

Sec. 1-2. Rules of construction and definitions.

(a) In the construction of this Code, and of all ordinances, the following rules shall be observed and the following definitions shall apply, unless the context clearly indicates otherwise:

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Building official means the ~~director of public works and engineering~~ director of Houston Public Works or such other person as the said director may designate to act as the chief construction code enforcement official of the city and the said official's designees. The term relates primarily to ~~those public works and engineering department employees~~ those Houston Public Works employees who are engaged in the administration and enforcement of the City of Houston Construction Code and related laws.

* * *

City engineer shall mean ~~the~~:

(1) ~~The director of public works and engineering~~ director of Houston Public Works and the director's designee; or ~~the~~

(2) ~~The director or engineer designated by the~~ director of the general services department or the engineer designated by the director and their that director's or engineer's designees, as applicable.

The term primarily relates to employees of ~~the public works and engineering~~ Houston Public Works and ~~the~~ general services departments who are engaged in acquisition, design and construction of public works and related projects.

* * *

Utility official shall mean the ~~director of public works and engineering~~ director of Houston Public Works and the director's designees. The term primarily relates to ~~those public works and engineering department employees~~ those Houston Public Works employees who are engaged in activities relating to the delivery of water and wastewater services.

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Sec. 2-201. Acceptance of deeds, dedications, easements, etc., by mayor.

The mayor is hereby authorized to accept, on behalf of the city, without action or further action by the city council, any and all deeds, dedications, easements and other instruments granting to the city any right, title, interest or use in or to any lands, or other property, both real and personal, and which are delivered to the city as a gift or for a consideration not to exceed \$25.00, or for a recited consideration that has been previously approved by the city council. All such instruments so accepted shall be recorded by the ~~director of public works and engineering~~ director of Houston Public Works in the official public records of real property of the county within which the land described therein is located, and the ~~director of public works and engineering~~

director of Houston Public Works shall additionally notify the city secretary of the acceptance of each such instrument. Thereafter the original recorded deeds or other instruments shall be filed in the inventory records of the appropriate offices of ~~the public works and engineering department~~ Houston Public Works.

Sec. 2-202. Execution of bills of sale for city property.

In any case where the city council has authorized the sale of improvements, chattels or fixtures appertaining to land owned by the city or has authorized the sale of any personal property owned by the city, the ~~director of public works and engineering~~ director of Houston Public Works, or the director of administration and regulatory affairs, is hereby authorized to execute for and on behalf of the city a bill of sale embodying the terms and provisions of the sale as authorized by the city council, and the city secretary is hereby authorized to attest such bills of sale and affix the corporate seal of the city thereto.

* * *

Sec. 2-241. Appointment of appraisers.

(a) The ~~director of public works and engineering~~ director of Houston Public Works and the director of general services ('the directors') shall allow council members to submit the names of appraisers to be evaluated for inclusion in a list of qualified appraisers. The directors shall jointly develop and maintain policies and procedures (i) for obtaining and maintaining a list of qualified appraisers who have applied to receive appraisal engagements from the city, and (ii) for appraisals of city owned real estate. The directors may remove appraisers with repeated performance violations including refusal of engagements, untimely delivery of appraisals, inadequate documentation, inadequately supported market values, and similar performance issues from the list of qualified appraisers for not less than one year nor more than three years.

* * *

(c) In any sale of real estate or interest therein for which the value is estimated to exceed \$1,000,000.00 or in any lease in which the value of the fee estate is estimated to exceed \$1,000,000.00, the ~~director of public works and engineering~~ director of Houston Public Works or director of general services, as applicable, shall engage two qualified appraisers on the list of appointed appraisers for the purpose of determining fair market value.

(d) In any sale of real estate or interest therein for which the value is estimated to not exceed \$1,000,000.00, the ~~director of public works and engineering~~ director of Houston Public Works or director of general services, as applicable, shall receive a minimum of one appraisal report from a qualified appraiser on the list of appointed appraisers for the purpose of determining fair market value. In any sale of real estate or interest therein for which the value is estimated to not exceed \$50,000.00, an appraisal report may be provided by a city employee with professional appraisal qualifications.

* * *

Sec. 2-261. Authority of city attorney to accept immediate right of entry agreements under certain conditions.

Whenever an emergency exists requiring that the city obtain immediately the legal right to possession of all lands required for a certain public improvement or project and the ~~director of public works and engineering~~ director of Houston Public Works shall certify that such an emergency exists, the city attorney is authorized to accept from any property owner whose land is required for such project an instrument granting the right of entry to the city and its contractors to take possession of the land and proceed with the construction of the improvement, which instrument may provide for the payment to the owner of interest at the legal rate from the date of the right of entry upon whatever compensation shall be paid him, either by purchase or condemnation award.

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ARTICLE VIII. ~~PUBLIC WORKS AND ENGINEERING DEPARTMENT~~ HOUSTON PUBLIC WORKS

Sec. 2-276. Department created.

There is hereby created a department of the city to be known as the department of public works and engineering of the city Houston Public Works.

Sec. 2-277. Office of director.

There is hereby created the office of ~~director of the department of public works and engineering~~ director of Houston Public Works. The director shall be the executive officer of the department. The director shall be a professional engineer, registered as such in Texas, and shall be appointed by the mayor and confirmed by the city council.

Sec. 2-278. Duties.

* * *

(b) To the extent that this Code or any other ordinance or any motion, resolution, or other document devolves duties relating to the enforcement of the Construction Code upon the department of planning and development or the director thereof, then such references shall be construed to mean ~~the public works and engineering department~~ Houston Public Works and the director thereof.

(c) To the extent that this Code or any other ordinance or any motion, resolution, or other document devolves duties upon the department of public works and engineering or the director thereof, then such references shall be construed to mean Houston Public Works and the director thereof.

* * *

Sec. 2-280. Use of training services by outside agencies.

~~The public works and engineering department~~ Houston Public Works shall maintain one or more training facilities at which job related training shall be provided to personnel of the

department and of other city departments. Priority shall be given in all training courses conducted by ~~the public works and engineering department~~ Houston Public Works to city employees. To the extent that any excess capacity may exist in any class or training course after city needs have been accommodated, ~~the public works and engineering department~~ Houston Public Works may allow persons who are employed by other political subdivisions, persons who are employed by construction contractors and other persons to attend the class or training course. The ~~director of public works and engineering~~ director of Houston Public Works may adopt procedures regarding the offering of training to persons who are not city employees. The ~~director of public works and engineering~~ director of Houston Public Works or the director's designee shall establish training fees, registration fees, lab fees, printing fees, and other related fees for any training furnished to persons who are not city employees. The fees shall be payable for each person other than a city employee attending each class. The fees shall be based upon the city's cost of providing the services and shall be remitted to the city treasury. In addition to the imposition of the fees authorized above for training provided to persons who are not city employees, the ~~director of public works and engineering~~ director of Houston Public Works may impose interdepartmental fees to recover ~~the public works and engineering department~~ Houston Public Works' costs when training is provided to city personnel who are assigned to other departments.

The fee amounts are stated for this provision in the city fee schedule.

* * *

Sec. 2-282. Freeway ramp closing agreements.

The ~~director of public works and engineering~~ director of Houston Public Works is authorized to negotiate agreements with the Texas Department of Transportation for the temporary closure of ingress and egress ramps of state maintained controlled access highways as may be necessary or desirable for public safety during temporary use of adjacent city streets for events such as the Houston International Festival, street functions conducted under section 40-27 of this Code, parades conducted under chapter 45 of this Code, city sanctioned motor vehicle races, and similar activities.

* * *

Sec. 2-294. Transfer of duties.

To the extent that any of the duties to be performed by the director or the department are assigned elsewhere in this Code or in any other ordinances, resolutions, motions or regulations of the city to the ~~director of public works and engineering~~ director of Houston Public Works or the ~~public works and engineering department~~ Houston Public Works, or to the director of planning and development or the department of planning and development, or to the mayor or the office of the mayor or any division thereof, or to the director of the real estate department or to the real estate department, or to the director of public health or to the Houston Health Department, then such references shall be construed, as applicable, to mean the department and director created in this article.

* * *

Sec. 2-385. Assistance by certain city departments.

The directors of ~~the departments of public works and engineering~~ Houston Public Works, ~~the planning and development department, the general services department, and the human resources department~~ and the Houston Health Department and their staffs shall provide requested assistance to the commission. The city attorney and staff shall provide legal services and representation to the commission.

* * *

Sec. 2-434. Functions.

The department shall:

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- (3) Acquire real property and dispose of surplus real property in coordination with ~~the department of public works and engineering~~ Houston Public Works;

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Sec. 2-435. Coordination.

The director shall coordinate the work of the department with the directors of the finance department, ~~public works and engineering department~~ Houston Public Works and other departments that have concurrent functions, and the various directors shall develop operating guidelines as necessary to ensure coordination of work and delivery of services.

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Sec. 2-437. Transfer of duties.

To the extent that any other reference in this Code or in any other ordinance of the city or any reference in any city contract or other document devolves duties upon the finance and administration department or ~~the public works and engineering department~~ Houston Public Works or the directors or employees of those departments that have been reassigned to the general services department or director thereof, then the reference shall be construed to mean the general services department or the director and employees thereof, as applicable.

* * *

Sec. 2-506. Authority of director to function in other capacities.

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- (b) To the extent that this Code or any other ordinance or any motion, resolution, or other document devolves duties relating to the enforcement of parking regulations in the city upon the municipal courts department, the convention and entertainment facilities department, ~~the public works and engineering department~~ Houston Public Works, the general services department, or the directors or employees of those departments, then such references shall be construed to mean the department of administration and regulatory affairs or the director or employees thereof.

* * *

Sec. 5-116. Definitions.

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

Building inspection division means that division within ~~the public works and engineering department~~ Houston Public Works that is assigned the responsibility of enforcement of the Construction Code.

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Sec. 5-121. Special shooting gallery permit.

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(e) Prior to the issuance of a special permit, the shooting gallery shall be inspected in test operation by an engineer designated by the ~~director of public works and engineering~~ director of Houston Public Works to determine that the facility has been constructed in accordance with the plans and specifications proposed, and that safety and noise standards specified in subsections (c) and (d) of this section have in fact been met in the actual operation of the facility.

* * *

Sec. 7-6. Reports of property suspected stolen; purchase of city property.

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(b) It shall be unlawful for any licensee, his agents or employees to purchase an item of property on which are written or affixed the words "Property of the City of Houston" or other words demonstrating ownership by the city except in the following circumstances:

- (1) When the person offering the property for sale is an employee of the city who is authorized to make the sale by the director of the department of administration and regulatory affairs or the ~~director of the department of public works and engineering~~ director of Houston Public Works pursuant to chapter 2, article IV of this Code, and provides the licensee, his agents or employees with a written authorization for the sale of the property from his department's director or the director's designee; or
- (2) When the person offering the property for sale presents at the time of the offer a valid receipt from the department of administration and regulatory affairs or ~~the department of public works and engineering~~ Houston Public Works, pursuant to chapter 2, Article IV of this Code, evidencing the purchase of the property.

* * *

Sec. 9-315. Definitions.

When used in this article, the following words, terms, and phrases shall have the meanings ascribed to them in this section, unless the context clearly indicates a different meaning. The other definitions found in Chapter 9 of this Code shall supplement the meanings of the words in this article.

* * *

Director means the ~~director of the department of public works and engineering of the city~~ director of Houston Public Works or the director's designee.

* * *

Sec. 9-319. Application for license.

(a) Form and contents. An application for a heliport or helistop license, other than a temporary license, shall be submitted in such form as the director may prescribe and shall be accompanied by drawings, descriptive data, and inspection reports to verify compliance with this article, the Construction Code, the Fire Code, and any other applicable city, state, or federal requirement. The director shall have the authority to establish minimum design standards for heliports and helistops, provided that the standards are not inconsistent with any applicable city, state, or federal standards. In addition, the application shall contain the following:

* * *

(12) An approval from ~~the department of public works and engineering~~ Houston Public Works affirming that all Construction Code and Fire Code requirements are met or will be when construction of the heliport or helistop is complete.

* * *

Sec. 9-355. Cumulative effect.

(a) The provisions of this article are cumulative of all other requirements of this Code and other laws and regulations of the city, including, without limitation, the Construction Code, the Fire Code and the ~~Department of Public Works and Engineering~~ Houston Public Works Infrastructure Design Manual, as well as all applicable state and federal laws and regulations. Compliance with this article does not excuse compliance with any other law or regulation, and applicants and owners of developments that are not required to obtain a permit pursuant to this article are nevertheless required to obtain any other permits, licenses, and authorizations required by law. In the event of any conflict between any other city ordinance and this article, the provisions of this article shall control.

* * *

Sec. 9-705. Cumulative effect.

(a) The provisions of this article are cumulative of all other requirements of this Code and other laws and regulations of the city, including, without limitation, the Construction Code, the Fire Code and the ~~Department of Public Works and Engineering~~ Houston Public Works

Infrastructure Design Manual, as well as all applicable state and federal laws and regulations. Compliance with this article does not excuse compliance with any other law or regulation, and persons who are not required to obtain a permit pursuant to this article shall nevertheless obtain any other permits, licenses, and authorizations required by law.

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Sec. 10-49. Compliance with construction code; landowner's agreement; bond; certificate of compliance; move to house repair or resale lot.

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(e) License for house repair or resale lot:

(1) To obtain a license to operate a house repair or resale lot, an application shall be filed with the building official on a form designated by the city for that purpose. On such application, the applicant shall set forth:

* * *

e. Such other information as the ~~director of public works and engineering~~ director of Houston Public Works finds will aid in the enforcement of this Code in regard to the house repair or resale lot.

* * *

(4) A license issued under this section shall expire one year from the date of its issuance but may be renewed upon application therefor and payment of the annual renewal fee stated for this provision in the city fee schedule. An application for renewal shall be on a form designated by the city for that purpose and shall include such information as the ~~director of public works and engineering~~ director of Houston Public Works determines is necessary to enforce this Code relating to house repair or resale lots.

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Sec. 10-332. Hearings before the hearing officer.

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(m) Without the necessity of a hearing, the building standards official shall provide in recordable form a release of an order entered pursuant to this division upon:

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(2) Presentation to the building standards official of:

a. A certificate of compliance issued by the ~~department of public works and engineering~~ Houston Public Works; or

- b. A written report of a timely, personal inspection of the subject property by an employee of the department of neighborhoods, from which report the building standards official reasonably has concluded that all actions required by the subject order have been completed.

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Sec. 10-382. Permit to secure; fees.

Unless otherwise provided by this article, a person other than the building standards official causing a building to be secured must obtain a permit from the code enforcement branch of the planning and development services division of ~~the department of public works and engineering~~ Houston Public Works. The application for and administration of the permit shall be handled as prescribed by section 105 of the Building Code. The fee for the permit, whether original or renewal, is stated for this provision in the city fee schedule.

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Sec. 10-653. Hearing.

The owners subject to abatement under this article may request a hearing by notifying the sign administrator within ten days following the date the city mails the required notice. The hearing shall be conducted by a hearing official designated by the ~~director of public works and engineering~~ director of Houston Public Works for the purpose of determining whether the off-premise sign has been constructed or is being maintained in violation of section 4612(b) of the Sign Code. At the hearing, the owners and the sign administrator may present any evidence relevant to the proceedings, in accordance with reasonable rules adopted by the ~~director of public works and engineering~~ director of Houston Public Works and approved by the city attorney. If the hearing official determines that the sign has been erected or is being maintained in violation of section 4612(b) of the Sign Code, the hearing official shall issue an order so stating.

* * *

Sec. 10-752. Scope; responsibility for enforcement.

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(b) The chief of police is primarily responsible for the enforcement of this article, in coordination with the fire chief, the city attorney, the director of public health, ~~and the directors of the departments of neighborhoods and~~ the director of Houston Public Works ~~public works and engineering~~, as appropriate to the circumstances of the violation.

* * *

Sec. 13-7. Mayor's authority under proclamation declaring local state of disaster.

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(e) A person violating an executive order issued pursuant to this section may be issued a criminal citation enforceable in municipal court. The citation may be issued by any employee of the city so authorized in writing by the chief of police, the fire chief, the director of public health, ~~or the directors of the departments of neighborhoods, the director of the parks and recreation department, or the director of Houston Public Works~~ public works and engineering.

* * *

Sec. 14-145. Review by human resources department for nondiscrimination obligations.

The mayor shall cause any plan for the implementation of a layoff to be reviewed by the human resources department to ensure that no employee is denied any benefit of employment or granted any preference on the basis of race, color, creed, sex, religion, national origin, age, gender, handicap or political or fraternal affiliation in the implementation of the layoff. If the commission finds that a denial of benefits or preference was undertaken for any of the foregoing reasons, then it shall order the reinstatement of the wronged employee(s) with back pay and the layoff of other employee(s) in lieu thereof. In order to facilitate such review the department director shall file a document reflecting the racial and sexual makeup of the department, including the employees to be laid off, with the documents provided to the commission.

EXHIBIT A

CITY DEPARTMENTS

Administration and Regulatory Affairs

City Controller

City Council

City Secretary

Convention and Entertainment Facilities

Finance

Fire

Fleet Management

General Services

Housing and Community Development

Houston Airport System

Houston Health Department

Houston Information Technology Services

Houston Public Library System

Houston Public Works

Human Resources

Legal

Mayor's Office—Administration

Mayor's Office—Houston Emergency Center

Municipal Courts

Neighborhoods

Office of Business Opportunity

Parks and Recreation

Planning and Development

Police

~~Public Works and Engineering~~

Solid Waste Management

* * *

Sec. 19-1. Statement of purpose.

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(f) ~~The director of the public works and engineering department~~ director of Houston Public Works is authorized to promulgate guidelines for administration of this chapter that are consistent with the requirements of this chapter and applicable state and federal laws and regulations.

* * *

Sec. 23-1. Definitions.

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

* * *

~~Public works director means the director of the department of public works and engineering. The term shall not include the director's designees, unless the intention to include those designees, or to authorize such delegation, is clearly expressed.~~

~~Public works official means the director of the department of public works Houston Public Works or the director's duly authorized designees.~~

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Sec. 23-2. Supervision and control.

Lake Houston is a park and all recreational facilities on the lake that have been dedicated to or built by the city are under the direct supervision and control of the parks director. Lake Houston and all other facilities on the lake are under the direct supervision and control of the ~~public works director~~ director of Houston Public Works.

Sec. 23-3. Commercial enterprises.

Except as may be otherwise provided in this chapter, it shall be unlawful for any person to operate any concession, or engage in any commercial enterprise whatsoever, on the lake that is inconsistent with its use as a source of city drinking water. The parks director, in consultation with the ~~public works director~~ director of Houston Public Works, may issue a permit for park concessions in accordance with the requirements of chapter 32 of this Code. Concession fees for commercial enterprises shall be determined in accordance with chapter 32 of this Code. The issuance of any permit under this chapter shall not be deemed to waive the requirements of this section.

Sec. 23-4. Rules and regulations.

(a) The ~~public works director~~ director of Houston Public Works shall adopt suitable rules and regulations regarding activities described in this chapter that may affect water quality in the lake.

(b) The parks director, in consultation with the ~~public works director~~ director of Houston Public Works, shall adopt suitable rules and regulations regarding recreational activities on or in the lake. The rules and regulations shall be governed by the requirements and procedures described in chapter 32 of this Code.

Sec. 23-5. Structures on or in Lake Houston.

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(b) The public works official is authorized to require the owner to repair or demolish deteriorated structures, removal of any fill material or remediation of any excavation as described herein that encroaches into or on the lake. In the event the owner cannot be located, or refuses to timely repair or demolish the deteriorated structure, the public works official may demolish or remove the deteriorated structure. Upon determination by the ~~public works director~~ director of Houston Public Works that any structure is so deteriorated that it may cause an imminent and substantial threat to the health, safety or welfare of the public or the environment, then the director may instruct the public works official to remove the structure without notice to the owner.

* * *

Sec. 23-6. Restricted areas: Lake Houston Dam and water supply facilities.

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(b) The area extending 200 feet from any of the following areas is restricted: any SolarBee®, any water quality monitoring stations, any lake water supply pumping station, the canal right-of-way that extends from the lake pumping station to the city's East Water Purification Plant, the pipeline right-of-way that extends from the lake pumping station to the city's Northeast Water Purification Plant, and such other areas that may be determined by the ~~public works director~~ director of Houston Public Works to be critical to the lake's use as a source of drinking water. The distance shall be measured horizontally from the aforementioned structures.

* * *

(d) The ~~public works director~~ director of Houston Public Works shall cause the restricted areas to be posted against trespassing.

(e) It is a defense to prosecution under this section that the person is designated by the ~~public works director~~ director of Houston Public Works, or authorized by section 23-18 of this chapter, and is engaged in official business.

Sec. 23-7. Other restricted areas on the lake.

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(b) It shall be unlawful to construct or maintain a facility or structure, including but not limited to boat ramps, piers or marinas, in the restricted area.

(c) The ~~public works director~~ director of Houston Public Works shall cause the restricted area to be posted.

(d) It is a defense to prosecution under this section that the person is designated by the ~~public works director~~ director of Houston Public Works, or authorized by section 23-18 of this chapter, and is engaged in official business.

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Sec. 23-15. Fees.

The ~~public works director~~ director of Houston Public Works and the parks director shall jointly, from time to time, prepare and submit for approval by motion of the city council revisions to the fees stated in the city fee schedule that shall be paid by an applicant for a permit, license or other authorization granted pursuant to this chapter. Payment of any applicable fees when due is a condition of the processing of any application under this chapter.

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Sec. 23-31. Deteriorated structures in the water supply protection area.

(a) The public works official is authorized to require the owner to repair or demolish deteriorated structures within the water supply protection area. In the event the owner cannot be located, or refuses to timely repair or demolish the deteriorated structure, the public works official may demolish or remove the deteriorated structure. Upon determination by the ~~public works director~~ director of Houston Public Works that any structure is so deteriorated that it may cause an imminent and substantial threat to the health, safety or welfare of the public or the environment, then he may direct the public works official to remove the structure without notice to the owner.

* * *

Sec. 23-178. Permit issuance.

(a) *Application.* The public works official shall issue to the applicant a permit after the applicant has submitted all of the following to the public works official:

- (1) A complete application, in a form to be determined by either the ~~public works director~~ director of Houston Public Works or the parks director, as applicable.

* * *

- (6) Plans, specifications and such other documents as reasonable requested by either the ~~public works director~~ director of Houston Public Works or the parks director, as applicable; and

* * *

Sec. 23-179. Variances.

(a) The ~~public works director~~ director of Houston Public Works and the parks director are each authorized to consider and grant variances from the provisions of this chapter, other than those provisions required by state law, for any permit when the director finds that each of the following conditions exist:

- (1) Either:
 - a. The imposition of the terms, rules, conditions, policies and standards of this chapter would create an undue hardship by depriving the applicant of the reasonable use of the land; or
 - b. Strict application of the requirements of this chapter would make a project infeasible due to the existence of unusual physical characteristics that affect the property in question, or is otherwise contrary to sound public policy;

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Sec. 23-203. Operation of airboats or similar devices prohibited.

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(b) It is a defense to prosecution under this section that the operator is a person designated by the ~~public works director~~ director of Houston Public Works, or by section 23-9 of this chapter, engaged in official business.

* * *

Sec. 25-50. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings provided in this section, except where the context clearly indicates a different meaning:

* * *

Director of Houston Public Works means the director of Houston Public Works or the director's designee.

* * *

~~PWE director~~ means the director of the public works and engineering department or the director's designee.

* * *

Sec. 25-52. Permit issuance.

(a) Permits under this article shall be issued by the MOSE director. The MOSE director, in conjunction with the ~~PWE director~~ director of Houston Public Works, shall approve the application for a permit unless the MOSE director determines that the proposed function will unreasonably interfere with the flow of traffic or with the use and enjoyment of properties, whether used for residential, commercial or other purposes, in the vicinity of the function or unless the special event organizer fails to demonstrate that it will comply with all provisions of this article. The MOSE director may condition approval upon full compliance with section 25-53, 25-55, or 25-59 below if the special event organizer has not yet provided cost deposits or the requisite proof of insurance as specified in section 25-59 of this Code.

(b) In determining whether the event will unreasonably interfere with the flow of traffic or with the use and enjoyment of properties in the vicinity of the function, the MOSE director and ~~PWE director~~ director of Houston Public Works shall consider:

- (1) The expected general flow of traffic upon the street or streets affected at the time proposed for the function;

* * *

(c) In considering the foregoing criteria, the MOSE director and ~~PWE director~~ director of Houston Public Works shall review records, if any, from prior similar events conducted at or near the proposed site, whether conducted by the special event organizer or others, and the special event organizer's prior history of compliance, if any, to determine whether there has been

a history of traffic control problems, littering and trash removal problems, noise or other disruptions associated with the event or other events conducted by the special event organizer.

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Sec. 25-55. PWE review; traffic control plan.

Each application shall be referred by the MOSE director to the ~~PWE director~~ director of Houston Public Works for a determination of traffic control services reasonably required for the proposed street function. Based upon availability of the city resources and city personnel, the ~~PWE director~~ director of Houston Public Works shall either:

- (1) Elect to establish a plan for the deployment of the appropriate traffic control devices, such as cones, street barricades, and signage, as required for the proposed street function; or
- (2) Require the special event organizer to submit a traffic control plan for review and subsequent approval by the traffic engineer.

Sec. 25-56. Payment of traffic control services.

The special event organizer must agree to either:

- (1) Pay the costs of providing ~~public works and engineering department~~ Houston Public Works employees to deploy and remove the traffic control devices if the ~~PWE director~~ director of Houston Public Works determines that the city does have available the resources and personnel necessary to deploy the appropriate traffic control devices for the proposed street function. Such costs must be paid not less than ten business days prior to the proposed street function date; or
- (2) Hire and pay all personnel necessary to deploy and remove traffic control devices as required for the proposed street function.

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Sec. 25-60. Application filing and review generally.

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(g) The MOSE director may require that a special event organizer modify any portion of the proposed event location, subject to the review and written approval of the ~~PWE director~~ director of Houston Public Works and police chief, if:

- (1) The ~~PWE director~~ director of Houston Public Works and police chief determine that the time, route, or size of the proposed event will substantially disrupt the use of any street that is ordinarily subject to significant traffic congestion;
- (2) The MOSE director is unable to secure the requisite approval of the use of any freeway entrance and/or exit ramps or any portion of a state-owned highway or road included in the event; or

- (3) ~~The PWE director~~ director of Houston Public Works and police chief determine that the proposed event will substantially affect the city's ability to deliver police, fire, and medical emergency services to the proposed event location and in the vicinity of the proposed event location.

The special event organizer shall provide the requisite modified event location not more than two calendar days after receipt of notice from the MOSE director.

Sec. 25-61. Reasons for denial of a street function permit.

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- (b) The MOSE director may also deny a street function permit if, after reviewing the application:

* * *

- (4) The street function will significantly affect the ability of the city to render necessary services to its residents, based upon its equipment and personnel resources and other ongoing functions and responsibilities of its affected departments, including the police, and fire, departments and ~~public works and engineering departments~~ Houston Public Works; or

* * *

Sec. 25-101. Definitions.

The following words, terms, and phrases, when used in this article, shall have the meanings provided in this section, except where the context clearly indicates a different meaning:

* * *

Director of Houston Public Works means the director of Houston Public Works or the director's designee.

* * *

~~PWE director~~ means the director of the public works and engineering department or the director's designee.

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Sec. 25-102. Permit required; security and traffic control.

* * *

- (g) In the event that the city is unable to provide traffic control services for the proposed parade or the special event organizer elects to provide its own traffic control services, the use of non-city personnel to perform traffic control services shall require the submission of a traffic control plan prepared in conformance with the Texas Manual on Traffic Control Devices. The submitted traffic control plan shall be subject to the review and written approval of the ~~PWE director~~ director of Houston Public Works. The use of non-city personnel to provide public security

control services during a parade shall require the submission of a security control plan subject to the review and written approval of the police chief.

* * *

Sec. 25-103. Parade route restrictions in downtown area.

Subject to the approval of the MOSE director and ~~PWE director~~ director of Houston Public Works, a special event organizer may design its own parade route for a parade to be held in the downtown area with the following restrictions:

- (1) A parade held on a Saturday, Sunday, holiday, or special event holiday may include no more than 25 street intersections and must be completed in no more than three hours.

* * *

Sec. 25-104. Parades outside of downtown area.

* * *

(b) Subject to the approval of the MOSE director and ~~PWE director~~ director of Houston Public Works, a special event organizer may design its own parade route for a parade to be held outside the downtown area with the following restrictions:

- (1) The route may not exceed one and one-half miles in length and may not include more than 25 intersections, whichever is less.

* * *

Sec. 25-105. Permit application generally; issuance, etc.

* * *

(i) The numbers of parade permits that may be issued shall be subject to the following limitations:

* * *

- (3) Permits may not be issued for conflicting times. For purposes of this provision, parades are considered to be conflicting if their starting times are less than four hours apart; provided, however, the ~~PWE director~~ director of Houston Public Works, in conjunction with the police chief, may exercise professional judgment in waiving the aforementioned four-hour provision provided:

- a. The proposed parades will not substantially disrupt the use of any street in and around the parade route's respective locations; and

- b. The ~~PWE director~~ director of Houston Public Works and police chief:

- [1] Determine that their respective departments have the appropriate amount of city personnel and resources available to monitor the

parades based upon the estimated number of parade participants;
or

* * *

Sec. 25-106. Application information.

The application for a parade permit shall contain the following information:

* * *

(13) A provision whereby the special event organizer agrees to modify the proposed parade route, subject to the review and written approval of the ~~PWE director~~ director of Houston Public Works and police chief, if:

a. The ~~PWE director~~ director of Houston Public Works and police chief determine that the time, route, or size of the proposed parade will substantially disrupt the use of any street that is ordinarily subject to significant traffic congestion;

* * *

c. The ~~PWE director~~ director of Houston Public Works and police chief determine that the proposed parade will substantially affect the city's ability to deliver police, fire, and medical emergency services to the proposed parade location and in the vicinity of the proposed parade location.

* * *

Sec. 25-108. Reasons for denial of a parade permit.

* * *

(b) Notwithstanding the provisions of subsection (a), the MOSE director may deny a parade permit if, after reviewing the application:

* * *

(4) The parade will significantly affect the ability of the city to render necessary services to its residents, based upon its equipment and personnel resources and other ongoing functions and responsibilities of its affected departments, including the ~~police, and fire, departments and public works and engineering departments~~ Houston Public Works; or

* * *

Sec. 25-115. Staging and disbanding areas; other uses of public streets and sidewalks.

Consistent with traffic mobility and access considerations, the ~~PWE director~~ director of Houston Public Works and the MOSE director, in consultation with the police chief, may allow public streets to be used by parade permit holders as staging and disbanding areas for parades.

The use of public streets and sidewalks for purposes other than staging or disbanding are subject to the regulations set forth in article II of this chapter and sections 40-361 through 40-378 of this Code. The closure of freeway ramps associated with a parade requires the submission to the ~~PWE director~~ director of Houston Public Works of a signed and sealed traffic control plan and proof of compliance with all insurance requirements at least 90 days prior to the scheduled parade date.

* * *

Sec. 25-151. Definitions.

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

Directors means the fire chief, chief of police, and traffic engineer, as well as the directors of the planning and development department, the administration and regulatory affairs department, and public works and engineering departments ~~Houston Public Works~~ and the director of any city department or other public agency that is acting as the host for a nationally competitively bid event or their designees.

* * *

Sec. 26-500. Shared parking requirements.

* * *

(d) Upon written request of the applicant supported by information adequate to make a determination, the director may approve an additional reduction of up to ten percent of the required number of shared parking spaces after considering all relevant factors, including:

* * *

(3) The recommendation of the ~~director of the public works and engineering department~~ director of Houston Public Works.

* * *

Sec. 26-512. Procedures for designation of a special parking area.

(a) The director shall review each application for completeness. Upon determining that an application is complete, the director shall forward the application to the ~~director of the public works and engineering department~~ director of Houston Public Works for review. The director shall give notice of a public hearing before the commission to:

(1) Each owner of property within the proposed special parking area and within 500 feet of the boundary of the proposed special parking area as shown on the most current appraisal district records;

* * *

Sec. 26-742. Members; chair.

* * *

(c) The ex officio members shall be:

* * *

(2) ~~The director of the public works and engineering department~~ director of Houston Public Works or his designee;

* * *

Sec. 28-37. Attention-getting devices.

* * *

(c) Enforcement of this section shall be the duty of the sign administration division of ~~the public works and engineering department~~ Houston Public Works or any law enforcement officer.

* * *

Sec. 28-38. Painting or posting advertising matter on curbs, sidewalks, bridges or public buildings; enforcement.

* * *

(c) Employees of the police department, department of planning and development, department of solid waste management, ~~department of public works and engineering~~ Houston Public Works, and the department of neighborhoods, and certain other city employees as designated by their department director, are hereby authorized to impound any signs found on a public street, public sidewalk or public alley and transport or cause the same to be transported and stored at a location to be designated by the director of the department of neighborhoods or his designee.

* * *

Sec. 28-39. Posting advertising matter on utility poles, trees, traffic signs, etc.

* * *

(c) Employees of the police department, department of planning and development, department of solid waste management, ~~department of public works and engineering~~ Houston Public Works, and department of neighborhoods, and certain other city employees as designated by their department director, are hereby authorized to impound any signs found on a public street, public sidewalk or public alley and transport or cause the same to be transported and stored at a location to be designated by the director of the department of neighborhoods or his designee.

* * *

Sec. 28-302. Definitions.

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

* * *

Improved surface means an area, excluding a driveway, the surface of which is comprised of selected materials constructed to a depth sufficient to distribute the weight of a vehicle or equipment over such area to preclude deterioration and deflection of the area due to vehicle or equipment load, adverse weather, or other conditions. Examples of materials with which an improved surface might be constructed include asphalt, concrete, permeable pavement, or other materials approved by the ~~director of the department of public works and engineering~~ director of Houston Public Works or his designee.

* * *

Sec. 28-457. Records, reporting, and inspections.

* * *

(c) The director may enter the premises of a boarding home facility at reasonable times to make an inspection, survey, or investigation to assure compliance with this ordinance and to protect the health, safety, or welfare of the residents of a boarding home. The director may be assisted in any investigation by representatives of ~~the department of public works and engineering~~ Houston Public Works, the fire department, the department of neighborhoods, the Houston Health Department, or other city agencies or entities with appropriate jurisdiction over matters affecting the health, safety, or welfare of the residents of a boarding home. During the course of any inspection, the owner, operator, and any employee of the boarding home facility shall be required to identify themselves and provide documentation of their identity upon the request of the director or any other city representative participating in the inspection.

* * *

Sec. 29-18. Temporary accommodations for volunteer disaster relief workers.

(a) ~~The director of public works and engineering~~ director of Houston Public Works ("director") may authorize the temporary placement and use of manufactured homes or recreational vehicles or both as housing and operational facilities for volunteer workers of not for profit and governmental agencies who are engaged in rendering disaster relief assistance to residents of the city, subject to the following requirements:

(1) The placement and use may not violate any valid and applicable deed restrictions or covenants running with the land.

* * *

Sec. 29-93. Streets.

* * *

(d) Public street design:

(1) The width of the right-of-way to be dedicated for any local street must be at least 60 feet except as provided in paragraph (c). In those instances where a subdivision or manufactured home park plat is located adjacent to an existing public street, with a right-of-way width less than 60 feet, sufficient additional right-of-way must be dedicated within the subdivision or manufactured home park plat boundary to accommodate the development of the street to a total right-of-way width of not less than 60 feet. In those instances where it is proposed to transition from any given right-of-way width to a greater right-of-way, the transition shall conform to the criteria adopted by ~~the public works and engineering department~~ Houston Public Works for such transitions.

* * *

(e) Private streets:

* * *

(2) Curves along private streets may have any centerline radius, except that the centerline radius on a reverse curve may not be less than 65 feet. Reverse curves should be separated by a tangent of not less than 25 feet. Intersections of private streets must line up centerline to centerline or be offset a minimum 65 feet from centerline to centerline. Transitions from a given private street width to a greater width must conform to the criteria adopted by ~~the public works and engineering department~~ Houston Public Works for such transitions.

* * *

(4) Dead end private streets must be terminated by a circular cul-de-sac having a paving radius of not less than 50 feet or a T- or L-type turnaround designed in conformance with the standards approved by the fire chief and the ~~director of the public works and engineering department~~ director of Houston Public Works.

* * *

(6) In those instances where a private street intersects with a public street paved with dual roadways and esplanade, the private street shall be located at an esplanade opening or offset a sufficient distance as determined by ~~the public works and engineering department~~ Houston Public Works. Private streets must not be direct (straight line) projections of any public street, except in those instances where:

a. Such extension is at an intersection with a public street paved with dual roadways and esplanade; or,

* * *

Sec. 29-95. Manufactured home site requirements.

* * *

(d) There shall be two parking spaces for each manufactured home park site that shall be designed in accordance with the standards set out in the Construction Code for parking spaces and with the standards approved by the ~~director of the public works and engineering department~~ director of Houston Public Works.

* * *

Sec. 29-127. Alternative materials and methods of construction and special provisions for certain parks.

(a) The provisions of this chapter are not intended to prevent the use of any material or method of construction not specifically prescribed by this chapter, provided any such alternate has been approved.

The building official may approve any such alternate provided he finds that the proposed design is satisfactory and that the material, method or work offered is, for the purpose intended, at least the equivalent of that prescribed in this chapter in quality, strength, effectiveness, fire-resistance, durability, and safety.

The building official shall require that sufficient evidence or proof be submitted to substantiate any claims that may be made regarding the use of an alternative.

The authority granted in this section may be exercised by the ~~director of the public works and engineering department~~ director of Houston Public Works or any assistant director or deputy director designated for that purpose, but such authority shall not be delegated to any other person.

This subsection shall not be construed to authorize the development of a manufactured home park in violation of section 29-87 except the building official may waive the requirements of section 29-87 in regard to manufactured home parks constructed prior to April 10, 1985, or prior to the annexation of the land on which the manufactured home park is located if the park meets the requirements of subsection (b) below.

* * *

Sec. 31-25. Notice of application.

Notice of the filing of each application for a permit under this article shall be given by the applicant to each owner and lessee of lots, blocks and tracts within the drilling unit described in the application not owned by or under lease to the applicant as such ownership is disclosed by the deed records of the county in which the property is located. Such notice shall be in words and figures, as follows:

"Notice is hereby given that _____, acting under and pursuant to the terms and provisions of Chapter 31 of the Code of Ordinances, City of Houston, Texas, and any and all ordinances amendatory thereof, did on the _____ day of _____, 20

_____, file with the ~~Director of Public Works and Engineering of the City of Houston~~ director of Houston Public Works an application to drill, complete and operate a well for oil (or gas) upon Lot No. _____, Block No. _____ (or other appropriate description), City of Houston, Texas, as per map of record in Volume _____, Page _____, Plat Records of _____ County, Texas, in Drilling Unit No. _____ and located by Lambert Coordinates for the South Central Zone of Texas at the intersection of X = _____ and Y = _____.”

* * *

Sec. 31-27. Release from bond.

(a) The ~~director of public works and engineering~~ director of Houston Public Works or any assistant ~~director of public works and engineering~~ director of Houston Public Works is hereby authorized upon request of the surety to release the surety on the bond required herein from future liability on such bond upon the conditions hereinafter provided and as further limited by subsection (b) hereof:

* * *

(2) If the permittee has filed with the ~~director of public works and engineering~~ director of Houston Public Works notice of his intention to surrender his permit and abandon the premises covered thereby.

* * *

Sec. 31-46. Installation of pipelines on, under, etc., public property.

In order to enable the holder of each permit to move oil, gas, water or other products to or from each drilling unit within the city limits, the holder of each permit issued under this chapter for the drilling and operation of a well for oil or gas in the city shall apply to the city council for an easement on, over, under, along or across the city streets, sidewalks, alleys and other city property for the purpose of constructing, laying, maintaining, operating, repairing, replacing and removing pipelines so long as production or operations may be continued under any permit issued pursuant to this chapter; provided, however, such permittee shall:

* * *

(2) Furnish to the ~~director of public works and engineering~~ director of Houston Public Works of the city a plat showing the location of such pipelines.

* * *

Sec. 31-48. Letters relative to fresh water sands required prior to drilling.

Before drilling and setting casing in any well for oil or gas within the corporate limits of the city, the permittee must contact the ~~director of public works and engineering of the City of Houston~~ director of Houston Public Works and the state board of water engineers and obtain letters stating where the fresh water sands are to be found in the area or field in which the well is to be drilled. A copy of the state board of water engineers' letter must be filed with the utility official and the

permittee must set sufficient surface casing as required. Failure to file a copy of the state board of water engineers' letter shall be unlawful and shall be punishable as such.

* * *

Sec. 31-53. Casing.

(a) The operator of any well in any field or area within the city, shall be required to set and cement a sufficient amount of surface casing to properly protect all fresh water sands as specified by the state board of water engineers and the ~~director of the department of public works and engineering~~ director of Houston Public Works for the particular area or field. The surface casing shall be of new or reconditioned casing and shall be set and cemented in accordance with the rules, regulations and orders of the state railroad commission for the field or area in which the well is to be drilled. Cementing shall be by the pump and plug method and sufficient cement shall be used to fill the calculated annular space back of the casing to the surface of the ground and the cement shall be allowed to stand for a period of 12 hours before drilling plug.

* * *

Sec. 32-203. Assistance by certain city departments.

The directors of the departments of planning and development, department of finance, department of administration and regulatory affairs, ~~public works and engineering~~ Houston Public Works, general services department, and parks and recreation department and their staffs shall provide requested assistance to the parks board. The city attorney and his staff shall provide legal services and representation to the parks board.

* * *

Sec. 33-14. Created.

There is hereby created a commission composed of 25 members. Four of the 25 members shall be nonvoting ex officio members. The director or his designee shall serve as ex officio member and secretary to the commission. The three additional ex officio members shall be (1) the ~~director of the department of public works and engineering~~ director of Houston Public Works or his designee; (2) a designee of the Board of Directors of the Metropolitan Transit Authority of Harris County, Texas; and (3) the most recent former chair of the commission. In the event that the most recent former chair of the commission is unable or unwilling to serve as an ex officio member of the commission, any former member of the commission with five years experience on the commission may be appointed by the mayor, subject to confirmation by the city council, to serve in the former chair nonvoting ex officio position. The director may request that directors of other city departments or their designees meet with the commission from time to time when the commission has business affecting their departments.

* * *

Sec. 33-22. General powers and duties.

* * *

(b) Additionally, the commission shall have the power:

* * *

(6) In conjunction with the traffic and transportation division of ~~the department of public works and engineering~~ Houston Public Works, or a city department charged with that responsibility, to make recommendations to the city council concerning traffic regulation and control which directly affect the proper functioning of the planning and development programs adopted by the city council.

* * *

Sec. 33-82. Adoption of official maps and records of survey markers.

There are hereby adopted as a part of this Code, as fully as if set out at length herein, the maps developed as part of the City of Houston's Survey, Monumentation and Mapping Program. Each map is hereby declared to be an official map and an official record of the city. The official copy of each of such maps shall be kept and maintained in ~~the department of public works and engineering~~ Houston Public Works and shall be available at all reasonable hours for inspection by the public. Employees of the department are authorized to cause copies of such maps and separate sheets within such records to be prepared and made available for sale to the public. As official custodians of the official copy of each such map, the employees of the department are authorized, upon application of any person, to issue a copy of any such map. In addition to the established sale price of the copy of the map, a fee of \$1.00 payable to the city shall be charged and collected for certifying such copy.

* * *

Sec. 33-85. Surveys and construction plans by city departments and surveyors employed by the city.

Every survey made by personnel of ~~the department of public works and engineering~~ Houston Public Works or by any person performing surveying under contract with the city or by any person performing surveying work for any other political subdivision with which the city may hereafter contract relative to the construction of public works of any description wherever located, shall be based on the official coordinate system.

Sec. 33-86. Surveys made by public utilities and others using streets.

Any telecommunications company, telegraph company, electric company, gas company, cable television company or other public utility of any kind (similar or dissimilar), lawfully possessed of the privilege of using the streets of the city for public utility installations, and any and all other persons having lawful permission from the city under general ordinances (including, without limitation, the Construction Code) or special ordinances to use either the surface or subsurface of any of the streets for any installation of any kind (including, without limitation, sewers, pipelines and waterlines) shall, in making its survey incident to the installation, when a survey is required by other applicable rules, regulations or ordinances of the city, base the survey

on the official coordinate system. The map of the survey so made shall be filed with ~~the department of public works and engineering~~ Houston Public Works when the application for permit for the installation is made.

* * *

Sec. 33-107. Tree protection; affirmative defense.

No person shall perform or cause or allow to be performed any construction activity, including, without limitation, construction or repair of buildings or other structures, installation or repair or utilities, or installation or repair of streets or sidewalks within the dripline circle area of any protected tree that is not to be removed, without complying with the applicable provisions of Chapter 16 of the Infrastructure Design Manual promulgated by the ~~director of the public works and engineering department~~ director of Houston Public Works with respect to any protected tree. It is an affirmative defense to prosecution under this section that the construction activity is an emergency repair of utilities on public or private property."

* * *

Sec. 33-130. Preservation of existing trees and associated understory.

* * *

(c) If preservation credit is requested, the trees shall be protected and preserved as set forth in Chapter 16 of the Infrastructure Design Manual promulgated by the ~~director of the public works and engineering department~~ director of Houston Public Works.

* * *

Sec. 33-153. Affirmative defenses.

It is an affirmative defense to prosecution under section 33-152 of this Code that:

- (1) The person complied with the provisions of Chapter 16 of the Infrastructure Design Manual promulgated by the ~~director of the department of public works and engineering~~ director of Houston Public Works;

* * *

Sec. 33-236. Prohibited activities; offense.

* * *

(j) No person shall alter, rehabilitate, restore, construct, relocate or demolish any landmark, protected landmark, or any building, structure or object in an historic district or archaeological site, or excavate any archaeological site, without complying with the applicable provisions of this article. It is a defense to prosecution under this section that the ~~director of public works and engineering~~ director of Houston Public Works or a deputy director or an assistant director having supervisory responsibilities over the issuance of building permits has determined (1) that the work to be performed is necessary to correct conditions that are in violation of the life safety requirements for existing buildings as set forth in Chapter 34 and Appendix L of the Building

Code; (2) that the work to be performed is the only means for achieving compliance with the life safety requirements; and (3) that, based upon the nature of the life safety violations and the risks associated with their continuation, the provisions of this article should be waived to the extent of the life safety requirements.

* * *

Sec. 33-351. Definitions.

The following definitions shall apply to this article:

* * *

Director of Houston Public Works means the director of Houston Public Works or the director's designee.

Director of parks and recreation means the director of the department of parks and recreation of the city or the director's designee.

~~Director of public works and engineering~~ means the director of the department of public works and engineering of the city or the director's designee.

* * *

Sec. 33-372. Duties and responsibilities of the director.

* * *

(c) The director shall, in collaboration with the ~~director of public works and engineering~~ director of Houston Public Works, annually prepare and submit to the commission a proposed MTFP. The director, in developing the MTFP, shall consider all probable modes of transportation within the streets, including but not limited to automobile, transit, bicycle, and pedestrian traffic.

(d) For an application requesting an amendment to the MTFP, the director shall present to the commission a recommendation made in collaboration with the ~~director of public works and engineering~~ director of Houston Public Works and any of the following with jurisdiction over the streets included in the application: governmental entities, political subdivisions, transit authorities, or local government corporations.

* * *

Sec. 33-373. Duties and responsibilities of the ~~director of public works and engineering~~ director of Houston Public Works.

The ~~director of public works and engineering~~ director of Houston Public Works shall collaborate with the director in the preparation of an annual MTFP and, when applicable, review the proposed plan and make recommendations to the director on a MTFP amendment prior to commission consideration.

* * *

Sec. 33-393. Duties and responsibilities of city departments and offices.

The directors of city departments, including but not limited to ~~public works and engineering~~ Houston Public Works, the parks and recreation department, the Houston Health Department ~~health~~, the police department, and the fire department, shall each designate a liaison to coordinate with the director regarding implementation and maintenance of the BMP and, when applicable, review and make recommendations to the director on proposed amendments to the BMP prior to commission consideration.

* * *

Sec. 33-402. Members; chair.

* * *

(b) The voting members shall be individuals who: (1) have knowledge or expertise on issues related to bicycling, bicycle safety and education, plan implementation, funding strategies, public participation, or other subjects relevant to the BMP; (2) are at least 18 years of age; and (3) are residents of or business owners within the city.

(c) The ex officio members shall be:

* * *

(2) ~~The director of public works and engineering~~ director of Houston Public Works; and

* * *

Sec. 36-63. General powers, duties and liabilities of utility official in administering W.A.T.E.R. Fund.

The utility official shall establish and review procedures to ensure the selection of recipients for assistance in accordance with the criteria set forth in section 36-62. Subject to the criteria set forth in section 36-62, the utility official shall, establish all necessary administrative procedures including the promulgation of application forms and the designation of places where applications shall be received. The utility official shall select the recipients from those determined to be qualified based on the order their applications are received. ~~The public works and engineering department~~ Houston Public Works will be responsible for the accounting of funds and final disbursement of credits to the accounts of designated recipients in accordance with the criteria set forth in section 36-64.

Sec. 36-64. Fund transfers and credits to recipients' accounts.

All fund transfers in reference to the W.A.T.E.R. Fund from the city's trust and agency account to the receivables accounts of ~~the public works and engineering department~~ Houston Public Works and credits to recipients' water and sanitary sewer bills therefrom shall be made at the direction of the utility official. Such fund transfers and credits shall show the purpose for which they were issued.

* * *

Sec. 38-4. Duty to reconstruct or construct grade crossings.

* * *

(c) Each railroad company shall reconstruct or construct grade crossings over public streets in Categories I and II using not less than the standard permanent type materials such as steel; steel reinforced molded rubber; high density polyethylene; full depth timber or other permanent type materials acceptable to the ~~director of the department of public works and engineering~~ director of Houston Public Works.

* * *

(g) Any railroad company that disagrees with any decision made by the traffic engineer under this section shall have ten days from the date it was notified of that decision by the traffic engineer to appeal such decision to a three-member board to be known as the grade crossing review board. Such board shall be composed of the directors of ~~the departments of public works and engineering~~ Houston Public Works, the department of administration and regulatory affairs, and the department of planning and development or their designees. The director of ~~the department of public works and engineering~~ Houston Public Works or designee shall serve as chairman of the grade crossing review board and notify the appealing railroad company in writing of the time and place for hearing such appeal.

* * *

Sec. 38-7. Drainage improvements; maintenance and repair of streets, bridges, etc.

(a) It shall be the duty of all railroad companies whose lines of road are constructed on, over or across any street or part of a street or land in the city to make, construct and maintain, under the supervision of the city engineer and in accordance with plans and specifications to be furnished by the ~~director of public works and engineering~~ director of Houston Public Works, all such drains, culverts, waterways, ditches, sewers and such other connections as shall be deemed necessary by the city council to properly drain the streets and lands on, over or across which such railway line is constructed, and to conduct the water into some proper sewer, and, if necessary, conduct such water outside the city limits.

* * *

Sec. 39-32. Composition; appointment of members.

The Houston Clean City Commission shall consist of not more than 50 members to be appointed by the mayor and confirmed by city council. Members shall be community leaders representing the civic, business, and governmental segments of the city. Eleven members shall be designated as district members for positions lettered A through K and shall be residents of the city single-member council district which bears the letter corresponding to the position to which the district member is appointed. Each district member for positions lettered A through K shall be

nominated by the council member representing the city single-member council district. In the event a district member's place of residence is redistricted from one council district to another during the term of the member's office, that member shall not be disqualified but shall serve the remainder of the term and until a successor is appointed and confirmed. Five members shall be designated as at-large ("AL") members for positions titled AL1 through AL5 and shall be residents of the city. Each at-large member for positions AL1 through AL5 shall be nominated by the council member representing the corresponding city council at-large position. Up to 34 members may be designated as members for positions numbered 1 through 34, as required. One member shall be the director of the solid waste management department or his designee; one shall be the director of the public health or his designee; and one shall be the ~~director of the public works and engineering department~~ director of Houston Public Works or his designee. Among the remaining members, the mayor may appoint and city council may confirm up to 11 persons who do not reside within the city to serve as nonresident members.

Sec. 39-33. Terms of members.

The members of the Houston Clean City Commission shall serve the following terms:

* * *

- (6) The terms of office for the three department directors shall coincide with the tenure of their appointments as director of the solid waste management department, as director of the public health and as ~~director of the public works and engineering department~~ director of Houston Public Works, respectively.

* * *

Sec. 39-95. Enforcement of state solid waste laws and regulations.

* * *

(c) Upon completion of appropriate training, employees designated by the fire department, Houston Health Department, mayor's citizens' assistance office, police department, ~~public works and engineering department~~ Houston Public Works, and solid waste management department are authorized to issue citations charging the violation of any of the provisions of this chapter. Duly trained and designated employees of the solid waste management department are also authorized to issue citations charging the violation of any provisions in this Code relating to solid waste, including but not limited to garbage, refuse, and dumpsters.

* * *

Sec. 40-3. Installation of street lights at expense of property owners.

(a) Where lighting is requested other than that which is scheduled for installation by the city, the mayor is hereby authorized to approve, upon the recommendation of ~~the department of public works and engineering~~ Houston Public Works, the installation of ornamental standard type street lights in residential areas when a contribution is made to the city by the property owners of an amount of money sufficient to pay the operation cost of the lights for a period of one year. This section shall also be applicable for ornamental standard type lighting on nonresidential

streets where lighting is requested prior to the time it is scheduled by the city. The mayor may delegate such authority to persons named in a written delegation notice signed by the mayor and filed with the city secretary, subject to revocation at any time.

(b) The contributions made to the city whenever ornamental street lights are to be installed shall be in an amount calculated by ~~the department of public works and engineering~~ Houston Public Works to represent the operating cost of the street lights for one year. The contribution collected shall be deposited in a special revenue account which is hereby established. The monies collected in the special account shall be designated for street lighting use only. All notices of the amount of contribution due shall clearly state that any contribution not received within six months from the date of issuance by ~~the department of public works and engineering~~ Houston Public Works shall be subject to increase.

(c) The foregoing requirement for a contribution by property owners shall not apply in the case of standard type ornamental street lights for which the installation charges, if any, plus the estimated operation cost for one year or more are to be paid for out of funds obtained through the Department of Housing and Urban Development of the United States of America as part of the Community Development Block Grant Program. The installation of such street lights may be approved by the mayor (or the mayor's designee) upon the determination by the ~~director of public works and engineering~~ director of Houston Public Works that such funds are available and have been duly authorized to be expended for such purpose.

* * *

Sec. 40-7. Subdivision identification markers.

* * *

(c) *Design standards.* A subdivision identification marker must contain the name of the recorded subdivision, and may contain an insignia or motto of the subdivision in addition to identification directly related to the residential community or development, such as 'deed restrictions enforced' and civic association/homeowner's association meeting announcements. A subdivision identification marker may not include any advertising content unrelated to the subdivision, and may not contain any moving, electronic, LED or other changeable message.

The design of the subdivision identification marker shall conform to the standards set forth in the Infrastructure Design Manual, as promulgated and revised from time to time by ~~the public works and engineering department~~ Houston Public Works. The city engineer must approve each request for more than two subdivision identification markers in the public street right-of-way and may restrict the number of subdivision identification markers for a subdivision taking into account the number of lots in the subdivision, the number of major entrances to the subdivision, and the area (acreage) of the subdivision. The city engineer may establish minimum clearances for subdivision identification markers from the edge of the pavement. The city engineer may also specify acceptable foundations for subdivision identification markers in the public street right-of-way and may require frangible or breakaway marker supports. Variances to any design standards for proposed subdivision identification markers must be granted by the city engineer.

(d) *Application for encroachment permit.* A subdivision developer or homeowners' association may apply to the city engineer for an encroachment permit for subdivision identification markers.

The application for subdivision identification markers must identify the person, partnership, association, corporation or other legal entity responsible for the perpetual maintenance of the marker and include a drawing, approved by ~~the public works and engineering department~~ Houston Public Works, that shows the design, location, size, height, and material composition of all markers to be permitted, and the location of any utility (water, sanitary sewer, storm sewer, electricity, telephone, cable) facilities in the immediate vicinity of the markers. Each subdivision identification marker must be located so as not to constitute a traffic hazard and shall not be located within the visibility triangle, as defined in section 33-101 of this Code, or otherwise impair the visibility of a vehicle from a road or driveway. The application fees for subdivision identification markers to be located in the public street right-of-way shall be stated for this provision in the city fee schedule. All application fees shall be payable at the time of application for an encroachment permit.

* * *

(g) *Existing subdivision identification markers.* Subdivision identification markers located within the public right-of-way on December 31, 2008, must be registered with ~~the public works and engineering department~~ Houston Public Works. ~~The public works and engineering department~~ Houston Public Works shall publish a form to register existing subdivision identification markers. No fees will be assessed for registration of existing subdivision identification markers.

* * *

Sec. 40-10.1. Sidewalk cafés.

* * *

(d) *Procedure for issuance of license:*

(1) The traffic engineer is authorized to issue licenses to persons for sidewalk café purposes under the procedures established in this subsection. To obtain a license, a person must pay the applicable fee and file an application on a form prescribed by the traffic engineer. As a part of the application the applicant shall provide:

a. The name and street address of the applicant.

* * *

If the records of ~~the public works and engineering department~~ Houston Public Works include existing and apparently valid property boundary data that address a portion of the relevant information specified in part j. above, or if the traffic engineer otherwise determines that survey data is not required in order to determine property boundaries in compliance with this section, then the traffic engineer shall allow the applicant to provide a simplified site plan that need not be prepared by an engineer or surveyor, provided that the site plan is drawn to scale and includes the sidewalk configuration.

* * *

Sec. 40-12. Sidewalk access doors.

(a) It shall be unlawful for any person to construct, maintain or operate, or cause or permit to be constructed, maintained or operated, any sidewalk access door without lifts or chutes, on a sidewalk or street or other public area of the city serving the basement of any building or structure adjacent thereto, without first obtaining from the ~~public works and engineering director~~ director of Houston Public Works a written permit to make such installation. Such permit shall only be issued on a written application in form approved by the city legal department, which shall provide for indemnity to the city for damage to persons or property by reason of such installation. Such application shall be duly acknowledged by the applicant and, where the applicant is not the owner of the abutting property, by the owner of such abutting property, and it shall contain a covenant running with the land, binding the fee owner of the land abutting the installation and on which the sidewalk and installation are constructed, and his heirs and assigns.

(b) Such permit shall require that such sidewalk door shall be opened only between the hours of 10:00 p.m. and 6:00 a.m., so as to impede pedestrian traffic as little as possible. The type of door and the exact location of the door shall be subject to the inspection and approval by the ~~public works and engineering director~~ director of Houston Public Works, and such permit shall be issued subject to all the pertinent requirements of this chapter.

* * *

Sec. 40-16. Painting or posting house numbers on curbs.

(a) No person, except the abutting property owner, shall paint, print or post any house number upon any curb in any public street in the city unless such person has first obtained a permit from the ~~director of the department of public works and engineering~~ director of Houston Public Works and prior approval from the owner of the abutting property.

* * *

(d) The ~~director of the department of public works and engineering~~ director of Houston Public Works shall issue a permit without charge to the applicant unless it is determined that the applicant has not set forth his permanent address and the address at which he can be reached, or the leaflets or other materials intended to be used in soliciting approval of owners or otherwise promoting the painting, printing or posting of house numbers upon curbs do not comply with the requirements set out in subsection (c).

* * *

(f) Any person, including the abutting property owner, who paints, prints or posts house numbers on any curb of a public street shall do so in compliance with the rules and regulations promulgated by the ~~director of the department of public works and engineering~~ director of Houston Public Works with regard to size, color, location or other matters dealing with the painting, printing or posting; provided, however, any such rules promulgated by the said director shall be in writing and shall be available to the public during office hours in the office of said director.

* * *

Sec. 40-29. Police and fire departments to be notified of street closing.

The ~~director of public works and engineering~~ director of Houston Public Works shall give and direct notices of the closing of any streets within the city, at least 24 hours before the closing thereof, to the police department and the fire department.

Sec. 40-30. Banner districts; creation; decorative banners permitted.

* * *

(e) *Removal of banners.* A banner shall be immediately removed by the owner of the light standard if the ~~director of public works and engineering~~ director of Houston Public Works finds that a public necessity or emergency exists requiring the immediate removal of the banner. The director may issue a written or oral removal order directed and delivered to the owner. Subsequent to an oral removal order, the director shall issue a written notice to the owner within five days of such oral removal order. Written removal notices hereunder shall specify the reasons for the director's removal order and the duration of that order. The duration of the order shall be for only as long as is reasonably necessary under the circumstances. "Public necessity" for this purpose shall include but not be limited to, a threat to the public health, safety and welfare.

Sec. 40-31. Special event banners.

* * *

(e) *Removal of special event banners.* A special event banner shall be removed immediately by the owner of the light standard pursuant to section 40-30(e) of this Code if the ~~director of public works and engineering~~ director of Houston Public Works finds that a public necessity or emergency exists requiring the immediate removal of the special event banner.

* * *

Sec. 40-41. Scope of article; definitions.

This article shall control and govern the doing within any street or alley in the city of any of the following work or construction: Any paving, or the construction of any curb or gutter (including driveway construction incident to curb or gutter construction). The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

- (1) Director shall mean the ~~director of the public works and engineering department of the city~~ director of Houston Public Works or his duly designated employees.

* * *

Sec. 40-95. Contractor's bond.

* * *

(b) The bond may be accepted on behalf of the city by the mayor, the mayor pro tem, the ~~director of public works and engineering~~ director of Houston Public Works, or any person designated and so authorized by the mayor in a writing signed by the mayor and filed with the city

secretary. Any such acceptance may be accomplished by signature on the bond itself or by any other means which indicates an acceptance of the benefits of such bond.

* * *

Sec. 40-110. Required.

It shall be unlawful for any person to oil or allow the oiling of any public street, highway, or alleyway within the city, without having applied for and obtained a street oiling permit from the ~~director of public works and engineering~~ director of Houston Public Works or his designee ("the director").

* * *

Sec. 40-121. Definitions.

As used in this article, the following terms shall have the meanings ascribed in this section, unless the context of their usage clearly indicates another meaning:

* * *

Construction standards means the City of Houston Standard Specifications for Wastewater Collection Systems, Water Lines, Storm Drainage, and Street Paving and the City of Houston Standard Construction Details for Wastewater Collection Systems, Water Lines, Storm Drainage, and Street Paving as they may be amended from time to time by ~~the department of public works and engineering~~ Houston Public Works and approved by the city engineer.

* * *

Sec. 40-123. Provisions cumulative.

* * *

(b) To the extent that any other city permit or authorization is required for work that is also governed by this article, the ~~director of public works and engineering~~ director of Houston Public Works shall, to the extent practicable, devise consolidated application forms and issue the required permits or authorizations on a combined basis.

* * *

Sec. 40-126. Appeals; hearing.

Any person whose permit is denied or who is otherwise aggrieved by a notice, action, or decision of the city engineer hereunder shall, upon written request, be entitled to a hearing to be conducted by a hearing officer designated by the ~~director of public works and engineering~~ director of Houston Public Works, who shall promulgate rules for hearings. The decision of the hearing officer shall be final. Where time is of the essence, the aggrieved person may so advise and state the reason therefor in the request and, to the extent reasonably warranted and allowed by the circumstances, an expedited hearing of the issue shall be afforded.

* * *

Sec. 40-128. Rules and regulations.

(a) The ~~director of public works and engineering~~ director of Houston Public Works is authorized to promulgate rules and regulations regarding any aspect of the operation of this article, including without limitation requirements for drawings and specifications, methods by which excavations will be performed, traffic control procedures, application processing and hearing procedures, debarment procedures, construction management procedures, and inspection procedures. The rules and regulations shall be consistent with applicable federal and state laws, city ordinances, and sound engineering practices, and the City Council Committee on Transportation, Infrastructure and Aviation, or its successor committee, shall conduct a public hearing on the proposed rules and regulations not less than ten days following the publication of notice of intent in a newspaper of general circulation, and the proposed rules and regulations shall be approved by a majority vote of the City Council Committee on Transportation, Infrastructure and Aviation, or its successor committee, prior to implementation. The ~~director of public works and engineering~~ director of Houston Public Works shall make copies of the rules and regulations available for inspection in the director's office, and copies may be purchased at the fees prescribed by law.

(b) Before adopting any rules and regulations under subsection (a) or any substantive amendments thereto, the ~~director of public works and engineering~~ director of Houston Public Works shall publish a notice of intent one time in a newspaper of general circulation and shall afford a ten-day period in which affected persons may obtain a copy of draft proposals and submit written comments thereon.

* * *

Sec. 40-137. Drawings to accompany application; exceptions.

(a) Unless otherwise provided in the rules and regulations promulgated under section 40-128 of this Code, each application shall be accompanied by drawings and specifications, which shall show:

- (1) The location of the excavation;

* * *

The drawings and specifications shall be prepared in compliance with all applicable laws, rules, regulations, and construction standards. The ~~director of public works and engineering~~ director of Houston Public Works may approve standard details for frequently encountered types of excavations, and the approved details may be incorporated into drawings and specifications, where applicable.

* * *

Sec. 40-159. Completion of excavation; warranty.

* * *

(b) If a permittee commences an excavation and then fails, refuses, or neglects to diligently prosecute or to timely complete the excavation in accordance with the permit and all applicable rules and regulations and the construction standards adopted in or pursuant to this

article, the city engineer may, following written notice to the permittee, perform the excavation or cause a city contractor to perform the excavation. The city engineer shall afford the permittee five days' written notice and opportunity to cure before taking over the excavation, unless the ~~director of public works and engineering~~ director of Houston Public Works determines that hazards to public safety and convenience that are posed by the condition of the excavation require a shorter notice period. The city engineer may charge the cost of having the excavation performed, including related administrative expenses, to the permittee. The city engineer shall so notify the permittee, and the permittee shall be obliged to pay the cost within 30 days following receipt of notification. Disputes over costs assessed shall be subject to the hearing process established under section 40-126 of this Code.

* * *

Sec. 40-178. Issuance; fee.

The ~~director of public works and engineering~~ director of Houston Public Works or his designee ("the director") shall issue a permit for the carrying, hauling or transporting of earth materials to the owner of a vehicle, upon his making a written application and paying the permit fee stated for this provision in the city fee schedule.

* * *

Sec. 40-200. Construction and maintenance of shelters for users of public transportation.

(a) Permit required. It shall be lawful for any person owning or leasing real property abutting the public right-of-way (hereinafter referred as "landholders") or for any person holding a franchise granting the right, privilege and franchise to place advertising materials upon shelters constructed pursuant to a permit issued under this section (hereinafter referred to as "franchisees") or for the Metropolitan Transit Authority (a governmental entity organized and existing under and pursuant to the provisions of Article 1118x, Texas Revised Civil Statutes) to use and occupy a designated area of the public right-of-way as hereinafter stated for the construction and maintenance of a public transportation structure upon obtaining a permit for each such use and occupancy from the ~~director of public works and engineering~~ director of Houston Public Works or his designee (hereinafter referred to as the "director"). All persons seeking such permit shall make a written application on a form provided by the director and thereby make a request for the privilege, license and permission to use, occupy and maintain a designated area of the right-of-way, which area, if the applicant is applying in the capacity of a landholder, must abut the applicant's property. An applicant may request one or more permits in a single application.

* * *

(e) Terms and conditions of permit.

(1) Any permit granted by the city for the use and occupancy of the city right-of-way shall be issued to the applicant upon the following terms and conditions of this section. In the case of franchisees, the permit holder shall also be subject to the terms and conditions of the franchise.

- a. All permits issued by ~~the department of public works and engineering~~ Houston Public Works to an abutting landowner or his lessee shall contain the legal description of the property which abuts the city right-of-way.

* * *

Sec. 40-228. Definitions.

For the purposes of this article, the following terms have the meaning ascribed to them in this section, unless the context clearly indicates otherwise:

* * *

Director means the ~~director of the city's public works and engineering department~~ director of Houston Public Works or his or her designee.

* * *

Sec. 40-261. Scope of article; definitions.

* * *

- (b) The following words, terms, and phrases, when used in this article, shall have the meanings ascribed to them in this section, unless the context of their usage clearly indicates another meaning:

Director shall mean the director of ~~the city's department of public works and engineering~~ Houston Public Works and shall include the director's designees.

* * *

Sec. 40-265. Permit—Issuance or denial.

* * *

- (b) The director shall issue a permit to the applicant on a first applied, first issued basis unless one or more of the following conditions exist:

* * *

- (4) ~~The public works and engineering department~~ Houston Public Works determines that the application should be denied on the basis of the review conducted under section 40-268 of this Code; or

* * *

Sec. 40-268. Referral to other departments.

Each application shall be reviewed by ~~the public works and engineering department~~ Houston Public Works under the criteria of subsections (c), (d), (e), and (f) of section 40-267 of this Code and item (7) of section 40-263 of this Code, referred to the department of parks and recreation for review under the criterion of subsection (b) of section 40-267 of this Code, and

referred to the Houston Health Department for review under the criteria of items (8), (9), (10) and (11) of section 40-263 of this Code and subsection (d) of section 40-269 of this Code.

* * *

Sec. 40-281. Definitions.

As used in this article, the following terms shall have the meanings ascribed to them in this section unless the context clearly indicates a different meaning:

* * *

~~Director~~ means the ~~director of the public works and engineering department~~ director of Houston Public Works or any person designated by the director to perform his responsibilities under this article.

* * *

Sec. 40-331. Definitions.

As used in this article, the following words and terms shall have the meanings provided below, unless the context of their usage clearly indicates another meaning:

* * *

~~Director of public works and engineering~~ director of Houston Public Works means the ~~director of the city's public works and engineering department~~ director of Houston Public Works, or its successor department, including the director's designee.

* * *

Sec. 40-336. Conditions of network facilities franchise.

A network facilities franchise that is granted to any telecommunications provider under this article shall incorporate the terms of this article and be further subject to the following specific provisions, whether or not such terms are specifically included in such network facilities franchise:

* * *

(4) Permitting and plan approval.

* * *

b. Routine maintenance. The ~~director of public works and engineering~~ director of Houston Public Works may promulgate rules and procedures for routine maintenance of existing network facilities located in the public way, including but not limited to required notices by the telecommunications provider that the telecommunications provider shall provide, standards for street and curb repairs, and inspection of facilities and street repairs necessitated by such maintenance. Routine maintenance or repair performed on existing network facilities located in the public way shall be

performed in a manner consistent with city standards promulgated by the ~~director of public works and engineering~~ director of Houston Public Works.

- c. Emergency repairs. Emergency repairs requiring immediate work may be performed by the telecommunications provider and notice shall be given in writing to the ~~director of public works and engineering~~ director of Houston Public Works within 24 hours following the commencement of such repairs. The notice shall state the nature of the emergency, the repairs required and an estimate of the time necessary to complete the repairs. The telecommunications provider shall apply for all required approvals, including those required under article XVII of this chapter as soon as reasonably practicable. Any work performed that is not consistent with city standards shall be corrected upon notice from the ~~director of public works and engineering~~ director of Houston Public Works.

* * *

- (5) Work standards. All work in the public way shall be performed in accordance with the city's Standard Construction Specifications and Standard Construction Details, as such may be amended from time to time, and shall be subject to the regulation, control and direction of the ~~director of public works and engineering~~ director of Houston Public Works. All work done in connection with the laying, construction, operation, maintenance, repair and replacement of the network facilities shall be in compliance with all applicable laws, ordinances, rules and regulations of city, the applicable county, the state, and the United States.

* * *

- (9) Subsequent rules and regulations. The city council or the ~~director of public works and engineering~~ director of Houston Public Works may make such other reasonable rules and regulations for the placement and manner of the network facilities as they may deem appropriate for the protection of the public and the public way and to avoid unreasonable interference with other uses or contemplated uses of the public way. Without limitation of the above, the city council may amend the rules or regulations to require that all network facilities constructed after the effective date of such amended rules be placed underground.

* * *

Sec. 40-341. Purpose, interpretation; type of alley covered; determination.

* * *

(c) ~~The department of public works and engineering~~ Houston Public Works will determine whether an alley has been dedicated to and accepted for use by the city, based upon its records, and to the extent necessary, the records of other city departments and applicable county records.

* * *

Sec. 40-342.1. Acceptance of existing alleys for public use.

* * *

(d) *Petition—Form.* The applicants seeking city acceptance of an alley for public use shall submit to the city engineer a petition in the form promulgated therefor by the ~~director of public works and engineering~~ director of Houston Public Works or his designee, who may revise the petition form from time to time as he deems appropriate.

* * *

(g) *Standards.* In order to be accepted by the city, an alley must meet the standards set forth in the Infrastructure Design Manual, as promulgated and revised from time to time by ~~the public works and engineering department~~ Houston Public Works, unless the city engineer determines that it is necessary or appropriate to alter or waive one or more standards with respect to a particular alley, if in the public interest to provide public access.

* * *

Sec. 40-342.2. Inventory of alleys.

~~The department of public works and engineering~~ Houston Public Works shall make reasonable efforts to maintain an inventory of alleys within the city, to determine whether such alleys are accepted for public use or are for private access, and to maintain such inventory in a form that is accessible to the public. A copy of the inventory shall be maintained on file in the office of the city engineer.

* * *

Sec. 40-361. Definitions.

As used in this article, the following words and terms shall have the meanings ascribed to them in this section, unless the context of their usage clearly indicates another meaning:

* * *

Mobility official means the ~~public works and engineering director~~ director of Houston Public Works or his designee.

* * *

Sec. 40-364. Provisions cumulative.

* * *

(b) Without limiting the foregoing, a separate permit is also required under article V of this chapter whenever the obstruction is for purposes of an excavation and the provisions of that article are applicable to the work. The ~~director of public works and engineering~~ director of Houston Public Works shall coordinate the two permit processes.

* * *

Sec. 40-365. Construction work in roadways or sidewalks; public work.

* * *

(c) The defense set forth in section 40-362(b)(10) of this Code is not intended to excuse public employees from coordinating their work with the traffic engineer to ensure that impairments or obstructions conform to applicable requirements of this article, and the ~~director of public works and engineering~~ director of Houston Public Works shall administratively adopt regulations for that purpose.

* * *

Sec. 40-366. Regulations.

The ~~director of public works and engineering~~ director of Houston Public Works is authorized to adopt rules and regulations for the administration of this article. To the extent practicable, as determined by the traffic engineer, the rules and regulations may provide for the filing and processing of permit documents by electronic means.

* * *

Sec. 40-368. Hearing.

Any person who is aggrieved by a decision of the city, its officials, or employees with respect to a permit application or impairment or obstruction abatement action under this article shall, upon written request, be entitled to a hearing to be conducted by hearing officer designated by the ~~director of public works and engineering~~ director of Houston Public Works, who shall promulgate rules for hearings. The decision of the hearing officer shall be final. A hearing requested under section 40-126 of this Code may be consolidated with a hearing requested under this section.

* * *

Sec. 40-371. Administration and schedule of permit fees.

The traffic engineer shall issue and administer permits. The schedule of fees established pursuant to this section shall be applicable initially to the permits authorized to be issued pursuant to this article. The ~~director of public works and engineering~~ director of Houston Public Works shall determine annually in connection with the city's fiscal year whether an increase or decrease in these fees is required for the sidewalk and roadway obstructions and impairments permit program, based on an analysis of the actual costs of administering and enforcing this program, and is hereby authorized to make adjustments annually to the schedule of fees. If the fee is increased, it may be increased only by the documented additional cost to administer and enforce this program. The traffic engineer shall not issue any permit unless and until the applicable fee has been paid, unless the applicant is exempt from paying a fee under city contract, including the "Adopt a Container" program, franchise agreement, or federal, state or local statutes or other applicable laws. Weekly fees shall not be prorated for obstructions lasting less than a full week. Persons who desire to obtain permits shall be charged a fee under the following conditions:

* * *

- (4) Any fees or revenues generated by roadway obstruction or sidewalk impairments covered under this article shall be distributed as follows:
- a. 85 percent of all fees and revenues shall be allocated to the transportation special revenue fund administered by ~~the public works and engineering department~~ Houston Public Works;

* * *

Sec. 40-373. Review, issuance, terms, revocation.

* * *

(e) Upon written notice to the holder, a permit may be withdrawn, suspended, or revoked if the ~~director of public works and engineering~~ director of Houston Public Works or the traffic engineer determines that it was issued by error, that the impairment or obstruction is having unanticipated adverse effects upon vehicular or pedestrian traffic, or that the holder has not complied with any applicable term of the permit.

* * *

Sec. 40-481. Definitions.

* * *

Department means ~~the department of public works and engineering~~ Houston Public Works.

* * *

Director means the ~~director of the department of public works and engineering~~ director of Houston Public Works or the director's designee.

* * *

Sec. 41-31. Street name markers for non-public streets; regulation by ~~director of public works and engineering~~ director of Houston Public Works.

(a) A street name marker erected on a non-public street shall conform to standards and specifications established by the ~~director of public works and engineering~~ director of Houston Public Works and shall not be installed without the approval of the ~~director of public works and engineering~~ director of Houston Public Works.

* * *

(d) The ~~director of public works and engineering~~ director of Houston Public Works may declare as a nuisance or a traffic hazard any street name marker for a non-public street installed in a public street that contains a name not established in conformance with this article.

(e) Upon determining that a street name marker for a non-public street is misleading, confusing, deteriorated or is located so as to create a traffic hazard, the ~~director of public works and engineering~~ director of Houston Public Works may remove the marker from a public street without providing notice.

(f) The property owners abutting a non-public street shall be responsible for the replacement of a street name marker removed by the ~~director of public works and engineering~~ director of Houston Public Works pursuant to this section.

* * *

Sec. 41-47. Approval by city council; subsequent actions.

* * *

(b) Upon approval by city council of a street name change under this section, the director shall:

* * *

(2) Request the ~~department of public works and engineering~~ Houston Public Works to erect new street signs on the affected street.

* * *

Sec. 42-1. Definitions.

As used in this chapter, the following terms shall have the meanings ascribed in this section unless the context of their usage clearly indicates another meaning:

* * *

Design manual shall mean the ~~department of public works and engineering~~ Houston Public Works Infrastructure Design Manual ~~design manual for wastewater collection systems, water lines, storm drainage and street paving~~, as it may be amended from time to time.*

* * *

Sec. 42-123. Street width exception areas.

* * *

(d) The commission is authorized to designate additional areas as street width exception areas as provided in this subsection. An area that has block lengths that are generally 600 feet or less measured centerline to centerline and paved public streets with rights-of-way of not less than 50 feet wide with equivalent levels of vehicular traffic, as determined after a study by the ~~director of public works and engineering~~ director of Houston Public Works, is eligible for designation as a street width exception area. The commission, after a public hearing on the study of the ~~director of public works and engineering~~ director of Houston Public Works, shall designate

an eligible area as a street width exception area upon finding that the area has an adequate system of streets in place, the number and spacing of which is sufficient to forego requirements of a right-of-way width of greater than 50 feet. In designating a street width exception area, the commission shall exclude any street within the area that it determines does not have an adequate right-of-way.

Sec. 42-124. Right-of-way transition.

Where a transition from one right-of-way width for any type of street to a different right-of-way width is proposed, the transition shall conform to the geometric design guidelines of the design manual or to other geometric design guidelines that are approved by the ~~director of public works and engineering~~ director of Houston Public Works if in his professional opinion the proposed transition is warranted by the circumstances and achieves the intent and purpose of this section.

* * *

Sec. 42-132. Curves.

* * *

(d) At the request of an applicant, the commission shall approve a lesser curve radius upon certification by the ~~director of public works and engineering~~ director of Houston Public Works that the lesser radius meets nationally accepted standards set forth in either the "Guidelines for Urban Major Streets Design" of the Institute of Transportation Engineers or "A Policy on Geometric Design of Highways and Streets" of the American Association of State Highway and Transportation Officials.

* * *

Sec. 42-154. Optional performance standards for a major thoroughfare within the city with a planned right-of-way of 80 feet or less—Retail commercial center.

(a) Except for along a transit corridor street, type A street, or as provided in subsection (c), a building line requirement of five feet is authorized for a tract in the city used for a retail commercial center with frontage on a major thoroughfare with a planned right-of-way of 80 feet or less if an applicant submits a subdivision plat that includes plat notations that require compliance with the following performance standards or a development plat that demonstrates compliance with each of the following performance standards:

* * *

(4) If the applicant proposes to locate the sidewalk within the building line, the applicant presents evidence that the ~~director of public works and engineering~~ director of Houston Public Works has waived the requirement for a sidewalk within the right-of-way in exchange for the commitment of the owner of the adjacent property to install and maintain landscaping in a ten-foot strip within the right-of-way adjacent to the property;

* * *

(b) Except for along a transit corridor street, type A street, or as provided in subsection (c), a building line requirement of zero feet is authorized for a tract in the city used for a retail commercial center with frontage on a major thoroughfare with a planned right-of-way of 80 feet or less if an applicant submits a subdivision plat that includes plat notations that require compliance with the following performance standards or a development plat that demonstrates compliance with each of the following performance standards:

* * *

(4) The applicant presents evidence that the ~~director of public works and engineering~~ director of Houston Public Works has waived the requirement for a sidewalk within the right-of-way in exchange for the commitment of the owner of the adjacent property to install and maintain landscaping in a ten foot strip within the right-of-way adjacent to the property. The plantings in the ten-foot landscaping strip shall comply with the requirements of article V of chapter 33 of this Code;

* * *

Sec. 42-211. Drainage easements.

Each drainage easement shall be located in conformity with the requirements of the design manual and all other governmental agencies with jurisdiction over surface water drainage or flood control within the area in which the proposed subdivision or development is located. Each subdivision plat or development plat that contains a drainage easement shall contain a restriction on the plat that:

* * *

(2) Prohibits any property abutting the drainage easement from draining directly into the drainage easement except by means of a drainage structure approved by the ~~director of public works and engineering~~ director of Houston Public Works or the authorized public drainage or flood control official.

* * *

Sec. 45-2. Definitions.

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

* * *

Department means the ~~department of public works and engineering~~ Houston Public Works.

Director means the ~~director of the department of public works and engineering~~ director of Houston Public Works or his designee.

* * *

Sec. 45-4. ~~Department of public works and engineering~~ Houston Public Works.

The city's former department of traffic and transportation has been merged into ~~the city's department of public works and engineering~~ Houston Public Works. Any reference in this Code or other ordinances or documents of the city to the department of traffic and transportation shall be construed to mean ~~the department of public works and engineering~~ Houston Public Works. Similarly, any reference to the director of traffic and transportation or to the director of the traffic and transportation department shall be construed to mean the ~~director of public works and engineering~~ director of Houston Public Works.

Sec. 45-5. General powers and duties of traffic engineer.

(a) ~~The director of public works and engineering~~ director of Houston Public Works or such other person as the director may from time to time designate in writing to perform such function shall be the traffic engineer of the city. The traffic engineer shall exercise the powers and duties as provided in this Code and the other traffic ordinances of the city.

* * *

Sec. 45-161. Program created.

There is hereby created within ~~the public works and engineering department~~ Houston Public Works the Speed Feedback Sign Program.

* * *

Sec. 45-163. Definitions.

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

* * *

Department means ~~the department of public works and engineering~~ Houston Public Works.

* * *

Sec. 45-271. Generally.

* * *

(c) Any person desiring to operate a vehicle on city streets in excess of the load limit set out herein shall first obtain a special permit from the ~~director of public works and engineering~~ director of Houston Public Works and such permit shall not be issued unless reasonably necessary.

* * *

Sec. 45-361. Definitions.

As used in this article, the following words and terms shall have the meanings ascribed to them in this section unless the context of their usage clearly indicates a different meaning:

* * *

Director means the ~~director of the department of public works and engineering~~ director of Houston Public Works or the traffic engineer or any other person designated by the said director to perform the director's duties under this article.

Interdepartmental review committee means a committee consisting of one representative each of the fire department, police department, department of planning and development, solid waste management department, and ~~public works and engineering departments~~ Houston Public Works.

* * *

Sec. 45-453. Rules; forms; fees.

(a) The police chief, in consultation with the ~~director of public works and engineering~~ director of Houston Public Works or his designee, may issue rules and regulations for the operation of this article and shall promulgate application and permit forms, which shall be approved by the city attorney prior to use.

* * *

(c) The ~~director of public works and engineering~~ director of Houston Public Works or his designee may also establish a fee for traffic engineer reviews required under this article, which fees may be reviewed and adjusted in the manner established in the preceding subsection. The current fee amounts shall be stated for this provision in the city fee schedule.

* * *

Sec. 47-1. Definitions.

The term "~~department~~" department when used in this chapter shall mean ~~public works and engineering department~~ Houston Public Works and the term "~~director~~" director shall mean the ~~director of the public works and engineering department~~ director of Houston Public Works except where the context requires otherwise.

* * *

Sec. 47-4. Use of water meter required; exception for fire sprinkler systems previously installed.

(a) Metered water service requirements.

* * *

- (2) Water will be furnished and delivered through the water distribution system of the city only through meters. Meters must be listed on the ~~City of Houston Department of Public Works & Engineering's~~ Houston Public Works product approval list.

* * *

Sec. 47-36. Construction of surface water drains.

(a) It shall be unlawful for any person to construct or maintain any drain into a public street from private property, where the same has been laid for the purpose of draining surface water from such private property, or for the purpose of taking care of rainwater and water from the roofs of buildings on private property, unless such drain shall be laid from the property line to the street, curb or ditch, and be constructed entirely of durable and substantial material as approved by the ~~director of public works and engineering~~ director of Houston Public Works or his designee, and be laid entirely underneath the surface of the ground in the sidewalk, and be covered at all points where the same crosses under such sidewalk, and in the event such drain shall cross under a cement or concrete sidewalk, there shall be not less than two inches of concrete on top of such drain or pipe, and the surface of the sidewalk where such pipe shall cross the same shall be made to conform in height and level to the balance of such sidewalk. All existing drains heretofore laid from property line to the gutter or ditch in any public street shall be made to conform to the provisions of this section. Where tops of drain leaders do not exceed 25 feet above top of curb or ground at property line, drains may be taken through curb or into ditch. Where drain leaders do exceed 25 feet above top of curb or ground at property line, drains must be taken into a catch basin or curb inlet.

(b) The owner of any property in the city, or his lessee, who is maintaining any drain pipe across any sidewalk in the city, or any downspout not in conformity with the provisions of this section, shall upon notice in writing from the ~~director of public works and engineering~~ director of Houston Public Works or the chief of police, remove such drain or pipe and make the same conform in every respect to the requirements of this section, and failure for five days on the part of such owner, agent or lessee to make such pipe or drain conform to the provisions of this section, after receiving such notice, shall constitute an offense, and each day such owner, agent or lessee shall neglect to correct or repair such drain pipe, after receiving the notice above mentioned, shall constitute a separate offense.

* * *

Sec. 47-43. Acceptance of esplanade irrigation systems by the city.

(a) The city shall accept donations of privately constructed irrigation systems located in roadway esplanades in accordance with the following conditions and procedures:

* * *

- (2) If the application is complete, the director of parks and recreation department ("director of parks") shall sign his approval to the deed of gift and forward the application to the ~~department of public works and engineering~~ Houston Public Works for review. If the ~~director of public works and engineering~~ director of Houston Public Works finds that the system is acceptable in accordance with the criteria established in accordance with subsection (b) and that the applicant has paid all outstanding water bills for the system transferred, the ~~director of public~~

~~works and engineering~~ director of Houston Public Works shall sign the deed of gift indicating the city's acceptance of the system.

- (3) In no event shall the ~~director of public works and engineering~~ director of Houston Public Works be authorized to excuse or authorize the cancellation of outstanding water bill(s) for the applicant's irrigation system in exchange for the transfer of the irrigation system.

(b) The ~~directors of public works and engineering~~ director of Houston Public Works and the director of parks shall jointly promulgate rules and regulations regarding the transfer of irrigation systems, including criteria for city acceptance, and forms for the application and the deed of gift. Such rules and regulations shall be available:

- (1) At the office of the city secretary;
- (2) At the office of the director of ~~the parks~~; and
- (3) At the office of ~~director of public works and engineering~~ the director of Houston Public Works.

The rules and regulations established hereunder may be amended or supplemented from time to time as mutually agreeable to the ~~directors of public works and engineering~~ director of Houston Public Works and the director of parks.

* * *

(d) After the date of acceptance of an irrigation system by the city (execution by the ~~director of public works and engineering~~ director of Houston Public Works of the deed of gift), billing for water usage by such system shall be transferred to the city.

* * *

Sec. 47-45. Same—Procedures relating to filing of liens; release of liens*.

* * *

(b) The form of lien shall be promulgated by the ~~director of public works and engineering~~ director of Houston Public Works and approved by the city legal department. The form shall contain:

- (1) A statement indicating the purpose of the lien;

* * *

Sec. 47-49. Refund of fees charged for permits, taps or meters.

The following provisions shall govern refunds of fees charged for permits issued under this chapter by the ~~department of public works and engineering~~ Houston Public Works as well as refunds of charges for taps and meters for water or wastewater service:

- (1) No refund will be made after the stated effective period of the permit has expired.

- (2) No refund will be made for a fee of \$25.00 or less.
- (3) When a fee is in excess of \$25.00, the city will retain the first \$25.00 and ten percent thereof and refund the balance to the applicant.

* * *

Sec. 47-74. Adjustment of bill as result of defect in customer's line.

* * *

(b) Applications under this section shall be made on forms prescribed by the ~~director of public works and engineering~~ director of Houston Public Works.

* * *

Sec. 47-79. Charge for billing information.

Any customer may request an itemized summary of the department's billing records in accordance with procedures and forms promulgated by the ~~director of public works and engineering~~ director of Houston Public Works. Each such request shall include payment to the city of the copying fees stated for this provision in the city fee schedule.

* * *

Sec. 47-205. Enforcement.

* * *

(b) Representatives of the Houston Health Department and the ~~public works and engineering department~~ Houston Public Works are authorized to issue citations charging the violation of any of the provisions of this article.

* * *

Sec. 47-411. Definitions.

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

* * *

City official means the director of public health or the ~~director of the department of public works and engineering~~ director of Houston Public Works or their designees.

* * *

Sec. 47-601. Definitions.

As used in this article, the following terms shall have the meanings ascribed in this section unless the context of their usage clearly indicates another meaning:

* * *

Authorized city official shall mean the director or a deputy director of ~~the department of public works and engineering~~ Houston Public Works, the city engineer, or the engineer in charge of the stormwater quality permitting.

* * *

Design manual shall mean the ~~Department of Public works and engineering~~ Houston Public Works Infrastructure Design Manual for Wastewater Collection Systems, Water Lines, Storm Drainage and Street Paving, as it may be amended from time to time.

* * *

High-risk facility shall mean any industrial or commercial facility the ~~director of the department of public works and engineering~~ director of Houston Public Works, or city engineer believes is contributing a pollutant to the MS4.

* * *

Sec. 47-606. Emergency suspension of utility service and MS4 access.

(a) When the director or a deputy director of ~~the department of public works and engineering~~ Houston Public Works, or the city engineer, determines that a person is causing or threatening to cause a discharge to the MS4 or a publicly owned treatment work in violation of this article that:

- (1) Presents or may present an imminent and substantial danger to the environment or to the health or welfare of persons; or
- (2) Presents or may present an imminent and substantial danger to the MS4 or waters of the United States;

the director or deputy director may, without prior notice, suspend city water service, sanitary sewer service, and MS4 discharge access to the person causing or threatening to cause the discharge when the director or a deputy director of ~~the department of public works and engineering~~ Houston Public Works determines that the service or access is an instrumentality of or contributes to the unlawful discharge and suspension is necessary to stop the actual or threatened discharge.

* * *

Sec. 47-721. Applicability.

This subdivision shall apply to municipal landfills, hazardous waste treatment, disposal and recovery facilities, facilities that are subject to Section 11023 of Title 42 of the United States Code, as it may be amended from time to time, and other municipal waste treatment, storage or disposal facilities (including, but not limited to, POTWs, transfer stations and commercial incinerators). This subdivision shall also apply to high-risk facilities that the ~~director of the department of public works and engineering~~ director of Houston Public Works, or city engineer believes have the potential to contribute a pollutant to the MS4.

* * *

Sec. 47-802. Definitions.

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

* * *

Department means ~~the department of public works and engineering~~ Houston Public Works.

Director means the ~~director of the department of public works and engineering~~ director of Houston Public Works or the director's designee.

* * *

Houston Building Code

[A] 103.1 Creation of enforcement agency. The Building Code Enforcement Branch is hereby created within the jurisdiction's department known as ~~Department of Public Works and Engineering~~ Houston Public Works, and the official in charge thereof shall be known as the *building official*.

* * *

117.1 Hearing notices. Unless otherwise specifically provided, whenever notice is to be given to any person concerning the right to a hearing, the notice may be given by personal delivery or by certified mail, return receipt requested.

If notice is being given to a building owner or to a tenant therein and the *building official* is unable to determine the name or address of such person after checking the building and the applicable records of the jurisdiction's department known as ~~Department of Public Works and Engineering~~ Houston Public Works, the County Appraisal District, the electrical utility company, the gas utility company, and the water utility provider, notice shall be mailed to the billing addresses of the building as shown on the records of the electrical company and the gas company and shall be posted on or in view of each entrance to the building. Additionally, if any notice is mailed to a building owner or a building tenant and is returned without delivery, notice shall be effective if posted on or in view of each entrance to the building.

117.2 Hearings. Except where otherwise specifically provided, all hearings held pursuant to this code shall be conducted by the jurisdiction's ~~director of public works and engineering~~ director of Houston Public Works or a representative, who shall hereinafter be referred to as the "hearing official." The director shall not designate any person to be a hearing official under this code who has taken any part in the investigation of the matter that is the subject of the hearing or any person who directly supervised the investigation. The hearing official shall consider only the evidence presented at the hearing in rendering a decision. The decision of the hearing official shall be set forth in writing and shall be served on each party in the same manner as a notice of a right to a hearing.

* * *

119.3 Program established. The *building official* may establish a private plan review and inspection program under which qualified persons who are not city employees may review plans, conduct certain building inspections, and provide related services for structures to which this section applies to assure compliance with all applicable construction codes. The program shall be conducted in accordance with the regulations and forms promulgated by the *building official*, which shall, without limitation, address the following:

1. Qualifications of the firms and individuals authorized to perform plan reviews, conduct inspections, and provide other related permit services. The qualifications shall include licensing in accordance with any applicable laws and regulations and certification in accordance with state or federally recognized standards.
2. Requirement of appropriate liability coverage in an amount of not less than \$1,000,000, per occurrence, with indemnity agreements and coverage of the jurisdiction, as an additional insured, for the protection of the jurisdiction and other persons who may be affected by the performance of any services under the program.

3. Provisions to ensure that the firms and individuals participating in the program will act independently of building owners, contractors, and others so as to avoid conflicts of interest.
4. Provisions for any non-building-code-related review of plans and issuance of permits to applicants who utilize plan review, inspection, and other related services under the program.
5. Provisions regarding the keeping of records and filing of reports with the *building official*.
6. Administrative provisions for the acceptance, suspension, and revocation of the right of a firm or individual to participate in the program, which shall include elements of due process, including a right of appeal to a hearing officer designated by the jurisdiction's ~~director of public works and engineering~~ director of Houston Public Works, whose decision, notwithstanding any other provision of this code, shall be final and not appealable to the General Appeals Board or City Council.

* * *

SECTION 202* DEFINITIONS

* * *

BUILDING OFFICIAL. The jurisdiction's ~~director of public works and engineering~~ director of Houston Public Works, or a duly authorized representative.

* * *

INFRASTRUCTURE DESIGN MANUAL (IDM). The design manual with latest revisions at the time of permit application that sets forth the standards for infrastructure design and construction as approved by the jurisdiction's Office of the City Engineer in the department known as Department of Public Works and Engineering Houston Public Works.

* * *

3112.3.3 Parking lots. The construction of parking lots shall be as required this section and Drawings 31-01 and 31-02 of Section 3112.4.5. Parking lots shall be designed to meet the loads as specified in Chapter 16. All driveway approaches and access to the parking lot shall be approved by the jurisdiction's Office of the City Engineer in the department known as Department of Public Works and Engineering Houston Public Works.

* * *

3112.4 Work located in the jurisdiction's right-of-way. All work in the right-of-way shall be approved by the jurisdiction's Office of the City Engineer in the department known as Department of Public Works and Engineering Houston Public Works. Construction or repair of any sidewalk, driveway approach, curb or gutter shall comply with this section and Chapter 40, Article III, of the *City Code* and the IDM.

3112.4.1 Jurisdiction approval of plans and specifications. No person shall construct or cause to be constructed any driveway approach, sidewalk, private street, parking lot or alley connecting private property with a public street and there shall be no fill deposited in the right-of-way without prior approval of the jurisdiction's department known as Department of Public Works and Engineering Houston Public Works.

3112.4.2 Plot plan. A complete site plan shall be prepared to a reasonable scale and submitted to the jurisdiction's department known as Department of Public Works and Engineering Houston Public Works and the jurisdiction's Department of Planning and Development showing the following information:

1. All right-of-way lines and property lines that bound the property planned for improvement.
2. Width and design of all existing driveways, driveway approaches, sidewalks, and median openings as they exist on the ground.
3. Existing conditions between the right-of-way line and the traveled roadway, including curbs, ditches, storm sewer inlets, manholes, utility boxes, utility poles, fire hydrants, trees, etc. If median islands exist, the next median opening on each side of the property and any trees within the median adjacent to the property.
4. If open ditches exist, the diameter size and invert elevation of the nearest existing culvert pipe upstream and downstream.
5. The complete intersection when property planned for improvement fronts a "T" intersecting street.
6. All existing on-site conditions with dimensions when property is being improved with add-on construction, remodeling, accessories, repairs, erection of building parking lots or any other improvements.
7. All proposed driveways and sidewalks, and the existing right-of-way conditions for a minimum fifteen feet beyond the property line on each side.

3112.4.3 Driveway approach approval. Upon receipt of an application for a driveway approach permit, the jurisdiction's Office of the City Engineer in the department known as Department of Public Works and Engineering Houston Public Works shall make a determination, pursuant to the guidelines set out in Section 40-86 of the *City Code*, as to whether the driveway approach applied for is necessary to provide reasonable access to the private property consistent with the safety and convenience of the public.

If after review the jurisdiction's Office of the City Engineer in the department known as Department of Public Works and Engineering Houston Public Works finds that the plans comply with all applicable codes and ordinances, the Office of City Engineer shall approve the plans.

3112.4.4 Sidewalks. When required by chapter 10 of the IDM, public sidewalks shall be constructed in accordance the applicable IDM Public Works drawing number for the specified location and site conditions.

* * *

3112.4.7 Street curb and gutter replacement. Where construction of driveway approaches and sidewalks will require the removal and replacement of curb and gutter

over a continuous run in excess of 25 percent of any one block, a plan shall be submitted to the jurisdiction's Office of the City Engineer in the department known as Department of Public Works and Engineering Houston Public Works. In addition to all other applicable requirements in this section, the plans shall comply with the IDM.

3112.4.8 Alley paving. The requirements for paving a public alley are identical to those for paving a public street. Plan-profile type of drawings prepared by a licensed professional engineer in the State of Texas and approved by all appropriate jurisdiction departments are required. Figure 10.06-10 and 10.06-11 of the IDM will govern the design and construction of alleys. A separate paving permit issued by the jurisdiction's department known as Department of Public Works and Engineering Houston Public Works and a separate paving bond will be required prior to any construction.

* * *

3112.4.12 Driveway approaches prohibited. Driveway approaches are prohibited within any of the following areas:

1. The areas set forth by the Texas Department of Transportation as "access denied."
2. The areas designated "access denied" on recorded a subdivision plat or another plat required to be approved by the City of Houston Planning Commission.
3. At the end of any dead-end street not terminating in a cul-de-sac or permanent turnaround and intended to be extended in the future.
4. The limits of any intersection, with the exception that special consideration will be given to major thoroughfares with existing esplanades and streets primarily used for residential use.
5. Abutting a local street where there is less than 20 feet of unobstructed depth from the right-of-way line to any obstruction. An overhead door will not be deemed as an obstruction provided that the width of the door is equal to or greater than the width of the driveway and there is also a minimum of 20 feet unobstructed depth on the private property where vehicles can be parked.
6. An area abutting a major thoroughfare where the general design of parking does not provide the necessary depth of 44 feet (13 420 mm) to allow a vehicle when exiting to enter the thoroughfare in a head-out position.
7. Any area where the jurisdiction's department known as Department of Public Works and Engineering Houston Public Works finds that it would not provide reasonable access to the private property consistent with the safety and convenience of the traveling public.
8. Within areas of unpaved street or alley rights-of-way, except as authorized by Section 40-340 of the *City Code*.

Where the construction of any building or structure upon a property causes a driveway to no longer comply with item 6 or 7 above, the driveway shall be removed and the area converted so that it conforms to the design of the surrounding area.

* * *

3112.6 Drainage. All paved areas including, but not limited to, alleys, yards, courts and courtyards shall be drained into a storm sewer system where such systems are available; otherwise, they shall be drained to a place of disposal approved by the jurisdiction's Office of the City Engineer in

the department known as Department of Public Works and Engineering Houston Public Works. For other than single family residential properties, storm water drainage shall not discharge or flow over any public sidewalk or adjoining property. When required by Chapter 9 of the IDM detention shall be required.

* * *

3304.1.7 Public property. The person causing any excavation to be made shall prevent the movement of the earth of adjoining properties and the trees and natural objects thereon or therein and shall be responsible for maintaining or restoring public sidewalks, curbs and pavements, and the properties of public utilities that may be affected by the excavation. The maintenance or restoration of sidewalks, curbs and pavements shall be performed in accordance with the grades, levels and other requirements of the jurisdiction's department known as Department of Public Works and Engineering Houston Public Works, and the maintenance or restoration of the property of public utilities shall be in accordance with the procedures established by the owners thereof for new construction.

* * *

6205.1 Jetty construction. Jetties may be built wherever a need is determined by and with the written authorization of the ~~Director of public works and engineering~~ director of Houston Public Works. Jetties must be constructed utilizing one of the approved types of bulkheads listed in Section 6204.

Commercial Energy Conservation Code

***Special Case Houston Amendments to the 2009 International Energy Conservation Code

* * *

109.1 Hearing notice. Whenever notice is to be given to any person concerning the right to a hearing, the notice may be given by personal delivery or by certified mail, return receipt requested.

If notice is being given to a building owner or to a tenant therein and the code official is unable to determine the name or address of such person after checking the building and the applicable records of the jurisdiction's ~~department known as Public Works and Engineering Department~~ Houston Public Works, the County Appraisal District, the electrical utility company, the gas utility company, and the water utility provider, notice shall be mailed to the billing addresses of the building as shown on the records of the electrical company and the gas company and shall be posted on or in view of each entrance to the building. Additionally, if any notice is mailed to a building owner or a building tenant and is returned without delivery, notice shall be effective if posted on or in view of each entrance to the building.

109.2 Hearings. Except where otherwise specifically provided, all hearings held pursuant to this code shall be conducted by the jurisdiction's ~~Director of public works and engineering~~ director of Houston Public Works or a representative, who shall hereinafter be referred to as the "hearing official." The director shall not designate any person to be a hearing official under this code who has taken any part in the investigation of the matter that is the subject of the hearing or any person who directly supervised the investigation. The hearing official shall consider only the evidence presented at the hearing in rendering a decision. The decision of the hearing official shall be set forth in writing and shall be served on each party in the same manner as a notice of a right to a hearing.

Electrical Code

* * *

SECTION 103—DEFINITIONS

For the purpose of this code, certain terms, phrases, words and their derivatives shall be construed as specified in this section. Where terms are not defined, they shall have their ordinarily accepted meanings within the context in which they are used. Words used in the singular include the plural and the plural the singular. Words used in the masculine gender include the feminine and the feminine the masculine.

* * *

BUILDING OFFICIAL is the jurisdiction's ~~Director of public works and engineering~~ Director of Houston Public Works, or a duly authorized representative.

* * *

108.1 Hearing Notices. Whenever notice is to be given to any person concerning the right to a hearing, the notice may be given by personal delivery or by certified mail, return receipt requested.

If the notice relates to work being performed under a permit issued under this code, then the notice shall be given to the master electrician, line master electrician or sign master electrician who obtained the permit, as well as the contractor and the owner of the building.

If notice is being given to a building owner or to a tenant therein, and the building official is unable to determine the name or address of the person after checking the building and the applicable records of ~~the public works and engineering department~~ Houston Public Works, the records of the County Appraisal District, and the records of the electrical utility company, notice shall be mailed to the billing address of the building as shown on the records of the electrical utility company and shall be posted on or in view of each entrance to the building. Additionally, if any notice is mailed to a building owner or a building tenant and is returned without delivery, notice shall be effective if posted on or in view of each entrance to the building.

108.2 Hearings. Except where otherwise specifically provided, all hearings held pursuant to this code shall be conducted by the ~~director of public works and engineering~~ director of Houston Public Works or a representative, who shall hereinafter be referred to as the hearing official. The director shall not designate any person to be a hearing official under this code who has taken any part in the investigation of the matter that is the subject of the hearing, nor any person who directly supervised the investigation. The hearing official shall consider only the evidence presented at the hearing in rendering a decision. The decision of the hearing official shall be set forth in writing and shall be served on each party in the same manner as a notice of a right to a hearing.

* * *

301.2 Exempt Work. Exemption from the permit requirements of this code shall not be deemed to grant authorization for any work to be done in violation of the provisions of this code or any other laws or ordinances.

An electrical permit shall not be required for the following:

* * *

10. Installation and maintenance of railway crossing signal devices, when performed by due authority of the railroad in accordance with the standards of the American Railroad Association, and in collaboration with and with the approval of the ~~Director of the department of public works and engineering of the city~~ director of Houston Public Works.

Fire Code

* * *

SECTION 202* GENERAL DEFINITIONS

* * *

BUILDING OFFICIAL. The jurisdiction's ~~director of public works and engineering~~ director of Houston Public Works, or a duly authorized representative or representatives.

* * *

APPENDIX A BOARD OF APPEALS

* * *

A101.2 Organization. There is hereby created a Board of Appeals, consisting of 11 members. Five members at a meeting shall constitute a quorum. The positions on the board shall be filled as follows:

- Position 1. By a well-respected citizen of the jurisdiction.
- Position 2. By the *fire code official* or his duly authorized representative, who shall provide a board secretary.
- Position 3. By the fire chief or his duly authorized representative.
- Position 4. By the jurisdiction's ~~department of public works and engineering~~ director of Houston Public Works (the "PWE director") or his duly authorized representative.
- Position 5. By a well-respected citizen of the jurisdiction, who shall serve as chairman.
- Position 6. By a professional engineer registered as such under the laws of Texas, who shall be actively engaged in the practice as a fire protection engineer.
- Position 7. By a person who is a member of the Building Owners and Managers Association of Houston.
- Position 8. By a person who is engaged or employed in the chemical or petroleum industry.
- Position 9. By a person who is a member of the Houston Apartment Association.
- Position 10. By a person who is fire protection contractor.
- Position 11. By a person who is an architect registered by the State of Texas.

The legal department shall have an attorney present for each board meeting, who shall advise the board on legal matters relative to topics under board jurisdiction.

The fire chief, the *fire code official*, and the ~~PWE director~~ director of Houston Public Works may each designate in writing a person under his supervision to act in his place as his duly authorized representative. The representative designation shall be filed in the minutes of the board.

With the exception of the fire chief, the *fire code official*, and the ~~PWE director~~ director of Houston Public Works, members of the board shall be appointed by the mayor, subject to confirmation by the city council, and shall serve for a term of two years. The terms of the appointees for Positions 1, 6, 7, and 9 commence on January 1 of each odd-numbered year and end on December 31 of the following even-numbered year. The terms of the appointees for Positions 5, 8, 10 and 11 commence on January 1 of each even-numbered year and end on December 31 of the following odd-numbered year. Members shall hold over until a successor is appointed and qualified.

Whenever any position on the board becomes vacant by reason of death, resignation or removal, the vacancy shall be filled for the unexpired term of the member being replaced. Should a vacancy occur on the board, the mayor shall appoint, subject to confirmation by the city council, another qualified person to serve the unexpired term of the vacancy. Any member of the board may be removed at any time by the mayor without consent of the city council.

* * *

Mechanical Code

* * *

106.10 Hearing Procedures.

106.10.1 Hearing Notices. Unless otherwise specifically provided, whenever notice is to be given to any person concerning the right to a hearing, the notice may be given by personal delivery, by certified mail, return receipt requested.

If the notice is being given to an applicant for a jurisdiction license or to a licensee or to a state license registrant, the notice may be mailed to the address set out in the application for the registration or license unless the applicant or registrant has given the Authority Having Jurisdiction written notice of a change of address, under which circumstances any notice concerning a hearing shall be sent to the most recent address shown on the notice. If any notice mailed to an applicant for a license or to a licensee or registrant is returned without delivery, notice shall be effective if posted where the public may observe it in the Permit Office.

If notice is being given to a building owner or to a tenant therein and the Authority Having Jurisdiction is unable to determine the name or address of such person after checking the building and the applicable records of the jurisdiction's Public Works and Engineering Department, the County Appraisal District, the electrical utility company, the gas utility company and the water utility provider, notice shall be mailed to the billing addresses of the building as shown on the records of the electrical company and the gas company and shall be posted on or in view of each entrance to the building. Additionally, if any notice is mailed to a building owner or a building tenant and is returned without delivery, notice shall be effective if posted on or in view of each entrance to the building.

106.10.2 Hearings. Except where otherwise specifically provided, all hearings held pursuant to this code shall be conducted by the jurisdiction's ~~Director of Public Works and Engineering~~ director of Houston Public Works or a representative, who shall hereinafter be referred to as the hearing official. The director shall not designate any person to be a hearing official under this code who has taken any part in the investigation of the matter that is the subject of the hearing or any person who directly supervised the investigation. The hearing official shall consider only the evidence presented at the hearing in rendering a decision. The decision of the hearing official shall be set forth in writing and shall be served on each party in the same manner as a notice of right to a hearing.

* * *

Plumbing Code

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102.6 Hearing Procedures

102.6.1 Hearing Notices. Whenever notice is to be given to any person concerning the right to a hearing, the notice may be given by personal delivery or by certified mail, return receipt requested. If notice is being given to a building owner or to a tenant therein, and the Authority Having Jurisdiction is unable to determine the name or address of such person after checking the building and the applicable records of the jurisdiction's ~~department known as Department of Public Works and Engineering~~ Houston Public Works, the County Appraisal District, the electrical utility company and the gas utility company, notice shall be mailed to the billing addresses of the building as shown on the records of the Water Division of the jurisdiction's ~~department known as Department of Public Works and Engineering~~ Houston Public Works and shall be posted on or in view of each entrance to the building. Additionally, if any notice is mailed to a building owner or a building tenant and is returned without delivery, notice shall be effective if posted on or in view of each entrance to the building.

102.6.2 Hearings. Except where otherwise specifically provided, all hearings held pursuant to this code shall be conducted by the director of the jurisdiction's ~~department known as Department of Public Works and Engineering~~ Houston Public Works or a representative, who shall hereinafter be referred to as the hearing official. The director shall not designate any person to be a hearing official under this code who has taken any part in the investigation of the matter that is the subject of the hearing or any person who directly supervised the investigation. The hearing official shall consider only the evidence presented at the hearing in rendering a decision. The decision of the hearing official shall be set forth in writing and shall be served on each party in the same manner as a notice of a right to a hearing.

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Section 203.0

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Authority Having Jurisdiction. The jurisdiction's ~~Director of the department of public works and engineering~~ director of Houston Public Works. This definition shall include the Authority Having Jurisdiction's duly authorized representative.

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607.4 When Required. When the water pressure from the public water main during flow is insufficient to supply fixtures that are likely to be in simultaneous operation, the supply shall be from a gravity house tank, pressure tank, or booster system.

No pumps are permitted to take suction directly from a jurisdiction main.

Exception: Pumps may be allowed to take suction from the jurisdiction main when approved by the Authority Having Jurisdiction if the main is of sufficient size as determined and approved by the Water Engineering Division of the jurisdiction's ~~department known as Public Works and Engineering~~ Department Houston Public Works.

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Houston Residential Energy Code

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R110.1 Hearing notices. Unless otherwise specifically provided, whenever notice is to be given to any person concerning the right to a hearing, the notice may be given by personal delivery or by certified mail, return receipt requested.

If notice is being given to a building owner or to a tenant therein and the *code official* is unable to determine the name or address of such person after checking the building and the applicable records of the jurisdiction's department known as ~~Department of Public Works and Engineering~~ Houston Public Works, the County Appraisal District, the electrical utility company, the gas utility company, and the water utility provider, notice shall be mailed to the billing addresses of the building as shown on the records of the electrical company and the gas company and shall be posted on or in view of each entrance to the building. Additionally, if any notice is mailed to a building owner or a building tenant and is returned without delivery, notice shall be effective if posted on or in view of each entrance to the building.

R110.2 Hearings. Except where otherwise specifically provided, all hearings held pursuant to this code shall be conducted by the jurisdiction's ~~Director of public works and engineering~~ director of Houston Public Works or a representative, who shall hereinafter be referred to as the "hearing official." The director shall not designate any person to be a hearing official under this code who has taken any part in the investigation of the matter that is the subject of the hearing or any person who directly supervised the investigation. The hearing official shall consider only the evidence presented at the hearing in rendering a decision. The decision of the hearing official shall be set forth in writing and shall be served on each party in the same manner as a notice of a right to a hearing.

SECTION R202 GENERAL DEFINITIONS

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BUILDING CODE. The *City of Houston Building Code*, as adopted by this jurisdiction.

* * *

CITY CODE. The *Code of Ordinances, Houston, Texas*.

* * *

CODE OFFICIAL. The jurisdiction's ~~director of public works and engineering~~ director of Houston Public Works, or a duly authorized representative; also known as the *building official*.

* * *

Houston Residential Code

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SECTION R103 BUILDING CODE ENFORCEMENT

R103.1 Creation of enforcement agency. The Building Code Enforcement Division is hereby created within the jurisdiction's department known as ~~Department of Public Works and Engineering~~ Houston Public Works, and the official in charge thereof shall be known as the *building official*.

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SECTION 115 PRIVATE PLAN REVIEW AND INSPECTION SERVICES

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R115.3 Program established. The *building official* may establish a private plan review and inspection program under which qualified persons who are not city employees may review plans, conduct certain building inspections, and provide related services for structures to which this section applies to assure compliance with all applicable construction codes. The program shall be conducted in accordance with the regulations and forms promulgated by the *building official*, which shall, without limitation, address the following:

1. Qualifications of the firms and individuals authorized to perform plan reviews, conduct inspections, and provide other related *permit* services. The qualifications shall include licensing in accordance with any applicable laws and regulations and certification in accordance with state or federally recognized standards.
2. Requirement of appropriate liability coverages in an amount of not less than \$1,000,000, per occurrence, with indemnity agreements and coverage of the jurisdiction, as an additional insured, for the protection of the jurisdiction and other persons who may be affected by the performance of the any services under the program.
3. Provisions to ensure that the firms and individuals participating in the program will act independently of building owners, contractors, and others so as to avoid conflicts of interest.
4. Provisions for any non-building-code-related review of plans and issuance of *permits* to applicants who utilize plan review, inspection, and other related services under the program.
5. Provisions regarding the keeping of records and filing of reports with the *building official*.
6. Administrative provisions for the acceptance, suspension, and revocation of the right of a firm or individual to participate in the program, which shall include elements of due process, including a right of appeal to a hearing officer designated

by the jurisdiction's ~~Director of public works and engineering~~ director of Houston Public Works, whose decision, notwithstanding any other provision of this code, shall be final and not appealable to the General Appeals Board or City Council.

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SECTION 202 DEFINITIONS

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BUILDING CODE. The *City of Houston Building Code*, as adopted by this jurisdiction.

* * *

BUILDING OFFICIAL. The jurisdiction's ~~Director of public works and engineering~~ director of Houston Public Works, or a duly authorized representative.

* * *

Sign Code

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SECTION 4602--DEFINITIONS

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MAJOR THOROUGHFARE shall mean (1) a public street that is designated on the most recent "Major Thoroughfare and Freeway Plan" approved by the City Planning Commission, or (2) any street that is designated as an express street pursuant to Section 45-39 of the City Code, and that is shown in the "Express Street Map" of the Traffic Management Maintenance Division of ~~the department of public works and engineering~~ Houston Public Works, and (3) those streets listed by the Traffic Engineer or his authorized designee, as collector streets upon finding that such streets carry high traffic volumes and traffic-control measures are used on them to expedite the safe movement of through traffic.

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SECTION 4604--SIGN ADMINISTRATION AND ENFORCEMENT

(a) Sign Administrator. ~~The Director of public works and engineering~~ director of Houston Public Works shall appoint a Sign Administrator to administer and enforce the terms and conditions of this chapter and all other provisions of law relating to signs. The Sign Administrator is empowered to delegate the duties and powers granted to and imposed upon him by this chapter to other persons serving under the Sign Administrator. The Sign Administrator and such other persons shall constitute the Sign Administration Section of ~~the department of public works and engineering~~ Houston Public Works. The Sign Administrator is directed to enforce and carry out all provisions of this chapter.

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SECTION 4608--MISCELLANEOUS SIGN PROVISIONS

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(c) Signs on Public Rights-of-way.

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(2) Any unlawful sign found within a public right-of-way of a public street, public sidewalk or public alley shall be seized, and removal thereof is hereby authorized. The employees of the Police Department, the Planning and Development Department, the Solid Waste Management Department and ~~the department of public works and engineering~~ Houston Public Works are hereby authorized to impound any signs found on a public street, public sidewalk or public alley and transport or cause the same to be transported to a location to be designated by the Sign Administrator for storage. The custodian of the storage area shall maintain records of where such signs were located when they were so impounded and the date on which they were so impounded and shall hold the same in the

storage area for a period of not more than 30 days. Any signs so held may be redeemed by the owner thereof upon the payment of a fee to the City through the custodian thereof, consisting of a fee for hauling the same to storage, plus the per day storage fee for each day the sign is stored. The aforesaid fees shall be as stated for this provision in the city fee schedule. Such fee shall be in addition to and not in lieu of any fine imposed upon such owner for violation of this chapter. Any sign impounded and stored and not redeemed by the owner thereof within 30 days may be transferred to the Surplus Section of the Property Management Division of the Finance and Administration Department of the City of Houston to be sold at public auction in the same manner as surplus property of the City.

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