

DIVISION 8. SPECIAL REQUIREMENTS

Section 27. Construction prohibited in public easements.

- (a) It shall be unlawful for any person, firm or corporation to cause or permit the construction of a building or structure where any part of such improvement is to be located in a public easement or right-of-way. This prohibition shall not apply to improvements in utility easements consisting of paving, flatwork, wooden or metal fences or retaining walls less than three feet (3') in height which do not support a structure, provided that the improvements have been approved by the code official and the Colleyville Engineering Department prior to construction.

- (b) Any improvements other than those listed in paragraph (a) above that are proposed within a public easement or right-of-way, application shall be made to the Community Development Department for the execution of a Joint-Use Agreement.

Section 28. Certificate of occupancy.

- (a) *Use of occupancy.* No premises, building or structure, except Group R, Division III and Group U, shall be used or occupied until a Certificate of Occupancy has been issued as provided herein. A change in the ownership or name change shall require the issuance of a new Certificate of Occupancy.

- (b) *Change in use.* Changes in the character of occupancy or use of a building shall not be made except with the issuance of a new Certificate of Occupancy.

- (c) *Certificate issued.* The code official shall issue a Certificate of Occupancy upon finding that the premises complies with the Building Code and the provisions of the Land Development Code of the City of Colleyville. For new structures or when the occupant is of a different character or occupancy or use from the previous certificate holder, the code official shall make an inspection to verify compliance with applicable codes and ordinances.

- (d) *Certificate contents.* The Certificate of Occupancy shall contain the following:
 - i. The address of the building.
 - ii. The name, address and telephone number of the occupant of said premises, building or structure.
 - iii. The allowable use for which the certificate is issued.
 - iv. The zoning district in which the use is located.
 - v. Any conditions of issuance.

- (e) *Temporary certificate.* A temporary Certificate of Occupancy may be issued by the code official for the use of a portion of a building or structure prior to the completion of the entire building or structure.
- (f) *Posting.* The Certificate of Occupancy shall be posted in a conspicuous place on the premises and shall not be removed without permission of the code official.
- (g) *Revocation.* The code official may, in writing, suspend or revoke a Certificate of Occupancy issued under the provisions of this code whenever the certificate is issued in error, or on the basis of incorrect information supplied or when it is determined that the building or structure or portion thereof is in violation of any code, ordinance or regulation.

Section 29. Sanitary facilities during construction.

Adequate sanitary facilities for the convenience of all construction personnel shall be provided by the contractor during any construction of a new building. For the purpose of this requirement, a temporary facility that is portable, enclosed, chemically treated and tank-tight may be used, provided that these facilities shall be kept in a clean and sanitary condition throughout the duration of the construction work.

Section 30. Address sign.

- (a) *Temporary address sign.* All construction sites shall have posted a temporary address sign in a conspicuous place on the premises. The address sign shall be maintained by the permit holder until the permanent address sign is installed.
- (b) *Permanent address sign.*
 - i. *Residential.* All primary residential structures shall have a permanent address sign posted in a conspicuous place using numbers or letters not less than 3" in height and with a contrasting background prior to obtaining final inspection.
 - ii. *Commercial.* All primary commercial structures, including lease spaces within a multi-tenant building, shall have a permanent address sign posted in the front and rear using numbers or letters not less than 6" in height and with a contrasting background prior to obtaining final inspection.

Section 31. Construction refuse.

- (a) Every contractor at each construction site shall provide a covered container for the collection of construction debris and trash. Such container shall not be less than two hundred and fifty six cubic feet in size.
- (b) The contractor shall regularly retrieve any and all debris and trash generated at the construction site which has blown, dropped, floated, dumped or carried onto any adjacent property or city right-of-way and place such into the container.
- (c) The contractor shall be responsible for the removal of any dirt or mud which has been introduced onto a city street caused by such construction.
- (d) Failure to comply shall result in the refusal to obtain required inspections and or the issuance of a stop all work order by the code official until such time that the contractor has complied with this section.

Section 18-32. Commercial Building Requirements.

- (a) *Exterior Walls* – The exterior walls of all commercial buildings constructed within the city limits shall be of at least 75 percent masonry, glass, or other equivalent material.

Section 18-33. Note: *Moving of Buildings* remains unchanged (refer to Code of Ordinances).

Section 18-34 – 18-55. Reserved.

THAT Chapter 22, Article II, Section 22-26. Contractor's Board is hereby amended in its entirety to read as follows:

Sec. 22-26. Contractor's Board of Appeals.

- A. Creation of Contractor's Board of Appeals – There is hereby created a Contractor's Board of Appeals consisting of five (5) members and two (2) alternate members, each to be appointed by the Council for a two year term, or until a successor is appointed. Three members of the Board and one (1) alternate member shall be selected in even numbered years and two members and one (1) alternate member in odd numbered years. In the event of a vacancy, the Council shall appoint a member to serve for the unexpired term. Alternate Board members shall serve in the absence of regular members. The Contractor's Board of Appeals shall consist of the same members and officers_as the Zoning Board of Adjustment.

- B. Authority – The Contractor’s Board of Appeals shall have the authority to work with contractors and hear cases relating to building, mechanical, electrical and plumbing code requirements by hearing and deciding on reasonable interpretations of the provisions of all prevailing codes contained within Chapter 18 of the Code of Ordinances of the City of Colleyville and the fire code contained in Chapter 46 of the Code of Ordinances. The Contractor’s Board of Appeals shall have the authority to make a correct determination of any appeal arising from actions of the administrative authority, determine the suitability of alternate materials and methods of construction, consider and decide on complaints or suggestions relating to any of the building trades regulated by the prevailing codes contained within Chapter 18 and Chapter 46 of the Code of Ordinances of the City of Colleyville. The Board may make recommendations to the City Council on changes in or additions to the current policies and procedures of the city that relate to the building trades.
- C. Quorum and Organization – Four members of the Contractor’s Board of Appeals shall constitute a quorum. In the event of the absence of the Chairman and Vice-Chairman, the four members constituting the quorum shall elect for that meeting a member to preside as Acting Chairman and to assume all duties of the Chairman.
- D. Meetings, Hearings and Rules of Procedures – The Board shall adopt rules of procedure for the conduct of its meetings. Meetings shall be held at the call of the Chairman or at such times as the Board may determine. All meetings and hearings shall be open to the public and shall be conducted in accordance with the procedure set forth in these regulations and the rules of procedure adopted by the Contractor’s Board of Appeals. Such rules of procedure may be amended by the Contractor’s Board of Appeals membership. The minutes of the meetings shall be recorded, showing the vote of each member upon the question, and shall be made a matter of public record. The concurring vote of four members of the Board shall be necessary to render a decision on any matter before the Board.
- E. Appeal Procedure – A person may submit a request for an appeal to the Contractors’ Board of Appeals by filing said request with the building official. Each request shall be accompanied by a non-refundable filing fee. The filing fee shall be established by separate ordinance by the City Council. In addition to considering an appeal request of an applicant, the Contractor’s Board of Appeals shall be authorized to solicit testimony and advice from recognized

professionals within the applicable building construction trades. No decision of the Contractor's Board of Appeals shall in any way have an affect as to amend the prevailing codes and ordinances of the City of Colleyville.

- F. Fees – No action shall be taken on any application submitted to the Contractor's Board of Appeals until all applicable fees have been paid in full. No refund of any application fee shall be made after the request has been advertised and scheduled for consideration by the Board.
- G. Public Hearing – No action to approve or deny any application shall be taken until the Board has held a public hearing and received comment.
- H. Appeal to City Council – The decision by the Contractor's Board of Appeals shall be final, unless the applicant submits a written notice of appeal within ten (10) days from the date of the action by the Board. The enforcement official shall place the applicant's appeal request on the next available agenda for consideration by the City Council. The City Council shall have the authority to overrule any decision of the Board which it feels is not in the best interest of the city.

THAT Chapter 22 of the Code of Ordinances of the City of Colleyville, Texas, shall remain in full force and effect, except where amended by this ordinance.