

ORDINANCE NO. 13

AN ORDINANCE TO BE KNOWN AS THE "BUILDING CODE," PROVIDING FOR A BUILDING PERMIT TO BE OBTAINED FOR ANY CONSTRUCTION, ALTERATION, OR REPAIR OF BUILDINGS, PROVIDING FOR AN APPLICATION TO BE MADE FOR SUCH PERMIT, AND PROVIDING FOR A FEE; PROVIDING FOR THE SIZE OF DWELLINGS OR RESIDENCES TO CONTAIN NOT LESS THAN SEVEN HUNDRED SQUARE FEET, MEASURED BY OUTSIDE DIMENSIONS, EXCLUSIVE OF PORCHES; PROVIDING THAT IF A RESIDENCE OR BUSINESS ESTABLISHMENT IS NOT CONNECTED TO THE CITY SEWERAGE SYSTEM OR NOT EQUIPPED WITH A SEPTIC TANK, EACH MUST HAVE A PIT TOILET IN OPERATING CONDITION, SUCH PIT TOILET TO BE PROVIDED WITH A PIT AT LEAST THREE FEET BY THREE FEET ON EACH SIDE, AND AT LEAST FOUR FEET DEEP, WITH A CONCRETE SLAB ON TOP AT LEAST THREE INCHES IN THICKNESS, AND EQUIPPED WITH A VENT PIPE; PROVIDING FOR A PLAT TO ACCOMPANY EACH APPLICATION FOR A BUILDING PERMIT; REQUIRING A BUILDING PERMIT TO BE OBTAINED PRIOR TO MOVING A BUILDING INTO THE CITY OF ADDISON; PROVIDING THAT APPLICATIONS FOR A BUILDING PERMIT SHALL BE MADE TO THE CITY SECRETARY; PROVIDING A PENALTY NOT TO EXCEED ONE HUNDRED DOLLARS (\$100.00) FOR EACH OFFENSE; AND DECLARING AN EMERGENCY.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ADDISON, TEXAS:

SECTION 1. This ordinance shall be known as the Building Code of the City of Addison.

SECTION 2. The purpose of this ordinance is to provide certain minimum standards, provisions and requirements for the protection of the public health, safety, and welfare in the construction and use of buildings and structures hereafter erected, constructed, enlarged, altered, repaired, or moved within the City of Addison.

SECTION 3. No person shall erect or construct any building or structure, nor add to, move, enlarge, improve, alter, convert, extend, or demolish any building or structure, or cause the same to be done, without first obtaining a building permit therefor from the

City Secretary.

Any person desiring a building permit as required by this Code shall file with the City Secretary an application therefor in writing on a blank form to be furnished for that purpose.

Every such application for a permit shall describe the land upon which the proposed building or work is to be done, either by lot, block, and/or tract, or similar general description that will readily and definitely locate the proposed building or work.

Every such application shall have attached to it a plat or plan showing the location of the building or buildings on the lot or tract of land, and also showing the floor plans, together with dimensions, of the building to be constructed; provided, however, that the City Secretary may authorize the issuance of a permit without plans or specifications for small or unimportant repair and alteration work.

SECTION 4. The application and plans filed by an applicant for a permit shall be checked by the City Secretary, and if found to be in conformity with the requirements of this Code and all other laws and ordinances applicable thereto, the City Secretary shall issue a permit therefor.

SECTION 5. Any person desiring a building permit shall, in addition to filing an application therefor, as provided for in Section 3 of this Code, pay to the City Secretary, before such permit is issued, a fee as required by this section.

Each applicant for a permit shall make a sworn statement in writing on a form provided for that purpose, setting forth the approximate total cost of the proposed buildings or improvements, including any and all plumbing and electrical work. The fee for such permit shall be based on the total costs of said work in the following manner:

- For the first \$1,000.00 cost, or part thereof,
- a minimum fee of \$2.50; and
- For each additional \$1,000.00 cost, or part

thereof, an additional \$1.00.

SECTION 6. No person, firm or corporation shall use or maintain any residence or business establishment in the City of Addison without having said residence or business establishment equipped with either a septic tank in good working order, or be connected with the city sewerage system, or without having said premises equipped with a pit toilet, said pit to be at least three feet by three feet on each side, and at least four feet deep, and shall be equipped with a concrete slab on top at least three inches thick, and with a vent pipe.

SECTION 7. It shall be unlawful and an offense to construct or move into the City of Addison a building to be used for a dwelling when said building to be used for dwelling purposes shall contain less than seven hundred square feet, measured by outside dimensions, exclusive of all porches; and all applications for a building permit shall be accompanied by a plat showing the floor plan of such proposed dwelling to show that such dwelling contains not less than the required seven hundred square feet.

SECTION 8. From and after the effective date of this ordinance, it shall be unlawful to construct, cause to be constructed, or move into the City of Addison a residential building without having said residential building to face upon a legally dedicated street. It shall also be unlawful to construct, cause to be constructed, or move into the City of Addison any business building without having said business building to face on a dedicated street. That the City Secretary is authorized and directed to refuse to issue a building permit for the construction, reconstruction, alteration, or moving into of the City of Addison any building which will not face on a dedicated street.

SECTION 9. No person shall erect or construct any building or structure to be used for business or residential purposes without first filing with the City Secretary a plat or sketch showing the location of said building or buildings on the lot, and

showing that said building faces on a dedicated street.

SECTION 10. It shall be unlawful and an offense to construct more than one dwelling house, together with necessary accessory buildings, upon any one platted lot in the City of Addison. The City Secretary is hereby authorized and directed to refuse to issue building permits for the construction of dwellings where there shall be more than one dwelling house located on any one platted lot.

SECTION 11. It shall be unlawful and an offense to construct, cause to be constructed, or move onto any unplatted tract of land in the City of Addison more than one residential dwelling. It shall also be unlawful and an offense for the owner of property to permit the same to be used in violation of any of the provisions of the Building Code of the City of Addison.

SECTION 12. Any person violating any of the provisions of this Code shall be deemed guilty of a misdemeanor, and each such person shall be deemed guilty of a separate offense for each and every day or portion thereof during which any violation of any of the provisions of this Code is committed, continued, or permitted, and upon conviction of any such violation, such person shall be punishable by a fine of not more than \$100.00.

SECTION 13. If any section, paragraph, subdivision, clause, phrase, or provision of this ordinance shall be adjudged invalid, or held unconstitutional, the same shall not affect the validity of this ordinance as a whole, or any part or provision thereof, other than the part so decided to be invalid or unconstitutional.

SECTION 14. The fact that there presently exists no Building Code regulating the construction of buildings or the construction of sewerage facilities in the City of Addison, creates an urgency and an emergency in the preservation of the public health, safety and welfare, and requires that this ordinance shall take effect from and after its passage and publication, as the

law in such cases provides.

PASSED on the 12 day of February,
1957.

APPROVED:

M W Morris
MAYOR

CORRECTLY ENROLLED:

Carroll Cooper
CITY SECRETARY

Approved as to form:
H. Louis Nichols
attorney

AN ORDINANCE GRANTING TO LONE STAR GAS COMPANY, A CORPORATION, ITS SUCCESSORS AND ASSIGNS, A FRANCHISE TO FURNISH AND SUPPLY GAS TO THE GENERAL PUBLIC IN THE CITY OF ADDISON, DALLAS COUNTY, TEXAS, AND THE ENVIRONS THEREOF; PROVIDING FOR THE PAYMENT OF A FEE OR CHARGE FOR THE USE OF THE STREETS, ALLEYS AND PUBLIC WAYS, AND PROVIDING THAT IT SHALL BE IN LIEU OF OTHER FEES AND CHARGES, EXCEPTING AD VALOREM TAXES.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ADDISON, TEXAS:

SECTION 1. That the City of Addison, Texas, hereinafter called "City," hereby grants to Lone Star Gas Company, hereinafter called "Company," its successors and assigns, consent to use and occupy the present and future streets, alleys, highways, public places, public thoroughfares and grounds of City for the purpose of laying, maintaining, constructing, operating and replacing therein and thereon pipelines and all other appurtenant equipment needed and necessary to deliver and sell gas to persons, firms and corporations, including all the general public, within the City's corporate limits and the environs thereof, said consent being granted for a term of twenty-five (25) years from and after the date of the final passage and approval of this ordinance.

SECTION 2. Company shall lay, maintain, construct, operate and replace its pipes, mains, laterals and other equipment so as to interfere as little as possible with traffic and shall promptly clean up and restore to an approximate original condition, at its cost, all thoroughfares and other surfaces which it may disturb. The location of all mains, pipes, laterals and other appurtenant equipment shall be fixed under the supervision of the City Council or an authorized committee or agent appointed by said Council.

SECTION 3. When Company shall make or cause to be made excavations or shall place obstructions in any street, alley or other public place, the public shall be protected by barriers and lights placed, erected and maintained by Company; and in the event of injury to any person or damage to any property by reason of the construction, operation or maintenance of the gas distributing plant or system of Company, Company shall indemnify and keep harmless City from any and all liability in connection therewith. Company shall repair, clean up and restore to an approximate original condition, all streets and alleys disturbed during the construction and repair of its gas distributing system.

SECTION 4. In addition to the rates charged for gas supplied, Company may make and enforce reasonable charges, rules and regulations for service rendered in the conduct of its business, including a charge for services rendered in the inauguration of natural gas service, and may require, before furnishing service, the execution of a contract therefor and

may require each consumer, within the corporate limits of the City, to pay Company for the installation of all service pipes from the main in the street or alley to and throughout the consumer's premises; and Company shall have the right to contract with each consumer with reference to the installation of service pipes and the control of service pipes from the connection thereof with Company's main in the streets or alleys to and including the meter located on the consumer's premises. Service lines are defined as supply lines from Company's mains in the streets and alleys to and ending at consumer's curb line when the mains are located in the streets and consumer's property line when the mains are located in the alleys.

SECTION 5. Company shall not be required to extend mains on any street more than fifty (50) feet for any one consumer of gas. Nor shall Company be required to connect to intermediate or high-pressure lines.

SECTION 6. Company shall be entitled to require from each and every consumer of gas, before gas service is commenced, a deposit of twice the amount of an estimated average monthly bill, which said deposit may be retained by Company until service is discontinued and all bills therefor have been paid. Company shall then return said deposit to the consumer, together with six per cent (6%) interest thereon from the date of said deposit up to the date of discontinuance of service. Company shall be entitled to apply said deposit, with accrued interest, to any indebtedness owed Company by the consumer making the deposit.

SECTION 7. The rights, privileges and franchises granted by this ordinance are not to be considered exclusive, and City hereby expressly reserves the right to grant, at any time, like privileges, rights and franchises as it may see fit to any other person or corporation for the purpose of furnishing gas for light, heat and power to and for City and the inhabitants thereof.

SECTION 8. Company shall furnish reasonably adequate service to the public at reasonable rates and charges therefor; and Company shall maintain its property, equipment and appliances in good order and condition.

SECTION 9. Company, its successors and assigns, agrees to pay and City agrees to accept, on or before the 1st day of April, 1952, and on or before the same day of each succeeding year during the life of this franchise, up to and including the year 1982, a sum of money which shall be equivalent to two per cent (2%) of the gross receipts received by Company from the sale of gas to its domestic and commercial consumers within the city limits of said City (expressly excluding, however, receipts derived from sales to industrial and governmental users and consumers in said City) for the preceding calendar year, which annual payment shall be for the rights and privileges herein granted to Company, including expressly, without limitation, the right to use the streets, alleys and public ways of said City. And it is also expressly agreed that the

aforesaid annual payment shall be in lieu of any and all other and additional occupation taxes, easement and franchise taxes, or charges (whether levied as an ad valorem, special or other character of tax or charge), in lieu of municipal license and inspection fees, street taxes and street or alley rentals or charges, and all other and additional municipal taxes, charges, levies, fees and rentals of whatsoever kind and character which City may impose or hereafter be authorized to levy and collect, excepting only the usual general or special ad valorem taxes, which City is authorized to levy and impose upon real and personal property. Should City not have the legal power to agree that the payment of the foregoing sums of money shall be in lieu of taxes, licenses, fees, street or alley rentals or charges, easement or franchise taxes or charges aforesaid, then City agrees that it will apply so much of said sums of money paid as may be necessary to satisfy Company's obligations, if any, to pay any such taxes, licenses, charges, fees, rentals, easement or franchise taxes or charges.

In order to determine the gross receipts received by Company from the sale of gas (expressly excluding the sales of gas to industrial and governmental consumers) within the corporate limits of City, Company agrees that on the same date that payments are made as provided in the preceding paragraph of this Section 9, it will file with the City Clerk a sworn report showing the gross receipts received from the sale of gas to its domestic and commercial consumers within said city limits for the calendar year preceding the date of payment. City may, if it sees fit, have the books and records of Company examined by a representative of said City to ascertain the correctness of the sworn reports agreed to be filed herein.

Receipts from sales to governmental users or consumers shall include all those receipts derived from the sale of gas to federal, state, county or city governments or branches and subdivisions thereof, school districts or other similar districts, it being the intention to include within the term "governmental users and consumers" all tax-supported institutions owned or operated directly or indirectly by said governments and branches or subdivisions thereof, such as schools, colleges, hospitals, eleemosynary institutions, army or training camps, airports, courthouse, city hall and other institutions of like or similar kind and character.

"Industrial users or consumers," as herein used, are those generally and commonly classified as such by Company.

The payment herein provided shall be for the period January 1 to December 31 of the respective year that the payment is made.

SECTION 10. Effective with the date of passage of this ordinance there is hereby fixed and determined a Reconnect Charge to be applied as follows:

A charge of Two Dollars (\$2.00), or the cost of actual materials and labor furnished, whichever is greater, is to be made in instances where service is being reinaugurated for the same customer in the same distribution plant within a period of twelve (12) months

following the date service was last discontinued, and it shall also apply in cases where gas service has been discontinued for nonpayment. This Reconnect Charge shall apply in those cases where the customer discontinues service at one location and resumes service at another within the same town, and will also include seasonal customers who discontinue and resume service at the same location within a period of twelve (12) months. This charge however shall not be made to a new customer or one whose services have been discontinued and resumed after a period of more than one year. The Reconnect Charge will apply on right of way accounts so long as the customer's moves are confined to within a billing district.

This charge is not to be made to churches, public schools and governmental buildings supported by city, county, state or federal funds.

SECTION 11. Company shall file its written acceptance of this franchise ordinance within sixty (60) days after its final passage and approval by said City.

PASSED AND APPROVED on this the 25 day of February, A.D. 1957.

ATTEST:

Carroll Cooger
City Secretary

M W Morris
Mayor
City of Addison, Texas

STATE OF TEXAS

COUNTY OF DALLAS

I, Carroll Cooger, Secretary of the City of Addison, Dallas County, Texas, do hereby certify that the above and foregoing is a true and correct copy of an ordinance passed by the City Council of the City of Addison at a called session held on the 25 day of February, 1957, as it appears of record in the Minutes of said Council, in Book 17 page .

WITNESS MY HAND AND SEAL OF SAID CITY, this the 25 day of February, A.D. 1957.

Carroll Cooger
Secretary
City of Addison, Texas