

CITY OF HIGHLAND HAVEN
ORDINANCE #020 (REVISION #27)
October 17, 2023

AN ORDINANCE OF THE CITY OF HIGHLAND HAVEN, TEXAS, ESTABLISHING: ADOPTED BUILDING CODES, CONTRACTOR LICENSE REQUIREMENTS, PROPERTY DEVELOPMENT PERMIT REQUIREMENTS, FEES AND DEPOSITS, PROPERTY SURVEYS AND INSPECTIONS REQUIREMENTS, SPECIAL BUILDING RESTRICTIONS, CONSTRUCTION COMPLIANCE ENFORCEMENT, VARIANCE PROCEDURE AND PROVIDING AN EFFECTIVE DATE.

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

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

Whereas, Revision #6 will establish a waiting period for approval of all new residential construction and approval by one (1) member of the Zoning commission and two (2) Aldermen.

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

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

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

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

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

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

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

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

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

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

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

Whereas, previous revisions did not address buried LPG tank(s), Revision #18 will provide guidance to install buried LPG tanks.

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

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

Whereas, Revision #20 refers to Ordinance #043 for enforcement and penalties, adds a requirement for major remodel of an existing residence to be held for a minimum of seven (7) days and be reviewed by the Planning and Zoning Committee, specifies the date of the International Building Code, requires a permit for demolition of existing structures, adds requirement for contractor licensing information, and requires ground cover for major remodels and septic system replacement.

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

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

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

Whereas, Revision #24 Clarifies permit fees by referencing current approved building permit fee schedule, clarifies concrete foundations, clarifies Customer Service Inspection requirement prior to issuance of Certificate of Occupancy.

Whereas, Revision #25 amends the approving panel membership to include one (1) Board of Alderman's designated City Building Permit Official, one (1) Elected official, and one (1) Planning and Zoning Commissioner building permit approval(s) and correction of typographical and formatting errors.

Whereas, Revision #26 adopts current building code, corrects inconsistencies with outside agency regulations, defines structures and required building code inspections.

Whereas, Revision #27 modifies adopted building codes. Stipulates the requirements for a form / foundation survey. Clarifies definitions of structures to establish fees. Establishes valid permit periods and stipulates the permit holder responsibilities to obtain extensions or notify the City of completion. Requires an Engineered Foundation Plan and inspection by an engineer for new single-family residents. Provides for settlement of unpaid balances utilizing the Construction Compliance Deposit.

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

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

SECTION 2. BUILDING CODES

To protect the public health, safety, and welfare of the community, the City acknowledges the State of Texas has adopted the International family of codes for the State.

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

International Building Code, (IBC) Current Edition as adopted by the State of Texas

International Residential Code, (IRC) Current Edition as adopted by the State of Texas

International Energy Conservation Code, (IECC) Current Edition as adopted by the State of Texas

International Swimming Pool and Spa Code, Current Edition as adopted by the State of Texas

National Electric Code, (NEC) Current Edition as adopted by the State of Texas

Adoption of the above referenced codes supplements, but does not alter or repeal, any other ordinance of the City of Highland Haven, Texas that establishes zoning and governs residential and commercial construction.

SECTION 3. LICENSE REQUIREMENTS

- A. All plumbing, electrical, mechanical, new irrigation systems, or repairs to irrigation systems, Backflow Prevention Valve tests or expansion of systems, and well drilling work or well pump installation shall be performed under the supervision of persons holding a valid and current State of Texas or municipal license entitling such persons to perform work of the type involved. A property owner may elect to perform the work himself/herself if he/she considers themselves qualified and the State licensing authority authorizes such action. Such work must meet all applicable codes and requirements and receive required inspections by a licensed Building Code Inspector.

SECTION 4. PERMITS REQUIRED

Permits issued by the city will remain valid, for periods ranging between six(6) months to twelve (12) months from the date of issue. Extensions may be requested for additional three (3) month increments. See Ordinance # 104 for initial periods, extensions, and fees.

- A. An application for construction of any new residence, any waterfront facility, or major remodel of an existing residence will be held at City Hall for a period no less than seven (7) days. These applications will be reviewed by one (1) Board of Alderman's designated City Building Permit Official, one (1) Elected City Official, and one (1) Planning and Zoning Commissioner before being approved or disapproved. All other permits will be held as required by the appointed City official to ensure all reviews and document submissions requirements have been met.
- B. New construction permit requirements include:
 - (1) Single Family Residences – SFR.
 - (2) Out buildings and garages.
 - (3) Any new structure or additions to existing structures.
 - (4) Carports.
 - (5) Driveways.
 - (6) Patio; covered or open.
 - (7) Boating facility, boathouse, slips, docks, and ramps with or without electrical or plumbing.
 - (8) Sprinkler Systems; from lake, well or city water supply
 - (9) Landscaping raw land, grading or lot clearing (refer to Ordinance #021 for drainage alteration considerations).
 - (10) Concrete slabs or hard surface attached or detached to structures.
 - (11) Concrete sidewalks or walkways, including steps.
 - (12) Septic system construction – requires LCRA permit.
 - (13) All construction of sea walls or bulk heads along the shoreline of Lake LBJ and beyond, including fifty feet (50') into Lake LBJ and all dredged canals. Construction must comply with USACE, LCRA, and City requirements. Property owners and contractors are encouraged to review all of these requirements.
 - (14) Room additions with or without electrical or plumbing.
 - (15) Plugging of any existing water well requires a city permit and a copy of the plugging report required by the Texas Department of Licensing and Regulation (TDLR) will be delivered to Highland Haven City Hall within ten (10) days of the plugging.
 - (16) Water Well Drilling – all requirements and regulations required by TDLR will apply to any new water well drilling in Highland Haven. (See permitting and other requirements established by the Central Texas Ground Water Conservation District.) Additionally, any and all new wells drilled will require pressure cementing. Cementing will be done in compliance with TDLR cementing specifications.
 - (17) Fences (Note, property owner must locate and verify property line(s)). (See Ordinance #037)
 - (18) Swimming pools or hot tubs.
 - (19) Any building or permanent structure within 10 feet (10') of the property line. (Note, property owner must locate and verify property line)
 - (20) Constructing a driveway across the city right-of-way.
 - (21) Any development or alteration of any land structure, drainage structure, or drainage easement

that in any way alters the existing drainage plan and/or the surface drainage located within the corporate city limits. Requires a Certified Engineering Drainage Survey or the approval of the City Engineer. (See Ordinance #021)

C. Remodeling and Repair permit requirements include:

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

- (1) Patio, deck, or carport extension.
- (2) Any concrete pad to be poured next to an existing structure whether or not the new or additional construction is to be connected, in any way, to the existing structure.
- (3) Septic system repair – requires LCRA permit - no fee required if issued before starting repairs.
- (4) Enclosure of any structure.
- (5) Remodel SFR, out building, boat facility or storage building, with or without electrical or plumbing, including any enlargement or alteration of the floor plan or roofline of a building or structure.
- (6) Electrical service (meter loop or service repair).
- (7) Propane tank screen or fence.
- (8) Resurface driveway or approach.
- (9) All sea wall or bulkhead repairs along the shoreline of Lake LBJ and beyond, including fifty feet (50') into Lake LBJ. This requirement includes dredged canals. Repairs must comply with USACE, LCRA, and city requirements. Property owners and contractors are encouraged to review all of these requirements.
- (10) Alteration of any land structure, drainage structure, or drainage easement that in any way alters the existing drainage plan and/or the surface drainage located within the corporate city limits. Requires a Certified Engineering Drainage Survey or the approval of the City Engineer. (See Ordinance #021)
- (11) Demolition of any existing structure.
- (12) Any project requiring Building Code Inspection.

D. Permits are not generally required for:

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

SECTION 5. REQUIRED SURVEYS FOR PERMITTING, INSPECTIONS REQUIRED DURING CONSTRUCTION

- A. A Certified site survey of the lot will be required before a building permit is issued for the first structure on a lot. A building permit for subsequent structures or additions to structures may be issued on the basis of a prior certified site survey. An acceptable certified site survey must depict building footprints and all proposed overhangs and/or eaves, location of all lot lines, setbacks, and easements.

1. Ordinance #051 requires additional information if any portion of the site is located in a special flood hazard area. (A and AE) Additionally the site survey shall include: spot ground

elevations at residential and nonresidential building corners, one foot contour elevations throughout the building site, Base Flood Elevation contour, and proposed locations of water supply, sanitary sewer, and utilities. Ordinance #051 must be referenced for additional requirements.

- B. An Elevation Certificate (current edition) is required for any lot wholly or partially located within the Base Flood Elevation (A and AE). It is a tool of the National Flood Insurance Program and is used to provide elevation information necessary to ensure compliance with Highland Haven floodplain management Ordinances #051 and #101. An Elevation Certificate is also used to determine flood insurance rates and support a request to FEMA for a Letter of Map Amendment (LOMA) or Letter of Map Revision (LOMR). The certificate must show that the proposed residential foundation (living area) and other structures will be in compliance with existing elevation requirements and FEMA regulations. (See Ordinance #051 and #101)
- C. The certified site survey set out in A above, and the elevation certificate set out in B above, must be approved by the Board of Aldermen's designee before construction proceeds. The designee shall evidence approval and retain a true and correct copy of each survey for the City building permit files. The concrete foundation forms may not be relocated or the elevation of the proposed slab or top of first floor (for SFR per Ordinance #051) altered without re-survey and re-approval unless waived in writing by the Board of Aldermen's designee and the City Floodplain Administrator. The residence lowest floor and appliance pad shall be located as required by Ordinance #051, two feet (2') above the Base Flood Elevation.
- D. Any new concrete foundation installation within (3) feet of setbacks or located in Zone A or AE shall require a Certified Form /Foundation Survey be submitted to the City indicating the location of formboards in relation to property lines, setbacks, and easements. The survey should be performed and submitted prior to rough plumbing and rebar. In the event the lot is located wholly or partially within Base Flood Elevation, the survey shall include elevation heights of the building corners.
- E. For waterfront construction, if any structure is to be located within ten (10) feet (including roof drip lines) of an extended lot line, a Certified Survey will be required to ensure correct placement of any structures in relation to extended lot and set back lines. A certified survey is also required to ensure that the minimum navigation clearance requirements of Ordinance# 056 are met when the shore-to-shore distance is less than 150 feet. Property owners and contractors are required to sign a City form specifying their understanding of the navigational clearance requirements, the setback requirements, and the requirement for pre and post construction surveys to ensure the structure, including the roof drip line, does not encroach into the five-foot setback or into the navigational clearance. For any waterfront construction permit request, the requirement for either or for both a pre or post construction certified survey, may be waived by a unanimous vote of a three-member panel consisting of one (1) Board of Alderman's designated City Building Permit Official, one (1) Elected City Official, and one (1) Planning and Zoning Commissioner. Property owners and contractors are encouraged to review USACE and LCRA requirements.
- F. The Board of Aldermen may authorize inspections to be performed by a State of Texas licensed

building inspector or a designated City of Highland Haven official. This inspector is authorized and empowered to require as many inspections as deemed proper and may also set the inspection schedules. The Building Code Inspector, City officials, appointees, and contract service personnel shall be entitled to enter and inspect all sites where building or installation of structures is occurring to determine compliance with the provisions of all ordinances and restrictions. They may issue orders to cease and desist any work which may be in violation. The penalty for violation provision of the appropriate ordinance may be invoked to assure compliance.

- G. A Customer Service Inspection, by a licensed inspector, is required prior to continuous connection to Highland Haven's water supply for any new residence or structure. Inspections shall be arranged and paid for by the property owner. Required by Texas Commission on Environmental Quality and Highland Haven Water System.
- H. A Backflow Prevention Assembly test, by a certified tester, shall be performed on new irrigation systems or any water feature with an auto fill device (pool) using Highland Haven's water supply. Tests shall be arranged and paid for by the property owner. Commercial backflow prevention assembly tests must be performed annually, by a certified tester. Required by Texas Commission on Environmental Quality and Highland Haven Water System.

SECTION 6. PERMIT PROCEDURE

- A. Property Development Application Permits are available from the City of Highland Haven, Texas.
- B. The appropriate permit fee, inspection fee, and construction enforcement deposit must accompany each application. Fees and deposits will be deposited to the City general fund. If permitted construction does not occur, inspection fees and cleanup deposit may be returned.
- C. Application shall include:
 - 1. LCRA's approval for an on-site septic system or Continued Use Authorization.
 - 2. A Certified Site Survey.
 - 3. An Elevation Certificate (current edition) is required for any lot wholly or partially located within the Base Flood elevation (A and AE).
 - 4. A complete written description of improvements to be made.
 - 5. Contractor licensing information for all electrical, mechanical, plumbing, irrigation system, and/or water well drilling/pump installation work, unless the work is actually performed by the property owner. Any property owner acting as contractor must submit a Homeowner's License Exemption Permit application.
 - 6. An architectural plan and an Engineered Foundation Plan for a new single-family residence, a major remodel, or a waterfront bulkhead structure. Structural details may be requested depending on the complexity of the structure. Waterfront structures (docks / bulkheads) should include structural details and a description of materials to be used.
 - 7. An agreement and acknowledgement form signed by both the property owner and the contractor, recognizing the requirements of applicable Ordinances, Construction Compliance Enforcement regulations, Building Code Inspection requirements, Set Back regulations, and Flood Plain requirements.
 - 8. LCRA floodplain compliance certificate approved by the City Floodplain Administrator

and indicating the property location on the current Flood Insurance Rate Map (FIRM).

9. A Certified Engineering Drainage Survey or City Approval if required by Ordinance #021.
 10. A water well permit issued by the Central Texas Ground Water Conservation District when The District so requires.
- D. Permits are valid for periods ranging between six (6) months to twelve (12) months from the date of issue. Extensions may be requested for additional three (3) month increments. See Ordinance # 104 for initial periods, extensions, and fees. It is the responsibility of the permit holder or contractor to apply for a permit extension seven (7) days prior to the expiration of the permit or notify the City when a project has been completed and is ready for a final City Clean Up Inspection. The return of the Permit Placard to City Hall is the required notification method. Failure to obtain an extension or notify the City of completion within 60 days past the expiration date of the permit shall result in the permit being voided. All permit fees and deposits shall be forfeited. A new permit application must be initiated and approved prior to resuming construction.

SECTION 7. REQUIRED PERMIT FEES AND DEPOSITS

- A. Permit Fee – Cost of City personnel to review and process Property Development Permit Applications, confirm compliance with City ordinances, verify property ownership, record and file appropriate documents, and determine required Building Code Inspections.
- B. City Inspection Fee – Confirm setback requirements are in compliance, monitor job progression for ordinance compliance and completion of Building Code Inspections, and final inspection or Certificate of Occupancy.
- C. Building Code Inspection Fees - Building Code Inspections ensure the finished construction work meets the quality standards of Building Codes adopted by the State of Texas. BCI protect the owner and contractor by documenting construction was completed per standards in place for the safety and quality of the finished project. Required Building Code Inspections shall be agreed on by the owner and contractor prior to start of construction.
- D. Construction Compliance Deposit - The deposit is to ensure, from start of construction to completion of the project, that construction activities comply with the Ordinances of Highland Haven, Texas.
- E. See Ordinance #104 for Highland Haven fee schedule.

SECTION 8. DEFINITION OF STRUCTURES TO ESTABLISH FEES:

- A. Single Family Residence – Construction or total demolition of a place, premises, dwelling, house or other place where a person resides.
- B. Re-model, Major – Includes, but not limited to – additional construction or partial demolition of a structure or a SFR that results in removal of weight-bearing wall(s), enlargement of footprint to add air-conditioned living space, addition or relocation of HVAC, electrical or plumbing, an increase in the height of the ceiling, the addition of a second story, or the enclosure of a garage into livable (heated/air conditioned) space.

- C. Waterfront, Major – Includes, but not limited to, any new structure on or over the water, a seawall, bulkhead, dock or boat ramp.
- D. Re-model, Minor – Construction or demolition of the interior or exterior of a structure, may replace HVAC, electric and / or plumbing, must not include additional air-conditioned living space or removal of load bearing wall. Minor remodels are typically completed within six (6) months.
- E. Waterfront, Minor – Additions to existing structure resulting in no change of footprint, no addition of concrete or structure and must remain within setback and navigational requirements. Example, PWC lift or floating PWC dock.
- F. Outbuildings – An additional building or structure located on an improved lot with the existence of a single-family residence. Includes: detached garage, workshop, storage facility, gazebo, greenhouse, or pergola. (See Ordinance #056)
- G. Secondary Structure – Anything constructed on land or otherwise located in, on or over the water surface. Any structure not considered an outbuilding, that is subordinate and incidental to the primary structure. Includes: patios, decks, swimming pools, hot tubs, or fountains.
- H. Non-structure – No structure above ground, Driveway, Flat Concrete, Septic System, Fences, Irrigation, Landscaping, Water Well Plugging. Includes demolition of non-structures.

SECTION 9. REQUIRED BUILDING CODE INSPECTIONS

- A. Building Code Inspections require a fee payable at the time of permit approval. Required additional inspections or re-inspections will be charged accordingly. Fees are established by Ordinance.
- B. Required inspections.
 - 1. Plan Review by Building Code Inspector
 - a. Single Family Residence
 - b. Major re-model
 - c. Waterfront, Major: Docks, Seawall, Bulkheads
 - 2. Plumbing Rough In Inspection as required prior to rebar installation in a foundation.
 - 3. Foundation Inspection of any foundation utilizing rebar, prior to concrete installation. Engineered foundations must be inspected by the Engineering Firm prior to concrete and a letter of approval must be provided to the City. Engineered foundations must also be inspected by a Building Code Inspector for plumbing and electrical installations.
 - 4. Framing Inspection for any new structure constructed of wood or steel. Dock framing shall be inspected after rebar and prior to concrete.
 - 5. HVAC Top Out Inspection
 - 6. Electrical Top Out Inspection
 - 7. Plumbing Top Out Inspection

Top Out Inspections of any MEP installation should be prior to installation of insulation and / or covering of walls and ceilings.

 - 8. HVAC Final
 - 9. Electrical Final
 - 10. Plumbing Final

11. Building Final Inspection

SECTION 10. CONSTRUCTION REQUIREMENTS AND RESTRICTIONS

- A. The terrain of any lot or lots shall not be changed in anyway so as to cause water drain off to be directed to the surrounding home sites. In the event construction or alteration of any land structure drainage structure or drainage easement occurs, a permit and drainage survey are required. (See Ordinance #021)
- B. Before any concrete is poured, the lot owner or builder shall determine the actual position of the concrete foundation forms as related to lot lines, setbacks, and easements, and verify that they are located as shown on the lot survey plot plan in the approved building permit. This requirement applies to land and waterfront construction. A Form/Foundation Survey shall be required if setback tolerances are critical, or elevations require verification relative to the Elevation Certificate required in Section 5.A.1.
- C. As required by the Elevation Certificate (Section 5.B) a post top of first floor construction elevation survey shall be conducted by a licensed surveyor or engineer verifying that the as-built foundation is as required by the Elevation Certificate and Ordinance #051. Results shall be noted on the Elevation Certificate and a copy of the Elevation Certificate shall be provided to the City.
- D. Above ground LPG up to 250 gallons are permitted provided the fuel storage tank has a current certification that meets appropriate government regulations. Above ground LPG tanks must be surrounded by appropriate screening material, i.e., fencing, lattice, or shrubbery. An above ground propane tank must be secured if located within the Base Flood elevation and be located a minimum of two (2) feet above the Base Flood elevation. A direct burial LPG tank up to 500 gallons is permitted if the tank is certified for direct burial, meets all governmental regulations and codes, and a copy of such certification is provided to the City. Direct burial LPG tanks must be located at least ten feet (10') from any lot line, building, or roadway, and the location marked or protected to prevent travel over the tank location by vehicles or machines or excavation of the tank area." The property owner shall insure that the LPG tank installation provides a sufficient clearance from any buried water, septic, or electrical lines.
- E. All garages will be enclosed on a minimum of three (3) sides and will be equipped with a garage door; a garage door opening shall not exceed 10 feet (10') in height.
- F. The interiors of all garages and carports must be finished in such a way as to conceal framing, insulation material, or unfinished masonry.
- G. All new residential construction and major re-models shall be treated, by a licensed technician, for subterranean termites by one of the methods approved in the current edition of the International Residential Building Code. Proof of the required treatment must be submitted to the City prior to issuance of a certificate of occupancy or refund of the construction deposit.
- H. Some form of ground cover, such as grass, rocks, etc., will be required within 90 days after completion date of a new SFR, major remodel, or septic system replacement or repair. No deposit refund will be issued until ground cover is completed.

I. Water Wells:

- (1) Drilling of new water wells is prohibited.
 - a. The prohibition of drilling new water wells does not apply in any way to the Highland Haven Water System.
- (2) Plugging of an existing water well must be done by a licensed well driller or pump installer.
- (3) Any existing inactive water well that is capped must be plugged within 90 days of inactivity.

SECTION 11. CONSTRUCTION COMPLIANCE DEPOSIT

- A. Applicants for a Property Development Permit (Building Permit) shall, in addition to permit fees, post a deposit. The deposit is to ensure, from start of construction to completion of the project, that construction activities comply with the Ordinances of Highland Haven, Texas.
1. Violations may result in deductions from the deposit and paid to the City. The Mayor, Building Permit Official or Code Enforcement Official are authorized to approve deductions. Deposit deductions are specified by Ordinance #104.
 2. Owners and contractors shall be notified of any deductions from the deposit, in writing or email. Should the balance of the initial deposit fall below 50%, additional funds shall be provided to make the original deposit whole.
 3. The applicant shall be provided with a copy of this section when the deposit is delivered. Property owners and contractors shall provide signatures agreeing and acknowledging deductions shall occur for violations.
 4. Unpaid balances due the City shall be deducted from the deposit. Unpaid balances may result from permit extensions, stop work orders, additional Building Code Inspections, or additional permit fees resulting from changes in scope of work. Any portion of the deposit remaining at the end of the project will be refunded, without interest, to the deposit payor.
 5. A Certificate of Occupancy, if required, post construction elevation certificates and photographs, proof of termite treatment, copies of Customer Service Inspection and Backflow Prevention Test and installation of ground cover must be completed prior to refund of the deposit.
- B. Portable toilets are required to be on location for construction of a new family residence, major remodel or any construction that prevents access to onsite sanitary facilities. Absence of restroom facilities for construction workers shall result in a stop work order.
- C. Construction site clean-up / Maintenance. - An appropriate trash container, (dumpster) must be on location prior to start of construction of a new single-family residence, major remodel, or any project expected to accumulate large amounts of debris.
1. The construction site and surrounding areas shall be kept free from tree and brush trimmings, construction debris and litter; with no significant accumulation outside of a dumpster for more than twenty-four (24) hours.
 2. Materials having no further use on the existing job is considered debris and shall be removed from the site.
 3. If accumulation of debris becomes a nuisance and threat to public safety the City will advise their concern and request the construction site be cleaned up.
 4. Notice shall be considered served on the permit holder and contractor by posting near the building permit at the job site or by written or email communication with the permit holder, contractor

and/or designated property owner representative.

5. Failure to comply within forty-eight (48) hours may result in a stop work order and a deposit deduction.

D. Damage to City property- The permit holder and contractor shall preserve, and totally restore to generally equivalent condition if damaged, any and all City property including roads, utilities, drainage ditches, and signs. Any unrepaired damage shall be repaired by a contractor hired by the City and the actual cost incurred by the City shall be deducted from the compliance deposit. Incurred costs exceeding the balance of the deposit shall be invoiced to the permit holder and or contractor.

E. Construction Nuisances - a nuisance is a “condition that substantially interferes with the use and enjoyment of land by causing unreasonable discomfort or annoyance to persons of ordinary sensibilities attempting to use and enjoy it.” In other words, a nuisance is something that would annoy a reasonable person. A minor nuisance affects adjacent neighbors.

1. Burning and/or burying of trash or building materials generated during construction or remodeling is prohibited. Violations may result in deposit deductions.
2. Contractor construction activities shall be limited to the hours of 7:00 AM to 7:00 PM, Monday through Saturday.
 - a. Violation of this provision is considered unique and shall result in a deposit deduction.
 - b. Variance to hours of activities may be granted in writing by the Mayor or Building Permit Official only if granted 48 hours prior to a scheduled event, and agreed to by signature, of all neighbors adjacent to the job site.
 - c. A Construction Activity Variance shall require a fee to be paid to the City. Violations shall result in deposit deductions.
3. Excessive loud music or activity unrelated to the construction process shall be considered a nuisance. Violations may result in deposit deductions.
4. Parking by construction or work crews must be on the property where the construction is occurring or in the right of way at the side of the street. Vehicles may not impair traffic block mailboxes, impede emergency vehicles or become a nuisance for neighbors in the vicinity. Violations may result in deposit deductions.

F. Change in scope of work affecting building footprint, roofline, façade, or addition of a licensed trade must be reported to the Permit Official. Amendment of the permit will result in appropriate additional fees and deposit. Failure to notify may result in deposit deductions and a stop work order.

G. Building Code Inspections ensure the finished construction work meets the quality standards of Building Codes adopted by the State of Texas. BCI protect the owner and contractor by documenting construction was completed per standards in place for the safety and quality of the finished project. Failure to obtain required Building Code Inspections is considered a unique violation and shall result in deposit deductions and a stop work order.

H. . A copy of the approved building permit placard shall be posted so that it is visible from the street

and remain posted until completion of the project. Upon project completion, the placard must be returned to the City. Return of the placard is the responsibility of the permit holder and the project shall not be considered complete until the placard is returned.

- I. Certification of Occupancy is required for all new single-family residences, before any habitation or furniture can be moved in. Occupancy prior to issuance shall result in forfeiture of the entire deposit and continuous connection to the Highland Haven water supply may be denied. A provisional C of O may be obtained from the Mayor or Building Permit Official for a fee payable to the City.

SECTION 12. VARIANCE REQUEST

Request for variance from this ordinance must be submitted as outlined in Ordinance #56.

SECTION 13. ENFORCEMENT

The Board of Aldermen Designee, Mayor, Building Permit Official and/or the Building Code Inspector will administer the provisions of this ordinance. Control will normally be exercised through the use of permits, which will assure that construction conforms to applicable regulations.

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

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

SECTION 14. FEES - Fees for building permits, inspections and cleanup deposits shall be established by Ordinances of Highland Haven, Texas. The building permit fee shall be greater for permits obtained after the building project has started. See current approved Building Permit Fee Schedules.

SECTION 15. PENALTY FOR VIOLATION – As outlined above and/or additionally per Ordinance #043.

SECTION 16. ERRORS AND OMISSIONS - If any section, part, subdivision, clause, or provision of this ordinance is adjudged invalid or held to be unconstitutional, it will not affect the validity of this ordinance, or any part or provision of it, other than the part or parts held or adjudged invalid or unconstitutional.

SECTION 17. AUTHORIZATION - The Board of Aldermen hereby authorizes implementation of this ordinance.

SECTION- 18. APPLICATION - This ordinance applies to all lots and tracts of land found within the City Limits of Highland Haven, Texas.

SECTION 19. EFFECTIVE DATE - The Aldermen, by vote, determined that Ordinance #020 will, for Ordinance #020, Revision 27

the health, safety, and welfare of the citizens of the City of Highland Haven, Texas, become effective immediately on passage.

ORDINANCE #020 PASSED AND APPROVED on the 17th day of October 2023, during a scheduled meeting of the Board of Aldermen of The City of Highland Haven Texas.

Olan Kelley
Olan Kelley, Mayor

ATTEST:

Seal

Lezley Baum
Lezley Baum, City Secretary