



BOARD OF APPEALS

THURSDAY, AUGUST 11, 2022

ADDISON TREEHOUSE
14681 MIDWAY ROAD, SUITE 200, ADDISON, TX 75001

6:00 PM REGULAR MEETING

The Board of Appeals will conduct a regular meeting at the Addison TreeHouse, 14681 Midway Road, Suite 200, Addison, Texas, 75001 on Thursday, August 11, 2022. Seating for the public will be available using CDC recommended social distancing measures. Telephonic or videoconferencing capabilities will be utilized to allow individuals to address the Board. For more information on the meeting location and ways to view and/or present comments, please contact Lesley Nyp prior to 3:00 pm on the day of the meeting at 972-450-2823 or by emailing lnyp@addisontx.gov. Members of the public are entitled to participate remotely via Dial-in Number: 346.248.7799; Meeting ID: 319 628 1637; Participant ID: #. For more detailed instructions on how to participate in this meeting, visit our Agenda Page. The meeting will be live streamed on Addison's website at www.addisontexas.net.

Call Meeting to Order

Pledge of Allegiance

1. Consider Action on the **Minutes from the December 15, 2021 Board of Appeals Meeting.**
2. Hold a Public Hearing, Present, Discuss, and Consider Action on an **Appeal of the Building Official's decisions related to the enforcement of the Code of Ordinances of the Town of Addison for sideyard conditions and associated fence and retaining wall improvements at 4111 Leadville Place, generally located at the common boundary with 4108 and 4110 Pokolodi Circle.** BOA22-01/4111 Leadville Place.

Adjourn Meeting

NOTE: The Board of Appeals reserves the right to meet in Executive Session closed to the public at any time in the course of this meeting to discuss matters listed on the agenda, as authorized by the Texas Open Meetings Act, Texas Government Code, Chapter 551, including §551.071 (private consultation with the attorney for the City). Any decision held on such matters will be taken or conducted in Open Session following the conclusion of the Executive Session.

THE TOWN OF ADDISON IS ACCESSIBLE TO PERSONS WITH DISABILITIES. PLEASE CALL (972) 450-7017 AT LEAST 48 HOURS IN ADVANCE IF YOU NEED ASSISTANCE.

POSTED BY: _____

Lesley Nyp, Planning and Development Manager

DATE POSTED: _____

TIME POSTED: _____

DATE REMOVED FROM BULLETIN BOARD: _____

REMOVED BY: _____

Board of Appeals

Meeting Date: 08/11/2022

Agenda Caption:

Consider Action on the **Minutes from the December 15, 2021 Board of Appeals Meeting.**

Staff Report:

The minutes from the December 15, 2021 Board of Appeals meeting have been prepared for consideration.

Attachments

Minutes of the December 15, 2021 Board of Appeals Meeting

DRAFT

OFFICIAL ACTIONS OF THE ADDISON BOARD OF APPEALS

December 15, 2021
6:00 P.M. - Addison Treehouse
14681 Midway Road, Suite 200

Present: Chair Jimmy Niemann, Lary Brown, Ed Copeland, Jeanne Dunlap, Gary Krupkin, and Alternate Darren Gardner.

Absent: J.T. McPherson

Call Meeting to Order

Pledge of Allegiance

1. Consider Action on the Minutes from the August 11, 2021 Board of Appeals Meeting.

Motion: Approval of the minutes as presented.

Moved by Board Member Copeland, Seconded by Board Member Brown.

AYE: Chair Jimmy Niemann, Lary Brown, Ed Copeland, Jeanne Dunlap, Gary Krupkin

Passed.

2. Hold a Public Hearing, Present, Discuss, and Consider Action on an Appeal of the Building Official's Decision for the Consideration of an Exception to Sec. 78-179 (Parking on Unimproved Surfaces), Article IV (Stopping, Standing and Parking), Chapter 78 (Traffic and Vehicles), of the Code of Ordinances of the Town of Addison, for the

Use of Loose Gravel Material as an Improved Parking Surface for a Residential Driveway within the Front Yard for a Property located at 4011 Azure Lane. BOA21-002/4011 Azure Lane.

Discussion:

Ken Schmidt, Director of Development Services, presented the staff report.

Public Hearing:

The applicant Jordan McMakin, owner of 4011 Azure Lane, presented her appeal to the Board. Ms. McMakin noted that the round rock gravel driveway that was installed on her property was a more appealing design treatment. She also noted that the additional driveway was required to support the parking needs of her family and that the Town's restrictions on overnight parking necessitated this improvement.

Ms. McMakin also shared that in her communications with Town staff, she thought her proposed design was permitted by Town Code.

Economic Development Manager, Wilson Kerr, who worked with Ms. McMakin prior the construction of the round rock gravel driveway clarified that it was not his intent to communicate to her that the surface was permitted by Town Code. He indicated that there appeared to be a miscommunication between he and Ms. McMakin.

Chair Niemann closed the public hearing.

Motion: Approve the Appeal.

Moved by Board Member Dunlap, Seconded by Board Member Krupkin.

AYE: Lary Brown, Ed Copeland, Jeanne Dunlap, Gary Krupkin

NAY: Chair Jimmy Niemann

Passed.

Board of Appeals

Meeting Date: 08/11/2022

Agenda Caption:

Hold a Public Hearing, Present, Discuss, and Consider Action on an **Appeal of the Building Official's decisions related to the enforcement of the Code of Ordinances of the Town of Addison for sideyard conditions and associated fence and retaining wall improvements at 4111 Leadville Place, generally located at the common boundary with 4108 and 4110 Pokolodi Circle.**

BOA22-01/4111 Leadville Place.

Staff Report:

Attachments

Staff Report - 4111 Leadville Place Appeal

Applicant Appeal Narrative - 4111 Leadville Place

Applicant Exhibit A - Emails Establishing Appellants' Code Nuisance Complaint

Applicant Exhibit B - Midway Meadows, Block F, Lots 26, 27, & 37

Applicant Exhibit C - Millett Engineering Inspection Report

Applicant Exhibit D - Excerpts from the Town of Addison Code of Ordinances

Applicant Exhibit E - Code Enforcement Officer's Inconsistent Terminology

Applicant Exhibit F - Ordinance 020-15 Adopting 2018 International Residential Code with Amendments

Applicant Exhibit G - Ordinance 020-26 Adopting International Property Maintenance Code with Amendments

Town Exhibit - Site Photos – 4111 Leadville Place

Town Exhibit - Site Photos – 4108 Pokolodi Circle

Town Exhibit - Site Photos – 4110 Pokolodi Circle

Town Exhibit - Midway Meadows Plat

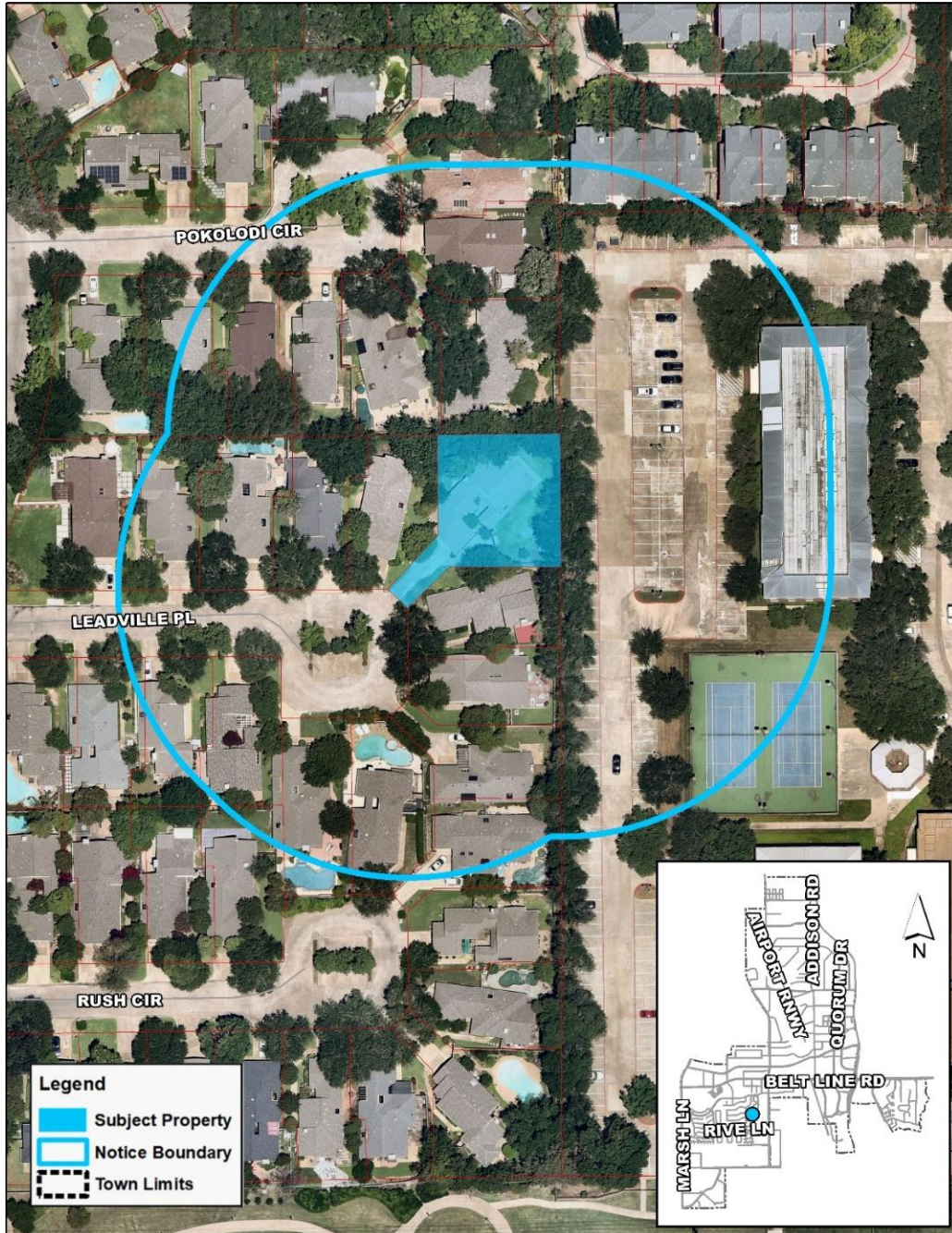
Town Exhibit - 4108 Pokolodi Circle Notice of Violation

Town Exhibit - 2008 Fence Permit Survey - 4111 Leadville Place

Town Exhibit - 2020 Fence Permit Survey - 4111 Leadville Place

BOA22-01

PUBLIC HEARING BOA22-01/4111 Leadville Place. Hold a Public Hearing, Present, Discuss, and Consider Action on an Appeal of the Building Official's decisions related to the enforcement of the Code of Ordinances of the Town of Addison for sideyard conditions and associated fence and retaining wall improvements at 4111 Leadville Place, generally located at the common boundary with 4108 and 4110 Pokolodi Circle.



LOCATION MAP



August 11, 2022

STAFF REPORT

CASE NO: BOA22-01/4111 Leadville Place

LOCATION: 4111 Leadville Place

REQUEST: To appeal the Building Official's decisions related to the enforcement of the Code of Ordinances of the Town of Addison for sideyard conditions and associated fence and retaining wall improvements at 4111 Leadville Place, generally located at the common boundary with 4108 and 4110 Pokolodi Circle.

APPLICANT: Lee and Rose Ann Hopwood, Property Owners

Background: 4111 Leadville Place is a single-family home situated on a 0.23-acre lot within the Midway Meadows subdivision and is part of the Addison Timbers Homeowner's Association. The property owners, Lee and Rose Ann Hopwood, purchased the property in 2017. According to the applicant, discussions with adjacent property owners regarding the retaining wall and fence have been ongoing since early 2021.

In March 2022, Rose Ann Hopwood contacted Town Staff to raise concerns regarding the integrity and location of the existing 36 inch retaining wall and fence that is generally located along her rear property line. The retaining wall and fence line is generally situated along the rear property lines of three residences: 4111 Leadville Place, 4108 Pokolodi Circle, and 4110 Pokolodi Circle. All properties are located within the Midway Meadows subdivision, which was constructed in 1980. It is Staff's understanding that the retaining wall was constructed at approximately the same time, however, due to the height of the wall, a permit was not required. It is believed that the retaining wall was originally constructed with railroad ties and, according to the applicant, a treated timber veneer was installed in front of the railroad ties in 2011 by the owner of 4110 Pokolodi Circle. The veneer obstructs the visibility of the railroad ties.

The applicant provided the Town with an inspection report, completed by Millett Engineering Group, Inc. This inspection report was completed September 14, 2021. Within the inspection report, an assessment is made concerning the integrity of the wall.

Staff conducted several site visits to the rear yard of the subject property to inspect the retaining wall. The inspection led to the issuance of a notice of violation for the repair of a portion of the retaining wall. The segment of the wall in violation is an approximate 10-foot portion of the retaining wall that was visibly damaged. This portion of the retaining wall is situated generally along the rear property lines of 4111 Leadville Place and 4108 Pokolodi Circle. The Town sent a violation notice to the property owner at 4108 Pokolodi Circle, John Hale, on April 14, 2022. Mr. Hale agreed to cover the expense to repair the existing deterioration with like material.

With the understanding that Mr. and Mrs. Hopwood would be submitting an appeal, Town staff has deferred further enforcement of the deteriorating segment of the retaining wall until the appeal has been finalized. The Town did not issue any other violation or enforcement efforts for the replacement, repair, or relocation of the remainder of the retaining wall that did not have any visible deterioration.

The applicant formally submitted their appeal request on May 11, 2022.

Applicant Appeal: The applicant has submitted an appeal narrative and seven supporting exhibits (Exhibits A – G) that details the nature of their appeal. Broadly, the applicant is appealing the Town’s interpretation and application of Town Code in relation to the sideyard conditions and associated fence and retaining wall improvements at the common property boundary shared by the three properties. In summary, the appealed conditions listed by the applicant include:

1. Applicant asserts that the retaining wall has failed based on its visual appearance and the results of the inspection report performed by Millett Engineering. As a result, the entire retaining wall is non-compliant with Town ordinances and both adjacent property owners should be cited.
2. Applicant asserts that the retaining wall encroaches onto 4011 Leadville Place by two feet, partially obstructing a 5 foot drainage easement situated on the lot, at the common property boundary with 4108 and 4110 Pokolodi Circle.
3. Applicant asserts that the Town’s determinations in this matter are not supported by competent substantial evidence. Specifically, the applicant asserts that the Town has not provided evidence supporting:
 - a. The employment of common tools and techniques for determining a structure’s integrity;
 - b. Inspection of the top of the retaining wall from the adjacent properties;
 - c. The Town Engineer or Building Official visiting the site or reviewing the Millett Engineering inspection report;
 - d. The Code Enforcement Officer’s decision to require visual evidence of railroad timber decay as the basis for determining retaining wall failure;
 - e. The Code Enforcement Officer’s determination that the Town is not requiring a permit for repair of the wall that 4108 Pokolodi Place is responsible for; and
 - f. The acquisition of permits by 4110 Pokolodi Place for previous fence and retaining wall projects.
4. Applicant asserts that the Town has applied a burden of proof to the applicant that has not been applied to the adjacent property owners.
5. Applicant asserts, based on the results of the Millett Engineering inspection report, that the retaining wall meets the definition of a dangerous structure, as defined by the Town’s Code of Ordinances.

6. Applicant asserts that in issuance of a notice of violation to 4108 Pokolodi Circle, the Town failed to address the unlawful encroachment into the drainage easement on 4111 Leadville Place.

Appeals Process: Chapter 18 (Buildings and Building Regulations) and Chapter 34 (Environment) establishes the Board of Appeals (which is comprised of the membership of the Board of Zoning Adjustments) and grants it the authority to hear and decide appeals of orders, decisions, or determinations made by the building and/or code official to the application and interpretation of the codes.

In this case, Town staff evaluated the physical condition of the portion of the retaining wall between 4111 Leadville Place and 4110 Pokolodi Circle. Based on the observable physical evidence, Town staff made the determination that this portion of the retaining wall is structurally sound and is not in violation of Town Code.

The Board of Appeals is granted the authority to review this administrative determination and make one of the following decisions:

1. Uphold Staff's determination; or
2. Reverse Staff's determination based on a majority vote of the Board.

Recommendation: Staff recommends **denial** of the appeal.

Town Staff has issued a notice of violation where physical evidence demonstrates violation of Town Code. The inspection report presented by the applicant reflects an engineer's opinion on the usable life of the retaining wall, with limited objective evidence supporting that opinion.

It is not the role of the Town's Development Services Department to mediate civil disputes. Each of these property owners benefit from this retaining wall and they should pursue civil remedies to determine each owner's responsibility for any required or desired repairs. Based on available evidence, it is unclear if this wall was ever situated anywhere but its current location on 4111 Leadville Place.

I. Legal Standing to Appeal

B. Lee and Rose Ann Hopwood (“appellants”), owners of 4111 Leadville Place, Addison, Texas (Midway Meadows, Block F, Lot 37), appeal the April 2022 orders, decisions and determinations made by Town of Addison (“Town”) Code Enforcement Officer Omar Aranda (“Officer”) in the matter of Appellants’ March 2022 Code Nuisance Complaint “Substandard Retaining Wall Across the Drainage Easement” (Exhibit A). Appellants appeal on the basis that the Officer has incorrectly interpreted and/or incorrectly applied the Town’s Code of Ordinances.

Appellants have legal standing to appeal the Officer’s determinations due to Appellants’ status as an aggrieved third-party, living adjacent to the subject properties (Exhibit B) – 4108 Pokolodi (Lot 27) and 4110 Pokolodi (Lot 26). Appellants also suffer special damages resulting from the failure of the retaining wall, which spans the 93-foot, north boundary line of appellants’ lot. The failure of the retaining wall in violation of Town ordinances has caused the appellants special damages by reason of the following: 1) the retaining wall’s face rests on appellants’ lot; 2) the retaining wall’s face obstructs 40 percent of the 5’x 93’ drainage easement that burdens the north boundary of appellants’ lot; 3) the retaining wall’s failed state is clearly visible from appellants’ lot and from within appellant’s home; 4) the retaining wall threatens “complete collapse during a heavy rain event” (Exhibit C) producing flood risk to appellants’ home; and 5) the structure has a history of substandard (Exhibit C) and apparently unpermitted construction funded by the Pokolodi owners. Its continued existence in violation of Town ordinances is a legal nuisance which materially depreciates the value and usefulness of appellants' property.

II. Determinations are not supported by competent substantial evidence.

Based on observed statements and actions of the Officer during site visits to 4111 Leadville; emails between the Officer and appellants; and review of Town code-complaint records provided in response to appellants’ April 25, 2022, open-records request #W009386-042522, appellants dispute the factual basis of the Officer’s findings in the code complaint aforementioned.

Appellants assert that the Officer’s findings lack a basis of competent substantial evidence in the following instances:

Code Nuisance Complaint “Substandard Retaining Wall Across the Drainage Easement”
Hopwood Appeal of Code Enforcement Decisions, Determinations and Orders
May 11, 2022

- A. The Town has provided no evidence of the Officer utilizing construction measurement tools and techniques that are common practice in determining a structure’s soundness and integrity. Examples include plumb line, level, three-sided square and core samples.
- B. The Town has provided no evidence of the Officer inspecting the top of the retaining wall from the vantage of the two properties supported by the retaining wall, 4108 Pokolodi Lane and 4110 Pokolodi Lane.
- C. The Town produced no evidence of the Officer employing competent professional consultation in assessing the structural integrity of the retaining wall. The Town produced no record of a Town Building Official or Town Engineer visiting the site or consulting the Officer on evidence such as the September 2021 determination of licensed professional engineer John Millett P.E., which stated, “the railroad tie retaining wall has exceeded its usable lifespan,” and “the veneer is not and cannot function as a retaining wall” (Exhibit C).
- D. The Town produced no evidence supporting the Officer’s decision to require visual evidence of decayed rail-road timbers as the basis for determining that the retaining wall has failed (Exhibit E, email 4/13/22).
- E. The Town produced no evidence supporting the Officer’s 4/13/22 determination that the Town “is not requiring a permit for this repair” of the wall that 4108 Pokolodi Circle is responsible for (Exhibit E, email 4/13/22). The Town Code of Ordinances states “Permits shall not be required for ... retaining walls that are not over 4 feet (1219 mm) in height measured from the bottom of the footing to the top of the wall, unless supporting a surcharge” (Exhibit F). Prior to review of a construction plan for the retaining wall repair, the Officer cannot determine the wall’s height (as defined by code) or the surcharges (such as a fence) that the owner of 4108 Pokolodi may place on the repaired retaining wall.
- F. The Town produced no evidence of the Officer investigating Town records to determine whether the owner of 4110 Pokolodi obtained permits for fence and/or retaining wall construction projects which the 4110 Pokolodi owner funded in approximately 2010. The Town also did not produce a record of permits for either project in response to appellants’ Open Records Requests #W008492-052121 on May 21, 2021.

III. Inconsistent Application of Code of Ordinances

Appellants assert, based on the competent substantial evidence provided by licensed professional engineer John Millet P.E. (Exhibit C), that the entire 93-foot retaining wall is one, failed structure that is thus entirely noncompliant with Town ordinances (Exhibits D, F, G). The Officer thus is inconsistent in his application of Town Code of Ordinances because both properties responsible (4108 Pokolodi and 4110 Pokolodi) are in a state of non-compliance, but only one property was cited.

IV. Inconsistent Application of Burden of Proof

Appellants assert that the Officer has inconsistently applied a burden of proof to appellants and applied no equivalent burden of proof to the owners of the subject properties, owners of 4108 Pokolodi and 4110 Pokolodi.

Appellants, at their own expense, provided the Officer with a licensed professional engineer’s assessment of the retaining wall (Exhibit C). Appellants provided the Officer with complete access to the face of the retaining wall (visible from appellants’ lot), as well as access to photos documenting decayed rail-road timbers that had become visible due to gaps in the retaining-wall veneer. The Officer on 4/13/22 stated that Appellants should provide additional photos of decayed rail-road ties “to prove the wall is failing” (Exhibit E), without providing specifics as to the quantity or location of photos the Officer requires.

The Town has provided no evidence that the Officer has asked the owners of 4108 Pokolodi and/or 4110 Pokolodi to provide evidence that the retaining-wall structures for which they are responsible are sound and/or can be “repaired with like materials already existing” (Exhibit E, email 4/13/22).

V. Determinations utilize inconsistent terminology.

The Officer communicated his determinations using inconsistent terminology regarding what aspects of the structure are noncompliant with Town ordinances and what actions the Officer orders to bring the structure into compliance (Exhibit E).

VI. Determinations are non-complaint with Town Code of Ordinances.

A. The Officer determined, “While minor leaning may be observed at portions of the retaining wall [that supports 4110 Pokolodi], observable physical evidence indicates that the structure is still performing as it was designed” (Exhibit E, email 4/22/22).

Appellants have provided competent substantial evidence that, “the railroad tie retaining wall has exceeded its usable lifespan”; “the veneer is not and cannot function as a retaining wall”; and “The veneer and 4x4 posts [of the retaining wall] are tilting to the South by approximately 8 inches at various places. As time passes, ... the railroad ties will deteriorate to the point that soils from the upper lot will push the veneer wall completely over. An event most likely to cause the wall to move and fail will be a heavy rainstorm. When the retaining wall collapses, it will also affect the fence and supporting fence posts” (Exhibit C).

Town Code of Ordinances states, in Section A 108.1.5 Dangerous structure or premises, “For the purpose of this code, any structure or premises that has any or all of the conditions or defects described as follows shall be considered to be dangerous: 3. Any portion of a building, structure or appurtenance that has been damaged by fire, earthquake, wind, flood, deterioration, neglect, abandonment, vandalism or by any other cause to such an extent that it is likely to partially or completely collapse, or to become detached or dislodged” (Exhibit G).

B. The Officer determined, “Mr. John Hale, 4108 Pokolodi Circle, has been contacted concerning repair of his portion of the retaining wall. He understands that workers will need to be on your property to make repairs” (Exhibit E, email 4/22/22). The Officer’s orders do not address the fact that the retaining wall in its current location (per a 2017 certified property survey) is obstructing 1.5-feet to 2-feet of the 5-foot drainage easement that burdens the north boundary of appellants’ lot.

Town Code of Ordinances states, in Chapter 34 Environment, Article IV Nuisances, Sec. 34-114, “... easements within the town shall remain as open channels ... at all times and shall be maintained by the individual owners of the lots that are traversed by or adjacent to the drainage and floodway easements. Each property owner shall keep the ... floodway easements adjacent to his property clean and free of ... any substance which would ... obstruct the flow of water. The

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provisions of this section shall apply only to the owner of the servient estate or the property burdened by the easement.” Town Code of Ordinances also states, in Article XIV Fences, Sec. 18-179, "It shall be unlawful to erect a fence which alters the natural or planned drainage on any residential lot."

Appellants’ original nuisance complaint was defined by Town Building Official Bill Elliot as “Substandard Retaining Wall *Across the Drainage Easement*” (Exhibit A). Although the Officer sought on-site consultation from the Town’s Public Utilities staff, and discussed personally with Appellants’ their concerns regarding the easement obstruction, the Officer’s determinations and orders lack any reference to the obstruction of drainage easement (Exhibit D).

VII. Conclusion

This concludes appellants’ application for appeal. The information provided here-in is not to be considered exhaustive nor final. Appellants appreciate the opportunity to prepare final appeal for presentation to the Board of Appeals at a date to-be-determined.

EXHIBIT A: Emails Establishing Appellants' Code Nuisance Complaint

from: Bill Elliott <belliott@addisontx.gov>
to: LR HOPWOOD [REDACTED]
cc: Ken Schmidt <kschmidt@addisontx.gov>, Sandra Long <slong@addisontx.gov>, Christina Raemhild <craemhild@addisontx.gov>, Omar Aranda <oaranda@addisontx.gov>, Davalyn Baker <dbaker@addisontx.gov>, Beatriz Faustino <bfaustino@addisontx.gov>, Timothy Thomas <timthomas@addisontx.gov>, Robert Younger <ryounger@addisontx.gov>, Michael Doherty <mdoherty@addisontx.gov>, Phillip Willis <pwillis@addisontx.gov>, Bill Elliott <belliott@addisontx.gov>
date: Mar 8, 2022, 4:41 PM
subject: RE: retaining wall Leadville/Pokolodi (Code Nuisance Complaint, Substandard Retaining Wall Across the Drain age Easement)

Good afternoon Rose Ann, now that you have officially requested the city's assistance with your nuisance complaint (e.g., substandard retaining wall located in the 5-foot drainage easement) located in your neighbors rear yard at 4110 Pokolodi Circle, I will officially request the assistance of our code enforcement division. I have added several representatives from the code enforcement group (and engineering) to this email so that you can communicate with them directly if you need too. One or more of our code enforcement officers will be assigned to work your citizen complaint, they will be contacting you. It can seem like a slow process at times but there are procedures in place that they must follow. Also note, as we discussed, it may be determined that this is more of a private matter and not an ordinance violation but that will be determined as the information becomes more available and evaluated. It is possible that a survey may be required to officially determine that the retaining wall (e.g., 3-foot rail-road-ties) is place within the 5-foot drainage easement, which would represent a separate violation form the substandard wall condition.

Thank you for sharing the engineering report, addressing the condition of the retaining wall, that will become part of the record. We also appreciate you reaching out to the city with your code concerns. If we can be of any further assistance, please do not hesitate to contact us. A good form of communication moving forward would be to communicate with the group currently established on this email chain.

Respectfully
Bill Elliott | Building Official
Town of Addison | 16801 Westgrove Drive
P.O. Box 9010 | Addison, Texas 75001
office: (972) 450-288

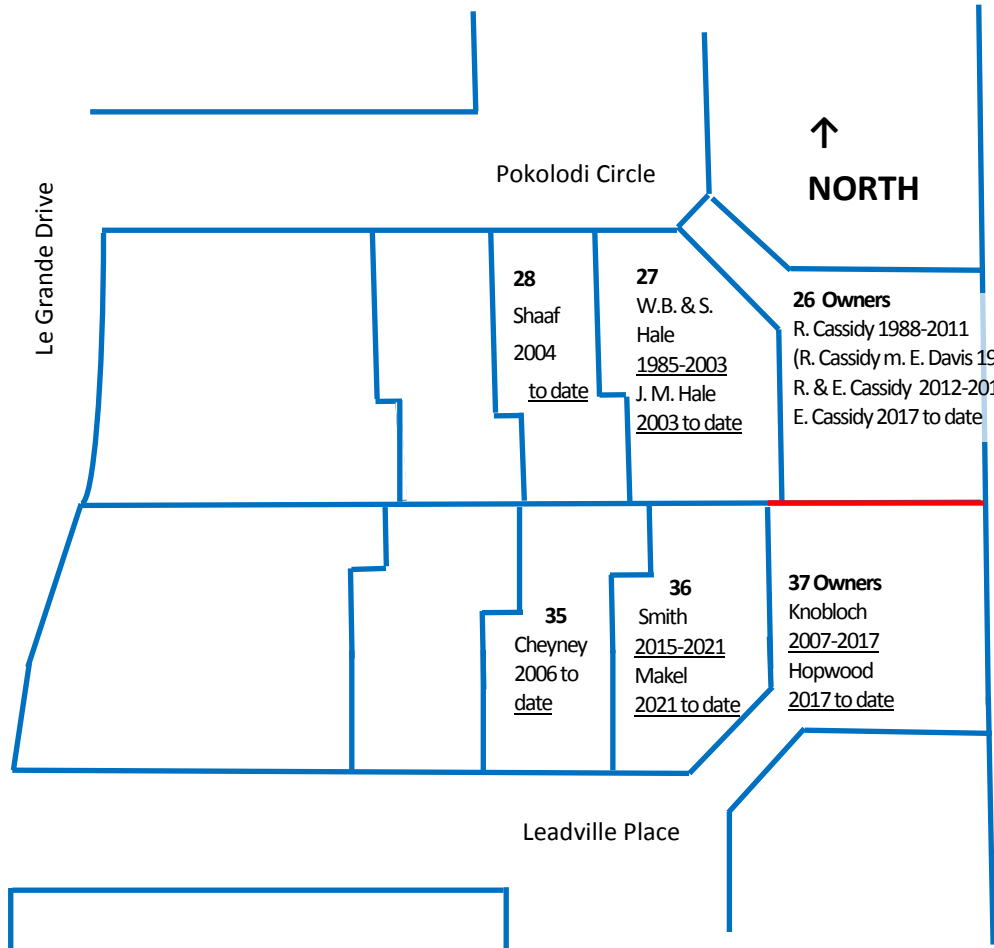
From: LR HOPWOOD [REDACTED]
To: Bill Elliott <belliott@addisontx.gov>
cc: Ken Schmidt <kschmidt@addisontx.gov>, Sandra Long <slong@addisontx.gov>, Christina Raemhild <craemhild@addisontx.gov>, Omar Aranda <oaranda@addisontx.gov>, Davalyn Baker <dbaker@addisontx.gov>, Beatriz Faustino <bfaustino@addisontx.gov>, Timothy Thomas <timthomas@addisontx.gov>, Robert Younger <ryounger@addisontx.gov>, Michael Doherty <mdoherty@addisontx.gov>, Phillip Willis <pwillis@addisontx.gov>
date: Mar 9, 2022, 9:33 AM
subject: Re: retaining wall Leadville/Pokolodi (Code Nuisance Complaint, Substandard Retaining Wall Across the Drain age Easement)

Thank you, Bill, and everyone else involved.

One clarification: About 83' feet of the failed retaining wall supports 4110 Pokolodi (Ellen Cassidy). The western-most 10' of the wall, which has also failed and is collapsing, supports 4108 Pokolodi (owner John Hale). We alerted Mr. Hale of the problem in early 2021, but other than an initial response he has not responded to any of our communications. We know that he is friends with Ellen Cassidy and has been notified of efforts to solve the problems.

Thanks again,

Lee and Rose Ann Hopwood



MIDWAY MEADOWS
Block F
Lot 26 is 4110 Pokolodi
Lot 27 is 4108 Pokolodi
Lot 37 is 4111 Leadville

Based on "Midway Meadows Addn Revi 6/26/1980" downloaded 8/1/2021

https://dallas.tx.publicsearch.us/results?_docType=PL&department=RP&limit=50&offset=0&recordedDateRange=18000101%2C20210728&searchOcrText=false&searchType=quickSearch&searchValue=Midway%20Meadows&sort=asc&sortBy=recordedDate

↗
Office in
the Park →
 ↘

Millett Engineering Group, Inc

September 14, 2021

Mr. Lee and Rose Ann Hopwood
4111 Leadville Place
Addison, TX, 75001

Cc:

John E. Roper
Law Office of John Roper, PLLC
jr@johnroperlaw.com

Project:

Inspection of Retaining Wall
4111 Leadville Place
Addison, TX, 75001

To Whom It May Concern:

On August 3rd, I inspected the retaining wall at the referenced address. Based on my observation, the retaining wall appears to be on the property line between 4111 Leadville Place and 4110 Pokolodi Circle, with a short section of the wall along 4108 Pokolodi Circle. The wall retains the earth on the higher lots which are the properties on Pokolodi Circle.

Per the Dallas County Appraisal District, the houses at 4111 Leadville Place and at 4110 Pokolodi Circle were constructed in 1980. Typically, the retaining wall would have been constructed slightly before the lots were constructed on as an aid to grading of the lots. Therefore, the retaining wall is approximately 41 years old.

The retaining wall extends past the property of 4111 Leadville Place to the West to about 4105 or 4103 Leadville Place where the transition between the higher lots on the North and lots on the South becomes a minor offset of the grades.

The original wall is constructed with railroad ties. The height of the wall, as measured from the lower ground surface to the top of the wall is approximately 36 inches tall on the east end of the lot and slightly less on the west side of the lot of 4111 Leadville Place.

The life expectancy of a railroad tie retaining wall is between 20 and 30 years. The railroad ties can be observed at the southeast corner of 4110 Pokolodi Circle. The railroad ties are deteriorated. It is my professional

opinion that the railroad tie retaining wall has exceeded its usable life span.

Sometime in the past (maybe 10 years ago), a treated timber veneer was installed in front of the railroad tie retaining wall to obscure the deteriorating railroad ties. The veneer appears in the backyard of several lots along the north side of Leadville. The veneer is not and cannot function as a retaining wall. The treated 2x6 lumber veneer is supported by treated 4x4 vertical posts space about 4 feet on center. I could not determine the depth the 4x4 post extends into the ground. Where the original railroad retaining wall has deteriorated, soil and other loads have pushed the veneer and 4x4 posts. The veneer and 4x4 post are tilting to the South by approximately 8 inches at various places.

As time passes, I expect that the railroad ties will deteriorate to the point that soils from the upper lots will push the veneer wall completely over. The total failure of the wall will be slow and with the wall being approximately 3 feet tall, should not be an endangerment to human life. An event most likely to cause the wall to move and fail will be a heavy rainstorm.

Another issue is the eight-foot high fence associated with the property of 4110 Pokolodi Circle. Based on my observation, the fence appears to be totally on the property of 4110 Pokolodi Circle. However, the supporting metal posts are set in concrete on the property of 4111 Leadville Place. When the retaining wall collapse, it will also affect the fence and supporting fence posts.

Please call if you have any questions or need further assistance.

Sincerely;
Millett Engineering Group, Inc



John Millett, PE
President

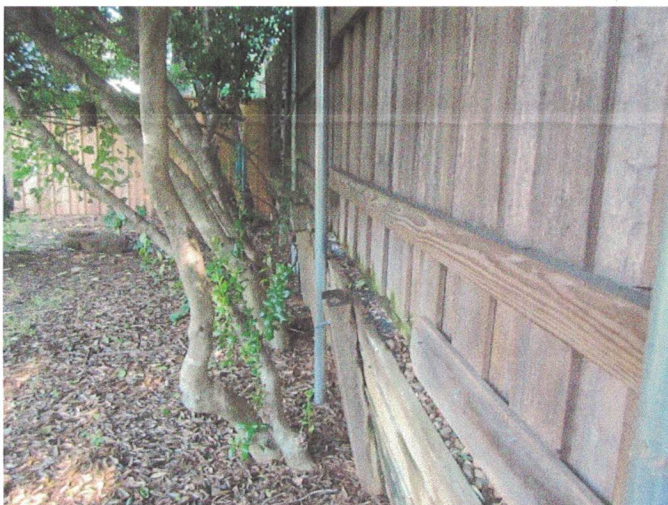




Retaining wall and veneer with about 8 inches of displacement at the top of the wall. Note the treated veneer is showing sign of deterioration.



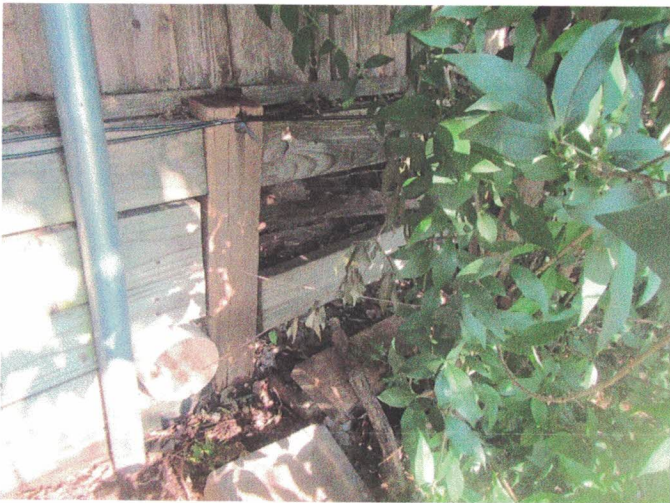
View about mid wall looking west. Veneer and wall top is displaced approximately 4 inches.



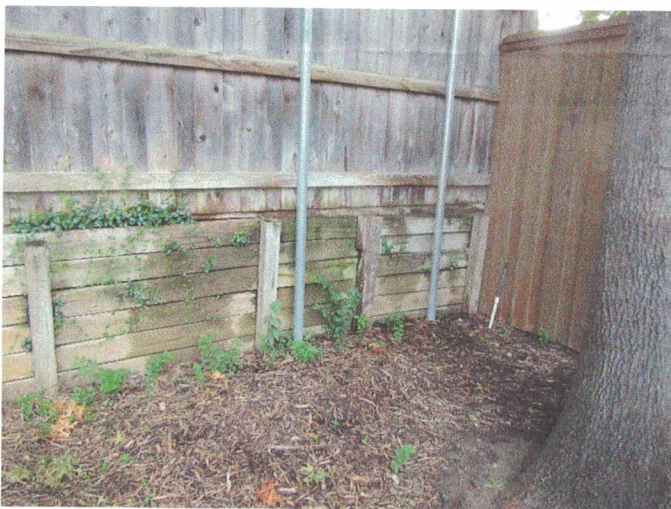
View to the west end of the wall. The veneer and top of the wall are displaced approximately 8 inches.



Southeast corner of 4110 Pokolodi Circle. Railroad ties are behind the veneer.



East property line of 4110 Pokolodi has a retaining wall that varies for about 3 foot high to 2 foot high. The wall is constructed out of railroad tie and with a veneer.



Veneer and retaining wall at the northeast corner of 4111 Leadville Place. The fence support posts are on the property of 4111 Leadville Place.

Exhibit D: Excerpts from Town of Addison Ordinances

A.

ARTICLE VII. - PROPERTY MAINTENANCE CODE

Sec. 34-220. - Adopted.

For the purpose of providing minimum standards to safeguard life or limb, health, property and public welfare by regulating and controlling the design, construction, maintenance and quality of all buildings, structures and properties within the City and certain equipment specifically regulated herein, the 2018 edition of the International Property Maintenance Code, as published by the International Code Council, a copy of which is on file in the office of the City Secretary, is hereby adopted and designated as the property maintenance code of the Town to the same extent as if such code were copied verbatim in this article. The title of this article shall be the "Property Maintenance Code of the Town of Addison," and it may be cited as such.

2018 International Property Maintenance Code (IMPC)

Chapter 3 General Requirements

Section 302 Exterior Property Areas

302.7 Accessory structures. Accessory structures, including detached garages, fences and walls, shall be maintained structurally sound and in good repair.

B.

Chapter 34 - ENVIRONMENT

ARTICLE IV. - NUISANCES

Sec. 34-114. - Nuisance located upon easements; duties of abutting property owners and occupants.

(a) For purposes of this section, the term "easement" shall mean a right, vested in the public generally or in the community as a whole, to use and enjoy the land of another person for a special purpose. Such term shall include, but not be limited to, all drainage and floodway dedications or easements located within the corporate limits of the town. In the event that a nuisance is found to exist upon any easement within the town, or in the event that any person whose property is burdened by any easement within the town limits, fails to comply with the foregoing provision of this article, the city manager or his duly appointed representative may give a ten-day official notice to such person which is creating such nuisance or is violating the terms of this article. If such person fails or refuses to comply with the provisions of section 35-115 and division 2 of this article within the ten days following notification, they shall be considered to be in violation and subject to a fine as provided in section 1-7 of this Code. The provisions of this section shall apply only to the owner of the servient estate or the property burdened by the easement and shall not apply to the grantee or holder of such easement. Property owners and occupants shall be jointly responsible for nuisances and abatement thereof under this article up to the curb or sidewalk, and between the curb and sidewalk, of the streets and to the pavement of alleys on abutting property they own or occupy. Existing drainage areas and creeks traversing drainage and floodway, easements within the town shall remain as open channels (unless required to be enclosed by other ordinances) at all times and shall be maintained by the individual owners of the lots that are traversed by or adjacent to the drainage and floodway easements. The town shall not be responsible for maintenance or operation of such creeks or drainage or for any damage or injury to private property or person that results from the flow of water along such creek or drainage, or for the control of erosion. Each property owner shall keep the natural drainage area channel and creek traversing the drainage and floodway easements adjacent to his property clean and free of debris, silt, growth, vegetation, weeds, rubbish, refuse, matter and any substance which would result in unsightly or unsanitary conditions or obstruct the flow of water. The town shall have the right, but not the obligation, to enter upon the easements at any point with all rights of ingress and egress for the purpose of inspection and supervision of maintenance work by the property owner to alleviate any undesirable conditions which may occur.

(Code 1982, §§ 10-24, 10-25)

C.

Chapter 18 - BUILDINGS AND BUILDING REGULATIONS

ARTICLE III. - EXISTING BUILDING CODE

Sec. 18-34. - Deletions, amendments and additions.

The International Existing Building Code as adopted in this article, is hereby modified by the deletions, amendments and additions provided herein to read as follows:

Section [A]105.2; the International Existing Building Code is amended by amending and renumbering permit exemptions to read as follows:

[A]105.2 Work exempt from permit. Exemptions from permit requirements of this code shall not be deemed to grant authorization for any work to be done in any manner in violation of the provisions of this code or any other laws or ordinances of this jurisdiction. **Permits shall not be required for the following:**

Building:

1. Retaining walls that are not over 4 feet (1219 mm) in height measured from the bottom of the footing to the top of the wall, **unless supporting a surcharge** or impounding Class I, II or IIIA liquids.

ARTICLE IV. - RESIDENTIAL CODE[5]

Sec. 18-46. - Deletions, amendments and additions.

The 2018 International Residential Code, as adopted in this article, is hereby modified by deletions, amendments and additions provided herein.

Section 105.2 Work exempt from permit; the International Residential Code is amended by deleting items 1, 2, 4, 5, 9, and 10 and renumbering permit exemptions to read as follows:

R105.2 Work exempt from permit. Exemption from permit requirements of this code shall not be deemed to grant authorization for any work to be done in any manner in violation of the provisions of this code or any other laws or ordinances of this jurisdiction. Permits shall not be required for the following:

Building:

1. **Retaining walls** that are not over 4 feet (1219 mm) in height measured from the bottom of the footing to the top of the wall, **unless supporting a surcharge** or impounding Class I, II or IIIA liquids. Retaining walls over 4 feet (1219 mm) in height shall be designed by a licensed design professional.

ARTICLE XIV. - FENCES

Sec. 18-169. - Building code board of appeals.

In order to determine the suitability of alternate materials and methods of construction, and to provide for reasonable interpretation of and exceptions to, the provisions of this article, there shall be and is hereby created a Board of Appeals. The said Board of Appeals, being denominated as the Board of Appeals, shall consist of the members of the Board of Adjustment appointed by the City Council of the Town of Addison. **Any person aggrieved by the application of this article may appeal its effect to the Board of Appeals.** The Board of Appeals shall be as established in the Town's most current adopted Building Code as prescribed in Article II of Chapter 18 of the Code of Ordinances.

Sec. 18-170. - Height.

It shall be unlawful for any person to build, erect, construct or maintain any fence within the Town limits of the Town at a height exceeding eight feet along any lot line, front, side or rear.

Sec. 18-179. - General fence provisions.

It shall be unlawful to erect a fence which alters the natural or planned drainage on any residential lot.

EXHIBIT E: Inconsistent Terminology		
Repair	or	Replace
Fence	or	Retaining wall

Wed, Apr 13, 9:45 AM

From Omar Aranda

TO: [REDACTED]

Good morning,

It is the Town's stance that the retaining wall that is failing will need to be repaired. At this time, the retaining wall that will need to be repaired will be the wall that 4108 Pokolodi Circle is responsible for. The Town is not requiring a permit for this repair. The repair will have to be made with like material that is already present. A notice will be sent to 4108 Pokolodi Circle to repair the retaining wall that is failing.

Thurs, Apr 14, 9:02 AM

From Omar Aranda

TO: [REDACTED]

Good morning,

The notice will have 4108 Pokolodi repair the fence structure to include the timber veneer. Once the fence is down and is being repaired you may want to take some photos of the retaining wall to prove the wall is failing. The fence behind 4110 Pokolodi still meets the Town's minimum standards.

Apr 22, 2022, 9:03 AM

from: Omar Aranda <oaranda@addisontx.gov>

to: LR HOPWOOD [REDACTED]

cc: Lee Hopwood [REDACTED], [REDACTED], Ellen Cassidy [REDACTED]

subject: RE: Pokolodi / Leadville retaining wall

Good morning Mr. & Mrs. Hopwood,

Thank you for meeting with us last week on the matter of the retaining wall. After discussion and consultation, the following actions have been taken.

Mr. John Hale, 4108 Pokolodi Circle, has been contacted concerning repair of his portion of the retaining wall. He is interested in working with you in repairing his portion. He understands that workers will need to be on your property to make repairs. If you would like to hire your own contractor for these repairs, he is willing to contribute up to \$1,100 towards these repairs. If not, he will hire a contractor to replace the damaged portion of the retaining wall at his own cost. I would encourage you to speak with him concerning this matter.

Mrs. Ellen Cassidy, 4110 Pokolodi Circle, has been contacted as well. While her portion of the fence is structurally sound, she is willing to contribute funds (up to \$8,500) towards the retaining wall. She is interested in putting this matter to rest. I would encourage you to speak with her.

After consultation with the Assistant City Attorney over Code Enforcement, it was determined that Mr. Hale's portion of the retaining wall is currently in need of repair. Based on the physical evidence presented, the remainder [4110 Pokolodi] of the retaining wall is structurally sound and performing as designed. While minor leaning may be observed at portions of the retaining wall, observable physical evidence indicates that the structure is still performing as it was designed.

I would encourage you to meet with your neighbors to come to a resolution. Once a consensus solution has been reached, please contact me.

Code enforcement has contributed as much as the ordinance allows. Further pursuit of this matter can be addressed in Civil Court.

Thanks,

OMAR ARANDA | Code Enforcement Officer
 Town of Addison | 16801 Westgrove Drive
 P.O. Box 9010 | Addison, Texas 75001

ORDINANCE NO. O20-15

AN ORDINANCE OF THE TOWN OF ADDISON, TEXAS, AMENDING CHAPTER 18 “BUILDINGS AND BUILDING REGULATIONS” TO ADD A NEW ARTICLE IV “RESIDENTIAL CODE” ADOPTING THE 2018 EDITION OF THE INTERNATIONAL RESIDENTIAL CODE WITH AMENDMENTS, SAVE AND EXCEPT FOR THE REQUIREMENT TO PROVIDE AN AUTOMATIC FIRE SPRINKLER SYSTEM IN ALL BUILDINGS OF ANY AREA, SIZE OR OCCUPANCY BUILT, ADDED TO OR MOVED INTO THE TOWN OF ADDISON AFTER DECEMBER 8, 1992 AND EXCLUDING THE NOTED EXCEPTIONS; PROVIDING A PENALTY OF NOT LESS THAN FIVE HUNDRED AND NO/100 DOLLARS (\$500.00) OR MORE THAN ONE THOUSAND AND NO/100 DOLLARS (\$1,000.00) FOR EACH OFFENSE AND A SEPARATE OFFENSE SHALL BE DEEMED COMMITTED EACH DAY DURING OR ON WHICH A VIOLATION OCCURS OR CONTINUES; PROVIDING FOR SAVINGS, SEVERABILITY AND AN EFFECTIVE DATE.

WHEREAS, the City Council of the Town of Addison, Texas has investigated and determined that it in the best interest of the health, safety and welfare of the citizens of the Town of Addison, Texas to adopt the 2018 Edition of the International Residential Code, save and except the deletions and amendments set forth below.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF ADDISON, TEXAS:

SECTION 1. The recitals set forth above are true and correct and are incorporated as if fully set forth herein.

SECTION 2. Addison Code of Ordinances, Chapter 18 “Buildings and Building Regulations” is hereby amended to add a new Article IV “Residential Code” which shall read in its entirety as follows:

Article IV. – RESIDENTIAL CODE

DIVISION I. Adopted

For the purpose of providing minimum standards to safeguard life or limb, health, property and public welfare by regulating and controlling the design, construction, quality of materials used, use and occupancy, location and maintenance of all buildings and structures within the city and certain equipment specifically regulated herein, the International Residential Code, 2018 Edition (for purposes of this Article, the 2018 International Residential Code", a copy of which, authenticated by the signature of the mayor and the city secretary, and made a public record by ordinance, is on file in the city secretary's office), is hereby adopted as the building code of the city as fully as if copied at length in this article, but with the changes therein and additions thereto provided in this article. Also, adopted are Appendices E, F, G, H, I, J and K of the 2018 International Residential Code.

Also, adopted are Appendices:

1. Appendix-E Manufactured Housing Used as Dwellings.
2. Appendix-F, Radon Control Methods.
3. Appendix-G, Piping Standards for Various Applications.
4. Appendix-H Patio Covers.
5. Appendix-I, Private Sewage Disposal.
6. Appendix-J, Existing Buildings and Structures.
7. Appendix-K, Sound Transmission.

Division II - Deletions, Amendments and Additions.

Sec. 18-46. – Deletions, amendments and additions.

The 2018 International Residential Code, as adopted in this article, is hereby modified by deletions, amendments and additions provided herein.

Section R101.1 Title; of the International Residential Code has been amended adding the Town's name to read as follows:

R101.1 Title. These provisions shall be known as the *Residential Code for One- and Two-family Dwellings* of the Town of Addison and shall be cited as such and will be referred to herein as "this code."

Section R102.4 Referenced Codes and Standards; of the International Residential Code has been amended by adding a second paragraph after the exception to read as follows:

R102.4 Referenced codes and standards. The codes and standards referenced in this code shall be considered part of the requirements of this code to the prescribed extent of each such reference and as further regulated in Sections R102.4.1 and R102.4.2.

Exception: Where enforcement of a code provision would violate the conditions of the *listing* of the *equipment* or *appliance*, the conditions of the *listing* and manufacturer's instructions shall apply. Whenever amendments have been adopted to the referenced *codes* and standards, each reference to said *code* and standard shall be considered to reference the amendments as well. Any reference made to NFPA 70 or the *Electrical Code* shall mean the *Electrical Code* as adopted.

Section 105.2 Work exempt from permit; the International Residential Code is amended by deleting items 1, 2, 4, 5, 9, and 10 and renumbering permit exemptions to read as follows:

R105.2 Work exempt from permit. Exemption from *permit* requirements of this code shall not be deemed to grant authorization for any work to be done in any manner in violation of the provisions of this code or any other laws or ordinances of this *jurisdiction*. *Permits* shall not be required for the following:

Building:

1. Retaining walls that are not over 4 feet (1219 mm) in height measured from the bottom of the footing to the top of the wall, unless supporting a surcharge or

impounding Class I, II or IIIA liquids. Retaining walls over 4 feet (1219 mm) in height shall be designed by a licensed design professional.

2. Painting, papering, tiling, carpeting, cabinets, counter tops and similar finishwork.
3. Prefabricated swimming pools that are less than 24 inches (610 mm) deep.
4. Swings and other playground equipment accessory to detached one- and two-family *dwellings*.

Electrical:

1. *Listed* cord-and-plug connected temporary decorative lighting.
2. Reinstallation of attachment plug receptacles but not the outlets therefor.
3. Replacement of branch circuit overcurrent devices of the required capacity in the same location.
4. Electrical wiring, devices, *appliances*, apparatus or *equipment* operating at less than 25 volts and not capable of supplying more than 50 watts of energy.
5. Minor repair work, including the replacement of lamps or the connection of *approved* portable electrical *equipment* to *approved* permanently installed receptacles.

Gas:

1. Portable heating, cooking or clothes drying *appliances*.
2. Replacement of any minor part that does not alter approval of *equipment* or make such *equipment* unsafe.
3. Portable-fuel-cell *appliances* that are not connected to a fixed piping system and are not interconnected to a power grid.

Mechanical:

1. Portable heating *appliances*.
2. Portable ventilation *appliances*.
3. Portable cooling units.
4. Steam, hot- or chilled-water piping within any heating or cooling *equipment* regulated by this code.
5. Replacement of any minor part that does not alter approval of *equipment* or make such equipment unsafe.
6. Portable evaporative coolers.
7. Self-contained refrigeration systems containing 10 pounds (4.54 kg) or less of refrigerant or that are actuated by motors of 1 horsepower (746 W) or less.
8. Portable-fuel-cell *appliances* that are not connected to a fixed piping system and are not interconnected to a power grid.

Plumbing:

1. The stopping of leaks in drains, water, soil, waste or vent pipe; provided, however, that if any concealed trap, drainpipe, water, soil, waste or vent pipe becomes defective and it becomes necessary to remove and replace the same with new material, such work shall be considered as new work and a *permit* shall be obtained and inspection made as provided in this code.
2. The clearing of stoppages or the repairing of leaks in pipes, valves or fixtures, and the removal and reinstallation of water closets, provided such repairs do not involve or require the replacement or rearrangement of valves, pipes or fixtures.

Section 105.5; Expiration, the International Residential Code has been amended to read as follows:

R105.5 Expiration. Every permit issued shall become invalid unless the work on the site authorized by such permit is commenced within 180 days after its issuance, or if the work authorized on the site by such permit is suspended, abandoned or if no required inspections, as required in this code, have been scheduled by the permit applicant and performed by the building official, as required in this code, for a period of 180 days after the time the work is commenced. The building official is authorized to grant, in writing, one or more extensions of time, for periods not more than 180 days each. The extension shall be requested in writing and justifiable cause demonstrated.

Section R108.2 Schedule of permit fees; the International Residential Code has been amended by adding a final sentence to read as follows:

R108.2 Schedule of permit fees. On buildings, structures, electrical, gas, mechanical, and plumbing systems or *alterations* requiring a *permit*, a fee for each *permit* shall be paid as required, in accordance with the schedule as established by the applicable governing authority. The fee for each permit as required in this code will be as established in Article I “General Provisions” of Chapter 18 of the Code of Ordinances.

Section R110.1 Use and occupancy; the International Residential Code has been amended by to read as follows:

R110.1 Use and occupancy. A building or structure shall not be used or occupied until the *building official* has granted approval to occupy, based on the completions of all required inspections, therefor as provided herein. Approval to occupy a building or structure shall not be construed as an approval of a violation of the provisions of this code or of other ordinances of the *jurisdiction*. Approvals presuming to give authority to violate or cancel the provisions of this code or other ordinances of the *jurisdiction* shall not be valid.

Exception:

1. Approval of occupancy is not required for work exempt from permits under Section R105.2.

Section R112 Board of appeals; the International Residential Code has been changed in its entirety to read as follows:

R112.1 General Board of Appeals. The board of appeals shall be as established in the Town’s most current adopted Building Code as prescribed in Article II of this

Chapter.

Section R114.4 Violation penalties; *the International Residential Code has been amended by adding a second paragraph to read as follows:*

R111.4 Violation penalties. Any person who violates a provision of this code or fails to comply with any of the requirements thereof or who erects, constructs, alters or repairs a building or structure in violation of the *approved construction documents* or directive of the *building official*, or of a *permit* or certificate issued under the provisions of this code, shall be subject to the penalties as prescribed by law. Any person, firm or corporation violating any of the provisions of this code shall be subject to a fine, upon conviction in the municipal court, in any sum a minimum of five hundred dollars (\$500.00) per day and not to exceed one thousand dollars (\$1000.00) per day and each and every day of continuance thereof shall constitute a distinct and separate offense. The owner or owners of any building or structure failing to comply with any provisions of this code, and the owner or owners of any premises wherein a violation of the provisions of this code occurs, and any architect, engineer, designer, builder, contractor, agent, person, firm or corporation employed therewith and who has assisted in the commission of any such violation, shall be guilty of a separate offense.

Table R301.2(1) Climate and Geographic Design Criteria; *of 2018 International Residential Code is amended by providing values in Table R301.2(1):*

Table R301.2(1) Climate and Geographic Design Criteria

GROUND SNOW LOAD	WIND DESIGN				SEISMIC DESIGN CATEGORY f	SUBJECT TO DAMAGE FROM			DESIGN TEMP ^e	ICE BARRIER UNDER-LAYMENT ^h	FLOOD	AIR FREEZING INDEX ⁱ	MEAN ANNUAL TEMP ^j
	SPEED ^d (MPH)	Effects ^k	Special Wind Region ^l	Windborne Debris Zone ⁿ		Weathering ^a	Frost Line Depth ^b	Termite ^c					
5 lb/ft	115 (3 sec-gust)/ 76 fastest mile	No	No	No	A	Moderate	6"	Very Heavy	22° F	No	Local Code	150	64.9° F

****Delete remainder of table Manual J Design Criteria and footnote N**

Section R313 Automatic Fire Sprinkler Systems; *the International Residential Code has been changed in its entirety to read as follows:*

R313 Automatic Fire Sprinkler Systems. An approved automatic fire sprinkler system shall be installed as follows:

1. In all buildings of any area, size or occupancy built, added to or moved into the Town of Addison after December 8, 1992. (*See also the provisions of The Town of Addison Code of Ordinances, Section 18-47 which shall apply in addition to the provisions of this section*). In the case of an addition to an existing structure or space, an approved automatic fire sprinkler system shall be installed in the addition of the structure or space.

2. In any existing building of any size, area or occupancy remodeled or reconstructed after the effective date of this ordinance shall provide a sprinkler system and shall be installed when one of the following apply:
 - a. Where the reconstruction as a result of structural damage involves greater than 50% of the square footage of the structure,
 - b. Where residential additions exceed five hundred (500) square feet in area, in which case an approved fire sprinkler system must be installed in the new addition space in accordance with this code, or
 - c. Where the costs of the residential remodel reconstruction are in excess of 50% of the dollar value of the structure as assessed by the Dallas Central Appraisal District, the most restrictive requirement shall apply.
 - d. Sprinkler protection is required in attached garages.
3. Any change of an existing occupancy type to a more restrictive fire rated type of occupancy based on proposed use and occupant load, the more restrictive fire protection requirements of this code shall apply.

Section R1502.4.2 Duct installation; the International Residential Code has been amended by adding an exception and amending it to read as follows:

M1502.4.2 Duct installation. Exhaust ducts shall be supported at intervals not to exceed 12 feet (3658 mm) and shall be secured in place. The insert end of the duct shall extend into the adjoining duct or fitting in the direction of airflow. Exhaust duct joints shall be sealed in accordance with Section M1601.4.1 and shall be mechanically fastened. Ducts shall not be joined with screws or similar fasteners that protrude into the inside of the duct. Where dryer exhaust ducts are enclosed in wall or ceiling cavities, such cavities shall allow the installation of the duct without deformation.

Exception:

1. Ducts may be joined with short pop-rivets not to exceed 1/8-inch-long (3.2 mm) penetration on the interior surface of the duct.

Section P2603.5.1 Sewer depth, the International Residential Code has been amended by inserting the depth requirements to read as follows:

P2603.5.1 Sewer depth. Building sewers that connect to private sewage disposal systems shall be not less than 12 inches (304 mm) below finished grade at the point of septic tank connection. Building sewers shall be not less than 12 inches (304 mm) below grade.

Section E3406.3 Minimum size of conductors, the International Residential Code has been amended to read as follows:

E3406.3 Minimum size of conductors. The minimum size of conductors for feeders and branch circuits shall be 14 AWG copper and 8 AWG aluminum. Aluminum wire shall not be permitted as branch circuit wiring. The minimum size of service conductors shall be as specified in Chapter 36. The minimum size of Class 2 remote control, signaling and power-limited circuits conductors shall be as specified in Chapter 43.

Sec. 18-47. - Automatic fire-extinguishing systems.

The International Building Code is amended by changing section 903.2 to read as follows:

903.2 Sprinklers required. An approved automatic fire sprinkler system shall be installed as follows:

- (1) In all buildings of any area, size or occupancy built, added to or moved into the Town of Addison after December 8, 1992. In the case of an addition to an existing structure or space, an approved automatic fire sprinkler system shall be installed in the addition and the existing structure or space.

Unless otherwise required in the code, the following exceptions apply:

Exception 1: Detached Group U occupancies that do not exceed 500 square feet in area and are located six feet from any other building.

Exception 2: Open parking garages of noncombustible construction that have no other types of occupancies located above the garage.

Exception 3: Existing, unsprinklered, single-family detached dwellings which are added to for the purpose of increasing livable area.

Exception 4: Covered walkways or open canopies above fuel dispensing pumps, bus stops or other similar structures intended only for the temporary protection of persons from inclement weather but not including covered patios attached to buildings.

Exception 5: Group S-1 occupancies used only for the storage or parking of aircraft. (NOTE: Aircraft hangars are subject to the provisions of NFPA 409.)

- (2) In any existing building of any size, area or occupancy remodeled or reconstructed after the effective date of this ordinance where the remodel or reconstruction involves greater than 50% of the square footage of the structure or costs in excess of 50% of the dollar value of the structure as assessed by the Dallas Central Appraisal District.
- (3) In the attic of any building required to have a fire sprinkler system. Exception: Attics of single-family residences on fee simple lots.
- (4) In the occupancies and locations set forth in this section.

For provisions on special hazards and hazardous materials, see the fire code.

Sections 18-48 through 18-57 reserved.

SECTION 3. Penalty Provision. Any person, firm, corporation or business entity violating this Ordinance shall be deemed guilty of a misdemeanor, and upon conviction therefore, shall be fined a sum of a minimum of five hundred dollars (\$500.00) per day and not to exceed one thousand dollars (\$1000.00) per day, and each and every day that such violation continues shall be considered a separate offense; provided, however, that such penal provision shall not preclude a suit to enjoin such violation. Addison retains all legal rights and remedies available to it pursuant to local, state and federal law.

SECTION 4. Savings/Repealing Clause. All provisions of any ordinance in conflict with this Ordinance are hereby repealed to the extent they are in conflict; but such repeal shall not abate any pending prosecution for violation of the repealed ordinance, nor shall the repeal prevent a prosecution from being commenced for any violation if occurring prior to the repeal of the ordinance. Any remaining portion of conflicting ordinances shall remain in full force and effect.

SECTION 5. Severability. If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason, held to be unconstitutional or invalid by a court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance. Addison hereby declares that it would have passed this Ordinance, and each section, subsection, clause or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses, and phrases be declared unconstitutional.

SECTION 6. Effective Date. This Ordinance shall become effective June 1, 2020.

PASSED AND APPROVED BY THE CITY COUNCIL OF THE TOWN OF ADDISON, TEXAS on this 28th day of APRIL 2020.

TOWN OF ADDISON, TEXAS

Joe Chow, Mayor

ATTEST:

APPROVED AS TO FORM:

Irma Parker, City Secretary

Brenda N. McDonald, City Attorney

Published in the *Dallas Morning News*: Monday, May 4, 2020

ORDINANCE NO.20-_____

AN ORDINANCE OF THE TOWN OF ADDISON, TEXAS, AMENDING CHAPTER 18 "BUILDINGS AND BUILDING REGULATIONS" TO ADD A NEW ARTICLE IV "RESIDENTIAL CODE" ADOPTING THE 2018 EDITION OF THE INTERNATIONAL RESIDENTIAL CODE WITH AMENDMENTS, SAVE AND EXCEPT FOR EXCEPT FOR THE REQUIREMENT TO PROVIDE AN AUTOMATIC FIRESPRINKLER SYSTEM IN ALL BUILDINGS OF A NY AREA, SIZE OR OCCUPANCY BUILT, ADDED TO OR MOVED INTO THE TOWN OF ADDISON AFTER DECEMBER 8, 1992 AND EXCLUDING THE NOTED EXCEPTIONS; PROVIDING A PENALTY OF NOT LESS THAN FIVE HUNDRED AND NO/100 DOLLARS (\$500.00) OR MORE THAN ONE THOUSAND AND NO/100 DOLLARS (\$1,000.00) FOR EACH OFFENSE AND A SEPARATE OFFENSE SHALL BE DEEMED COMMITTED EACH DAY DURING OR ON WHICH A VIOLATION OCCURS OR CONTINUES; PROVIDING FOR SAVINGS, SEVERABILITY AND AN EFFECTIVE DATE.

WHEREAS, the City Council of the Town of Addison, Texas has investigated and determined that it in the best interest of the health, safety and welfare of the citizens of the Town of Addison, Texas to adopt the 2018 Edition of the International Residential Code, save and except the deletions and amendments set forth below.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF ADDISON, TEXAS:

SECTION 1. The recitals set forth above are true and correct and are incorporated as if fully set forth herein.

SECTION 2. Addison Code of Ordinances, Chapter 18 "Buildings and Building Regulations" is hereby amended to add a new Article IV "Residential Code" which shall read in its entirety as follows:

Article IV. – RESIDENTIAL CODE

Division I – Adopted.

Sec. 18-45. – Adopted.

For the purpose of providing minimum standards to safeguard life or limb, health, property and public welfare by regulating and controlling the design, construction, quality of materials used, use and occupancy, location and maintenance of all buildings and structures within the city and certain equipment specifically regulated herein, the International Residential Code, 2018 Edition (for purposes of this Article, the 2018 International Residential Code", a copy of which, authenticated by the signature of the mayor and the city secretary, and made a public record by ordinance, is on file in the city secretary's office), is hereby adopted as the building code of the

city as fully as if copied at length in this article, but with the changes therein and additions thereto provided in this article. Also, adopted are Appendices E, F, G, H, I, J and K of the 2018 International Residential Code.

Also, adopted are Appendices:

1. Appendix-E Manufactured Housing Used as Dwellings.
2. Appendix-F, Radon Control Methods.
3. Appendix-G, Piping Standards for Various Applications.
4. Appendix-H Patio Covers.
5. Appendix-I, Private Sewage Disposal.
6. Appendix-J, Existing Buildings and Structures.
7. Appendix-K, Sound Transmission.

Division II - Deletions, Amendments and Additions.

Sec. 18-46. – Deletions, amendments and additions.

The 2018 International Residential Code, as adopted in this article, is hereby modified by deletions, amendments and additions provided herein.

Section R101.1 Title; of the International Residential Code has been amended adding the Town's name to read as follows:

R101.1 Title. These provisions shall be known as the *Residential Code for One- and Two-family Dwellings of the Town of Addison* and shall be cited as such and will be referred to herein as "this code."

Section R102.4 Referenced Codes and Standards; of the International Residential Code has been amended by adding a second paragraph after the exception to read as follows:

R102.4 Referenced codes and standards. The codes and standards referenced in this code shall be considered part of the requirements of this code to the prescribed extent of each such reference and as further regulated in Sections R102.4.1 and R102.4.2.

Exception: Where enforcement of a code provision would violate the conditions of the listing of the equipment or appliance, the conditions of the listing and manufacturer's instructions shall apply.

Whenever amendments have been adopted to the referenced *codes* and standards, each reference to said *code* and standard shall be considered to reference the amendments as well. Any reference made to NFPA 70 or the *Electrical Code* shall mean the *Electrical Code* as adopted.

Section 105.2 Work exempt from permit; *the International Residential Code is amended by deleting items 1, 2, 4, 5, 9, and 10 and renumbering permit exemptions to read as follows:*

R105.2 Work exempt from permit. Exemption from *permit* requirements of this code shall not be deemed to grant authorization for any work to be done in any manner in violation of the provisions of this code or any other laws or ordinances of this *jurisdiction*. *Permits* shall not be required for the following:

Building:

1. Retaining walls that are not over 4 feet (1219 mm) in height measured from the bottom of the footing to the top of the wall, unless supporting a surcharge or impounding Class I, II or IIIA liquids. Retaining walls over 4 feet (1219 mm) in height shall be designed by a licensed design professional.
2. Painting, papering, tiling, carpeting, cabinets, counter tops and similar finishwork.
3. Prefabricated swimming pools that are less than 24 inches (610 mm) deep.
4. Swings and other playground equipment accessory to detached one- and two-family *dwellings*.

Electrical:

1. *Listed* cord-and-plug connected temporary decorative lighting.
2. Reinstallation of attachment plug receptacles but not the outlets therefor.
3. Replacement of branch circuit overcurrent devices of the required capacity in the same location.
4. Electrical wiring, devices, *appliances*, apparatus or *equipment* operating at less than 25 volts and not capable of supplying more than 50 watts of energy.
5. Minor repair work, including the replacement of lamps or the connection of *approved* portable electrical *equipment* to *approved* permanently installed receptacles.

Gas:

1. Portable heating, cooking or clothes drying *appliances*.
2. Replacement of any minor part that does not alter approval of *equipment* or makes such *equipment* unsafe.

3. Portable-fuel-cell *appliances* that are not connected to a fixed piping system and are not interconnected to a power grid.

Mechanical:

1. Portable heating *appliances*.
2. Portable ventilation *appliances*.
3. Portable cooling units.
4. Steam, hot- or chilled-water piping within any heating or cooling *equipment* regulated by this code.
5. Replacement of any minor part that does not alter approval of *equipment* or make such equipment unsafe.
6. Portable evaporative coolers.
7. Self-contained refrigeration systems containing 10 pounds (4.54 kg) or less of refrigerant or that are actuated by motors of 1 horsepower (746 W) or less.
8. Portable-fuel-cell *appliances* that are not connected to a fixed piping system and are not interconnected to a power grid.

Plumbing:

1. The stopping of leaks in drains, water, soil, waste or vent pipe; provided, however, that if any concealed trap, drain pipe, water, soil, waste or vent pipe becomes defective and it becomes necessary to remove and replace the same with new material, such work shall be considered as new work and a *permit* shall be obtained and inspection made as provided in this code.
2. The clearing of stoppages or the repairing of leaks in pipes, valves or fixtures, and the removal and reinstallation of water closets, provided such repairs do not involve or require the replacement or rearrangement of valves, pipes or fixtures.

Section 105.5; Expiration, the International Residential Code has been amended to read as follows:

R105.5 Expiration. Every permit issued shall become invalid unless the work on the site authorized by such permit is commenced within 180 days after its issuance, or if the work authorized on the site by such permit is suspended, abandoned or if no required inspections, as required in this code, have been scheduled by the permit applicant and performed by the building

official, as required in this code, for a period of 180 days after the time the work is commenced. The building official is authorized to grant, in writing, one or more extensions of time, for periods not more than 180 days each. The extension shall be requested in writing and justifiable cause demonstrated.

Section R108.2 Schedule of permit fees; the International Residential Code has been amended by adding a final sentence to read as follows:

R108.2 Schedule of permit fees. On buildings, structures, electrical, gas, mechanical, and plumbing systems or alterations requiring a permit, a fee for each permit shall be paid as required, in accordance with the schedule as established by the applicable governing authority. The fee for each permit as required in this code will be as established in Article I “General Provisions” of Chapter 18 of the Code of Ordinances.

Section R110.1 Use and occupancy; the International Residential Code has been amended by to read as follows:

R110.1 Use and occupancy. A building or structure shall not be used or occupied until the building official has granted approval to occupy, based on the completions of all required inspections, therefor as provided herein. Approval to occupy a building or structure shall not be construed as an approval of a violation of the provisions of this code or of other ordinances of the jurisdiction. Approvals presuming to give authority to violate or cancel the provisions of this code or other ordinances of the jurisdiction shall not be valid.

Exception:

1. Approval of occupancy is not required for work exempt from permits under Section R105.2.

Section R112 Board of appeals; the International Residential Code has been changed in its entirety to read as follows:

R112.1 General Board of Appeals. The board of appeals shall be as established in the Town’s most current adopted Building Code as prescribed in Article II of this Chapter.

Section R114.4 Violation penalties; the International Residential Code has been amended by adding a second paragraph to read as follows:

R114.4 Violation penalties. Any person who violates a provision of this code or fails to comply with any of the requirements thereof or who erects, constructs, alters or repairs a building or structure in violation of the approved construction documents or directive of the building official, or of a permit or certificate issued under the provisions of this code, shall be subject to the penalties as prescribed by law.

Any person, firm or corporation violating any of the provisions of this code shall be subject to a fine, upon conviction in the municipal court, in any sum a minimum of five hundred dollars (\$500.00)perdayandnottoexceedonethousanddollars(\$1000.00)perdayandeacheverydayofcontinuancethereofshallconstituteadistinctandseparateoffense.Theownerorownersofany building or structure failing to comply with any provisions of this code, and the owner or owners of any premises wherein a violation of the provisions of this code occurs, and any architect, engineer, designer, builder, contractor, agent, person, firm or corporation employed therewith and who has assisted in the commission of any such violation, shall be guilty of a separate offense.

Table R301.2(1) Climate and Geographic Design Criteria; of 2018 International Residential Code is amended by providing values in Table R301.2(1):

Table R301.2(1) Climate and Geographic Design Criteria

GROUNDS NOW LOAD	WIND DESIGN				SEISMIC DESIGN CATEGORY	SUBJECT TO DAMAGE FROM			DESIGN TEMP ^e	ICE BARRIER UNDER-LAYMENT ^h	FLOOD	AIR FREEZING INDEX ⁱ	MEAN ANNUAL TEMP ^j
	SPEED ^d (MPH)	E _f feet ^k	Special Wind Region ^l	Windborne Debris Zone ^m		Weathering ^a	Frost Line Depth ^b	Termite ^c					
5 lb/ft	115 (3 sec-gust)/ 76 fastest mile	No	No	No	A	Moderate	6"	Very Heavy	22°F	No	Local Code	150	64.9°F

****Delete remainder of table Manual J Design Criteria and footnote N**

Section R313 Automatic Fire Sprinkler Systems; the International Residential Code has been changed in its entirety to read as follows:

R313 Automatic Fire Sprinkler Systems. An approved automatic fire sprinkler system shall be installed as follows:

1. In all buildings of any area, size or occupancy built, added to or moved into the Town of Addison after December 8, 1992. (See also the provisions of The Town of Addison Code of Ordinances, Section 18-47 which shall apply in addition to the provisions of this section). In the case of an addition to an existing structure or space, an approved automatic fire sprinkler system shall be installed in the addition of the structure or space.
2. In any existing building of any size, area or occupancy remodeled or reconstructed after the effective date of this ordinance shall provide a sprinkler system and shall be installed when one of the following apply:

- a. Where the reconstruction as a result of structural damage involves greater than 50% of the square footage of the structure,
 - b. Where residential additions exceed five hundred (500) square feet in area, in which case an approved fire sprinkler system must be installed in the new addition space in accordance with the code, or
 - c. Where the costs of the residential remodel reconstruction are in excess of 50% of the dollar value of the structure as assessed by the Dallas Central Appraisal District, the most restrictive requirement shall apply.
 - d. Sprinkler protection is required in attached garages.
3. Any change of an existing occupancy type to a more restrictive fire rated type of occupancy based on proposed use and occupant load, the more restrictive fire protection requirements of this code shall apply.

Section R1502.4.2 Duct installation; the International Residential Code has been amended by adding an exception and amending it to read as follows:

M1502.4.2 Duct installation. Exhaust ducts shall be supported at intervals not to exceed 12 feet (3658mm) and shall be secured in place. The insert end of the duct shall extend into the adjoining duct or fitting in the direction of airflow. Exhaust duct joints shall be sealed in accordance with Section M1601.4.1 and shall be mechanically fastened. Ducts shall not be joined with screws or similar fasteners that protrude into the inside of the duct. Where dryer exhaust ducts are enclosed in wall or ceiling cavities, such cavities shall allow the installation of the duct without deformation.

Exception:

1. Ducts may be joined with short pop-rivets not to exceed 1/8-inch-long (3.2 mm) penetration on the interior surface of the duct.

Section P2603.5.1 Sewer depth, the International Residential Code has been amended by inserting the depth requirements to read as follows:

P2603.5.1 Sewer depth. Building sewers that connect to private sewage disposal systems shall be not less than 12 inches (304 mm) below finished grade at the point of septic tank connection. Building sewers shall be not less than 12 inches (304 mm) below grade.

Section E3406.3 Minimum size of conductors, the International Residential Code has been amended to read as follows:

E3406.3 Minimum size of conductors.The minimum size of conductors for feeders and branch circuits shall be 14 AWG copper and 8 AWG aluminum. Aluminum wire shall not be permitted as branch circuit wiring. The minimum size of service conductors shall be as specified in Chapter 36. The minimum size of Class 2 remote control, signaling and power-limited circuits conductors shall be as specified in Chapter 43.

Sec. 18-47. - Automatic fire-extinguishing systems.

The International Building Code is amended by changing section 903.2 to read as follows:

*903.2 Sprinklers required.*An approved automatic fire sprinkler system shall be installed as follows:

- (1) In all buildings of any area, size or occupancy built, added to or moved into the Town of Addison after December 8, 1992. In the case of an addition to an existing structure or space, an approved automatic fire sprinkler system shall be installed in the addition and the existing structure or space.

Unless otherwise required in the code, the following exceptions apply:

Exception 1: Detached Group U occupancies that do not exceed 500 square feet in area and are located six feet from any other building.

Exception 2: Open parking garages of noncombustible construction that have no other types of occupancies located above the garage.

Exception 3: Existing, unsprinklered, single-family detached dwellings which are added to for the purpose of increasing livable area.

Exception 4: Covered walkways or open canopies above fuel dispensing pumps, bus stops or other similar structures intended only for the temporary protection of persons from inclement weather but not including covered patios attached to buildings.

Exception 5: Group S-1 occupancies used only for the storage or parking of aircraft. (NOTE: Aircraft hangars are subject to the provisions of NFPA 409.)

- (2) In any existing building of any size, area or occupancy remodeled or reconstructed after the effective date of this ordinance where the remodel or reconstruction involves greater than 50% of the square footage of the structure or costs in excess of 50% of the dollar value of the structure as assessed by the Dallas Central Appraisal District.
- (3) In the attic of any building required to have a fire sprinkler system. Exception: Attics of single-family residences on fee simple lots.
- (4) In the occupancies and locations set forth in this section.

For provisions on special hazards and hazardous materials, see the fire code.

Sections 18-48 through 18-57 reserved.

SECTION 3. Penalty Provision. Any person, firm, corporation or business entity violating this Ordinance shall be deemed guilty of a misdemeanor, and upon conviction therefore, shall be fined a sum of a minimum of five hundred dollars (\$500.00) per day and not to exceed one thousand dollars (\$1000.00) per day, and each and every day that such violation continues shall be considered a separate offense; provided, however, that such penal provision shall not preclude a suit to enjoin such violation. Addison retains all legal rights and remedies available to it pursuant to local, state and federal law.

SECTION 4. Savings/Repealing Clause. All provisions of any ordinance in conflict with this Ordinance are hereby repealed to the extent they are in conflict; but such repeal shall not abate any pending prosecution for violation of the repealed ordinance, nor shall the repeal prevent a prosecution from being commenced for any violation if occurring prior to the repeal of the ordinance. Any remaining portion of conflicting ordinances shall remain in full force and effect.

SECTION 5. Severability. If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason, held to be unconstitutional or invalid by a court of competent jurisdiction, such decisions shall not affect the validity of the remaining portions of this Ordinance. Addison hereby declares that it would have passed this Ordinance, and each section, subsection, clause or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses, and phrases be declared unconstitutional.

SECTION 6. Effective Date. This Ordinance shall become effective June 1, 2020.

DULY PASSED AND ADOPTED by the City Council of the Town of Addison, Texas, on this **28th** day of **APRIL 2020**.

TOWN OF ADDISON, TEXAS

Joe Chow, Mayor

ATTEST:

APPROVED AS TO FORM:

Irma Parker, City Secretary

Brenda N. McDonald, City Attorney

ORDINANCE NO. O20-26

AN ORDINANCE OF THE TOWN OF ADDISON, TEXAS, AMENDING CHAPTER 34 “ENVIRONMENT” OF THE ADDISON CODE OF ORDINANCES TO ADD A NEW ARTICLE VII “PROPERTY MAINTENANCE CODE,” ADOPTING THE 2018 EDITION OF THE INTERNATIONAL PROPERTY MAINTENANCE CODE, WITH AMENDMENTS; PROVIDING A PENALTY OF NOT LESS THAN TWO HUNDRED FIFTY AND NO/100 DOLLARS (\$250.00) OR MORE THAN TWO THOUSAND AND NO/100 DOLLARS (\$2,000.00) FOR EACH OFFENSE AND A SEPARATE OFFENSE SHALL BE DEEMED COMMITTED EACH DAY DURING OR ON WHICH A VIOLATION OCCURS OR CONTINUES; PROVIDING FOR SAVINGS, SEVERABILITY AND AN EFFECTIVE DATE.

WHEREAS, the City Council of the Town of Addison, Texas has investigated and determined that it in the best interest of the health, safety and welfare of the citizens of the Town of Addison, Texas to adopt the 2018 Edition of the International Property Maintenance Code, save and except the deletions and amendments set forth below.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF ADDISON, TEXAS:

SECTION 1. The recitals set forth above are true and correct and are incorporated as if fully set forth herein.

SECTION 2. Addison Code of Ordinances, Chapter 34 “Environment,” is hereby amended to add a new Article VII “Property Maintenance Code” which shall read in its entirety as follows:

ARTICLE VII. – PROPERTY MAINTENANCE CODE

Division I - Adopted.

Sec. 34-220. - Adopted.

For the purpose of providing minimum standards to safeguard life or limb, health, property and public welfare by regulating and controlling the design, construction, maintenance and quality of all buildings, structures and properties within the city and certain equipment specifically regulated herein, the 2018 edition of the International Property Maintenance Code, as published by the International Code Council, a copy of which is on file in the office of the City Secretary, is hereby adopted and designated as the Property Maintenance Code of the Town to the same extent as if such code were copied verbatim in this Article. The title of this Article shall be the “Property Maintenance Code of the Town of Addison,” and it may be cited as such.

Division II - Deletions, Amendments and Additions.

Sec. 34-221. – Deletions, amendments and additions.

The 2018 International Property Maintenance Code, as adopted in this article, is hereby modified by deletions, amendments and additions provided herein.

Section [A] 101.1 Title; the International Property Maintenance Code has been amended adding

the Town's name to read as follows:

[A] 101.1 Title. These regulations shall be known as the *Property Maintenance Code* of the Town of Addison hereinafter referred to as “this code.”

Section [A]103.5 Fee; the International Property Maintenance Code has been amended by changing it to read as follows:

[A] 103.5 Fees. The fees for activities and services performed by the department in carrying out its responsibilities under this code will be established in Article I “General Provisions” of the Code of Ordinances.

Section [A] 106.4 Unlawful acts; the International Property Maintenance Code has been amended by adding a nuisance as unlawful act and changing it to read as follows:

[A] 106.1 Unlawful acts. It shall be unlawful for a person, firm or corporation to be in conflict with or in violation of any of the provisions of this code. A nuisance as defined in this code shall be considered a violation of the provision of this code. No person who is the owner of or in control of any occupied or unoccupied premises shall permit or allow the existence of any nuisance thereon. No person shall commit or perform any act which constitutes or creates a nuisance.

Section [A] 106.3 Prosecution of violation; the International Property Maintenance Code has been amended by adding subsection 106.3.1, 106.3.2 and 106.3.3 it to read as follows:

[A] 106.3 Prosecution of violation. Any person failing to comply with a notice of violation or order served in accordance with Section 107 shall be deemed guilty of a misdemeanor or civil infraction as determined by the local municipality, and the violation shall be deemed a *strict liability offense*. If the notice of violation is not complied with, the *code official* shall institute the appropriate proceeding at law or in equity to restrain, correct or abate such violation, or to require the removal or termination of the unlawful *occupancy* of the structure in violation of the provisions of this code or of the order or direction made pursuant thereto. Any action taken by the authority having jurisdiction on such *premises* shall be charged against the real estate upon which the structure is located and shall be a lien upon such real estate.

106.3.1 Abatement. If the owner of the property does not comply with the city Code and the order issued under this section within ten days of the notice of violation, the city may do the work or make the improvements required and pay for the work done or improvements made and charge the expenses thereof to the owner of the property.

106.3.2 Lien for costs. Where the nuisance abated:

- (1) Concerns the filling, draining, and regulating of any place in the city that is unwholesome, contains stagnant water, or is in any other condition that may produce disease;
- (2) Concerns the making, filling, altering or repairing of sewers and privies;
- (3) Concerns the mode and material for constructing sewers and privies;
- (4) Concerns the cleaning and disinfecting of sewers and privies;
- (5) Concerns the cleaning of a building, establishment, or ground of filth, carrion, or other impure or unwholesome matter; or
- (6) Concerns requiring the owner of a lot in the city to keep the lot free from junk, rubbish and other objectionable, unsightly or unsanitary matter.

The city may assess the expenses incurred against the real estate on which the

work is done, or improvements made to alleviate or abate the nuisance. To obtain a lien, code official shall file a statement of expenses with the county clerk. Such lien shall be security for the expenditures made and interest shall accrue on such expenditures at the rate of ten percent per annum on the amount due from the date of payment by the city.

106.3.3 Foreclosure. The city may bring a suit for foreclosure of the lien in the name of the city to recover the expenditures and interest due and in such suit the statement of expenses or a certified copy of the statement shall be prima facie proof of the expenses incurred by the city in doing the work or making the improvements.

Section [A] 106.4 Violation penalties; the International Property Maintenance Code has been amended by adding a second paragraph and changing it to read as follows:

[A] 106.4 Violation penalties. Any person who shall violate a provision of this code, or fail to comply therewith, or with any of the requirements thereof, shall be prosecuted within the limits provided by state or local laws. Each day that a violation continues after due notice has been served shall be deemed a separate offense.

Any person, firm or corporation violating any of the provisions of this code shall be subject to a fine, upon conviction in the municipal court, in any sum a minimum of two hundred and fifty dollars (\$250.00) per day and not to exceed two thousand dollars (\$2000.00) per day and each and every day of continuance thereof shall constitute a distinct and separate offense. The owner or owners of any building or structure failing to comply with any provisions of this code, and the owner or owners of any premises wherein a violation of the provisions of this code occurs, and any architect, engineer, designer, builder, contractor, agent, person, firm or corporation employed therewith and who has assisted in the commission of any such violation, shall be guilty of a separate offense.

Section 106.6 Abatement of nuisance; the International Property Maintenance Code has been amended by adding a new subsection 106.6 "Abatement of nuisances" to read as follows:

Section 106.6 Abatement of a nuisance. The code official shall be authorized to take the necessary steps to abate a nuisance as defined in this code, following the procedures as prescribed in Section 107 of this code.

Section 107.2 Form; the International Property Maintenance Code has been amended by amending 107.2 Form, notice requirement number 3, to read as follows:

107.2 Form. Such notice prescribed in Section 107.1 shall be in accordance with all of the following:

1. Be in writing.
2. Include a description of the real estate sufficient for identification.
3. Include a statement of the violation or violations and why the notice is being issued.
4. Include a correction order to abate the violation. If the owner of the property does not comply with this Code and the order issued under this section within ten days of the notice of violation, the city may do the work or make the improvements required and pay for the work done or improvements made and charge the expenses thereof to the owner of the property.

5. Inform the property *owner* or owner's authorized agent of the right to appeal.
6. Include a statement of the right to file a lien in accordance with Section 106.3.

Section 107.3 Method of service; the International Property Maintenance Code has been amended by adding a final sentence to 107.3 Method of service, to read as follows:

107.3 Method of service. Such notice shall be deemed to be properly served if a copy thereof is: delivered personally or sent by certified or first-class mail addressed to the last known address. If the notice is returned showing that the letter was not delivered, a copy thereof shall be posted in a conspicuous place in or about the structure affected by such notice. Notice shall also be considered served by local publication at least twice within ten consecutive days if personal service cannot be obtained and the owner's post office address is unknown.

Section [A] 108.1.5 Dangerous structure or premises; the International Property Maintenance Code has been amended by adding condition number 12 "Any act declared a nuisance" to read as follows:

[A] 108.1.5 Dangerous structure or premises. For the purpose of this code, any structure or *premises* that has any or all of the conditions or defects described as follows shall be considered to be dangerous:

1. Any door, aisle, passageway, stairway, exit or other means of egress that does not conform to the *approved* building or fire code of the jurisdiction as related to the requirements for existing buildings.
2. The walking surface of any aisle, passageway, stairway, exit or other means of egress is so warped, worn loose, torn or otherwise unsafe as to not provide safe and adequate means of egress.
3. Any portion of a building, structure or appurtenance that has been damaged by fire, earthquake, wind, flood, *deterioration*, *neglect*, abandonment, vandalism or by any other cause to such an extent that it is likely to partially or completely collapse, or to become *detached* or dislodged.
4. Any portion of a building, or any member, appurtenance or ornamentation on the exterior thereof that is not of sufficient strength or stability, or is not so *anchored*, attached or fastened in place so as to be capable of resisting natural or artificial loads of one and one-half the original designed value.
5. The building or structure, or part of the building or structure, because of dilapidation, *deterioration*, decay, faulty construction, the removal or movement of some portion of the ground necessary for the support, or for any other reason, is likely to partially or completely collapse, or some portion of the foundation or underpinning of the building or structure is likely to fail or give way.
6. The building or structure, or any portion thereof, is clearly unsafe for its use and *occupancy*.
7. The building or structure is *neglected*, damaged, dilapidated, unsecured or abandoned so as to become an attractive nuisance to children who might play in the building or structure to their danger, becomes a harbor for

vagrants, criminals or immoral persons, or enables persons to resort to the building or structure for committing a nuisance or an unlawful act.

8. Any building or structure has been constructed, exists or is maintained in violation of any specific requirement or prohibition applicable to such building or structure provided by the *approved* building or fire code of the jurisdiction, or of any law or ordinance to such an extent as to present either a substantial risk of fire, building collapse or any other threat to life and safety.
9. A building or structure, used or intended to be used for dwelling purposes, because of inadequate maintenance, dilapidation, decay, damage, faulty construction or arrangement, inadequate light, *ventilation*, mechanical or plumbing system, or otherwise, is determined by the *code official* to be unsanitary, unfit for human habitation or in such a condition that is likely to cause sickness or disease.
10. Any building or structure, because of a lack of sufficient or proper fire-resistance-rated construction, fire protection systems, electrical system, fuel connections, mechanical system, plumbing system or other cause, is determined by the *code official* to be a threat to life or health.
11. Any portion of a building remains on a site after the demolition or destruction of the building or structure or whenever any building or structure is abandoned so as to constitute such building or portion thereof as an attractive nuisance or hazard to the public.
12. Any act declared a nuisance, the following declarations are not exclusive and any act or condition which is dangerous to human life or health, such as an unsafe structure, unsafe equipment or which renders the ground, water, air, or food a hazard or injury to human life or health, or that is offensive to the senses, or that threatens to become detrimental to the public health shall be a nuisance even though not specifically declared a nuisance in this section:
 - A. *Discharge of liquid waste on streets.* The accumulation or discharge onto any public street or private property of urine, liquid waste, swill, water from foul swimming pools and spas, water from sinks, wastewater, or any foul or nauseous waste of any kind whatsoever is hereby declared to be a nuisance.
 - B. *Accumulations of garbage and filth.* The deposit or existence on or in any public or private building or property, of any putrid or unsound meat, pork, fish, hides, decayed vegetables or food, manure, ash heaps, garbage, offal, rubbish, dirt, or filth of any kind is hereby declared to be a nuisance.
 - C. *Common use of halls, water closets, etc., in residences.* The renting, leasing, hiring out to be occupied or the occupancy of any building or part thereof as a home or residence of more than two families, living independent of one another, giving to each family or person therein the common right to halls, yards, water closets or privies or some of them, is hereby declared to be a nuisance.
 - D. *Burning.* The burning of any garbage or any refuse of any kind or description is hereby declared to be a nuisance.

- E. *Filthy drains, leaking garbage receptacles, etc.* Allowing any unclean, stinking, foul, defective, or filthy drain, ditch, tank or gutter, or any leaking or broken slop, garbage or receptacles of like character on any property is hereby declared to be a nuisance.
- F. *Accumulation of offensive materials.* The deposit or existence of any dirt gathered in cleaning yards, waste of mills or factories, damaged merchandise, wet, broken, or leaking barrels, casks or boxes, or used building materials is hereby declared to be a nuisance.
- G. *Depositing or throwing articles into sewer inlets and storm sewer inlets.* The depositing, throwing, or insertion into any sewer or storm inlet, which has a sewer or storm sewer connection, of any article whatsoever, such as grass clipping, oil, gasoline, undiluted chemicals, grease, and trash of any kind, etc., that may cause the sewer to choke up, stop up, or otherwise be rendered inoperative or damaged in whole or part is hereby declared to be a nuisance.
- H. *Vehicles hauling garbage, swill, or other offensive matter.* The transportation of garbage, swill, ashes, cinders, or other loose material in any of the streets of the city on a vehicle other than in a good and substantially tight containment of the waste or matter thereon, so that no portion of such waste, matter or other loose material shall be scattered or thrown into the street, or hauling garbage, swill, or other offensive material in a vehicle which does not have the substantially tight containment thereon and closely covered with sufficient covering, so closely fitted as to prevent the escape or flying about of any of the contents, matter or effluvia therefrom is hereby declared to be a nuisance.
- I. *Ponds or pools of unwholesome water.* Creating or allowing the existence upon any property of a pond or pool or container of unwholesome, impure, or offensive water or water which is conducive to the breeding of mosquitoes, is hereby declared to be a nuisance.
- J. *Impure or unwholesome wells or cisterns.* Allowing the existence of any well or cistern to exist upon any property whenever a chemical or bacteriological analysis shows that the water of the well or cistern is impure or unwholesome is hereby declared to be a nuisance.
- K. *Noise nuisances.*
 - 1) Any unreasonably loud, disturbing, unnecessary noise which causes material distress, discomfort or injury to persons of ordinary sensibilities in the immediate vicinity thereof is hereby declared to be a nuisance.
 - 2) Any noise of such character, intensity, and continued duration which substantially interferes with the comfortable enjoyment of private homes by persons of ordinary sensibilities is hereby declared to be a nuisance.

- 3) The following acts, among others, are declared to be nuisances, but such enumerations shall not be deemed to be exclusive:
- (a) *Musical instruments.* The playing of any radio, phonograph or other musical instrument in such manner or with such volume, particularly during the hours between 11:00 p.m. and 7:00 a.m., as to annoy or disturb the quiet, comfort, or repose of persons of ordinary sensibilities in any dwelling, hotel, or other type of residence.
 - (b) *Loudspeakers and amplifiers.* The use of any stationary loudspeaker or amplifier of such intensity as to annoy and disturb persons of ordinary sensibilities in the immediate vicinity thereof; the use of any stationary loudspeaker or amplifier operated on any weekday between the hours of 11:00 p.m. and 7:00 a.m., or at any time on Sunday.
 - (c) *Exhaust without mufflers.* The discharge into the open air of the exhaust of any vehicle combustion engine, motor vehicle or boat engine, except through a muffler or other device which will effectively prevent loud or explosive noises therefrom.
 - (d) *Devices operated by compressed air.* The use of any mechanical device operated by compressed air, unless the noise to be created is effectively muffled and reduced.
 - (e) *Construction work.* The erection, including excavation, demolition, alteration, or repair work, of any building other than between the hours of 7:00 a.m. and 10:00 p.m., Monday through Saturday, except in case of urgent necessity in the interest of public safety and convenience, and then only by permission from the code official in time the emergency or public safety interest exists.
 - (f) *Near schools and hospitals.* The creation of any excessive noise on any street adjacent to any school or institution of learning while such school or institution of learning is in session, or adjacent to any hospital, which unreasonably interferes with the working of such institutions, provided conspicuous signs are displayed in such manner indicating that the street is a school or hospital street.
 - (g) *Peddlers, hawkers, etc.* The raucous shouting and crying of peddlers, hawkers, and vendors, which disturbs the peace and quiet of the neighborhood.
 - (h) *Use of drums, loudspeakers, horns, sirens, etc., to attract attention.* The use of any drum, loudspeaker or other instrument or device for the purpose of attracting attention by the creation of noise to any performance, show, or sale of merchandise. It is an affirmative defense that the action is preapproved by the city manager or designee of the Town.

- ① The creation of unreasonably loud, disturbing or unnecessary noises in connection with the loading or unloading of any vehicle is prohibited on any premises in a residential district or within a 500-foot radius from any area or property which is zoned for residential use, except during the following days and times only:

(1) Monday through Friday: 7:00 a.m.—7:00 p.m.

(2) Saturdays, Sundays and holidays: 10:00 a.m.—5:00 p.m.

Section [A] 111 Board of appeals; the International Property Maintenance Code has been changed in its entirety to read as follows:

111.1 General. There is hereby created a board of appeals (the "board of appeals"), consisting of the members of the board of adjustment appointed by the city council pursuant to Appendix A, Article XXIV of the Code of Ordinances of the Town of Addison. Accordingly, the number of members of the board of appeals shall be equal to the number of members of the said board of adjustment.

Appointment to (including the filling of a vacancy), removal from, and the terms (including term limits) of the members of the board of appeals shall be the same as for members of the board of adjustment. Four (4) members of the board of appeals (including, in the absence of one or more regular members, alternate members) shall constitute a quorum for the conduct of business of the board of appeals, and any action of the board of appeals shall require at least four (4) affirmative votes to be adopted or passed.

111.2 Limitations on authority. An application for appeal shall be based on a claim that the true intent of this code or the rules legally adopted thereunder have been incorrectly interpreted, the provisions of this code do not fully apply, or an equally good or better form of construction is proposed. The board shall have no authority to waive requirements of this code.

111.3 Powers of the board of appeals. The board of appeals has all of the following powers and authority:

111.1.1. To hear and decide appeals of orders, decisions or determinations made by the code official to the application and interpretation of the code.

111.1.2. To hear requests for the use of a material or method of construction not prescribed by the code and to authorize the use when, in the board of appeals' judgment, the material or method of construction is at least equivalent to that prescribed.

111.1.3. To hear complaints from the code official arising against any person, firm, or corporation registered by the Town under or related to chapter 34 of the Code of Ordinances of the Town, and shall have the power after hearing, to revoke or suspend said registration for the following reasons:

- a) Chronic violation of the code;
- b) Misrepresentation of material facts in obtaining said license or renewal thereof;
- c) Chronic failure to secure permits, inspections, or approvals as required by the code; or

- d) Use of said registration to obtain a permit for another person, firm or corporation.

111.4 Rules and procedures. The board of appeals is authorized to establish policies and procedures necessary to carry out its duties.

111.5 Chairperson. The board of appeals shall annually select one of its members to serve as chairperson.

111.6 Disqualification of member. A member of the of board of appeals shall not hear an appeal in which that member has a personal interest, professional or financial interest or in any other instance which would be in violation of law.

111.7 Secretary. The City Manager or the City Manager's designee, including the Director of Development Services, shall designate a qualified clerk to serve as secretary to the board of appeals. The secretary shall file a detailed record of all proceedings in the office of the City Secretary.

111.8 Appeal process.

111.8.1 Application. The application for appeal shall be filed on a form obtained from the building official within 20 days after the notice was served.

111.8.2 Notice of meeting. The board of appeals shall meet upon notice from the chairperson or the City Manager or the City Manager's designee, including the director of development services.

111.8.3 Open hearing. Except as allowed by State law, all meetings of the board of appeals and hearings before the board of appeals shall be open to the public. At a hearing of the board of appeals pursuant to this appeal process, the appellant, the appellant's representative, the code official and any person whose interests are affected shall be given an opportunity to be heard.

111.8.4 Procedure. The board of appeals shall adopt and make available to the public through the secretary procedures under which a hearing will be conducted. The procedures shall not require compliance with strict rules of evidence but shall provide that only relevant information be received.

111.8.5 Postponed hearing. A hearing by the board of appeals shall not be conducted when a quorum of the board of appeals is not present to hear the appeal.

111.8.6 Board decision. Any action to reverse a decision of the code official shall require a majority vote of the board.

111.8.7 Resolution. The decision of the board of appeals shall be by resolution or by motion recorded in the minutes of the board of appeals. Certified copies of the same shall be furnished to the appellant and to the building official.

111.9 Administration. The code official shall take immediate action in accordance with the decision of the board of appeals.

Section [A] 112.4 Stop work orders; the International Property Maintenance Code has been amended by amending it to read as follows:

[A] 112.4 Failure to comply. 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.

Section 202 General Definitions; the International Property Maintenance Code has been amended by adding a new definition "Nuisance" to read as follows:

Nuisance. A nuisance shall mean any condition or occurrence which is dangerous to human life or health, an unsafe structure, unsafe equipment or an occurrence which renders the ground, the water, the air or food a hazard or injury to human life or health, or that is offensive to the senses, or that is or threatens to become detrimental to the public health is and shall constitute a nuisance.

Section 302.4 Weeds; the International Property Maintenance Code has been amended by amending it to read as follows:

302.4 Weeds. All premises and exterior property shall be maintained free from weeds or plant growth in excess of six (6) inches for residential property and eight (8) inches for non-residential property. Noxious weeds shall be prohibited. Weeds shall be defined as all grasses, annual plants and vegetation, other than trees or shrubs provided; however, this term shall not include cultivated flowers and gardens.

Section 304.14 Insect screens; the International Property Maintenance Code has been amended by amending it to read as follows:

304.14 Insect screens. Every door, window and other outside opening required for *ventilation* of habitable rooms, food preparation areas, food service areas or any areas where products to be included or utilized in food for human consumption are processed, manufactured, packaged or stored shall be supplied with *approved* tightly fitting screens of minimum 16 mesh per inch (16 mesh per 25 mm), and every screen door used for insect control shall have a self-closing device in good working condition.

Exception: Screens shall not be required where other *approved* means, such as air curtains or insect repellent fans, are employed.

Section 602.3 Heat supply; the International Property Maintenance Code has been amended by removing the seasonal time requirement, removing the two exceptions and amending it to read as follows:

602.3 Heat supply. Every *owner* and *operator* of any building who rents, leases or lets one or more *dwelling units* or *sleeping units* on terms, either expressed or implied, is required to provide the necessary means to maintain a minimum air temperature of 68°F (20°C) in all habitable rooms, *bathrooms* and *toilet rooms*.

Section 602.4 Occupiable work spaces; the International Property Maintenance Code has been amended by removing the seasonal time requirement amending it to read as follows:

602.4 Occupiable work spaces. Indoor occupiable work spaces shall be required to provide the necessary means to maintain a minimum temperature of 65°F (18°C) during the period the spaces are occupied.

Exceptions:

1. Processing, storage and operation areas that require cooling or special temperature conditions.
2. Areas in which persons are primarily engaged in vigorous physical activities.

Sections 34-222 through 34-230 reserved.

SECTION 3. Penalty Provision. Any person, firm, corporation or business entity violating this Ordinance shall be deemed guilty of a misdemeanor, and upon conviction therefore, shall be fined a sum of a minimum of Two Hundred Fifty Dollars (\$250.00) per day and not to exceed Two Thousand Dollars (\$1000.00) per day, and each and every day that such violation continues shall be considered a separate offense; provided, however, that such penal provision shall not preclude a suit to enjoin such violation. Addison retains all legal rights and remedies available to it pursuant to local, state and federal law.

SECTION 4. Savings/Repealing Clause. All provisions of any ordinance in conflict with this Ordinance are hereby repealed to the extent they are in conflict; but such repeal shall not abate any pending prosecution for violation of the repealed ordinance, nor shall the repeal prevent a prosecution from being commenced for any violation if occurring prior to the repeal of the ordinance. Any remaining portion of conflicting ordinances shall remain in full force and effect.

SECTION 5. Severability. If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason, held to be unconstitutional or invalid by a court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance. Addison hereby declares that it would have passed this Ordinance, and each section, subsection, clause or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses, and phrases be declared unconstitutional.

SECTION 6. Effective Date. This Ordinance shall become effective June 1, 2020.

PASSED AND APPROVED BY THE CITY COUNCIL OF THE TOWN OF ADDISON, TEXAS on this 28th day of APRIL 2020.

TOWN OF ADDISON, TEXAS

Joe Chow, Mayor

ATTEST:

APPROVED AS TO FORM:

Irma Parker, City Secretary

Brenda N. McDonald, City Attorney

Printed in the Dallas Morning News on Monday, May 4, 2020

Site Photos – 4111 Leadville Place



This is the section of the retaining wall where physical evidence of wall failure is apparent, resulting in a citation being issued to the owner of 4108 Pokolodi Circle.























Site Photos – 4108 Pokolodi Circle

Common boundary with 4111
Leadville Place (location of cited
retaining wall failure)



Common boundary with
4110 Pokolodi Circle









Site Photos – 4110 Pokolodi Circle

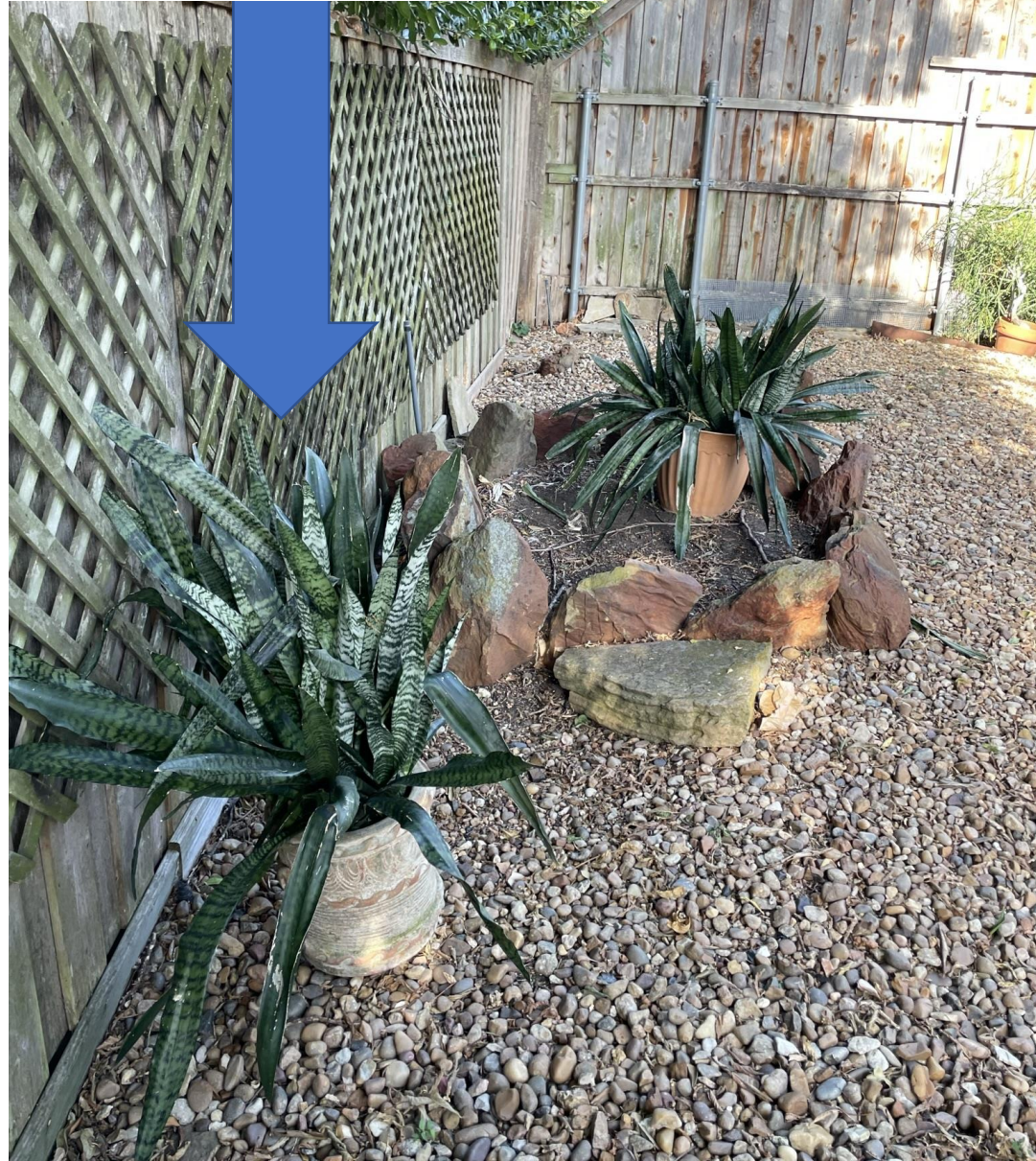
Common boundary with 4111
Leadville Place (location of
applicant's appeal)







Common boundary with 4111
Leadville Place (location of
applicant's appeal)











WHEREAS, BENCHMARK PROPERTIES, INC. is the owner of a tract of land situated in the Thomas L. Chenoweth Survey, Abstract No. 273, City of Addison, Dallas County, Texas, and being more particularly described as follows: BEGINNING at the Southwest corner of a replat of Addison Plaza, an addition to the City of Addison, Texas, as recorded in Volume 78187 at Page 1307 of the Map Records of Dallas County, Texas, an iron stake for corner; THENCE, S. 0°08'37"E, a distance of 888.25 feet to an iron stake for corner; THENCE, S. 0°26'23"W, a distance of 715.22 feet to a point along the North line of a 100' Dallas Power & Light Co. R.O.W., an iron stake for corner; THENCE, Westerly, along said North line of a 100' Dallas Power & Light Co. R.O.W. the following:
 S. 89°30'25"W, a distance of 397.15 feet to an iron stake for corner;
 S. 89°52'20"W, a distance of 1328.60 feet to a point along the East line of a 100' Dallas Power & Light Co. R.O.W., an iron stake for corner;
 THENCE, N. 0°11'34"E, along said East line of a 100' Dallas Power & Light Co. R.O.W., a distance of 1440.02 feet to an iron stake for corner;
 THENCE, N. 89°52'20"E, leaving said East line of a 100' Dallas Power & Light Co. R.O.W., a distance of 978.89 feet to a point along the Southerly line of Beltway Drive, an iron stake for corner;
 THENCE, Easterly along said Southerly line of Beltway Drive the following:
 Around a curve to the left, having a central angle of 26°56'39", and a radius of 510.0 feet, a distance of 239.83 feet to the beginning of a curve to the right, having a central angle of 27°04'19", and a radius of 1020.0 feet, an iron stake for corner;
 Around said curve, a distance of 481.94 feet to an iron stake for corner;
 East, a distance of 50.0 feet to the PLACE OF BEGINNING and containing 58.751 Acres of Land.

NOW, THEREFORE, KNOW ALL MEN BY THESE PRESENTS:
 THAT, BENCHMARK PROPERTIES, INC. does hereby adopt this plat designating the hereinabove described property as MIDWAY MEADOWS, an addition to the City of Addison, Dallas County, Texas, and does hereby dedicate to the public use forever, the streets and alleys shown thereon, and does hereby reserve the easement strips shown on this plat for the mutual use and accommodation of all public utilities desiring to use or using same. Any public utility shall have the right to remove and keep removed all or part of any buildings, fences, trees, shrubs, or other growths or improvements which in any way, danger or interfere with the construction, maintenance or efficiency of its respective systems on any of these easement strips; and any public utility shall at all times, have the right of ingress and egress to and from and upon the said easement strips for the purpose of constructing, reconstructing, inspecting, patrolling, maintaining, and adding to or removing all or part of its respective systems without the necessity, at any time, or procuring the permission of anyone.
 WITNESS MY HAND AT DALLAS, TEXAS, this the 10th day of October, 1979.
 BENCHMARK PROPERTIES, INC.
 Ray Williamson, President

STATE OF TEXAS I COUNTY OF DALLAS I
 BEFORE ME, the undersigned authority, a Notary Public in and for said County and State on this day personally appeared RAY WILLIAMSON, known to me to be the person and officer whose name is subscribed to the foregoing instrument and acknowledged to me that he executed the same for the purposes and considerations therein expressed and in the capacity therein stated.
 GIVEN UNDER MY HAND AND SEAL OF OFFICE this the 10th day of October, 1979.
 Cheryl Nichol, Notary Public in and for Dallas County, Texas

ENGINEER'S CERTIFICATE
 NOW, THEREFORE, KNOW ALL MEN BY THESE PRESENTS:
 THAT, I, DON A. TIPTON, do hereby certify that I have prepared this plat from an actual and accurate survey of the land and that the corner monuments shown thereon were properly placed under my personal supervision in accordance with the Platting Rules and Regulations of the City of Addison, Texas.
 DON A. TIPTON, Registered Professional Engineer

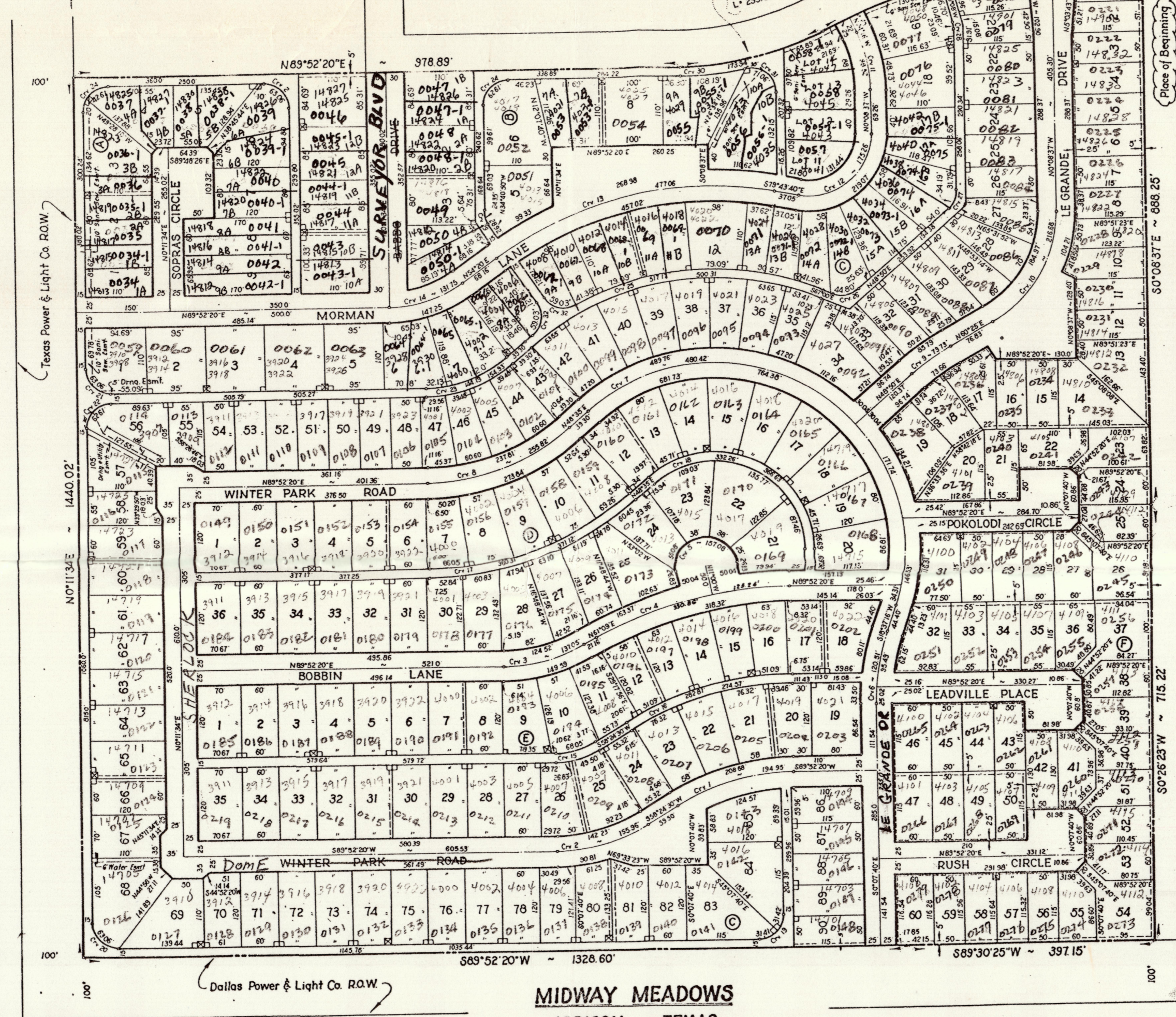
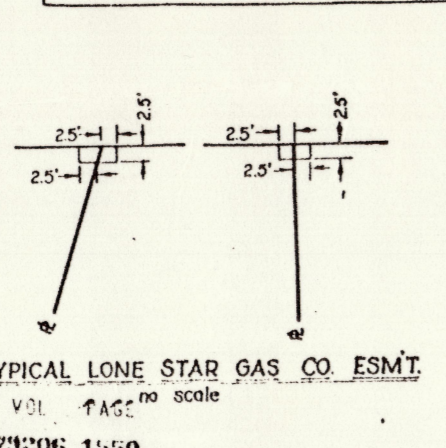
STATE OF TEXAS I COUNTY OF DALLAS I
 BEFORE ME, the undersigned authority, a Notary Public in and for said County and State, on this day personally appeared DON A. TIPTON, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he executed the same in the capacity therein stated and for the purposes and consideration therein expressed.
 GIVEN UNDER MY HAND AND SEAL OF OFFICE, this the 9th day of October, 1979.
 Esther L. Abbott, Notary Public in and for Dallas County, Texas
 MY COMMISSION EXPIRES 6/30/80

Approved by Addison City Council on February 13, 1979.
 Jacquie Sharp, City Secretary
 Roy Hedley, Mayor
 OCT 22 1979
 XE M...
 COUNTY CLERK, Dallas County, Texas

DEED RECORD

CURVE DATA

No.	f	Inner	Center	Outer	No.	f	Inner	Center	Outer
1	A	25°06'10"	31°27'50"	31°27'50"	17	A	41°17'20"	41°17'20"	41°17'20"
	R	330.0	355.0	380.0		R	500.0	507.50	515.0
	L	73.47	100.0	107.04		L	188.38	191.21	194.03
	D	144.58	194.95	208.68		D	360.31	365.72	371.12
	D	17.36236	16.13966	15.07784		D	11.45916	11.28981	11.12540
	D	0.08681	0.08070	0.07539		D	0.05730	0.05645	0.05563
2	A	31°27'50"	31°27'50"	16°50'19"	18	A	131°17'20"	131°17'20"	160.0
	R	259.0	284.0	309.0		R	145.0	152.50	160.0
	L	72.96	80.0	90.81		L	322.26	349.44	366.63
	D	142.23	155.96	169.59		D	39.51435	37.57102	35.80988
	D	22.12193	20.17458	18.54233		D	0.19757	0.18786	0.17905
	D	0.11061	0.10087	0.09271		D	0.05730	0.05645	0.05563
3	A	28°43'20"	28°43'20"	28°43'20"	19	A	90°00'19"	90°00'19"	90°00'19"
	R	248.40	273.40	298.40		R	40.0	47.50	55.00
	L	63.60	70.0	76.40		L	40.0	47.50	55.00
	D	124.52	137.05	149.59		D	143.23950	120.62274	106.63111
	D	23.06594	20.95677	19.20101		D	0.71620	0.60311	0.60311
	D	0.11533	0.10478	0.09601		D	0.05730	0.05645	0.05563
4	A	28°43'20"	28°43'20"	28°43'20"	20	A	90°19'14"	90°19'14"	90°19'14"
	R	635.0	660.0	685.0		R	40.0	47.50	55.00
	L	162.58	168.98	175.38		L	40.0	47.50	55.00
	D	318.32	330.86	343.39		D	143.23950	120.62274	106.63111
	D	9.02296	8.68118	8.34032		D	0.71620	0.60311	0.60311
	D	0.04511	0.04341	0.04182		D	0.05730	0.05645	0.05563
5	A	18°44'56"	18°44'56"	18°44'56"	21	A	90°19'14"	90°19'14"	90°19'14"
	R	343.28	368.28	393.28		R	40.0	47.50	55.00
	L	56.67	60.80	64.93		L	40.0	47.50	55.00
	D	112.33	120.51	128.69		D	143.23950	120.62274	106.63111
	D	16.69069	15.55767	14.56870		D	0.71620	0.60311	0.60311
	D	0.08345	0.07772	0.07284		D	0.05730	0.05645	0.05563
6	A	15°02'16"	15°02'16"	15°02'16"	22	A	41°17'20"	41°17'20"	41°17'20"
	R	280.0	305.0	330.0		R	200.0	207.50	215.0
	L	1046.35	1139.78	1233.20		L	75.35	78.18	81.00
	D	733.22	798.69	864.16		D	144.13	149.53	154.93
	D	20.46279	18.78551	17.36236		D	28.64790	27.61243	26.64921
	D	0.10223	0.09392	0.08681		D	0.13806	0.13806	0.13806
7	A	41°17'20"	41°17'20"	41°17'20"	23	A	89°40'46"	89°40'46"	89°40'46"
	R	330.0	355.0	380.0		R	40.0	47.50	55.00
	L	124.33	133.75	143.17		L	39.78	47.23	55.00
	D	237.81	255.82	273.84		D	62.61	74.35	86.09
	D	17.36236	16.13966	15.07784		D	143.23950	120.62274	106.63111
	D	0.08681	0.08070	0.07539		D	0.71620	0.60311	0.60311
8	A	11°35'	11°35'	11°35'	24	A	64°10'	64°10'	64°10'
	R	364.36	394.36	424.36		R	445.0	452.50	460.0
	L	73.66	79.73	85.79		L	280.32	285.05	289.77
	D	15.72505	14.52881	13.50170		D	500.22	508.74	517.27
	D	0.07863	0.07261	0.06751		D	0.87546	12.66206	12.45561
9	A	60°33'37"	60°33'37"	60°33'37"	25	A	64°10'	64°10'	64°10'
	R	174.9	205.0	235.0		R	40.0	47.50	55.00
	L	102.18	119.70	137.22		L	25.08	29.78	34.48
	D	184.97	216.68	248.39		D	44.80	53.20	61.60
	D	32.74040	27.94917	24.38119		D	143.23950	120.62274	106.63111
	D	0.16372	0.13275	0.10178		D	0.71620	0.60311	0.60311
10	A	24°07'23"	24°07'23"	24°07'23"	26	A	48°58'37"	48°58'37"	48°58'37"
	R	209.0	234.0	259.0		R	40.0	47.50	55.00
	L	44.66	50.0	55.34		L	18.22	21.64	25.06
	D	88.00	98.52	109.04		D	34.19	40.60	47.00
	D	27.41426	24.40539	22.12193		D	143.23950	120.62274	106.63111
	D	0.13707	0.12243	0.10779		D	0.71620	0.60311	0.60311
11	A	100°24'57"	100°24'57"	100°24'57"	27	A	14°59'23"	14°59'23"	14°59'23"
	R	75.0	100.0	125.0		R	40.0	47.50	55.00
	L	90.04	120.06	150.07		L	5.26	6.25	7.24
	D	131.44	175.26	219.07		D	10.46	12.43	14.40
	D	76.29440	57.29580	45.83664		D	143.23950	120.62274	106.63111
	D	0.38197	0.28648	0.22218		D	0.71620	0.60311	0.60311
12	A	45°56'20"	45°56'20"	45°56'20"	28	A	34°52'24"	34°52'24"	34°52'24"
	R	570.0	595.0	620.0		R	40.0	47.50	55.00
	L	241.59	252.18	262.78		L	12.56	14.92	17.28
	D	457.02	477.06	497.11		D	24.35	28.91	33.47
	D	10.05190	9.62955	9.24126		D	143.23950	120.62274	106.63111
	D	0.05026	0.04815	0.04621		D	0.71620	0.60311	0.60311
13	A	26°02'44"	26°02'44"	26°02'44"	29	A	11°48'25"	11°48'25"	11°48'25"
	R	187.40	212.40	237.40		R	517.50	525.0	532.5
	L	43.34	48.07	52.80		L	53.51	54.29	55.07
	D	85.19	131.75	178.31		D	106.64	108.19	109.74
	D	30.57407	26.97542	24.13471		D	11.07165	10.91349	10.75533
	D	0.15287	0.13488	0.12067		D	0.05536	0.05437	0.05338
14	A	31°27'50"	31°27'50"	31°27'50"	30	A	101°47'28"	101°47'28"	101°47'28"
	R	124.0	131.50	139.0		R	40.0	47.50	55.00
	L	34.93	37.04	39.15		L	49.21	58.44	67.67
	D	68.09	74.21	80.33		D	71.06	84.39	97.72
	D	46.20629	43.57095	41.20000		D	143.23950	120.62274	106.63111
	D	0.23103	0.21785	0.20610		D	0.71620	0.60311	0.60311
15	A	31°27'50"	31°27'50"	31°27'50"	31	A	84°32'55"	84°32'55"	84°32'55"
	R	500.0	507.50	515.0		R	40.0	47.50	55.00
	L	140.84	142.96	145.07		L	46.36	59.03	71.70
	D	274.57	278.69	282.81		D	143.23950	120.62274	106.63111
	D	11.45916	11.28981	11.12540		D	0.71620	0.60311	0.60311
	D	0.05730	0.05645	0.05563		D	0.05730	0.05645	0.05563



MIDWAY MEADOWS
 ADDISON, TEXAS
 THOMAS L. CHENOWETH SURVEY ~ ABST. NO. 273
 DALLAS COUNTY, TEXAS
 BENCHMARK PROPERTIES, INC. ~ OWNER
 3362 Wiley Post Road Carrollton, Texas 75006
 DON A. TIPTON, INC. ~ CONSULTING ENGINEERS
 13600 LBJ Freeway Garland, Texas 75041
 Scale: 1"=100'

BUILDING LINES
 Front Yard @ Garage ~ 20' from R.
 Front Yard @ Residence or Wall ~ 10' from R.
 Side Yard ~ 7'
 Side Yard on Zero Lot Line Side ~ 3'
 Rear Yard ~ 12'
 Along "Stem" to Corner Lots ~ 5' on Adjacent Lots for Screening Walls
 Within 20' of Front R.; 3' Beyond 20'



Addison, Texas
16801 Westgrove Dr, Addison, TX 75001

Case Number: **PMV2022-2365**

Notice of Violation Notice

Case Type: **Property Maintenance**

Date Case Established: **04/14/2022**

Compliance Deadline: **05/26/2022**

Owner: HALE JOHN M

Mailing Address

HALE JOHN M
AV 4108 POKOLODI CIR
ADDISON, TX 75001-3152

Notice of Violation for the following location:

Address

Parcel

4108 POKOLODI CIR
Addison, Texas 75001

10000926199260000

We are asking for your prompt attention to this violation in order to bring the property into compliance with the Town of Addison. (The violation observed is described below)

Violation: Sec. 302.7 - Accessory Structures

All accessory structures, including detached garages, fences and walls, shall be maintained structurally sound and in good repair.

Corrective Action: Fence/Retaining Wall that borders 4111 Leadville needs to be repaired. A permit will be required to repair the fence.

Compliance Date: 05/26/2022

The Town of Addison may exercise additional enforcement action which may include but is not limited to fines up to \$500.00 each day the violation continues until the condition is corrected. Additionally, the Town may have the property cleaned up and will bill you the cost of the cleaning plus a \$50.00 administrative fee. Should you have any questions or there exist special circumstances that may prevent you from correcting the violation within the specified time period, please feel free to contact me at 972-450-2804.

Sincerely,

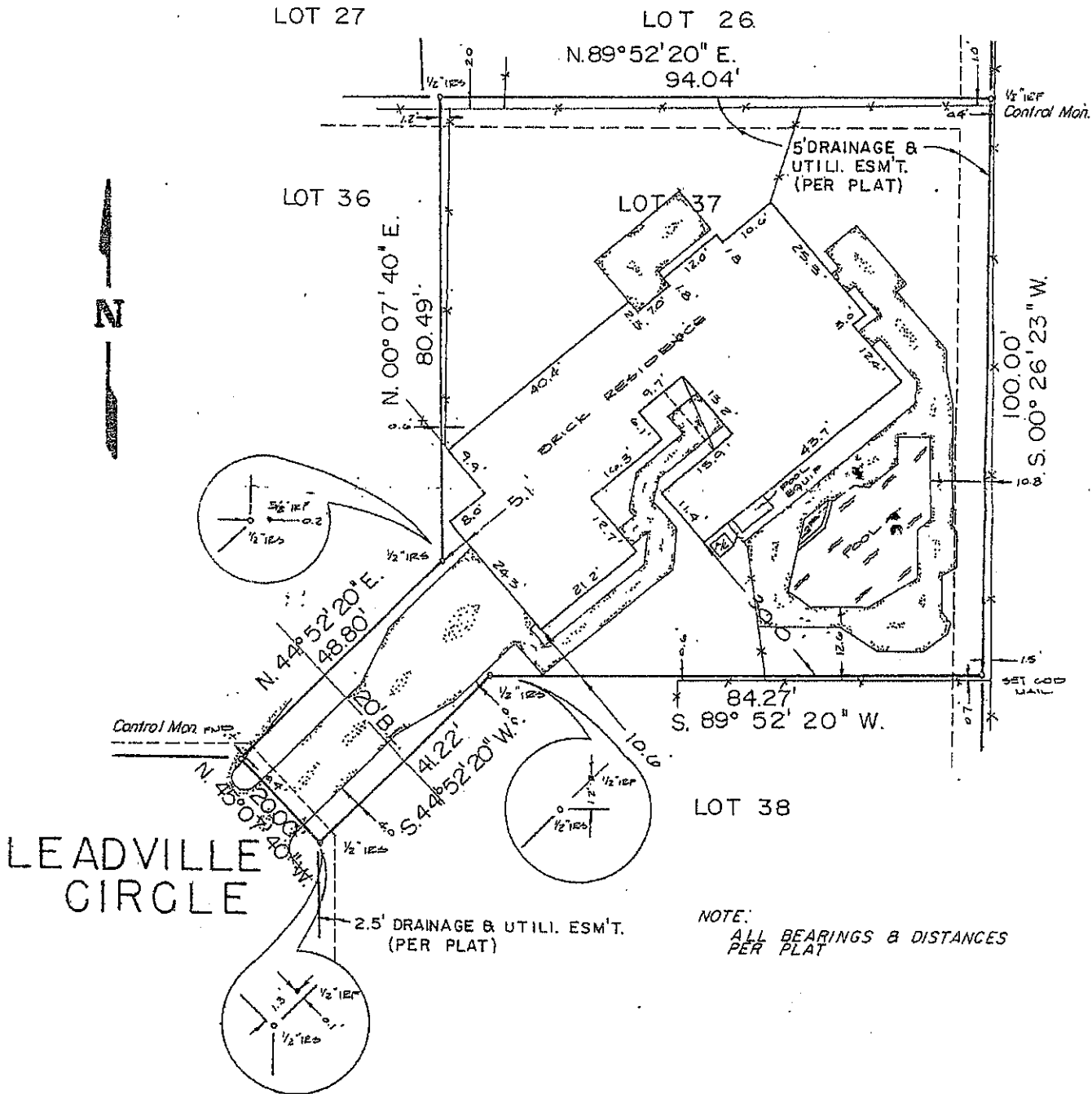
Omar Aranda

SURVEY PLAT

This is to certify that I have, this date, made a careful and accurate survey, on the ground, of property located at 411 Leadville Circle, Being Lot 37, Block F of Revised Midway Meadows, an addition to the City of Addison, Dallas County, Texas, according to the revised plat thereof recorded in Volume 80068, Page 2077, Map Records, Dallas County, Texas.

NOTE: Building Lines per Plat recorded in Volume 80068, Page 2077, Map Records, Dallas County, Texas.

- Front Yard @ Garage - 20' from Property Line
- Front Yard @ Residence or Wall - 10' from Property Line
- 10' Minimum between Residences
- Rear Yard - 12'
- Along "Step" to Corner Lots - 5' on Adjacent Lots for Screening Walls within 20' of Front Property Line; 3' Beyond 20' from Front Property Line
- Side Yard @ Corner (Garage) - 20' from Property Line
- Side Yard @ Corner (Residence or Wall) - 10' from Property Line



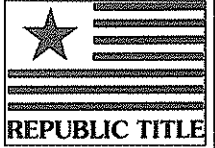
NOTE:
ALL BEARINGS & DISTANCES
PER PLAT

ACCORDING TO THE COMMUNITY - PARCEL NO 481029 - 00054 OF THE FEDERAL EMERGENCY MANAGEMENT AGENCY FLOOD INSURANCE MAP ON FLOOD HAZARD BOUNDARY
 MAP DATED JULY 11, 1980 THE PROPERTY SHOWN HEREON IS NOT LOCATED IN ZONE 2 (AREA OF 30 YEAR FLOOD PLAIN) THE PROPERTY IS LOCATED IN ZONE 1

LANDSCAPE SCOPE OF WORK:

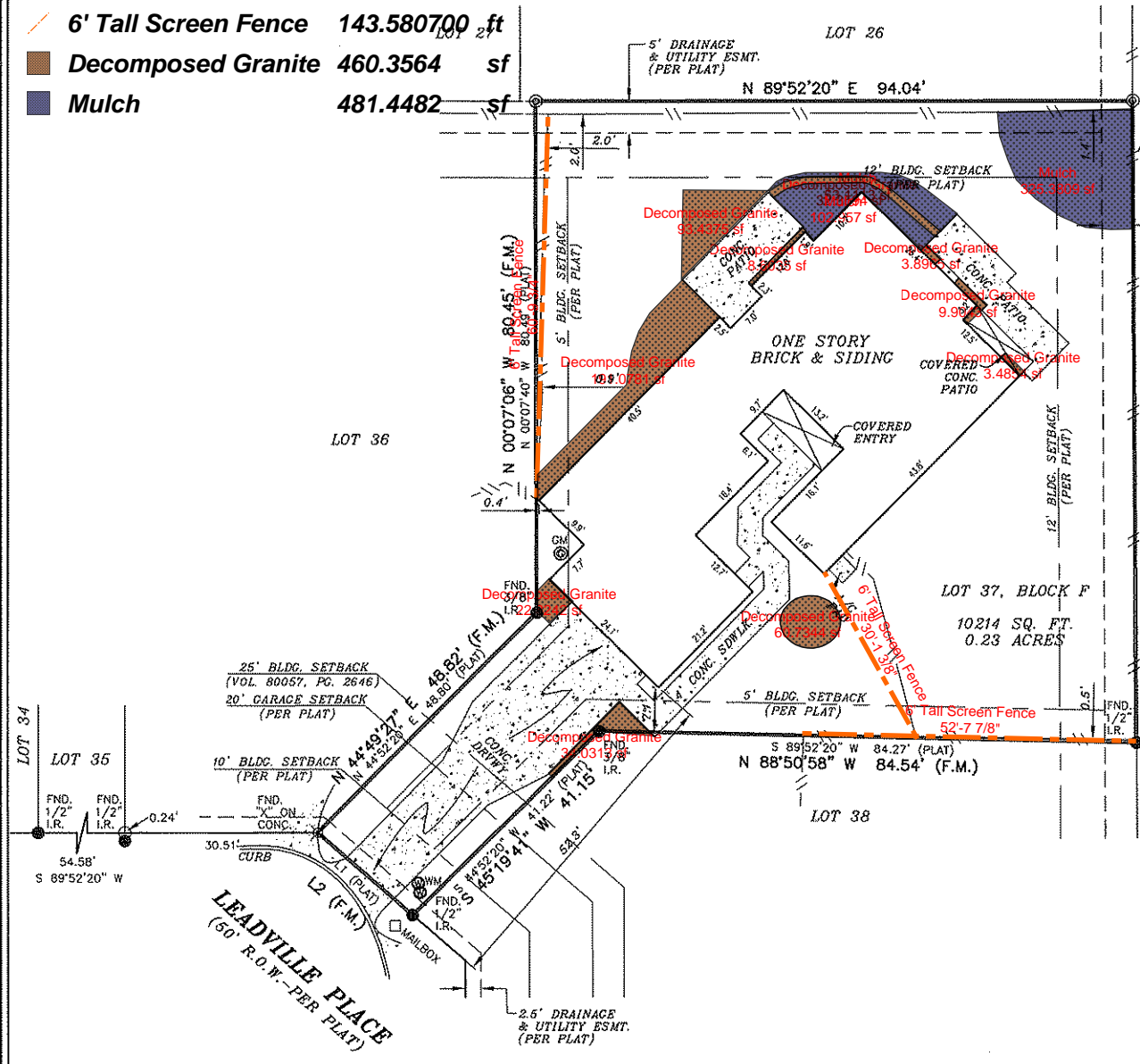
Description	Quantity	Unit
6' Tall Screen Fence	143.580700	ft
Decomposed Granite	460.3564	sf
Mulch	481.4482	sf

LINE	BEARING	DISTANCE
L1	N 45°07'40" W	20.00'
L2	N 49°18'45" W	19.78'

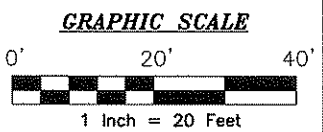


LEGEND

- These standard symbols will be found in the drawing.
- BOUNDARY LINE
 - - - EASEMENT LINE
 - - - - BUILDING SETBACK LINE
 - | -| -| WOOD FENCE
 - SET IRON ROD
 - CALCULATED POINT
 - FOUND IRON ROD
 - ⊗ FOUND "X" ON CONCRETE
 - ⊙ WATER METER
 - ⊙ GAS METER
 - MAILBOX
 - (PLAT) RECORDED ON PLAT
 - (F.M.) FIELD MEASURED



SURVEYOR'S NOTE:
 BASIS OF BEARING, RECORDED PLAT UNLESS OTHERWISE NOTED.
 The survey is hereby accepted with the discrepancies, conflicts, or shortages in area or boundary lines, encroachments, protrusions, or overlapping of improvements shown.
 At date of this survey, the property is in FEMA designated ZONE X as verified by FEMA map Panel No: 48113C 0180 K effective date of JULY 7, 2014.
 Exact designations can only be determined by a Elevation Certificate. This information is subject to change as a result of future FEMA map revisions and/or amendments.

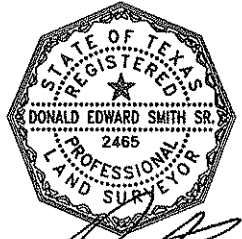


I, **DONALD EDWARD SMITH SR.**, a Registered Professional Land Surveyor in the State of Texas, do hereby certify to **REPUBLIC TITLE OF TEXAS, INC.** and **FBC MORTGAGE LLC.** that the above map is true and correct according to an actual field survey, made by me on the ground or under my supervision, of the property shown hereon or described by field notes accompanying this drawing. I further certify that all easements and rights-of-way of which I have been advised are shown hereon and that, except as shown, there are no visible encroachments, no visible overlapping of improvements and no apparent discrepancies or conflicts in the boundary lines, and no visible physical evidence of easements or rights-of-way as of the date of the field survey. I further certify that this survey meets or exceeds the minimum standards established by the Texas Board of Professional Land Surveying (Section 663.18).
 Borrower/Owner: **SIDNEY MONCRIEF AND TAKISHA MONCRIEF**
 Address: **4111 LEADVILLE PLACE** GF No. **1012-235439-RTT**
Legal Description of the Land:
 Being Lot 37, in Block F, of REVISED MIDWAY MEADOWS, an Addition to the City of Addison, Dallas County, Texas, according to the revised Plat thereof recorded in Volume 80068, Page 2077, of the Map Records of Dallas County, Texas.

FINAL "AS-BUILT" SURVEY			
JOB NO.:	NO.	REVISION	DATE
1710048654			
DATE:	10/19/17		
DRAWN BY:	MN/SZ/AF		
APPROVED BY:	DES		

SUBJECT TO RESTRICTIVE COVENANTS AND/OR EASEMENTS RECORDED IN:
 VOLUME 80057, PAGE 2646, VOLUME 80057, PAGE 2572, VOLUME 80061, PAGE 2924,
 VOLUME 80133, PAGE 1677, VOLUME 2001228, PAGE 132, REAL PROPERTY, DALLAS COUNTY, TEXAS
 CC# 201200180606, CC# 201200182588, CC# 201200182590,
 CC# 201200182591, CC# 201200182592, CC# 201200182593,
 CC# 201200182594, CC# 201400165355, REAL PROPERTY, DALLAS COUNTY, TEXAS

PROPERTY PHOTOGRAPH:



DONALD EDWARD SMITH SR., R.P.L.S.
 Registered Professional Land Surveyor
 Registration No. 2465

AMERISURVEYORS LLC
 101 W. McDermott Dr. Suite 115 Allen, Texas 75013
 Phone (214) 677-4566 Email: order@amersurveyors.com