

**C102.1.2 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 energy code equivalency shall be considered in compliance.



**R102.1.2 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 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 R402.4.1.2 and R403.3.3 respectively.

2. **Section R202 is amended by adding a definition for the phrases “Dynamic Glazing” and “Projection Factor” to read as follows:**

**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.

3. **Section R401.2.5 is deleted.**
4. **Section R402.4.1 is amended by adding Section R402.4.1.4 to read as follows:**

R402.4.1.4 Sampling options for R2 multifamily dwelling units. For buildings with eight or more testing units that must be tested as required by R402.1.2 or R402.1.3, the greater of seven units or 20 percent of the testing units in the building shall be tested, including a top floor unit, a ground floor unit, a middle floor unit, and a unit with the largest testing unit enclosure area. For each tested unit that exceeds the maximum air leakage rate, an additional three units shall be tested, including a mixture of testing unit types and locations. Where buildings have fewer than eight testing units, each testing unit shall be tested.

5. **Section C402.5.2 is amended by amending item 2 to read as follows:**

2. **Dwelling and sleeping unit enclosure testing.** For buildings with eight or more testing units, the greater of seven units or 20 percent of the testing units in the building shall be tested, including a top floor unit, a ground floor unit, a middle floor unit, and a unit with the largest testing unit enclosure area. For each tested unit that exceeds the maximum air leakage rate, an additional two three units shall be tested, including a mixture of testing unit types and locations.

6. **Section R403.3 is amended by adding section 403.3.8 to read as follows:**

**R403.3.8 Sampling options for R2 multifamily dwelling units.** For buildings with eight or more testing units that must be tested as required by R403.3.5, the greater of seven units or 20 percent of the testing units in the building shall be tested, including a top floor unit, a ground floor unit, a middle floor unit, and a unit with the largest testing unit floor area. For each tested unit that exceeds the maximum duct leakage rate, an additional three units shall be tested, including a mixture of testing unit types and locations. Where buildings have fewer than eight testing units, each testing unit shall be tested.

7. **Section C403.6 is amended by adding section C403.6.4 to read as follows:**

**C403.6.4 Sampling options for R2 multifamily dwelling units.** For buildings with eight or more testing units that must be tested as required by R403.6.3, the greater of seven units or 20 percent of the testing units in the building shall be tested, including a top floor unit, a ground floor unit, a middle floor unit, and a unit with the largest testing unit floor area. For each tested unit that does not meet the minimum ventilation rate, an additional three units shall be tested, including a mixture of testing unit types and locations. Where buildings have fewer than eight testing units, each testing unit shall be tested.

**8. Table R406.4 Maximum Energy Rating Index is amended to read as follows:**

**Table R406.4<sup>2</sup> Maximum Energy Rating Index**

Climate Zone	Energy Rating Index
3	63

<sup>2</sup> This table is effective from September 1, 2019, to August 31, 2022.

**Table R406.4<sup>3</sup> Maximum Energy Rating Index**

Climate Zone	Energy Rating Index
3	59

<sup>3</sup> This table is effective on September 1, 2022, to August 31, 2025

**9. Section R408 is deleted.**

**Section 3.11 Amendments to the International Swimming Pool and Spa Code 2021 edition.**

**1. Section 102.9 is 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 be limited to:

1. Texas Department of State Health Services (TDSHS); Standards for Public Pools and Spas; §285.181 through §285.208, (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 to be in compliance with the requirements of this Chapter.

**2. Section 305 is amended to read as follows:**

305.1 General. The provisions of this section shall apply to the design of barriers for restricting entry into areas having pools and spas. In only one- and two-family dwellings and townhouses, where spas or hot tubs are equipped with a lockable safety cover complying with ASTM F1346 and swimming pools are equipped with a powered safety cover that complies with ASTM

F1346, the areas where those spas, hot tubs or pools are located shall not be required to comply with Sections 305.2 through 305.7.

**3. Section 305.2.7 is amended by adding subsection 305.2.7.1 to read as follows:**

305.2.7.1 Chain link fencing prohibited. Chain link fencing is not permitted as a barrier in public pools built after January 1, 1994.

**4. Section 305.4 is amended by changing the first paragraph to read as follows:**

305.4 Structure wall as a barrier. Where a wall of a dwelling or structure of a one- and two-family dwelling or townhouse or its accessory structure serves as part of a barrier and where doors or windows provide direct access to the pool or spa through that wall, one of the following shall be required:

*(Remaining text unchanged)*

**5. Section 305.6 is amended to read as follows:**

305.6 Natural barriers used in a one - and two - family dwelling or townhouse. In the case where the pool or spa area abuts the edge of a lake or other natural body of water, public access is not permitted or allowed along the shoreline, and required barriers extend to and beyond the water's edge a minimum of eighteen (18) inches, a barrier is not required between the natural body of water shoreline and the pool or spa.

**6. Section 307.1.4 is amended by adding the following Exception to read as follows:**

**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.

**7. Section 307.2.2 is amended to add section 307.2.2.2 to read as follows:**

**307.2.2.2 Adjacency to Structural Foundation.** 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 shall be submitted for approval.

**8. Section 310.1 is amended to read as follows:**

**310.1 General.** Suction entrapment avoidance for pools and spas shall be provided in accordance with APSP 7 (ANSI/PHITA/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.

*(Remainder unchanged)*

**9. Section 402.12 is amended by deleting the table and figure and amending the text to read as follows:**

**402.12 Water envelopes.** The minimum diving water envelopes shall be in accordance with Table 402.12 provided in the amendments of the Texas department of State Health services, Administrative Code Title 25, Chapter 265, Section 186 (e) and Figure: 25 TAC 256.186 (e) (6).

**10. Section 411.2.1 is amended to read as follows:**

**411.2.1 Tread dimensions and area.** Treads shall have a minimum unobstructed horizontal depth (i.e., horizontal run) of 12 inches and a minimum width of 20 inches. not be less than 24 inches (607mm) at the leading edge. Treads shall have an unobstructed surface area of not less than 240 square inches (154838mm<sup>2</sup>) and an unobstructed horizontal depth of not less than 10 inches (254 mm) at the center line.

**11. Section 411.2.2 is amended to read as follows:**

**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 except for the bottom riser, shall have a uniform height of not greater than 12 inches (305 mm) measured at the center line. The bottom riser height is allowed to vary to the floor.

**12. Section 411.5.1 is amended by amending Item 4 to read as follows:**

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.

**13. Section 411.5.2 is amended by amending Item 5 to read as follows:**

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.

**14. Section 610.5.1 is amended to read as follows:**

610.5.1 Uniform height of 10 inches. Except for the bottom riser, risers at the centerline shall have a maximum uniform height of 10 inches (254 mm). The bottom riser height shall be permitted to vary from the other risers.

**Section 3.12 Contractor annual registration.**

- (a) **Annual registration fee.** The following people or business entities shall register with the community development department on a form provided by the city and pay an annual registration fee established by the city council pursuant to section 1.09 of this Code:
  - (1) Any person or entity making application for a permit from the city which must be issued prior to commencement of any work regulated by article III of this Code;
  - (2) Code-certified inspectors certified pursuant to V.T.C.A., Health and Safety Code Ch. 388 who are performing inspections of and providing to the city certifications regarding the compliance of buildings and other structures with the latest edition of the International Energy Conservation Code adopted and amended as part of article III of this Code; and

- (3) Any person who is a certified backflow assembly tester who performs inspections of backflow prevention assemblies within the city pursuant to section 14-14(b)(3) of the Code of Ordinances.
- (b) **Exemptions from registration.** The following shall be exempt from subsection (a) of this section:
  - (1) A person who performs work solely on property owned or leased by the person; and
  - (2) A person who is an employee of the owner or lessee of property who performs work solely on the property owned or leased by the person's employer. The exemption from registration provided by this subsection (b) does not exempt any person for any requirement to obtain any license or permit or the payment of any license or permit fee required by this Code or the Code of Ordinances prior to commence of any work for which a permit or license must be obtained or performance of an inspection for which a fee must be paid.
- (c) **Exemption from fee.** A person or entity is exempt from payment of the registration fee required by subsection (a) of this section to the extent state law prohibits the city from assessing a registration fee from such person or entity; provided, however, such person or entity shall not be exempt from registering with the city as required by subsection (a) of this section except as allowed pursuant to subsection (b) of this section.
- (d) **No permit/license without registration.** No license or permit for which an application is made will be issued to, or inspection report accepted from a person or entity that has not registered and paid the required fee pursuant to this section.”

**SECTION 2.** All ordinances of the City of Allen in conflict with the provisions of this Ordinance shall be, and the same are hereby, repealed; provided, however, that all other provisions of said Ordinances not in conflict herewith shall remain in full force and effect.

**SECTION 3.** Should any word, sentence, paragraph, subdivision, clause, phrase or section of this Ordinance, or of the Allen Land Development Code, as amended hereby, be adjudged or held to be void or unconstitutional, the same shall not affect the validity of the remaining portions of said Ordinance or the Allen Land Development Code, as amended hereby, which shall remain in full force and effect.

**SECTION 4.** An offense committed before the effective date of this Ordinance is governed by prior law and the provisions of the Allen Land Development Code, as amended, in effect when the offense was committed, and the former law is continued in effect for this purpose.

**SECTION 5.** Any person, firm or corporation violating any of the provisions or terms of this Ordinance shall be subject to the same penalty as provided for in Allen Land Development Code of the City of Allen, as previously amended, and upon conviction shall be punished by a fine not to exceed the sum of Two Thousand Dollars (\$2,000) for each offense, and each and every day such violation shall continue shall be deemed to constitute a separate offense.

**SECTION 6.** Section 1 of this Ordinance shall take effect on June 23, 2022, after its passage and publication in accordance with the provisions of the Charter of the City of Allen. All remaining sections of this Ordinance shall take effect immediately from and after its passage and publication in accordance with the provisions of the Charter of the City of Allen, and it is accordingly so ordained.

**DULY PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF ALLEN, COLLIN COUNTY, TEXAS, ON THIS 14<sup>TH</sup> DAY OF JUNE 2022.**

**APPROVED:**

\_\_\_\_\_  
**Kenneth M. Fulk, MAYOR**

**APPROVED AS TO FORM:**

**ATTEST:**

\_\_\_\_\_  
**Peter G. Smith, CITY ATTORNEY**  
(kbl:4/28/2022:129294)

\_\_\_\_\_  
**Shelley B. George, TRMC, CITY SECRETARY**

<b>CITY COUNCIL REGULAR MEETING AGENDA COMMUNICATION</b>
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<b>AGENDA DATE:</b>	June 14, 2022
<b>AGENDA CAPTION:</b>	Adopt an Ordinance amending the Code of Ordinances by amending Chapter 10, "Offenses - Miscellaneous" by adding Article VII, "Public Assembly Regulations."
<b>STAFF RESOURCE:</b>	Brian Harvey, Chief of Police Kenneth A. Myers, Deputy Chief of Police
<b>STRATEGIC PLANNING GOAL:</b>	Safe and Livable Community for All.

### **BACKGROUND**

Beginning in 2020, Allen experienced several peaceful assemblies or demonstrations that allowed the exercise of 1<sup>st</sup> Amendment Rights without any personal injury or property damage. Nationwide, our community watched violent protests and riots that resulted in significant injury, death, and property damage. Lessons learned by law enforcement from our national experience have resulted in the recommendation for a Safe Public Assembly Ordinance. As with any other proactive policy, this ordinance will provide law enforcement a tool if needed to provide a safe environment for our citizens and officers.

Information from other agencies, including Austin Police Department, has provided examples of behavior and items that can cause injuries. The right to exercise free speech can be restricted in time, manner, and place. Any regulation of free speech must have a clear public safety nexus. This ordinance restricts the manner of public assembly by narrowly defining actions and items that have posed threats to public safety.

### **Overview**

The Allen Safe Public Assembly Ordinance addresses any demonstration, assembly, picketing, speechmaking, protest, vigil or religious service, and all other similar forms of gathering, in or upon any street, sidewalk, public right-of-way, park, or other public places in the City, that involves the communication or expression of views or grievances, engaged in by one or more persons, the conduct of which is reasonably likely to draw a crowd of onlookers.

Public Assembly regulations address behavior and include any type of vandalism or defacement of, for example, structures, fencing, monuments, fountains, or sculptures. Additional regulation of behavior includes the following examples. It is prohibited to damage landscaping or any type of planting or vegetation; enter onto private, federal, state, or county property without permission of the owner; and disrupt the ingress or egress of vehicular or pedestrian traffic to or from buildings, driveways, or other types of public rights-of-way. Additionally, targeting or gathering within 300 feet of a residential dwelling is unlawful.

Approximately twenty (20) items have been regulated or prohibited due to their potential to be used in an injurious or assaultive manner. Described in more detail in the ordinance, for example, size and configuration requirements have been placed on any article that could be used as a club to strike another person. Certain items have been prohibited such as baseball bats, spray canisters of any irritant, launchers or anything used to propel any object, sharp weapons, explosive material, electronic stun devices, chains, bottles or water guns filled with any noxious matter, containers with frozen liquids, glass or metal containers, open flame torches or combustible material, bricks or rocks, facial coverings, gas masks, impact-resistant clothing or headgear, laser pointing devices, and umbrellas.

The chief of police will have the authority to separate groups of participants, make reasonable adjustments to the date, time, frequency, duration, route, location, or manner of public assembly, and restrict an assembly if it is determined to present potential harm or threat to the public's health or safety.

The Allen Safe Public Assembly Ordinance represents the best practices of other governmental entities that have enacted similar restrictions. Among those policies considered are from Modesto, CA., Charleston, NC., Santa Monica, CA., San Diego, CA., and Monmouth, NJ.

Implementation of this ordinance will contribute to a safe environment for citizens and officers at public assemblies.

#### **STAFF RECOMMENDATION**

Staff recommends that the City Council adopt an Ordinance amending Chapter 10, "Offenses - Miscellaneous" by adding Article VII, "Public Assembly Regulations."

#### **MOTION**

*I make a motion to adopt Ordinance No. \_\_\_\_\_ amending Chapter 10, "Offenses - Miscellaneous" by adding Article VII, "Public Assembly Regulations."*

#### **ATTACHMENT(S)**

[Ordinance](#)



ORDINANCE NO. \_\_\_\_\_

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ALLEN, COLLIN COUNTY, TEXAS, AMENDING THE CODE OF ORDINANCES BY AMENDING CHAPTER 10, “OFFENSES—MISCELLANEOUS” BY ADDING ARTICLE VII, “PUBLIC ASSEMBLY REGULATIONS”; PROVIDING A REPEALING CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR A PENALTY OF FINE NOT TO EXCEED THE SUM OF FIVE HUNDRED DOLLARS (\$500); AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, the City Council of the City of Allen, Texas finds it to be in the public interest to amend the Code of Ordinances relating to the regulation of public assemblies.

**NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ALLEN, COLLIN COUNTY, TEXAS, THAT:**

**SECTION 1.** The Code of Ordinances of the City of Allen, Collin County, Texas, be and the same is hereby amended by amending Chapter 10, “Offenses—Miscellaneous” by adding Article VII, “Public Assembly Regulations” to read as follows:

**“ARTICLE VII. – PUBLIC ASSEMBLY REGULATIONS**

**Sec. 10-61. – Purpose.**

To ensure that each and every person has the ability to peacefully express free speech, the City of Allen has adopted the following content-neutral, time, place, and manner regulations to ensure the safety and welfare of all public assembly participants and to prevent hazardous situations by limiting the use of dangerous behavior, items, and articles during a public assembly.

**Sec. 10-62. – Definitions.**

The following words and phrases, when used in this article shall have the following meaning:

*Chief of Police* means the chief of police of the city, or designee.

*City Manager* means the city manager of the city, or designee.

*Participant* means a person who participates in a public assembly.

*Person* means any natural person, partnership, corporation, association, organization, or government entity.

*Public Assembly* means any demonstration, assembly, picketing, speechmaking, march, protest, vigil or religious service, and all other similar forms of gathering, in or upon any street, sidewalk, public right-of-way, park, or other public place in the city, which involves the communication or expression of views or grievances, engaged in by one or more persons, the conduct of which is reasonably likely to draw a crowd of onlookers.

**Sec. 10-63. – Public Assembly Regulations.**

(a) It shall be unlawful for any person attending or participating in a public assembly to:

- (1) Remove, deface, damage, or otherwise injure any structure, sign, fence, equipment, improvement, monument, or memorial, to include fountains, sculptures, plaques, statues, markers, gazebos, objects, and other architectural elements or structures, including hanging, attaching, or placing signs, flags, placards, or any other object of any kind;
  - (2) Walk, stand, sit, lie, or climb upon any wall, fence, shelter, tree, shrub, or other vegetation, or any structure, sign, fence, equipment, improvement, monument, or memorial, to include fountains, sculptures, plaques, statues, markers, gazebos, objects, and other architectural elements or structures not designed or intended for such purposes;
  - (3) Damage landscaping, plantings, flowers, trees, shrubs, grass, ground cover, or other vegetation;
  - (4) Enter onto private property without the prior written consent of the owner of such private property;
  - (5) Harass or intimidate any non-participants;
  - (6) Disrupt, block, obstruct, or otherwise interfere with the movement of pedestrian or vehicular traffic or the free passage of pedestrian or vehicular traffic, including ingress or egress to or from any building, driveway, stairway, ramp, sidewalk, public right-of-way, monument or memorial, to include fountains, sculptures, plaques, statues, markers, gazebos, objects, and other architectural elements or structures; or
  - (7) Target or gather within three hundred (300) feet of a residential dwelling.
    - (i) For purposes of this subsection “residential dwelling” means any permanent building being used by its occupants solely for non-transient residential uses.
    - (ii) For purposes of this subsection “target” means a public assembly that is targeted at a particular residential dwelling and proceeds on a definite course or route in front of or around that particular residential dwelling.
    - (iii) This subsection does not and shall not be interpreted to preclude a public assembly in a residential area that is not targeted at a particular residential dwelling.
- (b) Participants of a public assembly shall:
- (1) Comply with the lawful directions or instructions set forth on any sign posted pursuant to law or by the city for or in connection with the public assembly;
  - (2) Comply with ordinances and regulations pertaining to the use of city parks and not interfere with the intended use of the park or interrupt the reasonable use and enjoyment of the park by non-participants; or
  - (3) Comply and be subject to all local, state, and federal laws, ordinances, regulations, and any lawful direction given by law enforcement.
- (c) No person shall utilize, carry, or possess any of the following items or articles while attending or participating in a public assembly:
- (1) Wood or lumber pole, dowel, shaft, lath, board, or similar item of any length unless that object is
    - (i) blunt on every edge or end and
    - (ii) less than three-quarter (3/4) inch in diameter, or if not

generally rectangular or cylindrical, such object shall not exceed three-quarter at its thickest point;

- (2) Metal, plastic, or other composite material pipe, pole, dowel, shaft, rod, or similar item of any length unless that object is (i) blunt on every edge or end (ii) not filled with any material, liquid, gas, or solid, (iii) used solely to support a sign, banner, placard, puppet, or other similar expressive display, (iv) is hollow, and (v) less than three-quarter (3/4) inch diameter at its thickest point and less than one-eighth (1/8) inch in wall thickness;
- (3) Signs, poster, banners, plaques, or notices unless such sign, poster, banner, plaques, or notices are constructed solely of soft material, such as cloth, paper, soft plastic, or composite material, capable of being rolled or folded, or cardboard material not greater than one-quarter (1/4) inch in thickness;
- (4) Baseball or softball bats;
- (5) Aerosol spray, tear gas, mace, pepper spray, smoke canisters, or bear repellant;
- (6) Projectile launcher or similar device, such as catapult or wrist rocket, which is commonly used for the purpose of launching, hurling, or throwing any object, liquid, material, or other substance, whether through force of air pressure, spring action, or other means or mechanism;
- (7) Subject to Section 229.001 of the Texas Local Government Code, weapons such as (i) knives, daggers, swords, sabers, or other bladed devices, (ii) axes, axe handles, hatchets, billy clubs, ice picks, razor blades, nunchucks or martial arts weapons of any kind, (iii) box cutters, (iv) air gun (v) improvised explosive devices (IEDs) or other explosive material, (vi) conducted electrical weapons (CEWs), including, but not limited to, Tasers or stun guns, (vii) metal/composite/wooden knuckles, or (viii) any chain greater than twenty (20) inches in length or greater than one-quarter (1/4) inch in diameter;
- (8) Balloons, bottles, or any other container such as water cannons, super-soakers, or toy or replica firearms filled with any flammable, biohazard, or other noxious matter which is injurious, or nauseous, sickening, or irritating to any of the senses, with intent to throw, drop, pour, disperse, deposit, release, discharge, or expose the same in, upon or about any public assembly;
- (9) Plastic containers containing frozen liquid;
- (10) Glass bottles or metal containers, whether empty or filled;
- (11) Open flame torches, lanterns, or other devices that utilize combustible materials such as gasoline, kerosene, propane, or other fuel sources;
- (12) Shields made of metal, wood, hard plastic, or composite material or any combination thereof;
- (13) Bricks, rocks, asphalt, concrete, pellets, or ball bearings;
- (14) Scarfs, bandanas, non-medical masks, or any other accessory or item that covers or partially covers the participant's face from view with the intent to conceal the wearer's identity, except for coverings worn due to religious beliefs, practices, or observances or due to medical necessity;
- (15) Gas mask or similar breathing apparatus;

- (16) Impact resistant helmet, including, but not limited to motorcycle helmets, bicycle helmets, sports helmets, or ballistic helmets;
  - (17) Laser pointing or similar devices that when directed at a person's eye may cause temporary blindness or injury;
  - (18) Umbrellas unless (i) there is rain or a forecast of such during the public demonstration, (ii) such umbrella does not exceed sixteen (16) inches from handle to tip and (iii) such umbrella has a blunt tip;
  - (19) Professionally or personally manufactured or fabricated equipment or clothing designed to be bullet-resistant, fragment-resistant, stab-resistant, or impact resistant, including, but not limited to, riot control gear, sports equipment, bullet-resistant vests, flak jackets, or stab-resistant vests; or
  - (20) Load-bearing or similar "tactical" vests designed to carry weapons, tactical equipment, or armor plates.
- (d) This article shall not be construed to authorize the use of the public roadways except in exact compliance with the laws of the state and other ordinances of the city applicable thereto, and persons who violate such other laws and ordinances shall be punished according to the provisions of the other applicable laws and ordinances.
- (e) Nothing in this article prohibits a law enforcement officer or firefighter from issuing a command to move or disperse in accordance with Texas Penal Code Section 42.04 in the event of a riot, unreasonable noise, or obstructing passageway.
- (f) Nothing in this article shall prohibit a person from carrying a cane or using a walker or other similar device necessary for providing mobility so that person may participate in a public assembly.
- (g) Nothing in this article shall prohibit the imposition of specific conditions for activities expressly authorized under a permit for a special event issued pursuant to Chapter 8, Article VII of this Code or prohibit the modification of the restrictions in this section for such permits issued pursuant to Chapter 8, Article VII of this Code upon a finding by the city manager that such modifications will not impair or threaten public safety.
- (h) Nothing in this article shall preclude the city from enforcing other laws, ordinances, or regulations.
- (i) Nothing in this article is intended to violate or restrict and shall not be applied or enforced in a manner that violates the United States Constitution, the Texas Constitution, and applicable state or federal laws.

**Sec. 10-64. – General Authority.**

- (a) The chief of police shall implement, administer and enforce the provisions of this Article.
- (b) The chief of police shall have the authority to restrict public assemblies from certain areas if conditions present a potential harm or threat to the public's health or safety, the free movement of pedestrian or vehicular traffic, or the unimpeded ingress or egress to and from city buildings, monument, or memorial, to include fountains, sculptures, plaques, statues, markers, gazebos, objects, and other architectural elements or structures, and any such restricted areas shall be subject to modification by the chief of police at any time.

- (c) The chief of police shall have the authority to make reasonable adjustments in the date, time, frequency, duration, route, location, or manner of a public assembly at any time in order to accommodate other concurrent public assemblies, special events held in accordance with Chapter 8, Article VII of this Code, or city events, the rights of adjacent property owners, the needs of the public to use city streets, public rights-of-way, and city property, and pedestrian or vehicular traffic using public rights-of-way, or with the tranquility of the neighborhood surrounding the public assembly, or when the chief of police finds it in the interest of the public health and safety of the city and its citizens.
- (d) The chief of police shall have the authority to separate groups of public assembly participants, at a minimum of twenty-five (25) feet apart from one another, without regard to the purpose or content of the message, who desire to engage in a public assembly at the same time or near the same location in order to preserve the public peace and said separation may involve the use of physical barriers for separation. If feasible, priority of location shall be based upon which group of public assembly participants arrived first.
- (e) The chief of police or city manager is authorized to install temporary traffic control signs, devices, and markings relating to the control of the speed, movement, and parking of motor vehicles in association with traffic anticipated to be generated by a public assembly. A temporary traffic control sign, device, or marking shall have the same effect as traffic control sign, device, or marking authorized to be placed by the traffic engineer pursuant to Chapter 9, Article IV of this Code.

**Sec. 10-65. – Exemptions.**

The provisions of this Article do not apply to authorized peace officers, employees, agents, or representatives of the city of which shall be exempt from the provisions of this article when such officers, employees, agents or representatives of the city are engaged in official business of the city.

**Sec. 10-66. –Penalty.**

- (a) Subject to subsection (b) of this section, a person who violates a provision of this article is guilty of a separate offense for each day or part of a day during which the violation is committed, continued, or permitted. Each offense, upon conviction, is punishable by a fine not to exceed five hundred dollars (\$500.00).
- (b) Absent exigent circumstances, a peace officer shall issue a warning before issuing a citation in accordance with subsection (a) of this section. Such warning shall be sufficient if provided orally, by posted signs, or by amplified announcement.”

**SECTION 2.** All provisions of the ordinances of the City of Allen in conflict with the provisions of this ordinance be, and the same are hereby, repealed, and all other provisions of the ordinances of the City of Allen not in conflict with the provisions of this ordinance shall remain in full force and effect.

**SECTION 3.** Should any word, sentence, paragraph, subdivision, clause, phrase, or section of this ordinance, as amended hereby, be adjudged, or held to be void or unconstitutional, the same shall not affect the validity of the remaining portions of said ordinance, which shall remain in full force and effect.

**SECTION 4.** Any person, firm or corporation violating any of the provisions or terms of this Ordinance shall be deemed guilty of a misdemeanor and upon conviction shall be punished by a fine not to exceed the sum of Five Hundred No/100 Dollars (\$500.00) for each offense.

**SECTION 5.** This ordinance shall take effect immediately from and after its passage, as the law and charter in such cases provide.

**DULY PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF ALLEN, COLLIN COUNTY, TEXAS, ON THIS THE 14<sup>TH</sup> DAY OF JUNE 2022.**

**APPROVED:**

\_\_\_\_\_  
**Kenneth M. Fulk, MAYOR**

**APPROVED AS TO FORM:**

**ATTEST:**

\_\_\_\_\_  
**Peter G. Smith, CITY ATTORNEY**  
(PGS:krs 05-11-2022:TM127569)

\_\_\_\_\_  
**Shelley B. George, TRMC, CITY SECRETARY**

CITY COUNCIL REGULAR MEETING AGENDA COMMUNICATION
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AGENDA DATE:	June 14, 2022
AGENDA CAPTION:	Adopt a Resolution suspending the effective date of Oncor Electric Delivery Company's requested rate change for 90 Days.
STAFF RESOURCE:	Rebecca Vice, Assistant City Manager
STRATEGIC PLANNING GOAL:	Financially Sound and Transparent City Government.

### **BACKGROUND**

Oncor Electric Delivery Company ("Oncor" or "the Company") filed an application on or about May 13, 2022 with cities retaining original jurisdiction (including the City of Allen) seeking to increase system-wide transmission and distribution rates by about \$251 million or approximately 4.5% over present revenues. The Company asks the City to approve an 11.2% increase in residential rates and a 1.6% increase in street lighting rates. If approved, a residential customer using 1,300 kWh per month would see a bill increase of about \$6.02 per month.

This Resolution suspends the June 17, 2022, effective date of the Company's rate increase for the maximum period permitted by law to allow the City, working in conjunction with the Steering Committee of Cities Served by Oncor, to evaluate the filing, determine whether the filing complies with law, and if lawful, to determine what further strategy, including settlement, to pursue.

The law provides that a rate request made by an electric utility cannot become effective until at least 35 days following the filing of the application to change rates. The law permits the City to suspend the rate change for 90 days after the date the rate change would otherwise be effective. **If the City fails to take some action regarding the filing before the effective date, Oncor's rate request is deemed administratively approved.**

The City of Allen is a member of a 169-city coalition known as the Steering Committee of Cities Served by Oncor ("Steering Committee"). The Steering Committee has been in existence since the late 1980s. It took on a formal structure in the early 1990s when cities served by the former TXU gave up their statutory right to rate case expense reimbursement in exchange for higher franchise fee payments. Empowered by city resolutions and funded by *per capita* assessments, the Steering Committee has been the primary public interest advocate before the Public Utility Commission, the Courts, and the Legislature on electric utility regulation matters for the last 30 years.

Although Oncor has increased rates many times over the past few years, this is the first comprehensive base rate case for the Company since March 2017.

### **STAFF RECOMMENDATION**

Staff recommends that the City Council adopt a Resolution suspending the effective date of Oncor Electric Delivery Company's requested rate change for 90 Days.

### **MOTION**

*I make a motion to adopt Resolution No. \_\_\_\_\_ suspending the effective date of Oncor Electric Delivery Company's requested rate change for 90 Days.*

### **ATTACHMENT(S)**

[Resolution](#)



**RESOLUTION NO. \_\_\_\_\_**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ALLEN, COLLIN COUNTY, TEXAS, SUSPENDING THE JUNE 17, 2022, EFFECTIVE DATE OF ONCOR ELECTRIC DELIVERY COMPANY’S REQUESTED RATE CHANGE TO PERMIT THE CITY TIME TO STUDY THE REQUEST AND TO ESTABLISH REASONABLE RATES; APPROVING COOPERATION WITH THE STEERING COMMITTEE OF CITIES SERVED BY ONCOR TO HIRE LEGAL AND CONSULTING SERVICES AND TO NEGOTIATE WITH THE COMPANY AND DIRECT ANY NECESSARY LITIGATION AND APPEALS; FINDING THAT THE MEETING AT WHICH THIS RESOLUTION IS PASSED IS OPEN TO THE PUBLIC AS REQUIRED BY LAW; REQUIRING NOTICE OF THIS RESOLUTION TO THE COMPANY AND LEGAL COUNSEL FOR THE STEERING COMMITTEE; AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, on or about May 13, 2022, Oncor Electric Delivery Company (Oncor), pursuant to PURA §§ 33.001 and 36.001 filed with the City of Allen a Statement of Intent to increase electric transmission and distribution rates in all municipalities exercising original jurisdiction within its service area effective June 17, 2022; and,

**WHEREAS**, the City of Allen is a member of the Steering Committee of Cities Served by Oncor (“Steering Committee”) and will cooperate with the 169 similarly situated city members and other city participants in conducting a review of the Company’s application and to hire and direct legal counsel and consultants and to prepare a common response and to negotiate with the Company prior to getting reasonable rates and direct any necessary litigation; and,

**WHEREAS**, PURA § 36.108 grants local regulatory authorities the right to suspend the effective date of proposed rate changes for ninety (90) days after the date the rate change would otherwise be effective; and,

**WHEREAS**, PURA § 33.023 provides that costs incurred by Cities in ratemaking proceedings are to be reimbursed by the regulated utility.

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ALLEN, COLLIN COUNTY, TEXAS, THAT:**

**SECTION 1.** The June 17, 2022, effective date of the rate request submitted by Oncor on or about May 13, 2022, be suspended for the maximum period allowed by law to permit adequate time to review the proposed changes and to establish reasonable rates.

**SECTION 2.** As indicated in the City’s resolution approving membership in the Steering Committee, the Executive Committee of Steering Committee is authorized to hire and direct legal counsel and consultants, negotiate with the Company, make recommendations regarding reasonable rates, and to intervene and direct any necessary administrative proceedings or court litigation associated with an appeal of a rate ordinance and the rate case filed with the City or Public Utility Commission.

**SECTION 3.** That the City’s reasonable rate case expenses shall be reimbursed by Oncor.

**SECTION 4.** That it is hereby officially found and determined that the meeting at which this Resolution is passed is open to the public as required by law and the public notice of the time, place, and purpose of said meeting was given as required.

**SECTION 5.** A copy of this Resolution shall be sent to Oncor, Care of Howard V. Fisher, Oncor Electric Delivery Company LLC, 1616 Woodall Rodgers Freeway, Dallas, Texas 75202 and to Thomas Brocato, Counsel to the Steering Committee, at Lloyd Gosselink Rochelle & Townsend, P.C., P.O. Box 1725, Austin, Texas 78767-1725.

**DULY PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF ALLEN, COLLIN COUNTY, TEXAS, ON THIS THE 14<sup>TH</sup> DAY OF JUNE 2022.**

**APPROVED:**

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**Kenneth M. Fulk, MAYOR**

**ATTEST:**

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**Shelley B. George, TRMC, CITY SECRETARY**

## CITY COUNCIL REGULAR MEETING AGENDA COMMUNICATION

<b>AGENDA DATE:</b>	June 14, 2022
<b>AGENDA CAPTION:</b>	Adopt a Resolution setting a date for a public hearing to discuss and review updates to the City's Land Use Assumptions, Capital Improvement Plan, and Impact Fees.
<b>STAFF RESOURCE:</b>	Chris Flanigan, Director of Engineering
<b>PREVIOUS COUNCIL ACTION:</b>	<p>On June 13, 2017, Council adopted Resolution No. 3478-6-17 setting a date for a public hearing to discuss and review updates to the City's Land Use Assumptions, Capital Improvements Plan, and Impact Fees.</p> <p>On July 25, 2017, Council conducted a public hearing and adopted Ordinance No. 3501-7-17 updating the City's Land Use Assumptions, Capital Improvements Plan, and Impact Fees.</p>
<b>STRATEGIC PLANNING GOAL:</b>	Financially Sound and Transparent City Government.

### **BACKGROUND**

With the adoption of the 2030 Allen Comprehensive Plan in 2014, and periodic updates since that time, the land use assumptions for the community have been updated. Impact fees, which are based on projected growth, land-use, and planned construction, were last reviewed in 2017 in accordance with state law (Texas Local Government Code 395). The development community pays transportation impact fees when applying for a building permit, to fund the infrastructure necessary to accommodate the growth of our community. Similarly, water and sewer impact fees are paid with each new account established, based on meter size – the larger the meter, the more water a user consumes and impacts the water and sewer system accordingly. The impact fee concept is a way to distribute the cost of infrastructure across new users and growth, easing the burden on existing residents and businesses.

State law requires City Council action every five (5) years on the impact fee structure – to either change the fees or determine no revision is required. In 2017, the Allen City Council adopted a revised fee structure based on the recommendations of staff, resulting from a detailed study at that time.

Texas Local Government Code requires a public hearing on the proposed impact fee structure, and staff recommends setting the hearing for July 12, 2022, at 7:00 p.m. The impact fee study was made and made available to the public for review on June 2, 2022, the same day advertisement was made in the Allen American newspaper, as required by law.

The Planning & Zoning Commission, which serves as the Advisory Committee for impact fees, will receive a copy of the study on June 21st and be requested to provide written comment by July 5. The Advisory Committee is required to review the study prior to the public hearing.

### **STAFF RECOMMENDATION**

Staff recommends that the Council adopt a Resolution setting a date for a public hearing to discuss and review updates to the City's Land Use Assumptions, Capital Improvement Plan, and Impact Fees.

**MOTION**

*I make a motion to adopt Resolution No. \_\_\_\_\_ setting a date for a public hearing to discuss and review updates to the City's Land Use Assumptions, Capital Improvement Plan, and Impact Fees.*

**ATTACHMENT(S)**

Resolution  
Notice for Impact Fee Amendment.

**RESOLUTION NO. \_\_\_\_\_**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ALLEN, COLLIN COUNTY, TEXAS, SETTING A DATE FOR A PUBLIC HEARING TO DISCUSS AND REVIEW UPDATES TO THE CITY'S LAND USE ASSUMPTIONS, CAPITAL IMPROVEMENTS PLAN, AND IMPACT FEES; AND TO APPROVE ANY AMENDMENTS TO THE LAND USE ASSUMPTIONS, CAPITAL IMPROVEMENT PLAN AND IMPACT FEES; AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, the City of Allen has previously adopted land use assumptions and capital improvements plan and imposes impact fees based on said assumptions and plan, in accordance with Chapter 395 of the Texas Local Government Code, as amended; and,

**WHEREAS**, Texas Local Government Code §395.052 requires that a city imposing an impact fee update its land use assumptions and capital improvement plan at least every five years; and,

**WHEREAS**, the City Council has received an update of the land use assumptions and the capital improvement plan and desires to establish and set July 12, 2022, at 7:00 p.m. as the date and time for a public hearing to discuss and review the proposed updates to the land use assumptions and the capital improvement plan for impact fees and the amount of any proposed amended impact fee per service unit, as well as the approval of any amendments to the land use assumptions, capital improvement plan, and impact fees per service unit; and,

**WHEREAS**, the City Council finds that the date established for the public hearing to discuss and review the proposed updates to the land use assumptions and capital improvement plan for impact fees, as well as the amount of any proposed amended impact fee per service unit, is within 60 days after the City Council received such updates.

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ALLEN, COLLIN COUNTY, TEXAS, THAT:**

**SECTION 1.** The City Council finds that the recitals set forth above are true and correct and are hereby incorporated herein.

**SECTION 2.** Pursuant to Texas Local Government Code §395.053, as amended, the City Council hereby (i) calls and sets July 12, 2022, at 7:00 p.m. as the date for the public hearing to discuss and review the updates to the land use assumptions and capital improvement plan, as well as proposed amendments to the impact fee per service unit, and to approve any amendments to the land use assumptions, capital improvement plan, and impact fees per service unit, and (ii) hereby ratifies and affirms prior actions of the City Manager and staff regarding the publication of notice of said public hearing prior to the date of this resolution as if such acts and the hearing date and time set forth herein had been approved prior to the date of publication of said notice.

**SECTION 3.** This Resolution shall take effect immediately upon approval, and it is accordingly so resolved.

**DULY PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF ALLEN, COLLIN COUNTY, TEXAS, ON THIS THE 14<sup>TH</sup> DAY OF JUNE 2022.**

**APPROVED:**

\_\_\_\_\_  
**Kenneth M. Fulk, MAYOR**

**ATTEST:**

\_\_\_\_\_  
**Shelley B. George, TRMC, CITY SECRETARY**  
(kbl:5/31/2022:129844)

**CITY OF ALLEN  
NOTICE OF PUBLIC HEARING  
ON AMENDMENT TO LAND USE, CIP, AND IMPACT FEES**

Pursuant to Texas Local Government Code §395.053, as amended, the Allen City Council will conduct a public hearing on Tuesday, July 12, 2022, at 7:00 p.m. in the City Council Chambers at Allen City Hall, 305 Century Parkway, Allen, Texas, 75013 relating to proposed updates to the land use assumptions and capital improvement plan as well as proposed amendments to the impact fee per service unit. Any person wishing to review the proposed updates to the land use assumptions and capital improvement plan may review a copy at the Receptionist Desk in Allen City Hall located at 305 Century Parkway, Allen, Texas, and the Reference Desk at the Allen Public Library located at 300 N. Allen Drive, Allen, Texas 75013, or on the City of Allen website at <https://cityofallen.org/2152/Public-Notices>.

Anyone wishing to present evidence either FOR or AGAINST this update is invited to attend this public hearing and voice his or her opinion.

For further information, contact Joseph Cotton, Assistant Director of the City of Allen Engineering Department. 305 Century Parkway, Allen, Texas 75013, 214.509.4576 or via email at [jcotton@cityofallen.org](mailto:jcotton@cityofallen.org).

**TO BE PUBLISHED IN THE ALLEN AMERICAN ON  
THURSDAY, JUNE 2, 2022.**

<b>CITY COUNCIL REGULAR MEETING AGENDA COMMUNICATION</b>
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<b>AGENDA DATE:</b>	June 14, 2022
<b>AGENDA CAPTION:</b>	Adopt a Resolution authorizing the City Manager to apply for, accept, reject, alter or terminate a grant through Collin County Parks and Open Space Funding Assistance Program for the acquisition of Open Space.
<b>STAFF RESOURCE:</b>	Kate Meacham, Parks and Recreation Director Robert Townsend, Business Services Manager
<b>PREVIOUS COUNCIL ACTION:</b>	Allen City Council has adopted resolutions each year to authorize the City Manager to apply for, accept, reject, alter or terminate a grant through Collin County Parks and Open Space Funding Assistance Program for various Park projects. Council resolved in 2004 and 2014 to authorize the City Manager to apply for grant funding through the program for the acquisition of open space.
<b>STRATEGIC PLANNING GOAL:</b>	Safe and Livable Community for All.

**BACKGROUND**

Expenses for open space and park land acquisition are anticipated to be approximately \$3,000,000, which is available from the 2022 bonds issued from the 2016 Bond Election specifically for park land acquisition. If awarded, the Collin County Parks and Open Space Funding Assistance Program will reimburse expenses for land acquisition, trail, and parks and recreation facilities related construction projects.

The program funds are reimbursable, requiring the City to first expend the acquisition costs and request reimbursement of funds granted. Application is to be made in the amount of \$500,000.

It is anticipated that the County will announce grant awards and amounts in Fall 2022.

This resolution is required in order to apply for the above stated grant.

**BUDGETARY IMPACT**

The Collin County Parks and Open Space Funding Assistance Program will reimburse up to 50% of projects selected. Application is to be made in the amount of \$500,000.

**STAFF RECOMMENDATION**

Staff recommends that the City Council adopt a Resolution authorizing the City Manager to apply for, accept, reject, alter, or terminate a grant through the Collin County Parks and Open Space Funding Assistance Program for the acquisition of Open Space.

**MOTION**

*I make a motion to adopt Resolution No. \_\_\_\_\_ authorizing the City Manager to apply for, accept, reject, alter, or terminate a grant through the Collin County Parks and Open Space Funding Assistance Program for acquisition of Open Space.*

**ATTACHMENT(S)**

[Resolution](#)



**RESOLUTION NO. \_\_\_\_\_**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ALLEN, COLLIN COUNTY, TEXAS, HEREINAFTER REFERRED TO AS “APPLICANT,” DESIGNATING CERTAIN OFFICIALS AS BEING RESPONSIBLE FOR, ACTING FOR, AND ON BEHALF OF THE “APPLICANT” IN DEALING WITH COLLIN COUNTY, HEREINAFTER REFERRED TO AS “GRANTOR”, FOR THE PURPOSE OF PARTICIPATING IN THE COLLIN COUNTY PARKS AND OPEN SPACE PROJECT FUNDING ASSISTANCE PROGRAM, HEREINAFTER REFERRED TO AS THE “PROGRAM”; CERTIFYING THAT THE “APPLICANT” IS ELIGIBLE TO RECEIVE PROGRAM ASSISTANCE; CERTIFYING THAT THE “APPLICANT” MATCHING SHARE IS READILY AVAILABLE; DEDICATING THE PROPOSED SITE FOR PERMANENT PUBLIC PARK AND OPEN SPACE USES; AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, the “Applicant” is fully eligible to receive assistance under the “Program”; and,

**WHEREAS**, the “Applicant” is desirous of authorizing an official to represent and act for the “Applicant” in dealing with the “Grantor” concerning the “Program”; and,

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ALLEN, COLLIN COUNTY, TEXAS, THAT:**

**SECTION 1.** The “Applicant” hereby certifies that it is eligible to receive assistance under the “Program.”

**SECTION 2.** The “Applicant” hereby certifies that the matching share for this application is readily available at this time.

**SECTION 3.** The “Applicant” hereby authorizes and directs its City Manager to act for the “Applicant” in dealing with the “Grantor” for the purpose of the “Program.” and Eric Ellwanger is hereby officially designated as the representative in this regard.

**SECTION 4.** The “Applicant” hereby specifically authorizes the official to make an application to the “Grantor” concerning property in the City of Allen for use as a park site. That the property is hereby dedicated (or will be dedicated upon completion of the proposed acquisition) for public park and open space purposes in perpetuity.

**SECTION 5.** This Resolution shall become effective immediately from and after its passage.

**DULY PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF ALLEN, COLLIN COUNTY, TEXAS, ON THIS THE 14<sup>TH</sup> DAY OF JUNE 2022.**

**APPROVED:**

\_\_\_\_\_  
**Kenneth M. Fulk, MAYOR**

**ATTEST:**

\_\_\_\_\_  
**Shelley B. George, TRMC, CITY SECRETARY**

## CITY COUNCIL REGULAR MEETING AGENDA COMMUNICATION

<b>AGENDA DATE:</b>	June 14, 2022
<b>AGENDA CAPTION:</b>	Authorize the City Manager to purchase digital switches and other associated network equipment from Presidio Networked Solutions Group, LLC, for the Stephen G. Terrell Recreation Center for \$190,686.
<b>STAFF RESOURCE:</b>	Kate Meacham, Parks and Recreation Director Brian Bristow, Park Planning and Development Director
<b>STRATEGIC PLANNING GOAL:</b>	Vibrant Community with Lively Destinations and Successful Commercial Centers.

### **BACKGROUND**

The Allen Parks and Recreation Department desires to purchase multi-technology networked systems designed to facilitate both wired and wireless communication within, to, and from the new Stephen G. Terrell Recreation Center.

A key component of these systems are the lead stackable enterprise switching platforms. This purchase is the Cisco Catalyst 9300 Series switch is manufactured with an x86 CPU architecture and more memory, enabling them to host containers and run third-party applications and scripts natively within the switch.

The prices submitted by Presidio Networked Solutions Group, LLC are valid through June 30, 2022. For this reason, it is anticipated that securing materials will occur quickly after this contract is executed.

Presidio Networked Solutions Group, LLC has been involved in numerous facility projects for the City of Allen and has performed well in successfully completing projects in collaboration with the City of Allen Information Technology Department.

### **BUDGETARY IMPACT**

These expenses have been anticipated and is accounted for within the 'Furniture, Fixtures and Equipment; Playground; A/V/ etc.' line item for \$5.2M in the overall project budget.

<b>SGTRC PROJECT BUDGET</b>	
<b>Scope Category</b>	<b>Budget</b>
Architectural Design	\$ 3,960,177
Other Consulting, Testing	\$ 1,550,000
Construction	\$42,250,000
Contingency 5%	\$ 2,200,000
FF&E, Playground, A/V, etc.	\$ 5,200,000
<b>Total Appropriations</b>	<b>\$55,160,177</b>

### **STAFF RECOMMENDATION**

Staff recommends that the City Council authorize the City Manager to purchase digital switches and other associated network equipment from Presidio Networked Solutions Group, LLC, for the Stephen G. Terrell Recreation Center for \$190,686.

### **MOTION**

*I make a motion to authorize the City Manager to purchase digital switches and other associated network equipment from Presidio Networked Solutions Group, LLC, for the Stephen G. Terrell Recreation Center for \$190,686.*

### **ATTACHMENT(S)**

[Quote - STRC Switches](#)

**TO:** City of Allen  
Michael Branch  
305 Century Parkway  
Allen, TX 75013  
  
mbranch@cityofallen.org  
(p) 2145094856  
(f) (214) 509-4118

**FROM:** Presidio Networked Solutions Group, LLC  
Dave Anderson  
7701 Las Colinas Ridge  
#600  
Irving, TX 75063  
  
daanderson@presidio.com  
(p) +1.248.468.0700

**Customer#:** CITY0802

**Contract Vehicle:** Texas DIR-TSO-4167 Cisco

**Account Manager:** Stephanie Barnes

**Inside Sales Rep:** Dave Anderson

**Title:** City of Allen - STRC Switches V2 (VR135637601IZ)

#	Part #	Description	Unit Price	Qty	Ext Price
<b>C9300-48P-A</b>					
1	C9300-48P-A	Catalyst 9300 48-port PoE+, Network Advantage	\$5,268.96	1	\$5,268.96
2	CON-SNT-C93004PA	SNTC-8X5XNBD Catalyst 9300 48-port PoE+, Network Adva	\$712.31	1 for 36 mo(s)	\$2,136.93
3	C9300-NW-A-48	C9300 Network Advantage, 48-port license	\$0.00	1	\$0.00
4	PWR-C1-715WAC-P	715W AC 80+ platinum Config 1 Power Supply	\$0.00	1	\$0.00
5	PWR-C1-715WAC-P/2	715W AC 80+ platinum Config 1 SecondaryPower Supply	\$650.59	1	\$650.59
6	CAB-TA-NA	North America AC Type A Power Cable	\$0.00	2	\$0.00
7	C9300-SSD-NONE	No SSD Card Selected	\$0.00	1	\$0.00
8	STACK-T1-50CM	50CM Type 1 Stacking Cable	\$52.05	1	\$52.05
9	C9300-SPWR-NONE	No Stack Power Cable Selected	\$0.00	1	\$0.00
10	C1-ADD-OPTOUT	Cisco DNA Premier Add-On Session Opt Out (No Fulfillment)	\$0.00	1	\$0.00
11	TE-EMBEDDED-T	Cisco ThousandEyes Enterprise Agent IBN Embedded	\$0.00	1	\$0.00
12	TE-EMBEDDED-T-3Y	ThousandEyes - Enterprise Agents	\$0.00	1	\$0.00
13	PI-LFAS-T	Prime Infrastructure Lifecycle & Assurance Term - Smart Lic	\$0.00	1	\$0.00
14	PI-LFAS-AP-T-3Y	PI Dev Lic for Lifecycle & Assurance Term 3Y	\$0.00	1	\$0.00
15	C9300-NM-8X	Catalyst 9300 8 x 10GE Network Module	\$1,327.20	1	\$1,327.20
16	NETWORK-PNP-LIC	Network Plug-n-Play Connect for zero-touch device deployment	\$0.00	1	\$0.00
17	D-DNAS-EXT-S-T	Cisco DNA Spaces Extend Term License for Catalyst Switches	\$0.00	1	\$0.00
18	D-DNAS-EXT-S-3Y	Cisco DNA Spaces Extend for Catalyst Switching - 3Year	\$0.00	1	\$0.00
19	TE-C9K-SW	TE agent for IOSXE on C9K	\$0.00	1	\$0.00
20	SC9300UK9-176	Cisco Catalyst 9300 XE 17.6 UNIVERSAL UNIVERSAL	\$0.00	1	\$0.00
21	C9300-DNA-A-48	C9300 DNA Advantage, 48-Port Term Licenses	\$0.00	1	\$0.00
22	C9300-DNA-A-48-3Y	C9300 DNA Advantage, 48-Port, 3 Year Term License	\$1,962.17	1	\$1,962.17
<b>Total:</b>					<b>\$11,397.90</b>

C9300-48P-E					
23	C9300-48P-E	Catalyst 9300 48-port PoE+, Network Essentials	\$5,255.89	20	\$105,117.80
24	CON-SNT-C93004PE	SNTC-8X5XNBD Catalyst 9300 48-port PoE+, Network Esse	\$710.54	20 for 36 mo(s)	\$42,632.40
25	C9300-NW-E-48	C9300 Network Essentials, 48-port license	\$0.00	20	\$0.00
26	SC9300UK9-176	Cisco Catalyst 9300 XE 17.6 UNIVERSAL UNIVERSAL	\$0.00	20	\$0.00
27	PWR-C1-715WAC-P	715W AC 80+ platinum Config 1 Power Supply	\$0.00	20	\$0.00
28	C9300-SPS-NONE	No Secondary Power Supply Selected	\$0.00	20	\$0.00
29	CAB-TA-NA	North America AC Type A Power Cable	\$0.00	20	\$0.00
30	C9300-SSD-NONE	No SSD Card Selected	\$0.00	20	\$0.00
31	STACK-T1-50CM	50CM Type 1 Stacking Cable	\$52.05	20	\$1,041.00
32	C9300-SPWR-NONE	No Stack Power Cable Selected	\$0.00	20	\$0.00
33	NM-BLANK-T1	Cisco Catalyst Type 1 Network Module Blank	\$0.00	20	\$0.00
34	PWR-C1-BLANK	Config 1 Power Supply Blank	\$0.00	20	\$0.00
35	C9300-DNA-E-48	C9300 DNA Essentials, 48-Port Term Licenses	\$0.00	20	\$0.00
36	C9300-DNA-E-48-3Y	C9300 DNA Essentials, 48-port - 3 Year Term License	\$582.93	20	\$11,658.60
37	C9300-NM-NONE	No Network Module Selected	\$0.00	20	\$0.00
38	NETWORK-PNP-LIC	Network Plug-n-Play Connect for zero-touch device deployment	\$0.00	20	\$0.00
Total:					\$160,449.80
STACK-T1-1M=					
39	STACK-T1-1M=	1M Type 1 Stacking Cable	\$141.21	3	\$423.63
Total:					\$423.63
C9300-NM-8X=					
40	C9300-NM-8X=	Catalyst 9300 8 x 10GE Network Module, spare	\$1,814.34	5	\$9,071.70
Total:					\$9,071.70
SFP-10G-LR-S=					
41	SFP-10G-LR-S=	10GBASE-LR SFP Module, Enterprise-Class	\$934.33	10	\$9,343.30
Total:					\$9,343.30
			Sub Total:	\$190,686.33	
			Grand Total:	\$190,686.33	

This quote is governed by Terms and Conditions of Texas DIR-TSO-4167 Contract.  
State of Texas Vendor ID 17605152499  
Standard-Terms-for-Purchase-of-Services or Goods  
Quote valid for 30 days from date shown above.  
Prices may NOT include all applicable taxes and shipping charges  
All prices subject to change without notice. Supply subject to availability.

Purchase Order should be issued to:  
Presidio Networked Solutions Group, LLC  
7701 Las Colinas Ridge #600,  
Irving, TX 75063

Pursuant to this contract your PO must reflect the following contract:  
Texas DIR-TSO-4167  
Tax ID# 76-0515249; Size Business: Large; CAGE Code: 639L4; DUNS#11-436-9671; CEC 15-506005G  
Credit: Net 30 days (all credit terms subject to prior Presidio credit department approval)  
Delivery: FOB Destination

Customer hereby authorizes and agrees to make timely payment for products delivered and services rendered, including payments for partial shipments

\_\_\_\_\_  
Customer Signature

\_\_\_\_\_  
Date

<b>CITY COUNCIL REGULAR MEETING AGENDA COMMUNICATION</b>
--

<b>AGENDA DATE:</b>	June 14, 2022
<b>AGENDA CAPTION:</b>	Authorize the City Manager to execute a three-year agreement with Microsoft Corporation through SHI Government Solutions, Inc., to provide current Microsoft cloud, server, mobile and desktop software for an annual amount of \$303,163.
<b>STAFF RESOURCE:</b>	Eric Matthews, Director of Information Technology
<b>PREVIOUS COUNCIL ACTION:</b>	<p>On June 28, 2016, City Council approved a three-year Enterprise Agreement with Microsoft through SHI.</p> <p>On May 14, 2019, City Council approved a three-year Enterprise Agreement with Microsoft through SHI.</p>
<b>STRATEGIC PLANNING GOAL:</b>	High-Performing City Team Providing Resident-Focused Services.

#### **BACKGROUND**

As part of the Information Technology Strategic Plan, the City's server operating systems, desktop operating systems and versions of Microsoft Office have been regularly updated. This is accomplished through an Interlocal Agreement with the State of Texas Department of Information Resources ("DIR") for the purpose of purchasing selected information technology items.

Since the current contract terms are coming to a close it is necessary to execute a new agreement for the organization's Microsoft Network, Cloud, Mobile and Server and Desktop Software. This agreement includes Office 365 software plus a server and database subscription that allows the use of Microsoft Office apps through hosted versions of Exchange Server, SharePoint, SQL, and Office Online, as well as access to Office software. It also includes server and database licensing that runs on dozens of virtual and physical systems that serve all departments and the public.

#### **BUDGETARY IMPACT**

Funding is included in the General Fund Information Technology Department operating budget.

#### **STAFF RECOMMENDATION**

Staff recommends that the City Council authorize the City Manager to execute a three-year agreement with Microsoft Corporation through SHI Government Solutions, Inc., to provide current Microsoft cloud, server, mobile and desktop software for an annual amount of \$303,163.

#### **MOTION**

*I make a motion to authorize the City Manager to execute a three-year agreement with Microsoft Corporation through SHI Government Solutions, Inc., to provide current Microsoft cloud, server, mobile and desktop software for an annual amount of \$303,163.*

**ATTACHMENT(S)**

SHI Pricing Proposal  
City of Allen Contract Package 2022 MS Signed.pdf





Pricing Proposal  
Quotation #: 21845234  
Created On: 4/6/2022  
Valid Until: 4/29/2022

## City of Allen

### Eric Matthews

305 Century Parkway  
Allen, TX 75013  
UNITED STATES  
Phone: 214-509-4851  
Fax:  
Email: ematthews@cityofallen.org

## Inside Account Manager

### Shaina Walker

290 Davidson Avenue  
Somerset, NJ 08873  
Phone: 800-543-0432  
Fax: 732-868-6055  
Email: Shaina\_Walker@shi.com

All Prices are in US Dollar (USD)

Product	Qty	Your Price	Total
1 AzureActiveDrctryPremP2GCC ShrdSvr ALNG SubsvL MVL PerUsr Microsoft - Part#: MQN-00001 Contract Name: Microsoft Software VAR Contract #: DIR-TSO-4092 Coverage Term: 7/1/2022 – 6/30/2023 <b>Note:</b> Year 1 of 3	20	\$83.52	\$1,670.40
2 AzureprepaymentG ShrdSvr ALNG SubsvL MVL Commit Provision Microsoft - Part#: J5U-00004 Contract Name: Microsoft Software VAR Contract #: DIR-TSO-4092 Coverage Term: 7/1/2022 – 6/30/2023 <b>Note:</b> Year 1 of 3	1	\$0.00	\$0.00
3 M365 G3 Original FSA GCC Sub Per User Microsoft - Part#: AAD-34700 Contract Name: Microsoft Software VAR Contract #: DIR-TSO-4092 Coverage Term: 7/1/2022 – 6/30/2023 <b>Note:</b> Year 1 of 3	630	\$325.20	\$204,876.00
4 M365 G3 Original GCC Sub Per User Microsoft - Part#: AAD-34704 Contract Name: Microsoft Software VAR Contract #: DIR-TSO-4092 Coverage Term: 7/1/2022 – 6/30/2023 <b>Note:</b> Year 1 of 3	147	\$381.12	\$56,024.64
5 O365 F3 GCC Sub Per User Microsoft - Part#: 3KS-00001 Contract Name: Microsoft Software VAR Contract #: DIR-TSO-4092 Coverage Term: 7/1/2022 – 6/30/2023 <b>Note:</b> Year 1 of 3	228	\$37.32	\$8,508.96
6 Power Automate Attended RPA USL GCC Sub Per User Microsoft - Part#: 1O5-00001	2	\$432.24	\$864.48

Contract Name: Microsoft Software VAR  
 Contract #: DIR-TSO-4092  
 Coverage Term: 7/1/2022 – 6/30/2023  
**Note:** Year 1 of 3

7	Power BI Pro GCC Sub Per User Microsoft - Part#: DDJ-00001 Contract Name: Microsoft Software VAR Contract #: DIR-TSO-4092 Coverage Term: 7/1/2022 – 6/30/2023 <b>Note:</b> Year 1 of 3	3	\$92.28	\$276.84
8	Project Plan3 GCC Shared All Lng Subs VL MVL Per User Microsoft - Part#: 7MS-00001 Contract Name: Microsoft Software VAR Contract #: DIR-TSO-4092 Coverage Term: 7/1/2022 – 6/30/2023 <b>Note:</b> Year 1 of 3	3	\$276.00	\$828.00
9	SQLCAL ALNG SA MVL DvcCAL Microsoft - Part#: 359-00792 Contract Name: Microsoft Software VAR Contract #: DIR-TSO-4092 Coverage Term: 7/1/2022 – 6/30/2023 <b>Note:</b> Year 1 of 3	130	\$33.56	\$4,362.80
10	SQLSvrStd ALNG SA MVL Microsoft - Part#: 228-04433 Contract Name: Microsoft Software VAR Contract #: DIR-TSO-4092 Coverage Term: 7/1/2022 – 6/30/2023 <b>Note:</b> Year 1 of 3	10	\$144.89	\$1,448.90
11	SQLSvrStdCore ALNG LicSAPk MVL 2Lic CoreLic Microsoft - Part#: 7NQ-00292 Contract Name: Microsoft Software VAR Contract #: DIR-TSO-4092 Coverage Term: 7/1/2022 – 6/30/2023 <b>Note:</b> Year 1 of 3	18	\$576.29	\$10,373.22
12	VisioPlan2GCC ShrdSvr ALNG SubsVL MVL PerUsr Microsoft - Part#: P3U-00001 Contract Name: Microsoft Software VAR Contract #: DIR-TSO-4092 Coverage Term: 7/1/2022 – 6/30/2023 <b>Note:</b> Year 1 of 3	13	\$138.48	\$1,800.24
13	Win Server DC Core ALng SA 2L Microsoft - Part#: 9EA-00278 Contract Name: Microsoft Software VAR Contract #: DIR-TSO-4092 Coverage Term: 7/1/2022 – 6/30/2023 <b>Note:</b> Year 1 of 3	82	\$124.43	\$10,203.26
14	Win Server Standard Core ALng SA 2L Microsoft - Part#: 9EM-00270 Contract Name: Microsoft Software VAR Contract #: DIR-TSO-4092 Coverage Term: 7/1/2022 – 6/30/2023 <b>Note:</b> Year 1 of 3	98	\$19.65	\$1,925.70

Subtotal \$303,163.<sup>44</sup>

Shipping	\$0.00
Total	\$303,163.44

#### Additional Comments

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Hardware items on this quote may be updated to reflect changes due to industry wide constraints and fluctuations.

Thank you for choosing SHI-GS! The pricing offered on this quote proposal is valid through the expiration date set above. To ensure the best level of service, please provide End User Name, Phone Number, Email Address and applicable Contract Number when submitting a Purchase Order. SHI Government Solutions, Inc. is 100% Minority Owned, Woman Owned Business. TAX ID# 22-3695478; DUNS# 14-724-3096

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*The products offered under this proposal are resold in accordance with the terms and conditions of the Contract referenced under that applicable line item.*

## Program Signature Form

MBA/MBSA number

Agreement number

01E73535

5-0000008573828

**Note:** Enter the applicable active numbers associated with the documents below. Microsoft requires the associated active number be indicated here, or listed below as new.

For the purposes of this form, "Customer" can mean the signing entity, Enrolled Affiliate, Government Partner, Institution, or other party entering into a volume licensing program agreement.

This signature form and all contract documents identified in the table below are entered into between the Customer and the Microsoft Affiliate signing, as of the effective date identified below.

Contract Document	Number or Code
Enterprise Enrollment (Indirect)	X20-10635
Enterprise Amendment	M97 (new)
Product Selection Form	1192095.005_PSF

By signing below, Customer and the Microsoft Affiliate agree that both parties (1) have received, read and understand the above contract documents, including any websites or documents incorporated by reference and any amendments and (2) agree to be bound by the terms of all such documents.

Customer
<b>Name of Entity (must be legal entity name)*</b> City of Allen <b>Signature*</b> _____ <b>Printed First and Last Name*</b> _____ <b>Printed Title</b> _____ <b>Signature Date*</b> _____
<b>Tax ID</b> _____

\* indicates required field

Microsoft Affiliate
<b>Microsoft Corporation</b>
<b>Signature</b> <i>David Kanasoot</i> _____ <b>Printed First and Last Name</b> David Kanasoot <b>Printed Title</b> Authorized Signer <b>Signature Date</b> 5/20/2022 <small>(date Microsoft Affiliate countersigns)</small>
<b>Agreement Effective Date</b> <small>(may be different than Microsoft's signature date)</small>

**Optional 2<sup>nd</sup> Customer signature or Outsourcer signature (if applicable)**

<b>Customer</b>
<b>Name of Entity (must be legal entity name)*</b>
<b>Signature*</b> _____
<b>Printed First and Last Name*</b>
<b>Printed Title</b>
<b>Signature Date*</b>

*\* indicates required field*

<b>Outsourcer</b>
<b>Name of Entity (must be legal entity name)*</b>
<b>Signature*</b> _____
<b>Printed First and Last Name*</b>
<b>Printed Title</b>
<b>Signature Date*</b>

*\* indicates required field*

If Customer requires additional contacts or is reporting multiple previous Enrollments, include the appropriate form(s) with this signature form.

After this signature form is signed by the Customer, send it and the Contract Documents to Customer's channel partner or Microsoft account manager, who must submit them to the following address. When the signature form is fully executed by Microsoft, Customer will receive a confirmation copy.

**Microsoft Corporation**

Dept. 551, Volume Licensing  
6880 Sierra Center Parkway  
Reno, Nevada 89511  
USA

## Amendment to Contract Documents

Agreement Number

5-0000008573828

This amendment ("Amendment") is entered into between the parties identified on the attached program signature form. It amends the Enrollment or Agreement identified above. All terms used but not defined in this Amendment will have the same meanings provided in that Enrollment or Agreement.

## Enterprise Enrollment (Indirect) Invoice for Quoted Price Amendment ID M97

The price quoted to Enrolled Affiliate's Reseller is a fixed price based on an estimated order submission date. Microsoft will invoice Enrolled Affiliate's Reseller based on this fixed price quote. If this order is submitted later than the estimated order submission date, Enrolled Affiliate's Reseller will be charged for net new Monthly Subscriptions (including Online Services) for the period during which these services were not provided. Pricing to Enrolled Affiliate is agreed between Enrolled Affiliate and Enrolled Affiliate's Reseller.

SKU Number	SKU Description	Existing Quantity	Incremental quantities
AAD-34700	M365 G3 Unified FSA GCC Sub Per User		630
AAD-34704	M365 G3 Unified GCC Sub Per User		147
P3U-00001	VisioPlan2GCC ShrdSvr ALNG SubsVL MVL PerUsr	13	
MQN-00001	AzureActiveDrctryPremP2GCC ShrdSvr ALNG SubsVL MVL PerUsr	20	
J5U-00004	AzureprepaymentG ShrdSvr ALNG SubsVL MVL Commit Provision	1	
3KS-00001	O365 F3 GCC Sub Per User	228	
1O5-00001	Power Automate Attended RPA USL GCC Sub Per User	2	
DDJ-00001	Power BI Pro GCC Sub Per User	3	
7MS-00001	Project P3 GCC Sub Per User	3	
NYH-00001	Audio Conferencing Select Dial Out GCC Sub Add-on		1005

Except for changes made by this Amendment, the Enrollment or Agreement identified above remains unchanged and in full force and effect. If there is any conflict between any provision in this Amendment and any provision in the Enrollment or Agreement identified above, this Amendment shall control.

**This Amendment must be attached to a signature form to be valid.**

**Microsoft Internal Use Only:**

(M97)EnrAmend(Ind)(InvoiceforQuotedPrice)(WW)(ENG)(Oct2020)(IU).docx		M97	B
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## Previous Enrollment(s)/Agreement(s) Form

**Entity Name:** City of Allen

**Contract that this form is attached to:** State Local Government

For the purposes of this form, "entity" can mean the signing entity, Customer, Enrolled Affiliate, Government Partner, Institution, or other party entering into a volume licensing program agreement.

Please provide a description of the previous Enrollment(s), Agreement(s), Purchasing Account(s), and/or Affiliate Registration(s) being renewed or consolidated into the new contract identified above.

- a. Entity may select below any previous contract(s) from which to transfer MSDN subscribers to this new contract. Entity shall ensure that each MSDN subscriber transferred is either properly licensed under the new contract or is removed.
- b. Entity may select below only one previous contract from which to transfer the Software Assurance (SA) Benefit contact details, i.e., benefits contact (*not* the SA manager) and the program codes, to this new contract.
- c. An Open License cannot be used to transfer either the SA Benefit details or MSDN subscribers.
- d. The date of the earliest expiring Enrollment/Agreement that contains SA or Online Services will be the effective date of the new contract (or SA coverage period for Select Plus).
- e. Please insert the number of the earliest expiring Enrollment/Agreement with SA or Online Services in the appropriate fields of the new contract.

Enrollment/Agreement/ Purchasing Account/Affiliate Registration Description	Enrollment/Agreement/ Purchasing Account/Affiliate Registration Public Customer Number	Transfer SA Benefit Contact	Transfer MSDN Subscribers
Standard Enrollment	92136163	X	X



## Proposal ID

1192095.005

## Enrollment Number

Language: English (United States)

## Enrolled Affiliate's Enterprise Products and Enterprise Online Services summary for the initial order:

Profile	Qualified Devices	Qualified Users	Device / User Ratio	Enterprise Product Platform	CAL Licensing Model
Enterprise	777	777	1.0	No	User Licenses

Products	Enterprise Quantity
<b>Microsoft 365 Enterprise</b>	
M365 G3 GCC USL Unified	147
M365 G3 GCC FromSA Unified	630

## Enrolled Affiliate's Product Quantities:

Price Group	1	2	3	4
<b>Enterprise Products</b>	Office Professional Plus + M365 Apps for Enterprise + Office 365 (Plans E3 and E5) + Microsoft 365 Enterprise	Client Access License + Office 365 (Plans E1, E3 and E5) + Microsoft 365 Enterprise	Client Access License + Windows Intune + EMS USL + Microsoft 365 Enterprise	Win E3 + Win E5 + Win VDA + Microsoft 365 Enterprise
<b>Quantity</b>	777	777	777	777

## Enrolled Affiliate's Price Level:

Product Offering / Pool	Price Level
<b>Enterprise Products and Enterprise Online Services USLs:</b> Unless otherwise indicated in associated contract documents, Price level set using the highest quantity from Groups 1 through 4.	D
<b>Additional Product Application Pool:</b> Unless otherwise indicated in associated contract documents, Price level set using quantity from Group 1.	D
<b>Additional Product Server Pool:</b> Unless otherwise indicated in associated contract documents, Price level set using the highest quantity from Group 2 or 3.	D
<b>Additional Product Systems Pool:</b> Unless otherwise indicated in associated contract documents, Price level set using quantity from Group 4.	D

## NOTES

Unless otherwise indicated in the associated contract documents, the price level for each Product offering / pool is set as described above, based upon the quantity to price level mapping below:

Quantity of Licenses and Software Assurance	Price Level
2,399 and below	A
2,400 to 5,999	B
6,000 to 14,999	C
15,000 and above	D
<b>Note 1:</b> Enterprise Online Services may not be available in all locations. Please see the Product List for a list of locations where these may be purchased.	
<b>Note 2:</b> If Enrolled Affiliate does not order an Enterprise Product or Enterprise Online Service associated with an applicable Product pool, the price level for Additional Products in the same pool will be price level "A" throughout the term of the Enrollment. Refer to the Qualifying Government Entity Addendum pricing provision for more details on price leveling.	

## Enterprise Enrollment

## State and Local

Enterprise Enrollment number  
(Microsoft to complete)

88832332

Framework ID  
(if applicable)Previous Enrollment number  
(Reseller to complete)

92136163

**This Enrollment must be attached to a signature form to be valid.**

This Microsoft Enterprise Enrollment is entered into between the entities as identified in the signature form as of the effective date. Enrolled Affiliate represents and warrants it is the same Customer, or an Affiliate of the Customer, that entered into the Enterprise Agreement identified on the program signature form.

This Enrollment consists of: (1) these terms and conditions, (2) the terms of the Enterprise Agreement identified on the signature form, (3) the Product Selection Form, (4) the Product Terms, (5) the Online Services Terms, (6) any Supplemental Contact Information Form, Previous Agreement/Enrollment form, and other forms that may be required, and (7) any order submitted under this Enrollment. This Enrollment may only be entered into under a 2011 or later Enterprise Agreement. By entering into this Enrollment, Enrolled Affiliate agrees to be bound by the terms and conditions of the Enterprise Agreement.

All terms used but not defined are located at <http://www.microsoft.com/licensing/contracts>. In the event of any conflict the terms of this Agreement control.

**Effective date.** If Enrolled Affiliate is renewing Software Assurance or Subscription Licenses from one or more previous Enrollments or agreements, then the effective date will be the day after the first prior Enrollment or agreement expires or terminates. If this Enrollment is renewed, the effective date of the renewal term will be the day after the Expiration Date of the initial term. Otherwise, the effective date will be the date this Enrollment is accepted by Microsoft. Any reference to “anniversary date” refers to the anniversary of the effective date of the applicable initial or renewal term for each year this Enrollment is in effect.

**Term.** The initial term of this Enrollment will expire on the last day of the month, 36 full calendar months from the effective date of the initial term. The renewal term will expire 36 full calendar months after the effective date of the renewal term.

## Terms and Conditions

### 1. Definitions.

Terms used but not defined in this Enrollment will have the definition in the Enterprise Agreement. The following definitions are used in this Enrollment:

“Additional Product” means any Product identified as such in the Product Terms and chosen by Enrolled Affiliate under this Enrollment.

“Community” means the community consisting of one or more of the following: (1) a Government, (2) an Enrolled Affiliate using eligible Government Community Cloud Services to provide solutions to a Government or a qualified member of the Community, or (3) a Customer with Customer Data that is subject to Government regulations for which Customer determines and Microsoft agrees that the use of Government Community Cloud Services is appropriate to meet Customer’s regulatory requirements.

Membership in the Community is ultimately at Microsoft's discretion, which may vary by Government Community Cloud Service.

"Enterprise Online Service" means any Online Service designated as an Enterprise Online Service in the Product Terms and chosen by Enrolled Affiliate under this Enrollment. Enterprise Online Services are treated as Online Services, except as noted.

"Enterprise Product" means any Desktop Platform Product that Microsoft designates as an Enterprise Product in the Product Terms and chosen by Enrolled Affiliate under this Enrollment. Enterprise Products must be licensed for all Qualified Devices and Qualified Users on an Enterprise-wide basis under this program.

"Expiration Date" means the date upon which the Enrollment expires.

"Federal Agency" means a bureau, office, agency, department or other entity of the United States Government.

"Government" means a Federal Agency, State/Local Entity, or Tribal Entity acting in its governmental capacity.

"Government Community Cloud Services" means Microsoft Online Services that are provisioned in Microsoft's multi-tenant data centers for exclusive use by or for the Community and offered in accordance with the National Institute of Standards and Technology (NIST) Special Publication 800-145. Microsoft Online Services that are Government Community Cloud Services are designated as such in the Use Rights and Product Terms.

"Industry Device" (also known as line of business device) means any device that: (1) is not useable in its deployed configuration as a general purpose personal computing device (such as a personal computer), a multi-function server, or a commercially viable substitute for one of these systems; and (2) only employs an industry or task-specific software program (e.g. a computer-aided design program used by an architect or a point of sale program) ("Industry Program"). The device may include features and functions derived from Microsoft software or third-party software. If the device performs desktop functions (such as email, word processing, spreadsheets, database, network or Internet browsing, or scheduling, or personal finance), then the desktop functions: (1) may only be used for the purpose of supporting the Industry Program functionality; and (2) must be technically integrated with the Industry Program or employ technically enforced policies or architecture to operate only when used with the Industry Program functionality.

"Managed Device" means any device on which any Affiliate in the Enterprise directly or indirectly controls one or more operating system environments. Examples of Managed Devices can be found in the Product Terms.

"Qualified Device" means any device that is used by or for the benefit of Enrolled Affiliate's Enterprise and is: (1) a personal desktop computer, portable computer, workstation, or similar device capable of running Windows Pro locally (in a physical or virtual operating system environment), or (2) a device used to access a virtual desktop infrastructure ("VDI"). Qualified Devices do not include any device that is: (1) designated as a server and not used as a personal computer, (2) an Industry Device, or (3) not a Managed Device. At its option, the Enrolled Affiliate may designate any device excluded above (e.g., Industry Device) that is used by or for the benefit of the Enrolled Affiliate's Enterprise as a Qualified Device for all or a subset of Enterprise Products or Online Services the Enrolled Affiliate has selected.

"Qualified User" means a person (e.g., employee, consultant, contingent staff) who: (1) is a user of a Qualified Device, or (2) accesses any server software requiring an Enterprise Product Client Access License or any Enterprise Online Service. It does not include a person who accesses server software or an Online Service solely under a License identified in the Qualified User exemptions in the Product Terms.

"Reseller" means an entity authorized by Microsoft to resell Licenses under this program and engaged by an Enrolled Affiliate to provide pre- and post-transaction assistance related to this agreement;

"Reserved License" means for an Online Service identified as eligible for true-ups in the Product Terms, the License reserved by Enrolled Affiliate prior to use and for which Microsoft will make the Online Service available for activation.

"State/Local Entity" means (1) any agency of a state or local government in the United States, or (2) any United States county, borough, commonwealth, city, municipality, town, township, special purpose district, or other similar type of governmental instrumentality established by the laws of Customer's state and located within Customer's state's jurisdiction and geographic boundaries.

"Tribal Entity" means a federally recognized tribal entity performing tribal governmental functions and eligible for funding and services from the U.S. Department of Interior by virtue of its status as an Indian tribe.

"Use Rights" means, with respect to any licensing program, the use rights or terms of service for each Product and version published for that licensing program at the Volume Licensing Site and updated from time to time. The Use Rights include the Product-Specific License Terms, the License Model terms, the Universal License Terms, the Data Protection Terms, and the Other Legal Terms. The Use Rights supersede the terms of any end user license agreement (on-screen or otherwise) that accompanies a Product.

"Volume Licensing Site" means <http://www.microsoft.com/licensing/contracts> or a successor site.

## **2. Order requirements.**

- a. Minimum order requirements.** Enrolled Affiliate's Enterprise must have a minimum of 250 Qualified Users or Qualified Devices. The initial order must include at least 250 Licenses for Enterprise Products or Enterprise Online Services.
  - (i) Enterprise commitment.** Enrolled Affiliate must order enough Licenses to cover all Qualified Users or Qualified Devices, depending on the License Type, with one or more Enterprise Products or a mix of Enterprise Products and the corresponding Enterprise Online Services (as long as all Qualified Devices not covered by a License are only used by users covered with a user License).
  - (ii) Enterprise Online Services only.** If no Enterprise Product is ordered, then Enrolled Affiliate need only maintain at least 250 Subscription Licenses for Enterprise Online Services.
- b. Additional Products.** Upon satisfying the minimum order requirements above, Enrolled Affiliate may order Additional Products.
- c. Use Rights for Enterprise Products.** For Enterprise Products, if a new Product version has more restrictive use rights than the version that is current at the start of the applicable initial or renewal term of the Enrollment, those more restrictive use rights will not apply to Enrolled Affiliate's use of that Product during that term.
- d. Country of usage.** Enrolled Affiliate must specify the countries where Licenses will be used on its initial order and on any additional orders.
- e. Resellers.** Enrolled Affiliate must choose and maintain a Reseller authorized in the United States. Enrolled Affiliate will acquire its Licenses through its chosen Reseller. Orders must be submitted to the Reseller who will transmit the order to Microsoft. The Reseller and Enrolled Affiliate determine pricing and payment terms as between them, and Microsoft will invoice the Reseller based on those terms. Throughout this Agreement the term "price" refers to reference price. Resellers and other third parties do not have authority to bind or impose any obligation or liability on Microsoft.
- f. Adding Products.**
  - (i) Adding new Products not previously ordered.** New Enterprise Products or Enterprise Online Services may be added at any time by contacting a Microsoft Account Manager or Reseller. New Additional Products, other than Online Services, may be used if an order is placed in the month the Product is first used. For Additional Products that are Online Services, an initial order for the Online Service is required prior to use.

- (ii) **Adding Licenses for previously ordered Products.** Additional Licenses for previously ordered Products other than Online Services may be added at any time but must be included in the next true-up order. Additional Licenses for Online Services must be ordered prior to use, unless the Online Services are (1) identified as eligible for true-up in the Product Terms or (2) included as part of other Licenses.
- g. **True-up requirements.** Enrolled Affiliate must submit an annual true-up order that accounts for any changes since the initial order or last order. If there are no changes, then an update statement must be submitted instead of a true-up order.
- (i) **Enterprise Products.** For Enterprise Products, Enrolled Affiliate must determine the number of Qualified Devices and Qualified Users (if ordering user-based Licenses) at the time the true-up order is placed and must order additional Licenses for all Qualified Devices and Qualified Users that are not already covered by existing Licenses, including any Enterprise Online Services.
- (ii) **Additional Products.** For Additional Products that have been previously ordered under this Enrollment, Enrolled Affiliate must determine the maximum number of Additional Products used since the latter of the initial order, the last true-up order, or the prior anniversary date and submit a true-up order that accounts for any increase.
- (iii) **Online Services.** For Online Services identified as eligible for true-up in the Product Terms, Enrolled Affiliate may place a reservation order for the additional Licenses prior to use and payment may be deferred until the next true-up order. Microsoft will provide a report of Reserved Licenses ordered but not yet invoiced to Enrolled Affiliate and its Reseller. Reserved Licenses will be invoiced retrospectively to the month in which they were ordered.
- (iv) **Subscription License reductions.** Enrolled Affiliate may reduce the quantity of Subscription Licenses at the Enrollment anniversary date on a prospective basis if permitted in the Product Terms, as follows:
- 1) For Subscription Licenses that are part of an Enterprise-wide purchase, Licenses may be reduced if the total quantity of Licenses and Software Assurance for an applicable group meets or exceeds the quantity of Qualified Devices and Qualified Users (if ordering user-based Licenses) identified on the Product Selection Form, and includes any additional Qualified Devices and Qualified Users added in any prior true-up orders. Step-up Licenses do not count towards this total count.
  - 2) For Enterprise Online Services that are not a part of an Enterprise-wide purchase, Licenses can be reduced as long as the initial order minimum requirements are maintained.
  - 3) For Additional Products available as Subscription Licenses, Enrolled Affiliate may reduce the Licenses. If the License count is reduced to zero, then Enrolled Affiliate's use of the applicable Subscription License will be cancelled.
- Invoices will be adjusted to reflect any reductions in Subscription Licenses at the true-up order Enrollment anniversary date and effective as of such date.
- (v) **Update statement.** An update statement must be submitted instead of a true-up order if, since the initial order or last true-up order, Enrolled Affiliate's Enterprise: (1) has not changed the number of Qualified Devices and Qualified Users licensed with Enterprise Products or Enterprise Online Services; and (2) has not increased its usage of Additional Products. This update statement must be signed by Enrolled Affiliate's authorized representative.
- (vi) **True-up order period.** The true-up order or update statement must be received by Microsoft between 60 and 30 days prior to each Enrollment anniversary date. The third-year true-up order or update statement is due within 30 days prior to the Expiration Date, and any license reservations within this 30 day period will not be accepted. Enrolled Affiliate

may submit true-up orders more often to account for increases in Product usage, but an annual true-up order or update statement must still be submitted during the annual order period.

**(vii) Late true-up order.** If the true-up order or update statement is not received when due, Microsoft will invoice Reseller for all Reserved Licenses not previously invoiced and Subscription License reductions cannot be reported until the following Enrollment anniversary date (or at Enrollment renewal, as applicable).

**h. Step-up Licenses.** For Licenses eligible for a step-up under this Enrollment, Enrolled Affiliate may step-up to a higher edition or suite as follows:

**(i)** For step-up Licenses included on an initial order, Enrolled Affiliate may order according to the true-up process.

**(ii)** If step-up Licenses are not included on an initial order, Enrolled Affiliate may step-up initially by following the process described in the Section titled "Adding new Products not previously ordered," then for additional step-up Licenses, by following the true-up order process.

**i. Clerical errors.** Microsoft may correct clerical errors in this Enrollment, and any documents submitted with or under this Enrollment, by providing notice by email and a reasonable opportunity for Enrolled Affiliate to object to the correction. Clerical errors include minor mistakes, unintentional additions and omissions. This provision does not apply to material terms, such as the identity, quantity or price of a Product ordered.

**j. Verifying compliance.** Microsoft may, in its discretion and at its expense, verify compliance with this Enrollment as set forth in the Enterprise Agreement.

### **3. Pricing.**

**a. Price Levels.** For both the initial and any renewal term Enrolled Affiliate's Price Level for all Products ordered under this Enrollment will be Level "D" throughout the term of the Enrollment.

**b. Setting Prices.** Enrolled Affiliate's prices for each Product or Service will be established by its Reseller. Except for Online Services designated in the Product Terms as being exempt from fixed pricing, As long as Enrolled Affiliate continues to qualify for the same price level, Microsoft's prices for Resellers for each Product or Service ordered will be fixed throughout the applicable initial or renewal Enrollment term. Microsoft's prices to Resellers are reestablished at the beginning of the renewal term.

### **4. Payment terms.**

For the initial or renewal order, Microsoft will invoice Enrolled Affiliate's Reseller in three equal annual installments. The first installment will be invoiced upon Microsoft's acceptance of this Enrollment and remaining installments will be invoiced on each subsequent Enrollment anniversary date. Subsequent orders are invoiced upon acceptance of the order and Enrolled Affiliate may elect to pay annually or upfront for Online Services and upfront for all other Licenses.

### **5. End of Enrollment term and termination.**

**a. General.** At the Expiration Date, Enrolled Affiliate must immediately order and pay for Licenses for Products it has used but has not previously submitted an order, except as otherwise provided in this Enrollment.

**b. Renewal option.** At the Expiration Date of the initial term, Enrolled Affiliate can renew Products by renewing this Enrollment for one additional 36-month term or by signing a new Enrollment. Microsoft must receive a Renewal Form, Product Selection Form, and renewal order prior to or at the Expiration Date. Microsoft will not unreasonably reject any renewal.

Microsoft may make changes to this program that will make it necessary for Customer and its Enrolled Affiliates to enter into new agreements and Enrollments at renewal.

**c. If Enrolled Affiliate elects not to renew.**

- (i) Software Assurance.** If Enrolled Affiliate elects not to renew Software Assurance for any Product under its Enrollment, then Enrolled Affiliate will not be permitted to order Software Assurance later without first acquiring a new License with Software Assurance.
- (ii) Online Services eligible for an Extended Term.** For Online Services identified as eligible for an Extended Term in the Product Terms, the following options are available at the end of the Enrollment initial or renewal term.
  - 1) Extended Term.** Licenses for Online Services will automatically expire in accordance with the terms of the Enrollment. An extended term feature that allows Online Services to continue month-to-month ("Extended Term") is available. During the Extended Term, Online Services will be invoiced monthly at the then-current published price as of the Expiration Date plus a 3% administrative fee for up to one year. If Enrolled Affiliate wants an Extended Term, Enrolled Affiliate must submit a request to Microsoft at least 30 days prior to the Expiration Date.
  - 2) Cancellation during Extended Term.** At any time during the first year of the Extended Term, Enrolled Affiliate may terminate the Extended Term by submitting a notice of cancellation to Microsoft for each Online Service. Thereafter, either party may terminate the Extended Term by providing the other with a notice of cancellation for each Online Service. Cancellation will be effective at the end of the month following 30 days after Microsoft has received or issued the notice.
- (iii) Subscription Licenses and Online Services not eligible for an Extended Term.** If Enrolled Affiliate elects not to renew, the Licenses will be cancelled and will terminate as of the Expiration Date. Any associated media must be uninstalled and destroyed and Enrolled Affiliate's Enterprise must discontinue use. Microsoft may request written certification to verify compliance.

- d. Termination for cause.** Any termination for cause of this Enrollment will be subject to the "Termination for cause" section of the Agreement. In addition, it shall be a breach of this Enrollment if Enrolled Affiliate or any Affiliate in the Enterprise that uses Government Community Cloud Services fails to meet and maintain the conditions of membership in the definition of Community.
- e. Early termination.** Any early termination of this Enrollment will be subject to the "Early Termination" Section of the Enterprise Agreement.

For Subscription Licenses, in the event of a breach by Microsoft, or if Microsoft terminates an Online Service for regulatory reasons, Microsoft will issue Reseller a credit for any amount paid in advance for the period after termination.

## **6. Government Community Cloud.**

- a. Community requirements.** If Enrolled Affiliate purchases Government Community Cloud Services, Enrolled Affiliate certifies that it is a member of the Community and agrees to use Government Community Cloud Services solely in its capacity as a member of the Community and, for eligible Government Community Cloud Services, for the benefit of end users that are members of the Community. Use of Government Community Cloud Services by an entity that is not a member of the Community or to provide services to non-Community members is strictly prohibited and could result in termination of Enrolled Affiliate's license(s) for Government Community Cloud Services without notice. Enrolled Affiliate acknowledges that only Community members may use Government Community Cloud Services.
- b.** All terms and conditions applicable to non-Government Community Cloud Services also apply



to their corresponding Government Community Cloud Services, except as otherwise noted in the Use Rights, Product Terms, and this Enrollment.

- c. Enrolled Affiliate may not deploy or use Government Community Cloud Services and corresponding non-Government Community Cloud Services in the same domain.
- d. **Use Rights for Government Community Cloud Services.** For Government Community Cloud Services, notwithstanding anything to the contrary in the Use Rights:
  - (i) Government Community Cloud Services will be offered only within the United States.
  - (ii) Additional European Terms, as set forth in the Use Rights, will not apply.
  - (iii) References to geographic areas in the Use Rights with respect to the location of Customer Data at rest, as set forth in the Use Rights, refer only to the United States.

## Enrollment Details

### 1. Enrolled Affiliate's Enterprise.

- a. Identify which Agency Affiliates are included in the Enterprise. (Required) Enrolled Affiliate's Enterprise must consist of entire offices, bureaus, agencies, departments or other entities of Enrolled Affiliate, not partial offices, bureaus, agencies, or departments, or other partial entities. Check only one box in this section. If no boxes are checked, Microsoft will deem the Enterprise to include the Enrolled Affiliate only. If more than one box is checked, Microsoft will deem the Enterprise to include the largest number of Affiliates:
- ☒ Enrolled Affiliate only
- ☐ Enrolled Affiliate and all Affiliates
- ☐ Enrolled Affiliate and the following Affiliate(s) (Only identify specific affiliates to be included if fewer than all Affiliates are to be included in the Enterprise):
- ☐ Enrolled Affiliate and all Affiliates, with following Affiliate(s) excluded:
- b. Please indicate whether the Enrolled Affiliate's Enterprise will include all new Affiliates acquired after the start of this Enrollment: Exclude future Affiliates

### 2. Contact information.

Each party will notify the other in writing if any of the information in the following contact information page(s) changes. The asterisks (\*) indicate required fields. By providing contact information, Enrolled Affiliate consents to its use for purposes of administering this Enrollment by Microsoft, its Affiliates, and other parties that help administer this Enrollment. The personal information provided in connection with this Enrollment will be used and protected in accordance with the privacy statement available at <https://www.microsoft.com/licensing/servicecenter>.

- a. **Primary contact.** This contact is the primary contact for the Enrollment from within Enrolled Affiliate's Enterprise. This contact is also an Online Administrator for the Volume Licensing Service Center and may grant online access to others. The primary contact will be the default contact for all purposes unless separate contacts are identified for specific purposes

**Name of entity (must be legal entity name)\*** City of Allen

**Contact name\* First** Eric **Last** Matthews

**Contact email address\*** ematthews@cityofallen.org

**Street address\*** 305 Century Parkway

**City\*** Allen

**State\*** TX

**Postal code\*** 75013-8042-

(Please provide the zip + 4, e.g. xxxxx-xxxx)

**Country\*** United States

**Phone\*** 214-509-4856

**Tax ID**

*\* indicates required fields*

- b. **Notices contact and Online Administrator.** This contact (1) receives the contractual notices, (2) is the Online Administrator for the Volume Licensing Service Center and may grant online access to others, and (3) is authorized to order Reserved Licenses for eligible Online Services, including adding or reassigning Licenses and stepping-up prior to a true-up order.

☐ Same as primary contact (default if no information is provided below, even if the box is not checked).

**Contact name\*** First Eric Last Matthews  
**Contact email address\*** ematthews@cityofallen.org

**Street address\*** 305 Century Parkway

**City\*** Allen

**State\*** TX

**Postal code\*** 75013-8042-

(Please provide the zip + 4, e.g. xxxxx-xxxx)

**Country\*** United States

**Phone\*** 214-509-4856

**Language preference.** Choose the language for notices. English

☐ This contact is a third party (not the Enrolled Affiliate). Warning: This contact receives personally identifiable information of the Customer and its Affiliates.

*\* indicates required fields*

- c. **Online Services Manager.** This contact is authorized to manage the Online Services ordered under the Enrollment and (for applicable Online Services) to add or reassign Licenses and step-up prior to a true-up order.

Same as notices contact and Online Administrator (default if no information is provided below, even if box is not checked)

**Contact name\*:** First Eric Last Matthews

**Contact email address\*** ematthews@cityofallen.org

**Phone\*** 214-509-4856

☐ This contact is from a third party organization (not the entity). Warning: This contact receives personally identifiable information of the entity.

*\* indicates required fields*

- d. **Reseller information.** Reseller contact for this Enrollment is:

**Reseller company name\*** SHI International Corp.

**Street address (PO boxes will not be accepted)\*** 290 Davidson Ave

**City\*** Somerset

**State\*** NJ

**Postal code\*** 08873-4145

**Country\*** United States

**Contact name\*** Tracy Shatto

**Phone\*** 512 497 2048

**Contact email address\*** tracy\_shatto@shi.com

*\* indicates required fields*

By signing below, the Reseller identified above confirms that all information provided in this Enrollment is correct.

**Signature\*** \_\_\_\_\_

**Printed name\***

**Printed title\***

**Date\***

*\* indicates required fields*

**Changing a Reseller.** If Microsoft or the Reseller chooses to discontinue doing business with each other, Enrolled Affiliate must choose a replacement Reseller. If Enrolled Affiliate or the Reseller intends to terminate their relationship, the initiating party must notify Microsoft and the

other party using a form provided by Microsoft at least 90 days prior to the date on which the change is to take effect.

- e. If Enrolled Affiliate requires a separate contact for any of the following, attach the Supplemental Contact Information form. *Otherwise, the notices contact and Online Administrator remains the default.*

- (i) Additional notices contact
- (ii) Software Assurance manager
- (iii) Subscriptions manager
- (iv) Customer Support Manager (CSM) contact

### **3. *Financing elections.***

Is a purchase under this Enrollment being financed through MS Financing? ☐ Yes, ☒ No.

If a purchase under this Enrollment is financed through MS Financing, and Enrolled Affiliate chooses not to finance any associated taxes, it must pay these taxes directly to Microsoft.

## CITY COUNCIL REGULAR MEETING AGENDA COMMUNICATION

<b>AGENDA DATE:</b>	June 14, 2022
<b>AGENDA CAPTION:</b>	Authorize the City Manager to purchase various traffic signal equipment items from Consolidated Traffic Controls, Inc., for \$311,546.
<b>STAFF RESOURCE:</b>	Chris Flanigan, Director of Engineering
<b>STRATEGIC PLANNING GOAL:</b>	Financially Sound and Transparent City Government.

### **BACKGROUND**

The City of Allen will be constructing three new traffic signals at the intersections of:

- Bethany Drive at Racetrac Driveway (west of Greenville Avenue),
- Stacy Road & Curtis Lane, and
- Angel Parkway & Malone Road.

To benefit from economy-of-scale, all these intersections are being advertised for bids simultaneously and will be constructed at the same time. To prevent construction delays and avoid contractor markup on cost, staff is recommending purchasing equipment such as signal poles, controllers, signal cabinets, pedestrian push buttons, and various other appurtenances through the Houston-Galveston Area Council Cooperative Purchasing (HGAC Buy Contract #PE-05-21). This cooperative arrangement assures best value and has been a reliable source of contract pricing for procurement of materials in past traffic signal construction over the years.

### **BUDGETARY IMPACT**

This expense is published in the current Capital Improvement Program document on page PW-04 and is also within budget established for construction and equipment line items. Furthermore, since new traffic signals are impact-fee eligible, staff is proposing to supplement the programmed funding (general obligation bonds) with impact fee revenues on-hand, as shown below:

#### **Source of Funds**

GO Bonds (Bethany Racetrac)	\$81,442
Roadway Impact Fee Section 1 (Stacy/Curtis)	\$115,611
Roadway Impact Fee Section 3 (Angel/Malone)	\$114,492
<b>Total</b>	<b>\$311,546</b>

### **STAFF RECOMMENDATION**

Staff recommends that the City Council authorize the City Manager to purchase various traffic signal equipment items from Consolidated Traffic Controls, Inc., for \$311,546.

### **MOTION**

*I make a motion to authorize the City Manager to purchase various traffic signal equipment items from Consolidated Traffic Controls, Inc., for \$311,546.*

### **ATTACHMENT(S)**

Quote CTC  
Location Map

<b>HGACBuy</b>		<b>CONTRACT PRICING WORKSHEET</b> For Catalog & Price Sheet Type Purchases		Contract No.:	PE-05-21	Date Prepared:	5/25/2022
<p><i>This Worksheet is prepared by Contractor and given to End User. If a PO is issued, both documents <b>MUST</b> be faxed to H-GAC @ 713-993-4548. Therefore please type or print legibly.</i></p>							
Buying Agency:		City of Allen		Contractor:		Consolidated Traffic Controls, Inc.	
Contact Person:		Asma Tuly		Prepared By:		Brandon Graham	
Phone:		206-310-3518		Phone:		800-448-8841	
Fax:				Fax:		800-448-8850	
Email:		atuly@cityofallen.org		Email:		brandon.graham@ctc-traffic.com	
Catalog / Price Sheet Name:		Traffic Control, Enforcement & Signal Preemption Equipment					
General Description of Product:		Traffic Control Equipment					
<b>A. Catalog / Price Sheet Items being purchased - Itemize Below - Attach Additional Sheet If Necessary</b> Angel & Malone Signal Poles Quote Good for 60 Days							
Line Number	Quan	Description				Unit Pr	Total
1694	1	24' SMA-80 24' SMA-80				\$ 7,383.00	\$ 7,383.00
1705	1	44' SMA-80L-8 44' SMA-80L-8				\$ 13,793.00	\$ 13,793.00
1713	1	60' LMA-80/100L-8 60' LMA-80/100L-8				\$ 29,002.00	\$ 29,002.00
1714	1	65' LMA-80/100 65' LMA-80/100				\$ 25,789.00	\$ 25,789.00
Total From Other Sheets, If Any:							
Subtotal A:						\$	75,967.00
<b>B. Unpublished Options, Accessory or Service items - Itemize Below - Attach Additional Sheet If Necessary</b> (Note: Unpublished Items are any which were not submitted and priced in contractor's bid.)							
	Quan	Description				Unit Pr	Total
						\$	-
						\$	-
						\$	-
						\$	-
Total From Other Sheets, If Any:							
Subtotal B:						\$	-
Check: The total cost of Unpublished Options (Subtotal B) cannot exceed 25% of:						For this transaction the percentage is:	0%
<b>C. Other Allowances, Discounts, Trade-Ins, Freight, Make Ready or Miscellaneous Charges</b>							
	Quan	Description				Unit Pr	Total
	1	24' SMA-80 Discount				\$ (441.00)	\$ (441.00)
	1	44' SMA-80L-8 Discount				\$ (1,236.00)	\$ (1,236.00)
	1	60' LMA-80/100-8 Discount				\$ (948.00)	\$ (948.00)
	1	65' LMA-80/100				\$ (347.00)	\$ (347.00)
Subtotal C:						\$	(2,972.00)
Delivery Date: 10-12 Week Lead Time						D. Total Purchase Price (A+B+C): \$ 72,995.00	

<b>HGACBuy</b>		<b>CONTRACT PRICING WORKSHEET</b> For Catalog & Price Sheet Type Purchases		<b>Contract No.:</b>	<b>PE-05-21</b>	<b>Date Prepared:</b>	<b>5/25/2022</b>
<p><i>This Worksheet is prepared by Contractor and given to End User. If a PO is issued, both documents <b>MUST</b> be faxed to H-GAC @ 713-993-4548. Therefore please type or print legibly.</i></p>							
<b>Buying Agency:</b>	City of Allen			<b>Contractor:</b>	Consolidated Traffic Controls, Inc.		
<b>Contact Person:</b>	Asma Tuly			<b>Prepared By:</b>	Brandon Graham		
<b>Phone:</b>	206-310-3518			<b>Phone:</b>	800-448-8841		
<b>Fax:</b>				<b>Fax:</b>	800-448-8850		
<b>Email:</b>	atuly@cityofallen.org			<b>Email:</b>	brandon.graham@ctc-traffic.com		
<b>Catalog / Price Sheet Name:</b>	Traffic Control, Enforcement & Signal Preemption Equipment						
<b>General Description of Product:</b>	Traffic Control Equipment						
<b>A. Catalog / Price Sheet Items being purchased - Itemize Below - Attach Additional Sheet If Necessary</b> <div style="background-color: #e0f0ff; padding: 2px; text-align: center;">Bethany &amp; Race Trac Poles Quote good for 60 Days</div>							
<b>Line Number</b>	<b>Quan</b>	<b>Description</b>				<b>Unit Pr</b>	<b>Total</b>
1703	1	40' SMA-80L-8 40' SMA-80L-8				\$ 13,074.00	\$ 13,074.00
1707	1	48' SMA-80L-8 48' SMA-80L-8				\$ 14,487.00	\$ 14,487.00
1711	1	55' LMA-80/100L-8 55' LMA-80/100L-8				\$ 28,399.00	\$ 28,399.00
1715	1	65' LMA-80/100L-8 65' LMA-80/100L-8				\$ 29,533.00	\$ 29,533.00
<b>Total From Other Sheets, If Any:</b>							
<b>Subtotal A:</b>						<b>\$</b>	<b>85,493.00</b>
<b>B. Unpublished Options, Accessory or Service items - Itemize Below - Attach Additional Sheet If Necessary</b> (Note: Unpublished Items are any which were not submitted and priced in contractor's bid.)							
	<b>Quan</b>	<b>Description</b>				<b>Unit Pr</b>	<b>Total</b>
						\$	-
						\$	-
						\$	-
						\$	-
<b>Total From Other Sheets, If Any:</b>							
<b>Subtotal B:</b>						<b>\$</b>	<b>-</b>
<b>Check:</b> The total cost of Unpublished Options (Subtotal B) cannot exceed 25% of the total from Section A.						<b>For this transaction the percentage is:</b> 0%	
<b>C. Other Allowances, Discounts, Trade-Ins, Freight, Make Ready or Miscellaneous Charges</b>							
	<b>Quan</b>	<b>Description</b>				<b>Unit Pr</b>	<b>Total</b>
	1	40' SMA-80L-8 Discount				\$ (1,206.00)	\$ (1,206.00)
	1	48' SMA-80L-8 Discount				\$ (924.00)	\$ (924.00)
	1	55' LMA-80/100L-8 Discount				\$ (1,309.00)	\$ (1,309.00)
	1	65' LMA-80/100L-8 Discount				\$ (612.00)	\$ (612.00)
<b>Subtotal C:</b>						<b>\$</b>	<b>(4,051.00)</b>
<b>Delivery Date:</b>				<b>10-12 Week Lead Time</b>	<b>D. Total Purchase Price (A+B+C):</b>		
					<b>\$ 81,442.00</b>		

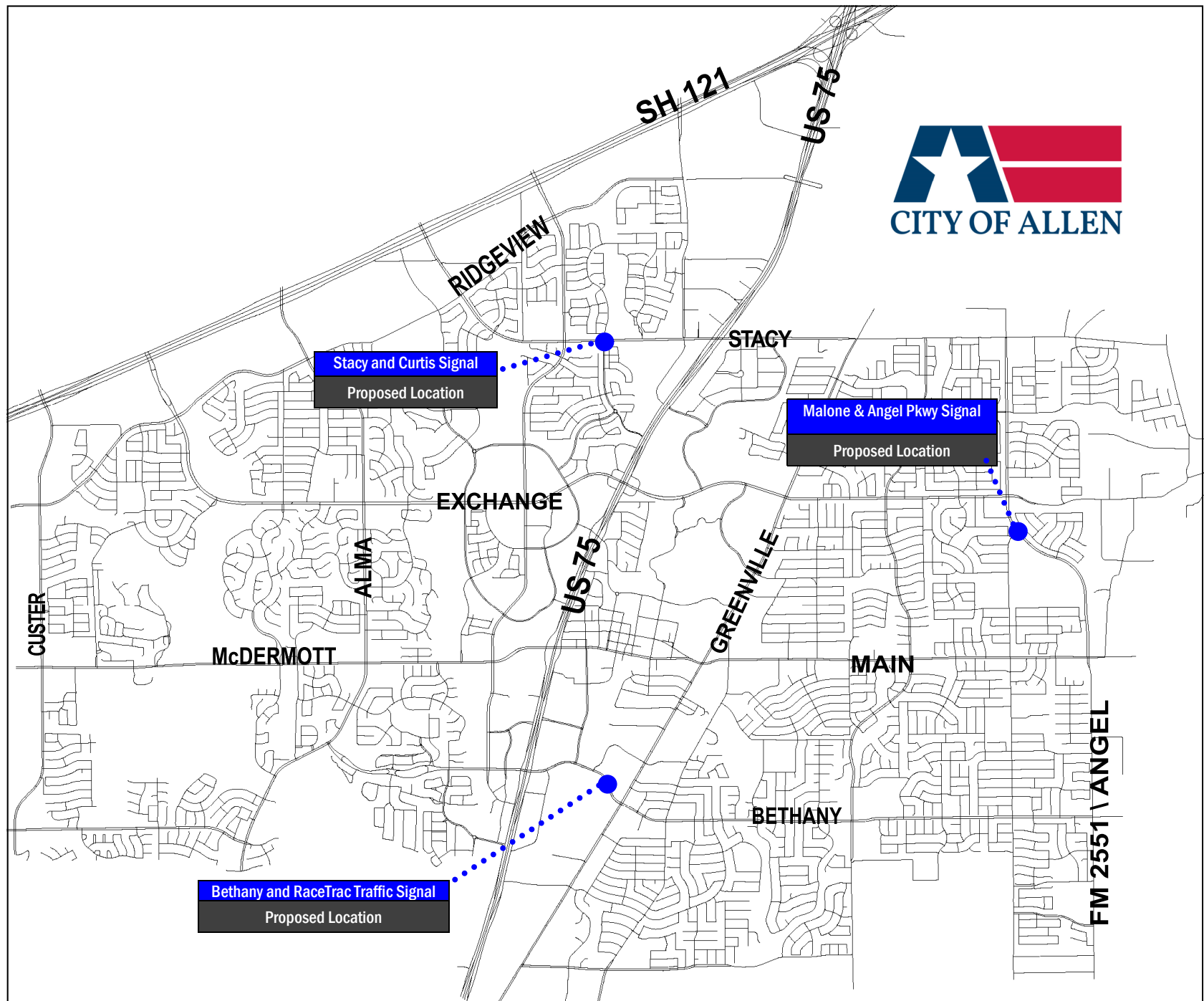


<b>HGACBuy</b>		<b>CONTRACT PRICING WORKSHEET</b> For Catalog & Price Sheet Type Purchases		<b>Contract No.:</b>	<b>PE-05-21</b>	<b>Date Prepared:</b>	<b>5/25/2022</b>
<p><i>This Worksheet is prepared by Contractor and given to End User. If a PO is issued, both documents <b>MUST</b> be faxed to H-GAC @ 713-993-4548. Therefore please type or print legibly.</i></p>							
<b>Buying Agency:</b>	City of Allen			<b>Contractor:</b>	Consolidated Traffic Controls, Inc.		
<b>Contact Person:</b>	Asma Tuly			<b>Prepared By:</b>	Brandon Graham		
<b>Phone:</b>	206-310-3518			<b>Phone:</b>	800-448-8841		
<b>Fax:</b>				<b>Fax:</b>	800-448-8850		
<b>Email:</b>	atuly@cityofallen.org			<b>Email:</b>	brandon.graham@ctc-traffic.com		
<b>Catalog / Price Sheet Name:</b>	Traffic Control, Enforcement & Signal Preemption Equipment						
<b>General Description of Product:</b>	Traffic Control Equipment						
<b>A. Catalog / Price Sheet Items being purchased - Itemize Below - Attach Additional Sheet If Necessary</b> <div style="background-color: #e0f0ff; padding: 2px; display: inline-block;">Stacy &amp; Curtis</div> Signal Poles Quote good for 60 Days							
<b>Line Number</b>	<b>Quan</b>	<b>Description</b>				<b>Unit Pr</b>	<b>Total</b>
1706	1	48' SMA-80 48' SMA-80				\$ 12,222.00	\$ 12,222.00
1707	1	48' SMA-80L-8 48' SMA-80L-8				\$ 14,487.00	\$ 14,487.00
1710	1	55' LMA-80/100 55' LMA-80/100				\$ 24,887.00	\$ 24,887.00
1712	1	60' LMA-80/100 60' LMA-80/100				\$ 25,462.00	\$ 25,462.00
<b>Total From Other Sheets, If Any:</b>							
<b>Subtotal A:</b>						<b>\$</b>	<b>77,058.00</b>
<b>B. Unpublished Options, Accessory or Service items - Itemize Below - Attach Additional Sheet If Necessary</b> (Note: Unpublished Items are any which were not submitted and priced in contractor's bid.)							
	<b>Quan</b>	<b>Description</b>				<b>Unit Pr</b>	<b>Total</b>
						\$	-
						\$	-
						\$	-
						\$	-
<b>Total From Other Sheets, If Any:</b>							
<b>Subtotal B:</b>						<b>\$</b>	<b>-</b>
<b>Check:</b> The total cost of Unpublished Options (Subtotal B) cannot exceed 25% of the total from Section A.						<b>For this transaction the percentage is:</b> 0%	
<b>C. Other Allowances, Discounts, Trade-Ins, Freight, Make Ready or Miscellaneous Charges</b>							
	<b>Quan</b>	<b>Description</b>				<b>Unit Pr</b>	<b>Total</b>
	1	48' SMA-80 Discount				\$ (954.00)	\$ (954.00)
	1	48' SMA-80L-8 Discount				\$ (924.00)	\$ (924.00)
	1	55' LMA-80/100 Discount				\$ (525.00)	\$ (525.00)
	1	60' LMA-80/100 Discount				\$ (541.00)	\$ (541.00)
<b>Subtotal C:</b>						<b>\$</b>	<b>(2,944.00)</b>
<b>Delivery Date:</b>				<b>10-12 Week Lead Time</b>		<b>D. Total Purchase Price (A+B+C):</b>	
						<b>\$</b>	<b>74,114.00</b>

<b>HGACBuy</b>		<b>CONTRACT PRICING WORKSHEET</b> For Catalog & Price Sheet Type Purchases		<b>Contract No.:</b>	<b>PE-05-21</b>	<b>Date Prepared:</b>	<b>5/20/2022</b>
<p><i>This Worksheet is prepared by Contractor and given to End User. If a PO is issued, both documents <b>MUST</b> be faxed to H-GAC @ 713-993-4548. Therefore please type or print legibly.</i></p>							
<b>Buying Agency:</b>	City of Allen			<b>Contractor:</b>	Consolidated Traffic Controls, Inc.		
<b>Contact Person:</b>	Asma Tuly			<b>Prepared By:</b>	Brandon Graham		
<b>Phone:</b>	214-509-4584			<b>Phone:</b>	800-448-8841		
<b>Fax:</b>				<b>Fax:</b>	800-448-8850		
<b>Email:</b>	atuly@cityofallen.org			<b>Email:</b>	Brandon.Graham@ctc-traffic.com		
<b>Catalog / Price Sheet Name:</b>	Traffic Control, Enforcement & Signal Preemption Equipment						
<b>General Description of Product:</b>	Traffic Control Equipment						
<b>A. Catalog / Price Sheet Items being purchased - Itemize Below - Attach Additional Sheet If Necessary</b>							
<b>Stacy &amp; Curtis</b>							
Line Number	Quan	Description				Unit Pr	Total
673	1	110610-MM Model 764 Multimode Phase Selector				\$ 2,994.00	\$ 2,994.00
675	4	110258 Model 721 Detector				\$ 592.00	\$ 2,368.00
745	4	201011 3/4" Narrow Hub (IR)				\$ 19.00	\$ 76.00
874	1	87 - ICCU-S2+SDLCCP ICCU - Shelf Model Including Hardware Kit, Power Supply and ICB and SDLC Cabinet P				\$ 2,500.00	\$ 2,500.00
919	8	87-iNS23TNO-B 9X15 iNS2 APS Push Button Station Black/Black				\$ 431.00	\$ 3,448.00
1408	1	193317 Shelf Mount Flex Controller- ATC Cabinet (W/ Omni Software)				\$ 3,144.00	\$ 3,144.00
1462	1	M78586 353i ATCC-HV Allen (With 8 Relays and 8 Load Switches REMOVED) IA-24CH, OA-32CH, FOTA 16C				\$ 17,207.00	\$ 17,207.00
1576	4	200803 Pelco Clear Confirmation Light				\$ 159.00	\$ 636.00
2131	1	710011 Complete UPS w/ APC Secure UPS 1300VA/1300 W 120 VAC In/Out RM Plus Bypass Unit with 12' Harne				\$ 2,603.00	\$ 2,603.00
2140	4	13-8A30 HEI MK 105 Amp 12V Batteries				\$ 291.00	\$ 1,164.00
<b>Total From Other Sheets, If Any:</b>							
<b>Subtotal A:</b>							<b>\$ 36,140.00</b>
<b>B. Unpublished Options, Accessory or Service items - Itemize Below - Attach Additional Sheet If Necessary</b> (Note: Unpublished Items are any which were not submitted and priced in contractor's bid.)							
Quan	Description					Unit Pr	Total
1	Price increase for Allen ATC M78586 Half Loaded 32 channel cabinet					\$ 2,205.00	\$ 2,205.00
1	Shelf Mount McCain Flex TS2 type 2 with Omni Software					\$ 720.00	\$ 720.00
3	Yearly Extended Warranty on Controller					\$ 387.00	\$ 1,161.00
1	M63331-1 Shelf, Louvered,332,Ears out,EQ Cabinet					\$ 84.00	\$ 84.00
1	501302 with a 501302E Shelf					\$ 775.00	\$ 775.00
1	M79319H Riser Assy,Split P44 24 inch with Hardware					\$ 412.50	\$ 412.50
<b>Total From Other Sheets, If Any:</b>							
<b>Subtotal B:</b>							<b>\$ 5,357.50</b>
<b>Check:</b> The total cost of Unpublished Options (Subtotal B) cannot exceed 25% of the total from Section A.							<b>For this transaction the percentage is:</b> 15%
<b>C. Other Allowances, Discounts, Trade-Ins, Freight, Make Ready or Miscellaneous Charges</b>							
Quan	Description					Unit Pr	Total
							\$ -
							\$ -
<b>Subtotal C:</b>							<b>\$ -</b>
<b>Delivery Date:</b>		<b>90 to 180 Days</b>		<b>D. Total Purchase Price (A+B+C):</b>		<b>\$ 41,497.50</b>	

<b>HGACBuy</b>		<b>CONTRACT PRICING WORKSHEET</b> For Catalog & Price Sheet Type Purchases		<b>Contract No.:</b>	<b>PE-05-21</b>	<b>Date Prepared:</b>	<b>5/20/2022</b>
<p><i>This Worksheet is prepared by Contractor and given to End User. If a PO is issued, both documents <b>MUST</b> be faxed to H-GAC @ 713-993-4548. Therefore please type or print legibly.</i></p>							
<b>Buying Agency:</b>	City of Allen			<b>Contractor:</b>	Consolidated Traffic Controls, Inc.		
<b>Contact Person:</b>	Asma Tuly			<b>Prepared By:</b>	Brandon Graham		
<b>Phone:</b>	214-509-4584			<b>Phone:</b>	800-448-8841		
<b>Fax:</b>				<b>Fax:</b>	800-448-8850		
<b>Email:</b>	atuly@cityofallen.org			<b>Email:</b>	Brandon.Graham@ctc-traffic.com		
<b>Catalog / Price Sheet Name:</b>	Traffic Control, Enforcement & Signal Preemption Equipment						
<b>General Description of Product:</b>	Traffic Control Equipment						
<b>A. Catalog / Price Sheet Items being purchased - Itemize Below - Attach Additional Sheet If Necessary</b>							
<b>Angel &amp; Malone</b>							
Line Number	Quan	Description				Unit Pr	Total
673	1	110610-MM Model 764 Multimode Phase Selector				\$ 2,994.00	\$ 2,994.00
675	4	110258 Model 721 Detector				\$ 592.00	\$ 2,368.00
745	4	201011 3/4" Narrow Hub (IR)				\$ 19.00	\$ 76.00
874	1	87 - ICCU-S2+SDLCCP ICCU - Shelf Model Including Hardware Kit, Power Supply and ICB and SDLC Cabinet P				\$ 2,500.00	\$ 2,500.00
919	8	87-iNS23TNO-B 9X15 iNS2 APS Push Button Station Black/Black				\$ 431.00	\$ 3,448.00
1408	1	193317 Shelf Mount Flex Controller- ATC Cabinet (W/ Omni Software)				\$ 3,144.00	\$ 3,144.00
1462	1	M78586 353i ATCC-HV Allen (With 8 Relays and 8 Load Switches REMOVED) IA-24CH, OA-32CH, FOTA 16C				\$ 17,207.00	\$ 17,207.00
1576	4	200803 Pelco Clear Confirmation Light				\$ 159.00	\$ 636.00
2131	1	710011 Complete UPS w/ APC Secure UPS 1300VA/1300 W 120 VAC In/Out RM Plus Bypass Unit with 12' Har				\$ 2,603.00	\$ 2,603.00
2140	4	13-8A30 HEI MK 105 Amp 12V Batteries				\$ 291.00	\$ 1,164.00
<b>Total From Other Sheets, If Any:</b>							
<b>Subtotal A:</b>							<b>\$ 36,140.00</b>
<b>B. Unpublished Options, Accessory or Service items - Itemize Below - Attach Additional Sheet If Necessary</b> (Note: Unpublished Items are any which were not submitted and priced in contractor's bid.)							
Quan	Description					Unit Pr	Total
1	Price increase for Allen ATC M78586 Half Loaded 32 channel cabinet					\$ 2,205.00	\$ 2,205.00
1	Shelf Mount McCain Flex TS2 type 2 with Omni Software					\$ 720.00	\$ 720.00
3	Yearly Extended Warranty on Controller					\$ 387.00	\$ 1,161.00
1	M63331-1 Shelf, Louvered,332,Ears out,EQ Cabinet					\$ 84.00	\$ 84.00
1	501302 with a 501302E Shelf					\$ 775.00	\$ 775.00
1	M79319H Riser Assy,Split P44 24 inch with Hardware					\$ 412.50	\$ 412.50
<b>Total From Other Sheets, If Any:</b>							
<b>Subtotal B:</b>							<b>\$ 5,357.50</b>
<b>Check:</b> The total cost of Unpublished Options (Subtotal B) cannot exceed 25% of the total from Section A.						<b>For this transaction the percentage is:</b>	<b>15%</b>
<b>C. Other Allowances, Discounts, Trade-Ins, Freight, Make Ready or Miscellaneous Charges</b>							
Quan	Description					Unit Pr	Total
							\$ -
							\$ -
<b>Subtotal C:</b>							<b>\$ -</b>
<b>Delivery Date:</b>		<b>90 to 180 Days</b>		<b>D. Total Purchase Price (A+B+C):</b>		<b>\$ 41,497.50</b>	

## Proposed Traffic Signal Locations CIP # ST2108



<b>CITY COUNCIL REGULAR MEETING AGENDA COMMUNICATION</b>
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<b>AGENDA DATE:</b>	June 14, 2022
<b>AGENDA CAPTION:</b>	Authorize payments from the Tax Increment Financing Reinvestment Zone No. 1 (TIF) Fund of \$429,663.83 from the City Tax Increment and \$157,184.86 from the County Tax Increment to Charter DW Watters Creek Village, LLC, and the payment of \$15,000 to the City of Allen for Administrative Support as recommended by the TIF No. 1 Board of Directors.
<b>STAFF RESOURCE:</b>	Pete Phillis, Chief Financial Officer Chris Landrum, Assistant Chief Financial Officer
<b>BOARD/COMMISSION ACTION:</b>	On May 12, 2022, the TIF No. 1 Board recommended that the City Council approve a TIF payment in the amount of \$586,848.69 to Charter DW Watters Creek Village, LLC, and \$15,000 to the City of Allen for City administrative support.
<b>PREVIOUS COUNCIL ACTION:</b>	<p>On December 13, 2005, the City Council held a public hearing and passed Ordinance No. 2471-12-05 that created Reinvestment Zone No. 1 (Garden District).</p> <p>On November 27, 2007, the City Council approved the Final Project and Financing Plan for Reinvestment Zone No. 1.</p> <p>On April 12, 2022, the City Council authorized the City Manager to assign the development agreement to Charter DW Watters Creek Village, LLC.</p> <p>On an annual basis, the City Council considers a recommendation from the TIF Board of Directors to approve TIF funds allocated based on the Development Agreement.</p>
<b>STRATEGIC PLANNING GOAL:</b>	Vibrant Community with Lively Destinations and Successful Commercial Centers.

**BACKGROUND**

On September 1, 2005, the City received a TIF petition from Emerson Partners, Inc. for the redevelopment of the Montgomery Farm Garden District area through the use of Tax Increment Financing (TIF). The overall Tax Increment Financing Reinvestment Zone encompasses approximately 113 acres at the southwest corner of Bethany Drive and US 75.

The City created the TIF Zone at the December 13, 2005, City Council meeting. In 2007, the City, Montgomery Farms Garden District Ltd., and Coventry II DDR/Trademark Montgomery Farms (Trademark) entered into an Amended and Restated Development Agreement (Agreement) that addressed issues related to the inclusion of Trademark in the TIF development.

In 2013, the City entered into a Supplemental Agreement to the Amended and Restated Development Agreement with Watters Creek Owner, LLC (WCO) successor to Trademark. In the Supplemental Agreement, the term was extended by five (5) years and the percentage of reimbursement was decreased from 50% to 45% for years 11-12 and from 45% to 40% for years 13 through the end of the term for property tax. Sales tax receipts commencing on January 1, 2016 are reduced to 45% and will be further reduced on January 1, 2018 to 40%. The FY2014 reimbursement was still at the 50% rate pursuant to the Supplemental Agreement.

In January 2015, the TIF No. 1 Board approved the Second Supplemental Agreement that was concerned with additional terms and conditions related to Watters Creek Owner's obligations with respect to the construction and payment for the Montgomery Boulevard extension and the Watters Branch bridge. The Second Supplemental Agreement indicates in Section 2.4 that upon occupancy of Building V, the percentage of reimbursement will be adjusted to 50% for both the property and sales tax. Building V received a temporary Certificate of Occupancy on March 1, 2016.

In April of 2022, the City assigned the economic development agreement to Charter DW Watters Creek Village, LLC

Attachment 1 reflects the current status of the TIF Fund with proposed deductions for the City's \$15,000 administration cost and the proposed developer reimbursement of \$586,848.69 to Charter DW Watters Creek Village, LLC.

Attachment 2 reflects the proposed developer reimbursement being appropriated between the City and County participation. The County participation is initially restricted to the priority projects such as the ramp reversal and traffic signalization. Therefore, the proposed \$586,848.69 payment to Charter DW Watters Creek Village, LLC is allocated as \$429,663.83 towards parking spaces and \$157,184.86 towards the priority projects.

A proposed payment to the City in the amount of \$15,000.00 is for the City's administrative costs.

### **BUDGETARY IMPACT**

The TIF Fund has adequate funds available for the payments and will result in \$50,000 remaining as a fund balance pursuant to the Amended and Restated Development Agreement.

### **STAFF RECOMMENDATION**

Staff recommends that the City Council authorize payments from the Tax Increment Financing Reinvestment Zone No. 1 (TIF) Fund of \$429,663.83 from the City Tax Increment and \$157,184.86 from the County Tax Increment to Charter DW Watters Creek Village, LLC, and the payment of \$15,000 to the City of Allen for Administrative Support as recommended by the TIF No. 1 Board of Directors.

### **MOTION**

***I make a motion to authorize payments from the Tax Increment Financing Reinvestment Zone No. 1 (TIF) Fund of \$429,663.83 from the City Tax Increment and \$157,184.86 from the County Tax Increment to Charter DW Watters Creek Village, LLC, and the payment of \$15,000 to the City of Allen for Administrative Support as recommended by the TIF No. 1 Board of Directors.***

**ATTACHMENT(S)**

[Attachment 1.pdf](#)

[Attachment 2.2.pdf](#)

## TIF #1 Watters Creek/Montgomery Farms

April 4, 2022

	FY2008	FY2009	FY2010	FY2011	FY2012	FY2013	FY2014	FY2015	FY2016	FY2017	FY2018	FY2019	FY2020	FY2021	YTDFY2022	Project to Date
Beginning Balance	\$ -	\$ 160,430	\$ 114,027	\$ 251,301	\$ 215,005	\$ 279,891	\$ 277,719	\$ 272,970	\$ 277,893	\$ 300,677	\$ 337,471	\$ 309,594	\$ 302,669	\$ 216,162	\$ 51,505	\$ -
<b>REVENUES</b>																
Sales Tax - City Increment (distributed)	99,942	260,446	294,138	320,230	336,437	364,954	363,826	379,381	398,705	396,000	395,109	376,542	145,454	92,814	-	4,223,978
Sales Tax - City Increment (undistributed)	-	-	-	-	-	-	-	-	-	-	-	-	161,293	-	-	161,293
Property Tax - City Increment	41,801	181,213	315,189	319,996	356,638	315,420	293,574	289,246	295,195	319,174	332,321	346,340	374,448	417,346	442,992	4,640,892
Property Tax - County Increment	18,385	79,036	137,718	138,626	154,783	137,131	126,771	125,876	125,319	127,912	125,269	125,729	133,921	147,948	157,185	1,861,607
Project Savings	-	-	-	-	6,679	-	-	-	-	-	-	-	-	-	-	6,679
Investment Earnings (distributed)	490	1,884	4,340	2,474	1,608	897	1,369	2,177	1,878	2,329	5,492	7,734	3,742	1,497	-	37,911
Investment Earnings (undistributed)	-	-	-	-	-	-	-	-	-	-	-	-	4,870	1,505	167	6,542
Total Revenues	160,618	522,579	751,385	781,327	856,145	818,402	785,539	796,680	821,097	845,415	858,191	856,345	823,727	661,110	600,344	10,938,902
<b>EXPENDITURES</b>																
Developers Reimbursements	-	516,714	596,991	767,622	776,219	802,102	775,048	774,844	783,313	793,621	871,067	848,269	895,235	810,767	586,849	10,598,662
Administration Expenses FY08	-	15,000	-	-	-	-	-	-	-	-	-	-	-	-	-	15,000
Administration Expenses	-	15,000	15,000	15,000	15,000	15,000	15,000	15,000	15,000	15,000	15,000	15,000	15,000	15,000	15,000	210,000
Legal Expenses	188	22,268	2,120	-	40	3,472	240	1,913	-	-	-	-	-	-	-	30,241
Drainage Improvement	-	-	-	35,000	-	-	-	-	-	-	-	-	-	-	-	35,000
Total Expenditures	188	568,982	614,111	817,622	791,259	820,574	790,288	791,756	798,313	808,621	886,068	863,269	910,235	825,767	601,849	10,888,903
Revenues Over/(Under) Expenditures	160,430	(46,403)	137,274	(36,296)	64,886	(2,172)	(4,749)	4,923	22,784	36,794	(27,878)	(6,924)	(86,508)	(164,657)	(1,505)	50,000
Ending Balance	\$ 160,430	\$ 114,027	\$ 251,301	\$ 215,005	\$ 279,891	\$ 277,719	\$ 272,970	\$ 277,893	\$ 300,677	\$ 337,471	\$ 309,594	\$ 302,669	\$ 216,162	\$ 51,505	\$ 50,000	(D) \$ 50,000

(A) Represents 6 months worth of interest allocations.

(C) Administrative Expenses

(D) \$50,000 balance maintained pursuant to the Amended and Restated Development Agreement.

Motion

(B) I make a motion to recommend to the Allen City Council the approval of a payment to Charter DW Watters Creek Village, LLC from the TIF Fund in the amount of \$429,663.83 from the City tax increment, \$157,184.86 from the County tax increment, and a payment to the City from the TIF Fund in the amount of \$15,000.00 (C) for administrative support.



Watters Creek/Montgomery Farms

Attachment 2

City Reimbursements - TIF

Date	Description	Parking Spaces	\$ per Space	Due	Balance
1/17/2008	Garage G	199	\$ 11,440.81	\$ 2,276,721.19	\$ 2,276,721.19
4/29/2008	Garage M	408	\$ 11,440.81	\$ 4,667,850.48	\$ 6,944,571.67
9/26/2008	Garage P	803	\$ 11,440.81	\$ 9,186,970.43	\$ 16,131,542.10
Total Parking Space		1,410			
9/25/2009		-36.65	\$ 11,440.81	\$ (419,293.00)	\$ 15,712,249.10
4/20/2010		-40.14	\$ 11,440.81	\$ (459,273.00)	\$ 15,252,976.10
6/16/2011		-54.98	\$ 11,440.81	\$ (628,996.02)	\$ 14,623,980.08
5/8/2012		-54.32	\$ 11,440.81	\$ (621,436.30)	\$ 14,002,543.78
5/17/2013		-58.12	\$ 11,440.81	\$ (664,971.22)	\$ 13,337,572.56
5/30/2014		-56.66	\$ 11,440.81	\$ (648,277.41)	\$ 12,689,295.15
4/13/2015		-56.72	\$ 11,440.81	\$ (648,968.10)	\$ 12,040,327.05
5/25/2016		-57.51	\$ 11,440.81	\$ (657,994.74)	\$ 11,382,332.31
5/30/2017		-58.19	\$ 11,440.81	\$ (665,709.27)	\$ 10,716,623.04
5/21/2018		-65.19	\$ 11,440.81	\$ (745,798.24)	\$ 9,970,824.80
5/28/2019		-63.15	\$ 11,440.81	\$ (722,540.36)	\$ 9,248,284.44
6/2/2020		-66.54	\$ 11,440.81	\$ (761,313.84)	\$ 8,486,970.60
6/24/2021		-57.93	\$ 11,440.81	\$ (662,819.33)	\$ 7,824,151.27
Proposed		-37.56	\$ 11,440.81	\$ (429,663.83)	\$ 8,057,306.77
Subtotal		-763.67			
Parking Space Balance		646.33			

County Reimbursement - TIF

Priority Projects	Project Cost	
Ramp Reversals	\$ 802,052.00	\$ 685,375.44
TXDOT Reimbursement	\$ (116,676.56)	
Montgomery Blvd and Bridge	\$ 3,139,842.40	\$ 3,139,842.40
Traffic signalization for Bethany Dr (2 Sets)	\$ 352,454.00	\$ 352,454.00
deceleration lanes for Bethany and 75	\$ 340,267.00	\$ 340,267.00
Structured Parking Spaces @ \$4,685.14 max	\$ 2,088,108.56	
Total project costs	\$ 6,606,047.40	
9/25/2009	\$ (97,421.00)	
4/14/2010	\$ (137,717.77)	
6/16/2011	\$ (138,626.47)	
5/8/2012	\$ (154,782.59)	
5/17/2013	\$ (137,130.55)	
5/30/2014	\$ (126,770.50)	
4/13/2015	\$ (125,875.62)	
5/25/2016	\$ (125,318.72)	
5/30/2017	\$ (127,911.97)	
5/21/2018	\$ (125,269.23)	
5/28/2019	\$ (125,729.01)	
6/2/2020	\$ (133,920.67)	
6/24/2021	\$ (147,947.72)	
Proposed	\$ (157,184.86)	
Total reimbursements	\$ (1,861,606.68)	
Project Balance	\$ 4,744,440.72	

## CITY COUNCIL REGULAR MEETING AGENDA COMMUNICATION

<b>AGENDA DATE:</b>	June 14, 2022
<b>AGENDA CAPTION:</b>	Conduct a public hearing and adopt an Ordinance continuing and readopting Chapter 10, Article II, "Curfew for Juveniles," of the Code of Ordinances of the City of Allen, Texas.
<b>STAFF RESOURCE:</b>	Kenneth Myers, Deputy Chief of Police Brian Harvey, Chief of Police
<b>PREVIOUS COUNCIL ACTION:</b>	Previously, City Council Adopted Ordinance No. 1332-5-95, Ordinance No. 1928-03-01, Ordinance No. 2344-10-04, Ordinance No. 2647-8-07, Ordinance No. 2929-07-10, Ordinance No. 3161-07-13, Ordinance No. 3392-6-16 Establishing a Curfew for Juveniles, and Ordinance No. 3681-6-19
<b>STRATEGIC PLANNING GOAL:</b>	Safe and Livable Community for All.

### **BACKGROUND**

On June 24, 2019, the City Council renewed the Juvenile Curfew by Ordinance No. 3681-6-19. In accordance with Section 370.002 of the Texas Local Government Code, the City Council is required to review Chapter 10, Article II of the Code of Ordinances, Curfew for Juveniles, and its effects on the community and on the problems such ordinances are intended to remedy.

The City Council must find it in the best interest of the health, safety and welfare of the residents of the City of Allen, Texas, to continue with a Curfew for Juveniles. Section 370.002 of the Texas Local Government Code requires the City Council and the Police Department to review the Curfew Ordinance before the third anniversary of the date of adoption, and every third year thereafter.

The Police Department is not recommending amendments to the current ordinance.

### **STAFF RECOMMENDATION**

Staff recommends the City Council adopt an Ordinance continuing and readopting Chapter 10, Article II, "Curfew for Juveniles," of the Code of Ordinances of the City of Allen, Texas.

### **MOTION**

*I make a motion to adopt Ordinance No. \_\_\_\_\_ continuing and readopting Chapter 10, Article II, "Curfew for Juveniles," of the Code of Ordinances of the City of Allen, Texas.*

### **ATTACHMENT(S)**

[Ordinance](#)

**ORDINANCE NO. \_\_\_\_\_**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ALLEN, COLLIN COUNTY, TEXAS, CONTINUING AND READOPTING CHAPTER 10, ARTICLE II, CURFEW FOR JUVENILES, OF THE CODE OF ORDINANCES OF THE CITY OF ALLEN, TEXAS; PROVIDING FOR A PENALTY OF A FINE NOT TO EXCEED THE SUM OF FIVE HUNDRED DOLLARS (\$500) FOR EACH OFFENSE; PROVIDING A REPEALING CLAUSE; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, the City Council of the City of Allen, Collin County, Texas (“City Council”) adopted Ordinance No. 2647-8-07, Ordinance No. 2929-7-10, Ordinance No. 3161-7-13, Ordinance 3392-6-16, and Ordinance No. 2681-6-19 pertaining to a citywide curfew for juveniles (“Juvenile Curfew Ordinance”), codified at Chapter 10, Article II of the Code of Ordinances of the City of Allen, Texas; and,

**WHEREAS**, Section 370.002 of the Texas Local Government Code requires the City Council, before the third anniversary of the date of adoption of the Juvenile Curfew Ordinance, and every third year thereafter, to review the Ordinance’s effects on the community and on problems the Ordinance was intended to remedy, conduct public hearings on the need to continue the Ordinance, and to abolish, continue, or modify the Ordinance; and,

**WHEREAS**, the Chief of Police for the City of Allen, Texas, briefed the City Council regarding the Juvenile Curfew Ordinance’s effects on the community and on problems the Ordinance was intended to remedy; and,

**WHEREAS**, in accordance with Section 370.002 of the Texas Local Government Code, the City Council has reviewed the Juvenile Curfew Ordinance’s effects on the community and on the problems the Ordinance was intended to remedy and conducted a public hearing on June 14, 2022, regarding the need to continue the Ordinance; and,

**WHEREAS**, based on the foregoing, the City Council finds that it is in the best interest of the health, safety, and welfare of the City of Allen, Texas, to continue and readopt the Juvenile Curfew Ordinance.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ALLEN, TEXAS, THAT:**

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

**SECTION 2.** Chapter 10, Article II, of the Code of Ordinances of the City of Allen, Collin County, Texas (Juvenile Curfew Ordinance), is hereby continued and readopted to read as follows:

**“ARTICLE II – CURFEW FOR JUVENILES**

**Sec. 10-21. Definitions.**

For purposes of this article, the following terms shall apply:

*Curfew hours* means 11:00 p.m. on any Sunday, Monday, Tuesday, Wednesday or Thursday until 6:00 a.m. of the following day; and 12:01 a.m. until 6:00 a.m. on any Saturday or Sunday.

*Emergency* means an unforeseen combination of circumstances or the resulting state that calls for immediate action. The term shall include but is not limited to fire, natural disaster, and any automobile accident, or any situation requiring immediate action to prevent serious bodily injury or loss of life.

*Establishment* means any privately-owned place of business operated for a profit to which the public is invited, including, but not limited to, any place of amusement or entertainment.

*Guardian* means any person to whom custody of a juvenile has been given by a court order.

*Juvenile* means any person under seventeen (17) years of age and over nine (9) years of age.

*Operator* means any individual, firm, association, partnership, or corporation operating, managing, or conducting any establishment. The term includes the members or partners of any association or partnership and the officers of the corporation.

*Parent* means a person who is the natural or adoptive parent of a person, to include a court appointed guardian or other person eighteen (18) years or older, authorized by the parent, by a court order, or by the court, or by the court appointed guardian to have the care and custody of a person.

*Public place* means any place to which the public or a substantial group of the public has access and includes, but is not limited to, streets, highways, and the common areas of schools, hospitals, apartment houses, office buildings, transport facilities, and shops.

*Remain* means to linger, stay, walk, run, stand, drive or ride; or fail to leave premises when requested to do so by a police officer or the owner, operator, or other person in control of the premises.

#### **Sec. 10-22. Offenses.**

(a) A juvenile commits an offense if the juvenile remains in any public place or on the premises of any establishment within the city during curfew hours.

(b) A parent or guardian of a juvenile commits an offense if such person knowingly permits, or by insufficient control allows, the juvenile to purposefully remain, walk, run, stand, drive, or ride about in or upon any public place or on the premises of any establishment within the city during curfew hours.

(c) The owner, operator, or any employee of any establishment within the city commits an offense if such person knowingly allows a juvenile to remain upon the premises of the establishment during curfew hours.

#### **Sec. 10-23. Defenses to prosecution.**

(a) It is a defense to prosecution under subsection 10-22(a) that the juvenile was:

(1) Accompanied by the juvenile's parent or guardian;

(2) On an errand at the direction of the juvenile's parent or guardian, without any detour or stop;

(3) In a motor vehicle involved in interstate travel;

(4) Engaged in an employment activity, or going to or returning home from an employment activity, without any detour or stop;

(5) Involved in an emergency;

(6) On the sidewalk abutting the juvenile's residence or abutting the residence of a next-door neighbor if the neighbor did not complain to the police department about the juvenile's presence;

- (7) Attending a religious service, activity, or a recreational or social activity sponsored or provided by a religious organization, or going to and returning home therefrom without any detour or stop;
- (8) Attending a recreational or social activity supervised by adults and sponsored by the city or by a school, a civic organization, or other similar entity that takes responsibility for the juveniles, or going to or returning home therefrom without any detour or stop;
- (9) Exercising First Amendment rights protected by the United States Constitution; or
- (10) Married or had been married or had disabilities of minority removed in accordance with V.T.C.A., Family Code ch. 31, as amended.

(b) It is a defense to prosecution under subsection 10-22(c) that the owner, operator, or employee of an establishment promptly notified the police department that a juvenile was present on the premises of the establishment during curfew hours and refused to leave.

#### **Sec. 10-24. Enforcement.**

Before taking any enforcement action under this section, a police officer shall ask the apparent offender's age and reason for being in the public place. The officer shall not issue a citation or make an arrest under this article unless the officer reasonably believes that an offense has occurred and that based on any response and other circumstances, no defense in Section 10-23 is present.

#### **Secs. 10-25. Penalties.**

(a) A person who violates a provision of this article is guilty of a separate offense for each day or part of a day during which the violation is committed, continued, or permitted. Each offense, upon conviction, is punishable by a fine not to exceed five hundred dollars (\$500.00).

(b) When required by V.T.C.A., Family Code § 51.08, as amended, the municipal court shall waive original jurisdiction over a juvenile who violates subsection 10-22(a) and shall refer the juvenile to juvenile court.

#### **Secs. 10-26—10-29. Reserved.”**

**SECTION 3.** Any person, firm or corporation violating any of the provisions or terms of this Ordinance shall be subject to the same penalty as provided for in the of the City of Allen, as heretofore amended, and upon conviction shall be punished by a fine not to exceed the sum of Five Hundred Dollars (\$500) for each offense.

**SECTION 4.** All provisions of the ordinances of the City of Allen in conflict with the provisions of this Ordinance are hereby, repealed, and all other provisions of the ordinances of the City of Allen not in conflict with the provisions of this Ordinance shall remain in full force and effect.

**SECTION 5.** Should any sentence, paragraph, subdivision, clause, phrase, or section of this Ordinance be adjudged or held to be unconstitutional, illegal, or invalid, the same shall not affect the validity of this Ordinance as a whole, or any part or provision thereof other than the part so decided to be invalid, illegal or unconstitutional, and shall not affect the validity of the Code of Ordinances as a whole.

**SECTION 6.** This Ordinance shall take effect immediately from and after its passage the publication of the caption, as the law and charter in such cases provide.

**DULY PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF ALLEN, COLLIN COUNTY, TEXAS, ON THIS THE 14<sup>TH</sup> DAY OF JUNE 2022.**

**APPROVED:**

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**Kenneth M. Fulk, MAYOR**

**APPROVED AS TO FORM:**

**ATTEST:**

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**Peter G. Smith, CITY ATTORNEY**  
(PGS:5-28-19:TM 108324)

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**Shelley B. George, CITY SECRETARY**