

ASSESSMENT OF THE ALIGNMENT BETWEEN CITY OF HALLETTSVILLE CODES AND RESILIENCY MEASURES

Background and Purpose

In 2024, Hallettsville was awarded a Texas General Land Office (GLO) Resilient Communities Program (RCP) grant to support the development of a new Comprehensive Plan. As part of the grant requirements, the City must adopt or update governing regulations that align with and help implement the Comprehensive Plan. These ordinances are intended to establish the rules for how real property within the city may be used and specify the types of construction permitted on those properties, ensuring that future development is consistent with the city's long-term vision and more resilient to natural hazards.

In that vein, the two primary focuses of this memo, the first in a series of three, are to 1) evaluate how well Hallettsville's adopted development-related regulations support community resilience against the City's most significant natural hazards and 2) recommend which sections of the Code should be prioritized to better align regulations with the objectives of the Comprehensive Plan.

A follow-up memo will outline a range of common approaches to close significant gaps in existing policies. The City will collaborate with the consultant to select the three to five of these strategies that both address their most pressing issues and recognize the resources available for short- and long-term implementation and enforcement. The third and final memo will recommend ways the City can structure ordinances to effect these selected strategies.

Methodology

To conduct this assessment, the most significant natural hazards affecting Hallettsville were first identified¹ and reviewed. Subsequently, the adopted development-related sections of the City's code—including building construction codes and standards ([Article 3.1](#)), Flood Damage Prevention ([Article 3.4](#)), Fire Protection ([Chapter 5](#)), the Drought Contingency Plan ([Article 11.12](#)), Subdivision ([Exhibit 9A](#)), and Zoning— Land Use ([Article 12.7](#)), Residential Setback Requirements ([Article 3.6](#)); and Manufactured Homes and Recreational Vehicles ([Article 3.2](#))—were systematically evaluated. The review considered not only the appropriateness and completeness of the technical provisions within each section, but also the adequacy of the administrative framework necessary for effective enforcement. Where applicable, individual code components were assessed against a checklist of recognized best practices and qualitatively ranked using a

four-tier system, as shown below. Commentary, section references, and relevant excerpts were provided to support these rankings. Detailed findings and supporting documentation are included in the Appendices at the end of this memo.

Tier 1	Best Practice Fully Implemented <i>The best practice is fully addressed in the adopted code, with no revisions required. The code effectively supports community resilience.</i>
Tier 2	Best Practice Adequately Addressed with Minor Adjustments Needed <i>The best practice is generally addressed in the adopted code, but minor edits are recommended for clarity and/or completeness to ensure optimal effectiveness.</i>
Tier 3	Best Practice Not Addressed or Partially Addressed – Revisions Advised <i>The best practice is partially addressed by the adopted code, but revisions are advised to fully achieve the intent and enhance resilience.</i>
Tier 4	Best Practice Not Addressed or Inadequately Addressed - Revisions Critical The best practice is not addressed in the adopted code or addressed ineffectively, indicating a significant gap in resilience measures that requires immediate attention and implementation.

¹ The [2024 Lavaca County Hazard Mitigation Plan](#) served as the primary source for identifying specific natural hazards most relevant to Hallettsville and its surrounding region. This plan recognized extreme heat, drought, flooding, lightning, tornadoes, wind, and wildfire as threats of varying degrees. Of these, City staff emphasized extreme heat, drought, and flooding as the most impactful to the city's present and future growth.

Conclusions & Recommendations

Building construction codes and standards

In December 2024, Hallettsville replaced the 2009 International Code Council (ICC) Family of Codes with the 2018 edition Family of Codes and the 2017 edition of the NFPA Electrical Code, along with a series of local amendments. This was a significant step toward fortifying the city's future building stock against a variety of natural disasters. Each new edition of the International Building Code (IBC) and related codes incorporates the latest scientific research, lessons learned from recent disasters, and advancements in building technology to enhance requirements for hazard resistance-including wind, flood, seismic, wildfire, and extreme weather events.

The adopted code establishes an appropriate regulatory framework for administering and enforcing the code, empowering the Building Official with customary and necessary duties and responsibilities. The local amendments are well tailored to local conditions and practices and generally enhance resiliency. However, it is recommended that the city revisit the amendment to Code 3.122(b)(6), which removes the authority of the Residential Code Section R100 to require Certificates of Occupancy (CO) for residential structures. The code commentary notes that "issuing COs for residences is not a common practice in the area." Nevertheless, including the issuance of a CO as the final step in the building permit process-even for residential structures-is a prudent practice, as it provides formal verification that a property is safe, compliant with all applicable codes, and suitable for habitation. The CO serves as legal documentation that all required inspections have been completed and that the structure meets minimum standards for occupancy, protecting both the city and future occupants from potential hazards or code violations. Without this step, there is a risk that unsafe or substandard buildings could be occupied, leading to safety issues, financial liabilities, and complications with property sales or financing. Removing this safeguard undermines the city's ability to ensure public safety and maintain quality control over its housing stock.

New editions of the IBC are released every three years, with the last edition being released in 2024. The [Alliance for National & Community Resiliency](#) (ANCR) advises against communities adopting building codes that are more than nine years or three editions out of date. While no significant changes to this section of regulations are recommended at this time, it is recommended that the City set an action item in the Comprehensive Plan to evaluate adopting a newer version of the IBC in the next three to five years.

Fire protection measures

Hallettsville does not have an adopted fire code and there is no regulatory framework in place for review of new development. This gap means there are currently no established procedures for the permitting, inspection, or enforcement of technical standards related to fire safety. It is recommended as a high priority that the Comprehensive Plan include near term objectives to adopt a Fire Code no older than the 2018 edition and establish the associated administrative framework to administer it.

Flood Damage Prevention

The City adopted a revised Flood Damage Prevention Ordinance in December 2024 in accordance with the most recently adopted Flood Control Insurance Act, Texas Water Code, section 16.315, which authorizes local governments to exercise several land use control in order to minimize threats to life and property. This ordinance generally conforms with a majority of recommended administrative and technical best practices. Opportunities to strengthen the ordinance are noted below.

The Code designates the City Secretary as the Floodplain Administrator, which may be appropriate for Hallettsville's current staffing. However, for consideration as the city grows, this role is more commonly assigned to the City Engineer, Building Official, or Planning Director, as these positions are often more directly involved in the permitting process. Regardless of which position holds this responsibility now or in the future, it is recommended as an action item in the Comprehensive Plan that the associated job description and training budget be reviewed to ensure they adequately reflect the technical requirements of this role.

The floodplain ordinance is based on 2010 data; although fifteen years old, staff confirmed this to be the most current available at this time of this evaluation. Staff anticipates FEMA to release new data imminently and that it will have a drastic impact on the boundaries of Hallettsville floodplain due to an effective consolidation of the 100 and 500 year floodplains, including along the Lavaca River. It is recommended that the Comprehensive Plan consider this impact in its land use plan now and add an action item to routinely monitor for data updates. It is advised that the Comprehensive Plan include an action item for Drainage Master Plan to assess current and future drainage needs, identify deficiencies, and recommend solutions to prevent flooding and related issues once this new data is available. It can help inform whether the thresholds in the Floodplain Ordinance remain appropriate. For example, it is "best practice" to require new construction, substantial improvements, and critical facilities (e.g. hospitals, fire stations, emergency centers)

to be elevated above the Base Flood Elevation (BFE) by at least 2 feet (or more in high-risk areas). The adopted ordinance satisfies this best practice for critical facilities, but only requires 18 inches for new construction and substantial improvements.

The ordinance does not address low impact development. The City may consider adding permissive language to the code to allow for it or encourage it if it elects to proceed introduce site plan review. The city should factor into its decision the staff resources needed to permit and inspect such infrastructure.

Drought Contingency Plan

The Drought Contingency Plan was updated in October 2024. It is generally appropriate for today's conditions and satisfies statutory requirements, but projected increases in demand should be closely monitored. The City may consider code-based pre-emptive measures to reduce per capita usage, such as the requirement for native and drought tolerant landscaping in commercial properties. Additionally, requiring landscaping to break up large expanses of impervious cover, such as parking lots, is a common solution for mitigating "heat island" effects, which are amplified with extreme heat.

Land Use Regulations: Zoning Related and ordinances

Other than some limited Residential Setback requirements in Article 3.6; general subdivision design standards in Chapter 9A; prohibitions on Manufactured Home and Recreational Vehicle Parks in Article 12.7; and standards for individual manufactured homes and recreational vehicles in Article 3.2, Hallettsville does not currently employ land use regulations. Zoning regulations play a critical role in enhancing a community's resilience to natural disasters—and at large—by guiding where and how development occurs. Even communities with no history of zoning, practical approaches can be adopted to improve resilience without imposing heavy-handed restrictions. For example, basic floodplain overlay districts can require new construction in flood-prone areas to meet elevation or setback standards, reducing flood risk while preserving landowner flexibility. Use-based or performance-based zoning combined with nuisance ordinances targeted at dust, noise, and hazardous materials can mitigate incompatibilities between single family residential, commercial, and industrial land uses. Minimum lot size requirements in sensitive areas can limit exposure to hazards like drought and flooding without broadly limiting land use. On-site parking requirements can minimize reliance on on-street parking for properties adjacent to streets that aren't sized to accommodate it. Zoning ordinances

can also explicitly permit home-based businesses with simple parking and noise standards to ensure that local livelihoods are protected, while also maintaining the integrity and functionality of the residential neighborhood. These and other zoning techniques can directly reduce vulnerability to extreme heat, flooding, and drought, while supporting the community's values and long-term safety.

Summary of Priorities and Next Steps

In the last several years, the City has made commendable progress fortifying its building-, flood-, and drought-related ordinances, none of which are in immediate or pressing need for major revision. This is understood to be part of a broader, active, and longer-term effort between the City Council and City staff to evaluate and update, chapter by chapter, the entire body of ordinances. This effort is encouraged to continue; it is recommended that discussion of the Fire Prevention chapter be elevated as a priority with necessary consideration simultaneously given to the operational impacts that come along with adopting a Fire Code.

The next memo will describe a variety of regulatory tools used to manage and mitigate against the effects extreme heat, drought, and flooding not currently present in adopted codes. Additionally, it will provide information on zoning techniques that could be employed to address existing land use issues, as well as reinforce future land use objectives identified in the Comprehensive Plan currently being prepared.

Appendix A

Detailed Assessment of Building Codes Compared to Best Practices

The following list of best practices ensures the City has given itself the appropriate regulatory authority to enforce a recent version of the International Building Code as part of routine development-related business, as well as authority to act swiftly in the immediate aftermath of a natural disaster.

The review of building codes covers the full family of International Code Council (ICC) codes—including the International Building Code (IBC), International Residential Code (IRC), International Plumbing Code, International Mechanical Code, and International Fuel Gas Code—as well as the National Fire Protection Association (NFPA) Electrical Code, which collectively govern the vertical construction of buildings for both residential and commercial uses.

This evaluation is conducted under two primary umbrellas: First, it considers whether the city has the appropriate administrative authority and procedures in place—such as permitting, inspections, and code enforcement—to effectively implement and uphold these standards. Second, recognizing that, with each iteration, the IBC family of codes endeavors to incorporate building science that advances resiliency, this evaluation concentrates on whether the city's codes are current (within three versions of the latest) and if local amendments are prone to strengthen or undermine resilience to the hazards most relevant to the community. This approach ensures the city is both adopting up-to-date, hazard-relevant requirements and has the necessary mechanisms to enforce them.

Technical and Construction Codes and Standards are addressed in Article 3.1 of the Hallettsville Code of Ordinances.

ESTABLISHMENT OF RESPONSIBLE OFFICIAL

1

BEST PRACTICE: *Establish the position of Building Official.*

COMMENTARY: Generally sufficient. To make the language more comprehensive, consider adding details about qualifications, responsibilities, and reporting structure.

Code Section Reference: [3.121\(c\)\(3\)](#)

Adopted language - 103.1 Creation of enforcement agency. *The Department of Building Safety CITY OF HALLETTSVILLE BUILDING OFFICIAL is hereby created and the official in charge thereof shall be known as the building official.*

AUTHORITY TO APPLY BUILDING CODES

2

BEST PRACTICE: *Establish the Building Official as having the authority to interpret and enforce adopted International Building Code (IBC), International Residential Code (IRC), and related codes with binding decisions.*

COMMENTARY: This best practice is fully implemented for non-residential structures. However, there is a local amendment to Code, 3.122(b)(6), that removes the authority of the Residential Code Section R100 to require Certificates of Occupancy (CO) for residential structures. The commentary in code offers the reasoning that “Issuing COs for residences is not a common practice in the area.” It is advised that this be reconsidered. Including the issuance of a CO as the final step in the building permit process-even for residential structures-is a wise practice because it provides formal verification that a property is safe, compliant with all applicable codes, and suitable for habitation. The CO serves as legal documentation that all required inspections have been completed and that the structure meets minimum standards for occupancy, protecting both the city and future occupants from potential hazards or code violations. Without this step, there is a risk that unsafe or substandard buildings could be occupied, leading to safety issues, financial liabilities, and complications with property sales or financing. Removing this safeguard undermines the city’s ability to ensure public safety and maintain quality control over its housing stock.

Code Section Reference: 3.121(b); 3.122(b) (6)

3.121(b)

Adopted language –

(b) *Review by the Building Official.*

(1) *The city administrator or designee shall fulfill the duties of the building official as defined and established in the International Building Code, as amended.*

(2) *All building permit applications for the erection, construction, enlargement, alteration, repair; moving, removal, demolition, conversion, occupancy, equipment, use, height, area and maintenance of all buildings or structures in the city must be submitted to the building official for review and recommendations. Applications must include construction documents, including the plans and specifications for the project, a drawing of the property showing the location of the structure, and a drawing of the overall construction project.*

(3) *After reviewing the application and construction documents, the building official shall then follow the procedure for permits set forth in the International Building Code, as amended, if no further administrative review or action is necessary.*

3.122(b)(6)

(6) *Section R110 (R110.1 through R110.5); delete the section.*

(Reason: Issuing CO's for residences is not a common practice in the area.)

AUTHORITY TO INSPECT & INVESTIGATE

3

BEST PRACTICE: *Establish the Building Official as having the authority to establish required inspections at key stages of construction, enter construction sites at*

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	<i>reasonable times to verify compliance with the permit, and mandate independent third-party testing when necessary.</i>
COMMENTARY: Fully implemented via adopted of the 2018 IBC.	
Code Section Reference: 2018 IBC Section 104.6	
Adopted language –	
[A] 104.6 Right of entry.	
Where it is necessary to make an inspection to enforce the provisions of this code, or where the <i>building official</i> has reasonable cause to believe that there exists in a structure or on a premises a condition that is contrary to or in violation of this code that makes the structure or premises unsafe, dangerous or hazardous, the <i>building official</i> is authorized to enter the structure or premises at reasonable times to inspect or to perform the duties imposed by this code, provided that if such structure or premises be occupied that credentials be presented to the occupant and entry requested. If such structure or premises is unoccupied, the <i>building official</i> shall first make a reasonable effort to locate the owner or other person having charge or control of the structure or premises and request entry. If entry is refused, the <i>building official</i> shall have recourse to the remedies provided by law to secure entry.	
4	BEST PRACTICE: <i>Establish the Building Official as having the authority to issue Stop-Work Orders when construction does not comply with approved plans or code requirements and/or poses a safety risk (e.g. to substandard or hazardous construction), require corrections, and set deadlines.</i>
COMMENTARY: Fully Implemented via adoption of the 2018 IBC.	
Code Section Reference: 2018 IBC Section 115	
Adopted language –	
[A] 115.1 Authority.	
Where the <i>building official</i> finds any work regulated by this code being performed in a manner either contrary to the provisions of this code or dangerous or unsafe, the <i>building official</i> is authorized to issue a stop work order.	
[A] 115.2 Issuance.	
The stop work order shall be in writing and shall be given to the <i>owner</i> of the property involved, the <i>owner's</i> authorized agent or the person performing the work. Upon issuance of a stop work order, the cited work shall immediately cease. The stop work order shall state the reason for the order and the conditions under which the cited work will be permitted to resume.	
[A] 115.3 Unlawful continuance.	
Any person who shall continue any work after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be subject to penalties as prescribed by law.	

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5	BEST PRACTICE: <i>Establish the Building Official as having the authority to declare buildings unsafe or uninhabitable, revoke Certificates of Occupancy, and require repair, demolition, or evacuation if they threaten public safety.</i>
COMMENTARY: Fully implemented. <u>Article 3.3</u> , which was adopted in its present form in December 2024, pertains to Substandard and Dangerous Buildings. The definitions <u>Section 3.301</u> defines the Building Official as the person appointed by the city to conduct periodic inspections of buildings and structures to ensure that the same are being maintained in a manner consistent with prescribed building codes of the city and not in violation of this section. As established by Section 3.303, the Council makes the Final Determination Authority on whether a building is dangerous or distressed and requires further action.	
Code Section Reference: <u>Section 3.3.01 Section 3.303</u> Adopted language – <u>3.30.01 Building Official.</u> The person appointed by the city to conduct periodic inspections of buildings and structures to ensure that the same are being maintained in a manner consistent with prescribed building codes of the city and not in violation of this section. 3.303 Council as Final Determination Authority. EXCERPTS <u>(2)</u> Upon conclusion of the hearing, city council shall determine by majority vote whether the building or structure in question is a dangerous building or distressed property. Upon determination that the building or structure in question constitutes a dangerous building or distressed property, the city council shall issue a recommendation: <u>(C)</u> Requiring the owner and persons having an interest in the building to repair, vacate, or demolish the building within thirty (30) days , from the issuance of such order, unless the owner or a person with an interest in the building establishes at the hearing that the work cannot reasonably be performed within thirty (30) days, in which instance the board of appeals shall specify a reasonable time for the completion of the work; <u>(D)</u> Containing a statement that the city will vacate, secure, remove or demolish the dangerous building and relocate the occupants of the building if the ordered action is not taken within the time specified by the city council; and	
6	BEST PRACTICE: <i>Establish the Building Official as having emergency response authority, including the power to inspect buildings post-disaster, restrict occupancy, and mandate emergency repairs.</i>
COMMENTARY: Fully implemented. Section 3.308, among other things, establishes the City's authority to take "emergency measures" in cases where a building or structure constitutes and immediate and serious danger to life or property. It references Texas Local Government Code Section 214.011, which supplements the broader authority provided in Section 214.001 and allows cities to proactively address dangerous, vacant, or unsecured structures to protect public health and safety. This was adopted in December 2024.	
Code Section Reference: <u>Section 3.308</u> Adopted language – EXCERPT <i>In addition to the procedures set forth in this article, the city may follow the procedures set forth in section 214.0011 of the Texas Local Government Code, as amended, to secure a building that the city determines violates the minimum standards set forth in this article and is unoccupied or is occupied only by persons who do not have a right of possession to the building. Such buildings or structures may be ordered to be and shall be secured as an emergency precaution under the following conditions, regulations, and procedure;...</i>	

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AUTHORITY TO ENFORCE COMPLIANCE	
7	BEST PRACTICE: <i>Establish the Building Official as having the authority to issue violations/citations and fines for non-compliance.</i>
COMMENTARY: Fully implemented by adopted of 2018 IBC Section 109, as well as local amendments to the same.	
Code Section Reference: 3.121.(c)(6)	
Adopted language – 3.121.(c)(6) (6) Section 109; add section 109.8, 109.8.1, 109.8.2 and 109.9 to read as follows: <u>109.8 Work without a permit.</u> <u>109.8.1 Investigation. Whenever work for which a permit is required by this code has been commenced without shall be made before a permit may be issued for such work.</u> <u>109.8.2 Fee. An investigation fee, in addition to the permit fee, shall be collected whether or not a permit is s</u> <u>be equal to the amount of the permit fee required by this code or the city fee schedule as applicable. The payr</u> <u>the applicant from compliance with all other provisions of either this code or the technical codes nor from pena</u> <u>109.9 Unauthorized cover up fee. Any work concealed without first obtaining the required inspection in viola</u> <u>established by the city fee schedule.</u> (Reason: This fee is not a fine or penalty but is designed to compensate for time and to remove incentive to at Text taken from former Uniform Administrative Code.)	
8	BEST PRACTICE: <i>Establish the Building Official as having the authority to power to request administrative warrants for forced inspections if property owners refuse access and to refer cases for legal enforcement.</i>
COMMENTARY: Fully implemented. Local code does not expressly authorize the Building Official to “suspend” or “revoke” permits. But, via adoption to the 2018 IBC, the Building Official does have the authority under Section 115 to issue stop work orders, which serve a comparable purpose.	
Code Section Reference: 2018 IBC Section 115	
Adopted language – See excerpt of 2018 IBC Section 115, above.	
9	BEST PRACTICE: <i>Establish the Building Official as having the authority to place liens on properties to recover costs when the city must remediate hazardous conditions.</i>
COMMENTARY: Fully implemented.	
Code Section Reference: Section 3.312	
Adopted language – In the event the owner or a person with an interest in a dangerous building fails to appeal from the order issued pursuant to this section within thirty (30) calendar days, the city may cause any occupants of the dangerous	

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building to be relocated, and may cause the dangerous building to be secured, removed, or demolished at the city's expense.

(b) The repairs contemplated by this section may only be accomplished to the extent necessary to bring the building into compliance with the minimum standards established by this article, and to the extent such repairs do not exceed minimum housing standards.

(c) The City may assess the expenses on, and the city has a lien against the property, unless it is a homestead as protected by the state constitution. The lien is extinguished if the property owner or a person having an interest in the building reimburses the city for the expenses.

(d) The lien arises and attaches to the property at the time the notice of the lien is recorded and indexed in the office of the county clerk in the county in which the property is located. The notice of lien must contain the name and address of the owner of the dangerous building if that information can be determined by a diligent effort, a legal description of the real property on which the building was located, the amount of expenses incurred by the city, and the balance due. Such lien is a privileged lien subordinate only to tax liens and all previously recorded bona fide mortgage liens attached to real property.

CURRENCY

10

BEST PRACTICE: Adopt and a Family of Codes published by the International Code Council no greater than three versions out of date.

COMMENTARY: In December 2024, Hallettsville replaced the 2009 International Code Council (ICC) Family of Codes with the 2018 edition Family of Codes and the 2017 edition of the NFPA Electrical Code, along with a series of local amendments.

New editions of the IBC are released every three years, with the last edition being released in 2024. The [Alliance for National & Community Resiliency](#) (ANCR) advises against communities adopting building codes that are more than nine years or three editions out of date. While no significant changes to this section of regulations are recommended at this time, it is recommended that the City set an action item in the Comprehensive Plan to evaluate adopting a newer version of the IBC in the next three to five years.

Code Section Reference:

Code Type	Codification Section	Date Adopted	Amendments
2018 International Building Code	3.121	12/16/2024	Numerous amendments. Under Section 121
2018 International Residential Code	3.122	12/16/2024	Numerous Amendments
2017 NFPA Electrical Code	3.123	12/16/2024	Numerous Amendments
2018 International Plumbing Code	3.124	12/16/2024	Numerous Amendments

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2018 International Mechanical Code	2.125	12/16/2024	Numerous Amendments
2018 International Fuel Gas Code	3.126	12/16/2024	Numerous Amendments
2018 International Energy Conservation Code	3.127	12/16/2024	No amendments
2018 Existing Building Code	3.128		Numerous Amendments

At the time of adoption, several amendments to the codes above were also adopted. Generally speaking, these amendments appear to have a neutral or positive impact on efforts toward resiliency. Those amendments with either a positive or negative impact are elaborated on below.

Building Code

Amendment with Potential Negative Impact on Resiliency:

- **Section 406.3.3.1 Carport separation:** Reducing fire separation requirements for carports attached to Group R-2 occupancies (apartments) could potentially increase the risk of fire spread between carports and apartment buildings. While the justification mentions a lack of historical problems, it's important to consider future risks and ensure adequate fire safety measures are in place.

Amendment with Potential Positive Impact on Resiliency:

- **Section 109.7 Re-inspection Fee:** These amendments implement a re-inspection fee, which can incentivize contractors to ensure work is ready for inspection, plans are available, and sites are accessible. This can lead to better quality control and reduce the likelihood of issues that could compromise a building's resilience.
- **Section 109.8 Work without a permit & 109.9 Unauthorized cover up fee:** These amendments disincentivize unpermitted work and concealing work before inspection, both of which could lead to substandard construction that reduces a building's resilience.
- **Section 602.1.1 Minimum Requirements:** By requiring separation between dissimilar building types or adherence to the most restrictive requirements, this amendment could enhance overall building safety and resilience.

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- **Sections 708.4.2, 718.3, and 718.4 Fire blocking and Draft stopping:** These amendments strengthen fire safety by requiring sprinkler protection in certain concealed spaces. This improves a building's ability to withstand a fire event, thus increasing resilience.
- **Section 901.6.1.1 Standpipe Testing:** These amendments require more stringent testing and maintenance of standpipe systems ensures they are in good working order, which is critical for fire suppression and overall building safety.

Residential Code

Amendment with Potential Negative Impact on Resiliency:

- None

Amendment with Potential Positive Impact on Resiliency:

- **Section R401.2; Foundations Sealed by Texas Registered Engineer:** Requiring engineered foundations enhances structural integrity and resilience against soil movement and other geological hazards common in Texas.
- **Section R602.6.1 Top Plate Strength:** amend the following: Strengthening the top plate connections in walls improves the building's resistance to wind loads.
- **Figure R602.6.1; Framing Nailing Pattern:** Reinforces the framing.
- **Section R703.8.4.1.2 Veneer ties for wall studs:** Provides clearer instruction for brick ties.
- **Section M1305.1.2 Access to Attic Appliances:** Provides safer access to appliances in attics based on regional conditions.

Electrical Code

Amendment with Potential Negative Impact on Resiliency:

- **Article 517.30 Essential Electrical Systems for Hospitals--remove the amendment that created a new (H):** This amendment deals with selective coordination of overcurrent protective devices in essential electrical systems for hospitals. The stated reason for change suggests that the original amendment diminished the reliability of life safety and critical branches of the essential electrical system. Removing the amendment could improve the reliability of power to hospitals during emergencies, which is a key aspect of

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community resilience. A reliable hospital is crucial for responding to and recovering from disasters.

Amendment with Potential Positive Impact on Resiliency:

- **Article 230.71(A): Multi-Occupant Means to Disconnect.** This amendment removed a prior amendment that added the following exception: This amendment pertains to the number of service disconnecting means allowed in multi-occupant buildings. Removing this amendment to adhere to the Texas' adopted 2017 NEC standard could enhance safety and standardization in electrical installations. This might lead to better performance during and after disasters, thus contributing to resilience.

Plumbing Code

Amendment with Potential Negative Impact on Resiliency:

- None

Amendment with Potential Positive Impact on Resiliency:

- **Section 305.4.1 Building Sewer Depth:** The amendment requires building sewers to be a minimum of 12 inches below grade, which can help protect against damage from flooding or ground movement based on prevailing local conditions.
- **Section 305.7 Plumbing Component Protection:** The amendment provides protection for plumbing system components within 3 feet of areas that could be exposed to damage, increasing overall system resilience and consistency, which makes it easier to inspect and enforce.
- **Section 314.2.1 Condensate Disposal Location:** The amendment prohibits condensate discharge into streets, alleys, sidewalks, or other nuisance-causing areas, which can help prevent water accumulation and associated hazards in public spaces.
- **Section 608.17.5 Irrigation Backflow Protection Options:** The amendment provides regionally common additional protection options against backflow in lawn irrigation systems, which is important for maintaining water quality during hazard events.
- **Section 1106.1 Storm Drain Sizing:** The amendment bases storm drain sizing on the 100-year hourly rainfall rate, accounting for more extreme precipitation events that may occur due to climate change.

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Mechanical Code

Amendment with Potential Negative Impact on Resiliency:

- None

Amendment with Potential Positive Impact on Resiliency:

- **Section 306.3 and 306.5, 306.5.1 Attic and Roof Appliance Accessibility:** These amendments improve safety and accessibility to appliances in attics and on roofs, which could aid in maintenance and inspection and repairs after severe weather events.
- **Section 306.6 Water Heater Access:** This amendment addition ensures safe access to elevated water heaters, which could be crucial for restoring hot water service after a disaster.
- **Section 307.2.3 Condensate Discharge:** This amendment provides greater specificity for condensate discharge locations, potentially reducing hazards and nuisances that could complicate disaster recovery efforts.
- **Section 501.3 Exhaust Discharge:** This amendment allows for more flexible exhaust discharge options in certain situations, which could be helpful in adapting to post-disaster conditions.

Fuel Gas Code

Amendment with Potential Negative Impact on Resiliency:

- None

Amendment with Potential Positive Impact on Resiliency:

- **Section 102.2 Unvented Heaters:** The amendment clarifies that existing dwelling units must comply with Section 621.2 regarding unvented heaters, which improves safety.
- **Section 306.3 Access to Attic Appliances:** The amendment modifies requirements for access to appliances in attics to provide safer means of accessibility.
- **Section 404.12 Underground Piping Depth:** The amendment increases the minimum burial depth for underground piping from 12 inches to 18 inches for better protection.
- **Section 406.4.1 Test Pressure:** The amendment updates test pressure measurement requirements to use more accurate gauges.

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Existing Building Code

Amendment with Potential Negative Impact on Resiliency:

- None.

Amendment with Potential Positive Impact on Resiliency:

- **Section 305.4.2 Accessible Bathroom:** This amendment adds requirement for at least one accessible family or assisted use toilet room in accordance with Chapter 11 of the IBC. Improves accessibility and safety for vulnerable populations during emergencies.
- **Section 406.1 Electrical Repair Standards.** This amendment requires all electrical repairs or replacements to comply with NFPA 70 (National Electrical Code). This amendment ensures electrical safety and compliance, reducing fire and shock hazards.
- **Section 504.1.2 Existing Fire Escapes:** This amendment clarifies that existing fire escapes may be repaired or replaced and accepted as a component in the means of egress in existing buildings, which maintains safe egress options and clarifies requirements.
- **Section 504.1.3 New Fire Escapes:** This amendment deletes section allowing new fire escapes except where exterior stairways are not feasible; restricts new fire escapes. This encourages safer egress solutions, reducing reliance on less resilient fire escapes.
- **Section 702.6 Materials and Methods Compliance Standards:** This amendment requires all new work to comply with materials and methods requirements in the IBC, IECC, IMC, NEC, and IPC. This ensures new work meets modern standards for safety and resilience.
- **Section 802.5.1 Guards for Elevated Surfaces:** This amendment requires guards for all elevated surfaces more than 30 inches above the floor or grade, or where existing guards are unsafe. This enhances fall safety, especially during emergencies.
- **Section 803.1 Sprinkler and Fire Alarms:** This amendment extends fire sprinkler and fire alarm protection requirements to the entire tenant space or work area, including corridors and exit accesses. It improves fire safety and compartmentalization, critical for hazard resilience.
- **Section 805.3.1.2 New Fire Escapes.** Consistent with the amendment above, this amendment restricts use of new fire escapes as a means of egress, except under certain conditions. It promotes safer egress solutions, enhancing resilience.

Appendix A: Detailed Assessment of Building Code Compared to Best Practices

- **Section 805.3.1.2.1 New Fire Escapes.** Consistent with the amendments above, this amendment specifies that access to new fire escapes must be through a door, and prohibits ladders in certain occupancies (schools, childcare, group I). It Increases egress safety, especially for vulnerable groups.
- **Section 904.1 Sprinkler and Fire Alarms:** This amendment extends fire sprinkler and fire alarm protection requirements to the entire tenant space or work area, including corridors and exit accesses. It improves fire safety and hazard resilience.
- **Section 904.1.1 Full Coverage Sprinklers in High-rise Buildings:** This amendment requires automatic sprinkler systems in work areas of high-rise buildings if a sufficient municipal water supply exists. This strengthens fire protection in high-risk buildings.
- **Section 1301.3.2 Consistency with the Internal Fire Code and Property Maintenance Code** This amendment requires buildings evaluated under this section to comply with the International Fire Code and International Property Maintenance Code. This ensures comprehensive safety standards are met.

Appendix B

Detailed Assessment of the Fire Code Compared to Best Practices

In the context of enhancing community resiliency through regulation, evaluating the City's fire code involves examining how well it supports the community's ability to prepare for, withstand, and recover from fire-related hazards. The following list of best practices identifies whether the City has given itself the appropriate regulatory authority to enforce a recent version of the Fire Code as part of routine development-related business, as well as authority to act swiftly in the immediate aftermath of a natural disasters, such as wildfires.

Like the building code, this evaluation is best approached under two main umbrellas: administrative standards and technical standards. On the administrative side, standards for best practices are comparable in scope to those applicable to the building codes—the authority and responsibilities of the fire code official, the processes for issuing permits, conducting inspections, and maintaining records, as well as the systems for code enforcement, appeals, and coordination with other agencies. These administrative elements are critical because they determine how effectively the technical requirements of the fire code are implemented and maintained, directly impacting the community's overall resilience to fire hazards. On the technical side, the evaluation focuses on currency of adopted Code, and the impact of any local amendments.

Fire Protection is addressed in Chapter 5 of the Hallettsville Code of Ordinances.

ESTABLISHMENT OF RESPONSIBLE OFFICIAL	
1	BEST PRACTICE: <i>Establish the position of a Fire Marshal.</i>
COMMENTARY: Despite the fact that the city has not adopted a fire code, its ordinances have nevertheless established the position of fire marshal, granting some-albeit limited-duties and authority in the instances of an emergency. The ordinance, adopted in 1980, empowers the fire marshal to inspect buildings and premises for fire hazards and to order the remediation of dangerous conditions. However, the ordinance contains outdated references and lacks the clarity and comprehensiveness found in more modern regulatory frameworks. Many cities now rely on up-to-date fire codes, such as those based on the International Building Code (IBC) and International Fire Code (IFC), which include robust language about administrative authorities and provide clear, current standards for fire prevention and enforcement. It is recommended that the Comprehensive Plan include action items to adopt a Fire Code and, simultaneously evaluate, given limited staff resources, locally available alternatives for third party plan review and inspection.	
Code Section Reference: 5.401	

Appendix B: Detailed Assessment of Fire Code Compared to Best Practices

Adopted language –

The office of fire marshal is hereby created. Such office shall be independent of other city departments, the fire marshal reporting directly to the mayor and city council. Such office shall be filled by appointment by the mayor, by and with the consent of the city council. The said fire marshal shall be properly qualified for the duties of his office, and shall be removed only for cause. He shall receive a salary set by and approved by the mayor and city council, as full compensation for his services.

AUTHORITY TO APPLY & INTERPRET FIRE CODE

2

BEST PRACTICE: Identify the Official responsible for enforcement of the fire Code and other safety regulations.

COMMENTARY: There is no adopted fire code.

Code Section Reference: None

Adopted language – N/A

3

BEST PRACTICE: Establish the power and responsibility to recommend updates to fire codes and safety regulations based on emerging hazards or lessons learned from past events is essential for maintaining resilience.

COMMENTARY: There is no adopted fire code.

Code Section Reference: None

Adopted language – N/A

AUTHORITY TO INSPECT & INVESTIGATE

4

BEST PRACTICE: Establish authority to enter premises for protection and preventative measures.

COMMENTARY: While the fire marshal holds authority under existing provisions to inspect premises for fire risks-including structural hazards, unsafe heating systems, improper storage of flammable materials, and other dangerous conditions-the absence of an adopted fire code creates significant legal and operational vulnerabilities. Without codified technical standards, the marshal's enforcement relies on subjective interpretations of terms like "dangerous arrangement" or "unlawful storage," which lack precise definitions. This ambiguity exposes the city to accusations of arbitrary or capricious enforcement, particularly when compliance orders impose financial burdens on property owners (e.g., costly repairs or retrofits). For instance, a property owner ordered to remediate a "dilapidated" structure or remove "improper" materials could challenge the decision as inconsistent or unjustified in the absence of clear, code-based criteria. Though the appeal process to the mayor provides a procedural safeguard, it does not resolve the fundamental issue of undefined standards, leaving enforcement vulnerable to legal disputes and public distrust. Furthermore, the lack of a formal code undermines the fire marshal's ability to justify inspections or penalties systematically, risking inconsistent application across similar properties. Over time, this weakens compliance

Appendix B: Detailed Assessment of Fire Code Compared to Best Practices

incentives and jeopardizes the city's broader fire resilience goals, as hazardous conditions may persist without enforceable, equitable remedies. Adopting a modern fire code would mitigate these risks by establishing objective benchmarks for inspections, remediation, and appeals, ensuring fairness and transparency while strengthening community safety.

Code Section Reference: [5.408](#)

Adopted language –

The fire marshal, upon complaint of any person having an interest in any building or property adjacent and without any complaint, shall have a right at all reasonable hours, for the purpose of examination, to enter into and upon all buildings and premises within the city, and it shall be his duty, monthly or more often, to enter upon and make or cause to be entered and made, a thorough examination of all mercantile, manufacturing and public buildings, together with the premises belonging thereto. Whenever he shall find any building or other structure which, for want of repair, or by reason of age or dilapidated condition, or for any cause, is especially liable to fire, and which is so situated as to endanger other buildings or property, or so occupied that fire would endanger persons or property therein, and whenever he shall find an improper or dangerous arrangement of stoves, ranges, furnaces or other heating appliances of any kind whatsoever, including chimneys, flues, and pipes with which the same may be connected, or a dangerous arrangement of lighting devices or system, or a dangerous or unlawful storage of explosives, compounds, petroleum, gasoline, kerosene, dangerous chemicals, vegetable products, ashes, combustible, inflammable and refuse materials, or other conditions which may be dangerous in character or liable to cause or promote fire or create conditions dangerous to the firemen or occupants, he shall order the same to be removed or remedied, and such order shall be forthwith complied with by the owner or occupant of said building or premises. Provided, however, that if said owner or occupant deems himself aggrieved by such order, he may, within five (5) days, appeal to the mayor, who shall investigate the cause of the complaint and unless by his authority the order is revoked, such order shall remain in force and be forthwith complied with by said owner or occupant. At the end of each month the fire marshal shall report to the state fire marshal all existing hazardous conditions, together with separate report on each fire in the city during the month

5

BEST PRACTICE: Establish authority to examine premises where fire has occurred.

COMMENTARY: The Code does permit the Fire Marshal to enter and inspect premises after a fire has occurred. It may be of use to expand inspections to include defensible space compliance and fire-resistant building materials.

Code Section Reference: [5.407](#)

Adopted language –

The fire marshal shall have the authority at all times of day or night, when necessary, in the performance of the duties imposed upon him by the provisions of this article, to enter upon and examine any building or premises where any fire has occurred, and other buildings and premises adjoining or near the same, which authority shall be exercised only with reason and good discretion.

AUTHORITY TO ENFORCE COMPLIANCE

6

BEST PRACTICE: Establish authority to eliminate fire-related hazards.

COMMENTARY: While the Code addresses the authority to require removal of a fire hazard, it would be strengthen enforcement if there were an adopted Fire Code.

Code Section Reference: [5.409](#)

Appendix B: Detailed Assessment of Fire Code Compared to Best Practices

Adopted language –

(a) Any owner or occupant of a building or other structure or premises, who shall keep or maintain the same when, for want of repair, or by reason of age or dilapidated condition, or for any cause, it is especially liable to fire, and which is so situated as to endanger buildings or property of others, or is especially liable to fire and which is so occupied that fire would endanger other persons or their property therein, shall be punished by a fine in accordance with the general penalty provision found in Section [1.106](#) of this code.

(b) Any owner or occupant of any building or other structure, or premises, who shall keep or maintain the same with an improper arrangement of a stove, range, furnace, or other heating appliance of any kind whatever, including chimneys, flues, and pipes with which the same may be connected, so as to be dangerous in the matter of fire, or health, or safety of persons or property of others; or who shall keep or maintain any building, other structure or premises with an improper arrangement of a lighting device or system, or with a storage of explosives, petroleum, gasoline, kerosene, chemicals, vegetable products, ashes, combustibles, inflammable materials, refuse, or with any other condition which shall be dangerous in character to the persons, health or property of others; or which shall be dangerous in the matter of promoting, augmenting or causing fires; or which shall create conditions dangerous to firemen, or occupants of such buildings, structure or premises other than the maintain or thereof, shall be punished by a in accordance with the general penalty provision found in Section [1.106](#) of this code.

(c) No prosecution shall be brought under subsections [5.409\(a\)](#) and [5.409\(b\)](#) of this article until the order provided for in Section [5.408](#) be given, and the party notified shall fail or refuse to comply with the same.

AUTHORITY TO ASSESS PENALTIES FOR VIOLATIONS

7

BEST PRACTICE: Establish penalties for violations.

COMMENTARY: The Code contains general penalty language. It is advisable to check with the City's Attorney regarding additional specificity.

Code Section Reference: [5.410](#)

Adopted language –

(a) The penalties provided for herein shall be recovered by the city in the same manner as provided by law for the enforcement of fines, forfeitures, and punishments for offenses against the city.

(b) Every day's maintenance of any of the conditions prohibited in any of the foregoing sections shall be a distinct and separate offense.

RESPONSIBILITY TO MANAGE RECORDS

8

BEST PRACTICE: Establish responsibility of keeping records for purposes reporting and recovery

COMMENTARY: Compliant.

Code Section Reference: [5.402](#)

Adopted language –

*The fire marshal shall investigate the cause, origin and circumstances of every fire occurring within this city by which property has been destroyed or damaged, and shall especially make investigation as to whether such fire was the result of carelessness or design. Such investigation shall be begun within twenty-four hours, not including Sunday, of the occurrence of such fire. **The fire marshal shall keep in his office a record of all fires, together with all facts, statistics and circumstances, including***

Appendix B: Detailed Assessment of Fire Code Compared to Best Practices

<i>the origin of the fires and the amount of the loss, which may be determined by the investigation required by this article.</i>

Appendix C

Detailed Assessment of the Flood Damage Prevention Ordinance Compared to Best Practices

Flood Damage Prevention is addressed in Article 3.4 of the Hallettsville Code of Ordinances.

ADMINISTRATIVE OVERSIGHT

1

BEST PRACTICE: *Designate a floodplain administrator.*

COMMENTARY: The Code designates the City Secretary as the Floodplain Administrator, which may be appropriate for Hallettsville's current staffing. However, for consideration as the city grows, this role is more commonly assigned to the City Engineer, Building Official, or Planning Director, as these positions are more directly involved in the permitting process. Regardless of which position holds this responsibility now or in the future, it is recommended as an action item in the Comprehensive Plan that the associated job description and training budget be reviewed to ensure they adequately reflect the technical requirements of this role.

Code Section Reference: [Section 3.413,](#)

Adopted language –

The city secretary is hereby appointed the floodplain administrator to administer and implement the provisions of this article and other appropriate sections of 44 CFR (Emergency Management and Assistance — National Flood Insurance Program regulations) pertaining to floodplain management.

2

BEST PRACTICE: *Establish enforcement penalties.*

COMMENTARY: Fully compliant. Since the ordinance was so recently adopted, the language is presumed to be satisfactory to the City Attorney and Code Enforcement Officer.

Code Section Reference: [3.423](#)

Adopted language –

No structure or land shall hereafter be constructed, located, extended, converted, or altered without full compliance with the terms of this article and other applicable regulations. Violation of the provisions of this article by failure to comply with any of its requirements (including violations of conditions and safeguards established in connection with conditions) shall constitute a misdemeanor. Any person who violates this article or fails to comply with any of its requirements shall upon conviction thereof be fined not more than \$500.00 for each violation, and in addition shall pay all costs and expenses involved in the case. Nothing herein contained shall prevent the city council from taking such other lawful action as is necessary to prevent or remedy any violation.

STATUTORY AUTHORITY

Appendix C: Detailed Assessment of Flood Damage Prevention Ordinance Compared to Best Practices

3	BEST PRACTICE: <i>Recognize the statutory authority that grants the City the authority to adopt and administer a floodplain ordinance.</i>
COMMENTARY: Fully compliant with best practice.	
Code Section Reference: 3.401	
<i>Adopted language –</i> <i>The legislature of the state has in the Flood Control Insurance Act, Texas Water Code, section 16.315 delegated the responsibility of local governmental units to adopt regulations designed to minimize flood losses. Therefore, the city council does ordain as follows.</i>	

CURRENCY	
4	BEST PRACTICE: <i>Adopt a floodplain ordinance that is based on current data.</i>
COMMENTARY: The floodplain ordinance is based on 2010 data; although over fifteen years old, staff confirmed this to be the most current available at this time of this evaluation. Staff anticipates FEMA to release new data imminently and that it will have a drastic impact on the boundaries of Hallettsville floodplain due to an effective consolidation of the 100 and 500 year floodplains, including along the Lavaca River. It is recommended that the Comprehensive Plan consider this impact in its land use plan now and add an action item to routinely monitor for data updates.	
Code Section Reference: 3.407	
<i>Adopted language –</i> The areas of special flood hazard identified by the Federal Emergency Management Agency in the current scientific and engineering report entitled, "The Flood Insurance Study (FIS) for City of Hallettsville, TX (Lavaca County)," dated November 26, 2010, with accompanying flood insurance rate maps and/or flood boundary-floodway maps (FIRM and/or FBFM) dated November 26, 2010 and any revisions thereto are hereby adopted by reference and declared to be a part of this article.	

STANDARDS & DESIGN	
FREEBOARD	
5	BEST PRACTICE: <i>Require new construction, substantial improvements, and critical facilities (e.g. hospitals, fire stations, emergency centers) to be elevated above the Base Flood Elevation (BFE) by at least 2 feet (or more in high-risk areas).</i>
COMMENTARY: Partial. The Ordinance satisfies this best practice of requiring two feet of freeboard for critical facilities, but it only requires 18 inches for new construction and substantial improvements. Given the age of the data, the City may wish to increase the freeboard on the latter to withstand changing rainfall patterns. However, it is recognized that this ordinance was recently adopted and this may have already been taken into consideration.	

Appendix C: Detailed Assessment of Flood Damage Prevention Ordinance Compared to Best Practices

Code Section Reference: <u>Section 3.419 (1), (2), & (3)</u>	
Adopted language – <u>(1) Residential Construction.</u> <u>(A)</u> Within an area of special flood hazard, new construction and substantial improvement of any residential structure shall have the lowest floor (including basement), elevated at least 18 inches above the base flood elevation or 24 inches above the top of the curb, whichever is higher. <u>(B)</u> Within a moderate flood hazard area, new construction and substantial improvement of any residential structure shall have the lowest floor, including basement, and all components of the mechanical, electrical, and plumbing systems and any other facility elevated to at least 12 inches above the base flood elevation or 18 inches above the top of the curb, whichever is higher. <u>(C)</u> A registered professional engineer, architect, or land surveyor shall submit a certification to the floodplain administrator that the standard of this subsection as proposed in section <u>3.415(a)(1)</u> is satisfied. <u>(2) Nonresidential Construction.</u> New construction and substantial improvements of any commercial, industrial or other nonresidential structure shall either have the lowest floor (including basement) elevated 18 inches above the base flood level or together with attendant utility and sanitary facilities, be designed so that below the base flood level the structure is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy. A registered professional engineer or architect shall develop and/or review structural design, specifications, and plans for the construction, and shall certify that the design and methods of construction are in accordance with accepted standards of practice as outlined in this subsection. A record of such certification which includes the specific elevation (in relation to mean sea level) to which such structures are floodproofed shall be maintained by the floodplain administrator. <u>(3) Critical facilities.</u> New construction and substantial improvement of any critical facilities shall have the lowest floor (including basement and all essential plumbing and utilities, including duct work), elevated or floodproofed to a minimum of 24 inches above the base flood elevation.	
PROHIBITIONS IN FLOODWAYS	
6	BEST PRACTICE: Prohibit development in floodways and high risk areas.
COMMENTARY: Partial. <u>Section 3.422</u> prohibits fill, new construction, substantial improvements, and other development unless it is proven that it will not result in any increase in flood levels, as authorized by the National Flood Insurance Program.	
Code Section Reference: <u>Section 3.422</u>	
Adopted language – Located within areas of special flood hazard established in section <u>3.407</u>, are areas designated as floodways. Since the floodway is an extremely hazardous area due to the velocity of flood waters which carry debris, potential projectiles and erosion potential, the following provisions shall apply: <u>(1)</u> Encroachments are prohibited, including fill, new construction, substantial improvements and other development within the adopted regulatory floodway unless it has been demonstrated through hydrologic and hydraulic analyses performed in accordance with standard engineering practice and certification by a registered professional engineer is provided demonstrating that the proposed encroachment would not result in any increase in flood levels within the community during the occurrence of the base flood discharge. <u>(2)</u> If the provisions of sections <u>3.417</u> through <u>3.421</u> above are satisfied, all new construction and substantial improvements shall comply with all applicable flood hazard reduction provisions. <u>(3)</u> Under the provisions of 44 CFR chapter <u>1</u>, section 65.12, of the National Flood Insurance Program regulations, a community may permit encroachments within the adopted regulatory floodway that would result	

Appendix C: Detailed Assessment of Flood Damage Prevention Ordinance Compared to Best Practices

<i>in an increase in base flood elevations, provided that the community first completes all of the provisions required by section 65.12.</i>	
STORAGE AND PROCESSING OF INAPPROPRIATE MATERIALS IN FLOODWAY	
7	BEST PRACTICE: Prohibit storage and/or processing of hazardous, flammable, explosive, or, in times of flooding potentially buoyant or obstructive materials in the flood hazard areas.
COMMENTARY: Satisfied.	
Code Section Reference: Section 3.4.19(7)(A).B	
Adopted language – <u>7) Prohibited Uses.</u> The following uses are prohibited within a designated floodplain: <u>(A)</u> Storage or processing of materials that are hazardous, flammable, or explosive in the identified special flood hazard area. <u>(B)</u> Storage or material or equipment that, in times of flooding, could become buoyant and pose an obstruction to flow in identified floodway areas.	
8	BEST PRACTICE: Require a no-rise certification for development in floodways.
COMMENTARY: Satisfied within the definition of “Violation”	
Code Section Reference: Section 3.405	
Adopted language – <u>Violation.</u> The failure of a structure or other development to be fully compliant with the community's floodplain management regulations. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance required in section 60.3(b)(5), (c)(4), (c)(10), (d)(3), (e)(2), (e)(4), or (e)(5) of the National Flood Insurance Program regulations is presumed to be in violation until such time as that documentation is provided.	
9	BEST PRACTICE: Use future conditions hydrology (not just current FEMA Flood maps) to anticipate changes in flood risk.
COMMENTARY: The definitions section 3.405 defines Area of Future Conditions Flood Hazard as the land area that would be inundated by the 1-percent-annual chance (100 year) flood based on future conditions hydrology, but it doesn’t identify the implications of being in that area elsewhere within the ordinance.	
Code Section Reference: 3.405	
Adopted language – <u>Area of Future Conditions Flood Hazard.</u> The land area that would be inundated by the 1-percent-annual chance (100-year) flood based on future conditions hydrology.	
LOW IMPACT DEVELOPMENT	

Appendix C: Detailed Assessment of Flood Damage Prevention Ordinance Compared to Best Practices

10	BEST PRACTICE: Require detention ponds, permeable surfaces, and green infrastructure, collectively known as Low Impact Design (LID) to slow stormwater runoff.
COMMENTARY: The ordinance does not address low impact development. The City may consider adding permissive language to the code to allow for it or encourage it. The city should factor into its decision the staff resources needed to permit and inspect such infrastructure.	
Code Section Reference: None.	
<i>Adopted language – N/A</i>	
SUBSTANTIAL IMPROVEMENT THRESHOLD	
11	BEST PRACTICE: <i>Establish a substantial improvement threshold to facilitate older structures being re-built under current regulations.</i>
COMMENTARY: The term is defined in <u>Section 3.405</u> as “Any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure before start of construction of the improvement.” Fifty percent is a common threshold, though thirty percent is recommended as a more conservative value in locations where flooding is an issue.	
Code Section Reference: <u>Section 3.405</u>	
Adopted language – <u>Substantial Improvement.</u> Any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure before start of construction of the improvement. This term includes structures which have incurred substantial damage, regardless of the actual repair work performed. The term does not, however, include either: <u>(1)</u> Any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions; or <u>(2)</u> Any alteration of a historic structure, provided that the alteration will not preclude the structure's continued designation as a historic structure.	
12	BEST PRACTICE: <i>Cumulatively track the value of improvements over time rather than by event.</i>
COMMENTARY: The ordinance does not appear to require cumulative tracking of improvements over time. The City may wish to consider this if it has the staff bandwidth to do so.	
Code Section Reference: None.	
<i>Adopted language – N/A</i>	
BUFFERS & SETBACKS	
13	BEST PRACTICE: <i>Require improvements to be set back from rivers and streams.</i>
COMMENTARY: This is not addressed.	
Code Section Reference: None.	

Appendix C: Detailed Assessment of Flood Damage Prevention Ordinance Compared to Best Practices

<i>Adopted language – N/A</i>	
14	BEST PRACTICE: <i>Require a “No Adverse Impact” certification for new development.</i>
COMMENTARY: Fully Satisfied.	
Code Section Reference: 3.415(a)(7)	
<i>Adopted language –</i> (a) Application for a floodplain development permit shall be presented to the floodplain administrator on forms furnished by him/her and may include, but not be limited to, plans in duplicate drawn to scale showing the location, dimensions, and elevation of proposed landscape alterations, existing and proposed structures, including the placement of manufactured homes, and the location of the foregoing in relation to areas of special flood hazard. For platting purposes, a floodplain development permit shall serve only as an approval of the floodplain ordinance requirements. No cut/or fill, building, or other site alterations shall proceed until the permit is approved. Additionally, the following information is required: (7) If required by this section, a certification of no adverse impact, a registered professional engineer shall certify that the proposed development will not create adverse impacts on other properties as measured by: (A) No increase in flood stage. (B) No increase in flood velocity. (C) No increase in flows. (D) No increased potential for erosion and sedimentation. (E) Any other impact deemed important or as specified by the city. The certification shall employ accepted engineering standards for hydraulic and hydrological analysis and all data shall be provided in hard copy and digitally for review and corroboration by the floodplain administrator, city engineer, or any government review agency acceptable to the city.	
FILL RESTRICTIONS	
15	BEST PRACTICE: <i>Prohibit or limit fill in the floodplain.</i>
COMMENTARY: It is limited, not prohibited.	
Code Section Reference: None	
<i>Adopted language –</i> N/A	
16	BEST PRACTICE: <i>Require compensatory storage for any development that reduces floodplain capacity.</i>
COMMENTARY: Satisfied. Section 3.417 establishes compensatory storage requirement for projects over fifty lots or five acres within a moderate or special flood hazard area.	
Code Section Reference: Section 3.417	
<i>Adopted language –</i> Compensatory storage or floodplain mitigation required. If a development, re-development, or substantial improvement project of or greater than 50 lots or five acres proposes encroachment upon, by placing fill, store stormwater detention, or placing a structure within, a moderate or special flood hazard area, the project must provide compensatory storage. (1) Compensatory storage for special flood hazard area encroachments shall be provided in the same type of special flood hazard area.	

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<u>(2)</u> Compensatory storage for moderate flood hazard area encroachments may be provided in either special or moderate flood hazard areas. <u>(3)</u> The volume of an encroachment shall be calculated as the volume of space occupied by the encroachment from natural ground up to the base flood elevation. <u>(4)</u> If the compensatory storage is provided on the same property as the proposed development, the required compensatory storage shall be equivalent to the volume of encroachment. <u>(5)</u> If it is infeasible to provide compensatory storage on the same property as the proposed development, the applicant may request to provide the compensatory storage offsite, provided that: <u>(A)</u> The compensatory storage is doubled; <u>(B)</u> The applicant provides proof that the offsite compensatory storage cannot be reduced in any way; and <u>(C)</u> The location of the offsite compensatory storage is within one-half mile radius of the proposed development's continuous property boundary. <u>(6)</u> The compensatory storage volume shall not be negatively impacted by groundwater.	
ELEVATIONS & FLOODPROOFING	
17	BEST PRACTICE: <i>Require improvements to be anchored to prevent flotation, collapse, or lateral movement of the structure (e.g. manufactured homes).</i>
COMMENTARY: Fully implemented	
Code Section Reference: Section 3.418(1)	
<i>In all areas of special flood hazards the following provisions are required for all new construction and substantial improvements.</i> <u>(1)</u> All new construction or substantial improvements shall be designed (or modified) and adequately anchored to prevent flotation, collapse or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy;	
18	BEST PRACTICE: <i>Require non-residential buildings in flood zones to elevate or “dry floodproof”</i>
COMMENTARY: Fully implemented.	
Code Section Reference: Section 3.419(2)	
Adopted language – <u>(2)Nonresidential Construction.</u> New construction and substantial improvements of any commercial, industrial or other nonresidential structure shall either have the lowest floor (including basement) elevated 18 inches above the base flood level or together with attendant utility and sanitary facilities, be designed so that below the base flood level the structure is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy. A registered professional engineer or architect shall develop and/or review structural design, specifications, and plans for the construction, and shall certify that the design and methods of construction are in accordance with accepted standards of practice as outlined in this subsection. A record of such certification which includes the specific elevation (in relation to mean sea level) to which such structures are floodproofed shall be maintained by the floodplain administrator.	
INFILTRATION & FLOOD-RESISTANT MATERIALS	

Appendix C: Detailed Assessment of Flood Damage Prevention Ordinance Compared to Best Practices

19	BEST PRACTICE: <i>Require new structures to be built with materials resistant to flood damage.</i>
COMMENTARY: Fully implemented.	
Code Section Reference: 3.04.008 (a) (3)	
Adopted language – (a) All subdivision proposals including the placement of manufactured home parks and subdivisions shall be consistent with sections 3.402, 3.403, and 3.404 of this article. (b) All proposals for the development of subdivisions including the placement of manufactured home parks and subdivisions shall meet development permit requirements of section 3.408; Section 3.415; and the provisions of sections 3.417 through 3.420 of this article. (c) Base flood elevation data shall be generated for subdivision proposals and other proposed development including the placement of manufactured home parks and subdivisions which is greater than 50 lots or 5 acres, whichever is lesser, if not otherwise provided pursuant to section 3.407 or section 3.414(8) of this article. (d) All subdivision proposals including the placement of manufactured home parks and subdivisions shall have adequate drainage provided to reduce exposure to flood hazards. (e) All subdivision proposals including the placement of manufactured home parks and subdivisions shall have public utilities and facilities such as sewer, gas, electrical and water systems located and constructed to minimize or eliminate flood damage.	
20	BEST PRACTICE: <i>Require water supply, sanitary sewage, and OSSF systems to be designed to minimize or eliminate infiltration of floodwaters into the system.</i>
COMMENTARY: Fully implemented.	
Code Section Reference: Section 3.418(5) , (6), and (7)	
Adopted language – <i>In all areas of special flood hazards the following provisions are required for all new construction and substantial improvements.</i> ... (6) New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of floodwaters into the system and discharge from the systems into floodwaters; (7) On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding; and (8) New construction and substantial improvements, when located in multiple flood zones with varying base flood elevations or in the same flood zone with multiple base flood elevations must meet the requirements for the flood zone with the most stringent requirements and the highest base flood elevation.	

Appendix D

Detailed Assessment of the Drought Contingency Plan Compared to Best Practices

Overview

The Drought Contingency Plan was updated in October 2024. It is generally appropriate for today's conditions and satisfies statutory requirements, but should be closely monitored ahead of any projected increases in demand. Consider code-based pre-emptive measures to reduce per capita usage, such as the requirement for native and drought tolerant landscaping in commercial properties.

The City's Drought Contingency Plan is addressed in Article 11.12 of Hallettsville's Code of Ordinances.

CURRENCY

1

BEST PRACTICE: Adopt and update a Drought Contingency Plan at least every five years.

COMMENTARY: The [Texas Commission on Environmental Quality Handbook for Drought Contingency Planning for Retail Public Water Suppliers](#) advises DCPs be updated at least every five years. The City adopted a drought contingency plan in October 2024,² which is compliant with this requirement.

Code Section Reference: [Article 11.12](#)

Adopted language –
See Ordinance 597-19

TRIGGERING CONDITIONS

2

BEST PRACTICE: Define specific conditions that trigger different stages of drought response.

COMMENTARY: Implemented. The content is present. However, it is recommended that the Comprehensive Plan include an action item to continue to monitor the appropriateness of these trigger points. While they are rarely tripped by current usage, they may be too high if/when the City grows and the draw-down rate on the groundwater wells increases. The City might consider pre-emptive measures in Code to encourage or require native and drought tolerant plantings to encourage a reduction in water use for irrigation.

Code Section Reference: [11.1208](#)

² The website needs to be updated to reflect the ordinance adopted in 2024. At the time of the writing of this memo, it shows the 2019 version.

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Adopted language –

The triggering criteria described below are based on lowered water level tables.

(1) Stage 1 - Mild Water Shortage Conditions.

(A) Requirements for Initiation.

Customers shall be requested to voluntarily conserve water and adhere to the prescribed restrictions on certain nonessential water uses, defined in Section [11.1207](#) when the pumpage of the city wells is equal to or greater than 1.1 mgal per day for 3 consecutive days.

(B) Requirements for Termination.

Stage 1 of the plan may be rescinded when all of the conditions listed as triggering events have ceased to exist for a period of 2 consecutive days.

(2) Stage 2 - Moderate Water Shortage Conditions.

(A) Requirements for Initiation.

Customers shall be required to comply with the requirements and restrictions on certain nonessential water uses provided in Section [11.1207](#) of this plan when the pumpage of the city wells is equal to or greater than 1.25 mgal per day for 3 consecutive days.

(B) Requirements for Termination.

Stage 2 of the plan may be rescinded when all of the conditions listed as triggering events have ceased to exist for a period of 2 consecutive days. Upon termination of stage 2, stage 1 becomes operative.

(3) Stage 3 - Severe Water Shortage Conditions.

(A) Requirements for Initiation.

Customers shall be required to comply with the requirements and restrictions on certain nonessential water uses for stage 3 of this plan when the pumpage of the city wells is equal to or greater than 1.5 mgal per day for 3 consecutive days.

(B) Requirements for Termination.

Stage 3 of the plan may be rescinded when all of the conditions listed as triggering events have ceased to exist for a period of 2 consecutive days. Upon termination of stage 3, stage 2 becomes operative.

(4) Stage 4 - Critical Water Shortage Conditions.

(A) Requirements for Initiation.

Customers shall be required to comply with the requirements and restrictions on certain nonessential water uses for stage 4 of this plan when the pumpage of the city wells is equal to or greater than 1.75 mgal per day for 3 consecutive days.

(B) Requirements for Termination.

Stage 4 of the plan may be rescinded when all of the conditions listed as triggering events have ceased to exist for a period of 3 consecutive days. Upon termination of stage 4, stage 3 becomes operative.

(5) Stage 5 - Emergency Water Shortage Conditions.

(A) Requirements for Initiation.

Customers shall be required to comply with the requirements and restrictions for stage 5 of this plan when the mayor, or designee, determines that a water supply emergency exists based on:

(i) Major water line breaks, or pump or system failures occur, which cause unprecedented loss of capability to provide water service; or

(ii) Natural or manmade contamination of the water supply source(s).

(B) Requirements for Termination.

Stage 5 of the plan may be rescinded when all of the conditions listed as triggering events have ceased to exist for a period of 1 day and normal storage levels are restored.

(6) Water Allocating.

(A) Requirements for Initiation.

Customers shall be required to comply with the water allocation plan prescribed in Section [11.1210](#) of this plan and comply with the requirements and restrictions for stage 5 of this plan when a prolonged electricity outage, source contamination, or system capacity limitations.

(B) Requirements for Termination.

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Water allocating may be rescinded when all of the conditions listed as triggering events have ceased to exist for a period of 1 day and normal storage levels are restored.

DROUGHT RESPONSE STAGES

3

BEST PRACTICE: Establish multiple stages with increasing severity of restrictions as drought conditions worsen.

COMMENTARY: Implemented. The content is present.

Code Section Reference: [11.1208](#)

Adopted language –
See above.

4

BEST PRACTICE: At each stage, include specific actions to reduce water use, such as limiting outdoor water and restricting non-essential use.

COMMENTARY: Implemented. The content is present to enforce restrictions. The Plan includes both supply management measures and water use restrictions.

Code Section Reference: [11.1209](#)

Adopted language –

The mayor, or designee, shall monitor water supply and/or demand conditions on a daily basis and, in accordance with the triggering criteria set forth in Section [11.1208](#) of the plan, shall determine that a mild, moderate, severe, critical, or emergency condition exists, and shall implement the following actions upon publication of notice in a newspaper of general circulation:

(1) Stage 1 - Mild Water Shortage Condition.

(A) Goal. Achieve a voluntary 10% percent reduction in total water use.

(B) Supply Management Measures. The city will reduce water demand by reducing flushing of water mains.

(C) Voluntary Water Use Restrictions.

(i) Water customers are requested to voluntarily limit the irrigation of landscaped areas to garbage days and to irrigate landscapes only between the hours of midnight and 10:00 a.m. and 8:00 p.m. to midnight on designated watering days.

(ii) All operations of the city shall adhere to water use restrictions prescribed for stage 1 of the plan.

(iii) Water customers are requested to practice water conservation and to minimize or discontinue water use for nonessential purposes.

(2) Stage 2 - Moderate Water Shortage Conditions.

(A) Goal. Achieve a 20% percent reduction in total water use.

(B) Supply Management Measures. The city will reduce water demand by reducing flushing of water mains.

(C) Water Use Restrictions. Under threat of penalty for violation, the following water use restrictions shall apply to all persons:

(i) Irrigation of landscaped areas with hose-end sprinklers or automatic irrigation systems shall be limited to garbage days, and irrigation of landscaped areas is further limited to the hours of 12:00 midnight until 10:00 a.m. and between 8:00 p.m. and 12:00 midnight on designated watering days. However, irrigation of landscaped areas is permitted at any time if it is by means of a handheld hose, a faucet filled bucket or watering can of five (5) gallons or less, or drip irrigation system.

(ii) Use of water to wash any motor vehicle, motorbike, boat, trailer, airplane, or other vehicle is prohibited except on designated watering days between the hours of 12:00 midnight and 10:00 a.m. and between 8:00 p.m. and 12:00 midnight. Such washing, when allowed, shall be done with a

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handheld bucket or a handheld hose equipped with a positive shutoff nozzle for quick rises. Vehicle washing may be done at any time on the immediate premises of a commercial carwash or commercial service station. Further, such washing may be exempted from these regulations if the health, safety, and welfare of the public is contingent upon frequent vehicle cleansing, such as garbage trucks and vehicles used to transport food and perishables.

(iii) Use of water to fill, refill, or add to any indoor or outdoor swimming pools, wading pools, or Jacuzzi-type pools is prohibited except on designated watering days between the hours of 12:00 midnight and 10:00 a.m. and between 8:00 p.m. and 12:00 midnight.

(iv) Operation of any ornamental fountain or pond for aesthetic or scenic purposes is prohibited except where necessary to support aquatic life or where such fountains or ponds are equipped with a recirculation system.

(v) Use of water from hydrants shall be limited to firefighting, related activities, or other activities necessary to maintain public health, safety, and welfare, except that use of water from designated fire hydrants for construction purposes may be allowed under special permit from the city.

(vi) Use of water for the irrigation of golf course greens, tees, and fairways is prohibited except on designated watering days between the hours 12:00 midnight and 10:00 a.m. and between 8:00 p.m. and 12:00 midnight. However, if the golf course utilizes a water source other than that provided by the city, the facility shall not be subject to these regulations.

(vii) The following uses of water are defined as nonessential and are prohibited:

- a. Wash down of any sidewalks, walkways, driveways, parking lots, tennis courts, or other hard-surfaced areas;
- b. Use of water to wash down buildings or structures for purposes other than immediate fire protection;
- c. Use of water for dust control, except for street construction and compaction;
- d. Flushing gutters or permitting water to run or accumulate in any gutter or street; and
- e. Failure to repair a controllable leak(s) within a reasonable period after having been given notice directing the repair of such leak(s).

(3) Stage 3 - Severe Water Shortage Conditions.

(A) Goal. Achieve a 30% percent reduction in total water use.

(B) Supply Management Measures.

The city will reduce water demand by discontinuing flushing of water mains and use nonpotable well for nonpotable purposes.

(C) Water Use Restrictions. All requirements of stage 2 shall remain in effect during stage 3 except:

(i) Irrigation of landscaped areas shall be limited to designated watering days between the hours of 12:00 midnight and 10:00 a.m. and between 8:00 p.m. and 12:00 midnight and shall be by means of handheld hoses, handheld buckets, drip irrigation, or permanently installed automatic sprinkler system only. The use of hose-end sprinklers is prohibited at all times.

(ii) The watering of golf course tees is prohibited unless the golf course utilizes a water source other than that provided by the city municipal water system.

(iii) The use of water for direct resale will be discontinued.

(iv) The use of water for construction purposes from designated fire hydrants under special permit is to be discontinued.

(v) All restaurants are prohibited from serving water to its patrons except when requested.

(4) Stage 4 - Critical Water Shortage Conditions.

(A) Goal. Achieve a 40% percent reduction in total water use.

(B) Supply Management Measures. The city will reduce water demand by discontinuing flushing of water mains and use nonpotable well for nonpotable purposes.

(C) Water Use Restrictions. All requirements of stage 2 and 3 shall remain in effect during stage 4 except:

(i) Irrigation of landscaped areas shall be limited to designated watering days between the hours of 6:00 a.m. and 10:00 a.m. and between 8:00 p.m. and 12:00 midnight and shall be by means of handheld

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hoses, handheld buckets, or drip irrigation only. The uses of hose-end sprinklers or permanently installed automatic sprinkler systems are prohibited at all times.

(ii) Use of water to wash any motor vehicle, motorbike, boat, trailer, airplane or other vehicle not occurring on the premises of a commercial carwash and commercial service stations and not in the immediate interest of public health, safety, and welfare is prohibited. Further, such vehicle washing at commercial carwashes and commercial service stations shall occur only between the hours of 6:00 a.m. and 10:00 a.m. and between 6:00 p.m. and 10:00 p.m.

(iii) The filling, refilling, or adding of water to swimming pools, wading pools, and Jacuzzi-type pools is prohibited.

(iv) Operation of any ornamental fountain or pond for aesthetic or scenic purposes is prohibited except where necessary to support aquatic life or where such fountains or ponds are equipped with a recirculation system.

(v) No applications for new, additional, expanded, or increased-in-size water service connections, meters, service lines, pipeline extensions, mains, or water service facilities of any kind shall be allowed or approved.

(5) Stage 5 - Emergency Water Shortage Conditions.

(A) Goal.

Achieve a 50% percent reduction in total water use.

(B) Supply Management Measures.

The city will reduce water demand by discontinuing flushing of water mains and use nonpotable well for nonpotable purposes.

(C) Water Use Restrictions. All requirements of stage 2, 3, and 4 shall remain in effect during stage 5 except:

(i) Irrigation of landscaped areas is absolutely prohibited.

(ii) Use of water to wash any motor vehicle, motorbike, boat, trailer, airplane, or other vehicle is absolutely prohibited.

EMERGENCY RESPONSE

5

BEST PRACTICE: Include strategies for emergency situations, such as major system failures or extreme drought conditions.

COMMENTARY: Implemented.

Code Section Reference: [11.1208\(b\)\(5\)](#)

Adopted language –

(5)Stage 5 - Emergency Water Shortage Conditions.

(A) Requirements for Initiation. Customers shall be required to comply with the requirements and restrictions for stage 5 of this plan when the mayor, or designee, determines that a water supply emergency exists based on:

(i) Major water line breaks, or pump or system failures occur, which cause unprecedented loss of capability to provide water service; or

(ii) Natural or manmade contamination of the water supply source(s).

(B) Requirements for Termination. Stage 5 of the plan may be rescinded when all of the conditions listed as triggering events have ceased to exist for a period of 1 day and normal storage levels are restored.

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ENFORCEMENT MECHANISMS	
6	BEST PRACTICE: Establish a process for granting variances to specific restrictions, allowing exceptions for justified cases (e.g., newly installed landscapes).
COMMENTARY: Implemented. The content is present.	
Code Section Reference: 11.1212	
<i>Adopted language –</i> (a) The mayor, or designee, may, in writing, grant temporary variance for existing water uses otherwise prohibited under this plan if city council determines that failure to grant such variance would cause an emergency condition adversely affecting the health, sanitation, or fire protection for the public or the person requesting such variance and if one or more of the following conditions are met: (1) Compliance with this plan cannot be technically accomplished during the duration of the water supply shortage or other condition for which the plan is in effect. (2) Alternative methods can be implemented which will achieve the same level of reduction in water use. (b) Persons requesting an exemption from the provisions of this article shall file a petition for variance with the city within 5 days after the plan or a particular drought response stage has been invoked. All petitions for variances shall be reviewed by the mayor, or designee, before being considered by city council and shall include the following: (1) Name and address of the petitioner(s). (2) Purpose of water use. (3) Specific provision(s) of the plan from which the petitioner is requesting relief. (4) Detailed statement as to how the specific provision of the plan adversely affects the petitioner or what damage or harm will occur to the petitioner or others if petitioner complies with this article. (5) Description of the relief requested. (6) Period of time for which the variance is sought. (7) Alternative water use restrictions or other measures the petitioner is taking or proposes to take to meet the intent of this plan and the compliance date. (8) Other pertinent information. (c) Variances granted by the city shall be subject to the following conditions, unless waived or modified by the city council: (1) Variances granted shall include a timetable for compliance. (2) Variances granted shall expire when the plan is no longer in effect, unless the petitioner has failed to meet specified requirements. (d) No variance shall be retroactive or otherwise justify any violation of this plan occurring prior to the issuance of the variance.	

ENFORCEMENT MECHANISMS	
7	BEST PRACTICE: Outline procedures for monitoring compliance with drought restrictions and enforcing mandatory measures.
COMMENTARY: Implemented. The content is present.	
Code Section Reference: 11.1211	
<i>Adopted language –</i> a) No person shall knowingly or intentionally allow the use of water from the city for residential, commercial, industrial, agricultural, governmental, or any other purpose in a manner contrary to any provision of this plan,	

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or in an amount in excess of that permitted by the drought response stage in effect at the time pursuant to action taken by mayor, or designee, in accordance with provisions of this plan.

(b) Any person who violates this plan shall be issued a warning for the first violation.

(c) Any person who violates this plan two or more times is guilty of a misdemeanor and, upon conviction shall be punished by a fine of not less than one hundred dollars (\$100.00) and not more than five hundred dollars (\$500.00). Each day that one or more of the provisions in this plan is violated shall constitute a separate offense. If a person is convicted of three or more distinct violations of this plan, the mayor shall, upon due notice to the customer, be authorized to discontinue water service to the premises where such violations occur. Services discontinued under such circumstances shall be restored only upon payment of a reconnection charge, hereby established at \$40.00, and any other costs incurred by the city in discontinuing service. In addition, suitable assurance must be given to the mayor that the same action shall not be repeated while the plan is in effect. Compliance with this plan may also be sought through injunctive relief in the district court.

(d) Any person, including a person classified as a water customer of the city, in apparent control of the property where a violation occurs or originates shall be presumed to be the violator, and proof that the violation occurred on the person's property shall constitute a rebuttable presumption that the person in apparent control of the property committed the violation, but any such person shall have the right to show that he/she did not commit the violation. Parents shall be presumed to be responsible for violations of their minor children and proof that a violation, committed by a child, occurred on property within the parents' control shall constitute a rebuttable presumption that the parent committed the violation, but any such parent may be excused if he/she proves that he/she had previously directed the child not to use the water as it was used in violation of this plan and that the parent could not have reasonably known of the violation.

(e) Any employee of the city designated by the mayor or police officer may issue a citation to a person he/she reasonably believes to be in violation of this article. The citation shall be prepared in duplicate and shall contain the name and address of the alleged violator, if known, the offense charged, and shall direct him/her to appear in the municipal court on the date shown on the citation for which the date shall not be less than 3 days nor more than 5 days from the date the citation was issued. The alleged violator shall be served a copy of the citation. Service of the citation shall be complete upon delivery of the citation to the alleged violator, to an agent or employee of a violator, or to a person over 14 years of age who is a member of the violator's immediate family or is a resident of the violator's residence. The alleged violator shall appear in municipal court to enter a plea of guilty or not guilty for the violation of this plan. If the alleged violator fails to appear in municipal court, a warrant for his/her arrest may be issued. A summons to appear may be issued in lieu of an arrest warrant. These cases shall be expedited and given preferential setting in municipal court before all other cases.