



City of Denton

City Hall
215 E. McKinney St.
Denton, Texas 76201
www.cityofdenton.com

Meeting Agenda

Health & Building Standards Commission

Thursday, June 13, 2024

3:00 PM

Development Service Center

After determining that a quorum is present, the Health and Building Standards Commission of the City of Denton, Texas will convene in a Regular Meeting on Thursday, June 13, 2024, at 3:00 p.m. in Training Rooms 1 and 2 at the Development Service Center, 401 N. Elm Street, Denton, Texas at which the following items will be considered:

1. PLEDGE OF ALLEGIANCE

- A. U.S. Flag
- B. Texas Flag

“Honor the Texas Flag – I pledge allegiance to thee, Texas, one state under God, one and indivisible.”

2. ITEMS FOR CONSIDERATION

- A. [HBS24-005](#) Consider approval of the December 14, 2023 minutes.

Attachments: [December 14, 2023](#)

- B. [HBS24-004](#) Receive a report, hold discussion, and give staff direction on proposed updates to Chapter 17 of the City of Denton Code of Ordinances.

Attachments: [Exhibit 1 - Agenda Information Sheet](#)
[Exhibit 2 - DPMC Chapter 17 HABSCo Presentation June 2024](#)

3. CONCLUDING ITEMS

A. Under Section 551.042 of the Texas Open Meetings Act, respond to inquiries from the Health and Building Standards Commission or the public with specific factual information or recitation of policy, or accept a proposal to place the matter on the agenda for an upcoming meeting AND Under Section 551.0415 of the Texas Open Meetings Act, provide reports about items of community interest regarding which no action will be taken, to include: expressions of thanks, congratulations, or condolence; information regarding holiday schedules; an honorary or salutary recognition of a public official, public employee, or other citizen; a reminder about an upcoming event organized or sponsored by the governing body; information regarding a social, ceremonial, or community event organized or sponsored by an entity other than the governing body that was attended or is scheduled to be attended by a member of the governing body or an official or employee of the municipality; or an announcement involving an imminent threat to the public health and safety of people in the municipality that has arisen after the posting of the agenda.

NOTE: The Health and Building Standards Commission reserves the right to adjourn into a Closed Meeting on any item on its Open Meeting agenda consistent with Chapter 551 of the Texas Government Code, as amended, or as otherwise allowed by law.

CERTIFICATE

I certify that the above notice of meeting was posted on the official website (<https://tx-denton.civicplus.com/242/Public-Meetings-Agendas>) and bulletin board at City Hall, 215 E. McKinney Street, Denton, Texas, on June 7, 2024, in advance of the 72-hour posting deadline, as applicable, and in accordance with Chapter 551 of the Texas Government Code.

OFFICE OF THE CITY SECRETARY

NOTE: THE CITY OF DENTON'S DESIGNATED PUBLIC MEETING FACILITIES ARE ACCESSIBLE IN ACCORDANCE WITH THE AMERICANS WITH DISABILITIES ACT. THE CITY WILL PROVIDE ACCOMMODATION, SUCH AS SIGN LANGUAGE INTERPRETERS FOR THE HEARING IMPAIRED, IF REQUESTED AT LEAST 48 HOURS IN ADVANCE OF THE SCHEDULED MEETING. PLEASE CALL THE CITY SECRETARY'S OFFICE AT 940-349-8309 OR USE TELECOMMUNICATIONS DEVICES FOR THE DEAF (TDD) BY CALLING 1-800-RELAY-TX SO THAT REASONABLE ACCOMMODATION CAN BE ARRANGED.



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Legislation Text

File #: HBS24-005, **Version:** 1

AGENDA CAPTION

Consider approval of the December 14, 2023 minutes.

MINUTES
HEALTH AND BUILDING STANDARDS COMMISSION
December 14, 2023

After determining that a quorum was present, the Health and Building Standards Commission of the City of Denton, Texas convened in a Regular Meeting on Thursday, December 14, 2023, at 3:06 p.m. in the Council Work Session Room at City Hall, 215 E. McKinney Street, Denton, Texas at which the following items were considered:

PRESENT: Chair Michael Sweigart, Vice-Chair Nicholas Stevens, and Commissioners: Zachary Cathcart, Greg Coward, Sebastian Delgadillo, Joshua Ingram, and David Mollen

REGULAR MEETING

Chair Sweigart opened the meeting at 3:06 p.m.

1. PLEDGE OF ALLEGIANCE

- A. U.S. Flag
- B. Texas Flag

2. ITEMS FOR CONSIDERATION

A. HBS23-015 Consider approval of the November 9, 2023, minutes.

Commissioner Mollen motioned to approve the November 9, 2023, meeting minutes. Motion seconded by Commissioner Coward. Motion carried.

AYES (7): Chair Sweigart, Vice-Chair Stevens and Commissioners Cathcart, Coward, Delgadillo, Ingram, and Mollen
NAYS (0): None.

3. PUBLIC HEARINGS

- A. HBS23-017 Hold a public hearing to affirm or reject an order by the Building Official to declare a structure substandard. The structure is located on Denton County Parcel 102686, addressed as 1505 Wellington Drive. STAFF IS REQUESTING TO POSTPONE THIS ITEM INDEFINITELY.

The item was not presented, no discussion followed.

Commissioner Cathcart motioned to postpone the item indefinitely. Motion seconded by Commissioner Ingram. Motion carried.

AYES (7): Chair Sweigart, Vice-Chair Stevens and Commissioners Cathcart, Coward, Delgadillo, Ingram, and Mollen

NAYS (0): None.

- B. HBS23-019 Hold a public hearing to affirm or reject an order by the Building Official to declare structures substandard. The structure is located on Denton County Parcel 94373, addressed as 1400 Teasley Ln. STAFF IS REQUESTING TO POSTPONE THIS ITEM INDEFINITELY.

The item was not presented, no discussion followed.

Commissioner Coward motioned to postpone the item indefinitely. Motion seconded by Commissioner Ingram. Motion carried.

AYES (7): Chair Sweigart, Vice-Chair Stevens and Commissioners Cathcart, Coward, Delgadillo, Ingram, and Mollen

NAYS (0): None.

- C. Hold a public hearing and consider an appeal of an administrative decision regarding the storage of more than 2,000 liquid gallons of hazardous material at CUA Pools located at 2717 North Elm Street. The approximately 0.20-acre property is located on the west side of North Elm Street, approximately 160 feet south of Orr Street in the City of Denton, Denton County, Texas. (AA23-0003, CUA Pools - Acid Storage)

Chair Sweigart swore in the witnesses.

Chair Sweigart opened the public hearing.

City staff presented the case. Staff stated multiple neighborhood complaints began on July 25, 2023, regarding hazardous materials storage and bleach odors. On October 7, 2023, a chlorine gas leak from a bleach production system was discovered. Fire and Police attempted to evacuate 29 residences (500 ft radius) and observed 50 ppm chlorine gas measurement on site (5 x IDLH concentration).

Staff continued that the incident on October 7, 2023, led to a Fire inspection on October 9, 2023. At that time multiple drums of muriatic (hydrochloric) acid were located outside. The Appellant indicated the intent to store this type of acid in a 5,500-gallon storage tank on site. Additional information was requested from the applicant following the inspection to determine the land use. On October 27, 2023, a written determination was issued regarding the land use and the storage of acid being limited to 2,000 gallons. The appeal was submitted November 16, 2023.

Staff stated that there are two parts to the appeal, first is regarding the storage of the acid which is to be heard from Heath and Building Standard Commission as it pertains to the Fire Code. The second part of the appeal will be heard by the Zoning Board of Adjustment on December 18, 2023, regarding the land use as it pertains to the Denton Development Code.

Discussion occurred.

Mr. Juan M. Franco, the appellant, stated that the complaints were for the chlorine machine. The appellant stated they have never had 2,000 gallons of hydrochloric acid on site. They were planning to get ready for next season. Mr. Franco continued to state they would buy a truck load of hydrochloric acid from a distributor that sells all over Texas; he stated the reason for hydrochloric acid storage is because they developed a technology where data is sent to their office and trained personnel is able to read the values of the sensors. They can do the testing once a week instead of having to go every day to check the water.

Mr. Juan M. Franco stated they are locals from Denton. Mr. Franco stated if they are not able to carry the large amount of hydrochloric acid then they will probably only be able to stay in Denton for a year.

Mr. Juan C. Franco stated the reason they are here is to decide if they can store hydrochloric acid on site over 2,000 gallons. Mr. Juan C. Franco stated the main reason the city is deciding they can't do it is because it is a corrosive material and how they determined it was a corrosive material is based on the SDS sheet he provided. Mr. Franco continued that there are other places in the city that are storing corrosive materials if you go by the SDS sheet and are being stored more than 2000 gallons. Mr. Juan C. Franco stated in the handouts he provided are what the City of Denton stores at the water treatment plant.

Mr. Juan C. Franco stated they are long time members of the community and starting a business from the ground up. He thought the city would be a barrier.

Discussion with the Commission occurred between the Appellant and Commission. Mr. Juan C. Franco stated a truck will deliver the hydrochloric acid and pump into the tank. He stated currently they get drums delivered and do not currently use the tank.

Megan Schuth, Fire Marshal, stated if Mr. Franco was able to get the hydrochloric acid at a diluted concentration and had a SDS sheet from the manufacturer that indicated it would no longer be a corrosive material, then it would be acceptable. Staff continued that he provided an SDS sheet that was for concentrations from 8 to 35 percent and listed all concentrations as a corrosive. Schuth stated she informed Mr. Franco that per the International Fire Code we are required to have an SDS sheet for any hazardous materials as that is the sole way of classifying the material. She stated that he has not produced an SDS sheet that classifies the acid as anything other than a corrosive.

Mr. Juan C. Franco stated that there are different levels of corrosion. There is mild and strong corrosive. Mr. Franco continued that when you dilute the hydrochloric acid to 15 percent the corrosiveness is still there, but it is diluted to a much lower amount. The commission asked if Mr. Franco had a way to prove the percentage. Mr. Franco stated they would be able to dilute the hydrochloric acid, and the way they could do it is to write procedures, they would get a truck and dilute on site. It doesn't make sense to receive the acid at fifteen percent. So, what they proposed is they can dilute the acid, which comes in at 36 percent, with water to the 15 percent.

The commission questioned if the truck is connected directly to the tank and emptied, then hydrochloric acid in there is not diluted in that state. Mr. Juan C. Franco stated no but if you first add water to the tank before the delivery of hydrochloric acid then once the truck unloads into the

tank it will dilute on spot. Mr. Franco stated as the tank fills up the concentration of the water will go up and wear off and technically that is the way it is supposed to be done; the proper process is to add acid to water not water to acid when diluting.

Megan Schuth, Fire Marshal, stated for clarification that in the 2021 International Fire Code, which is the City's adopted code, SDS Sheets are required for hazardous materials simply because if something is in a tank, the Fire Department is unable to have the resources to verify what might be in the tank and therefore require the manufacturer's SDS sheet be provided.

Discussion occurred between the Commission and staff. The Commission asked based on an email provided by the appellant listed as A1 it states the City of Denton purchases liquid chlorine at 30,000 pounds. Schuth stated she cannot speak to that but that there are different requirements and storage allowances for different occupancy types under the Fire Code.

Staff provided clarification regarding the zoning.

The Appellant provided his last statement. Mr. Juan C. Franco stated the zoning they had was for the chlorine machine, no one has brought up the zoning code, but the fire code applies everywhere no matter the zone. There is no zoning in the fire code which is why we are having another meeting regarding the zoning. This fire code applies for everyone and if this is all true then the city should not be allowed to store the chemicals. This is completely against industry standard not being able to deliver the whole truck.

Staff provided clarification regarding the Fire Code.

City staff presented their rebuttal. Megan Schuth, Fire Marshal, stated even if hydrochloric acid comes from a supplier on a truck, 2,000 gallons is still the limit. Due to the property size he is allowed one control area so that would be the one tank of 2,000 gallons. As far as whether a material is corrosive, that is determined per the SDS sheet which we are required to obtain per the International Fire Code. Storage of more than the 2,000 gallons of a corrosive would require a change in the occupancy classification to a high hazard occupancy. Per the International Fire Code maximum allowable quantities for outdoor storage are indicative of industry practice. Schuth stated that Mr. Juan C. Franco mentioned Appendix E of the International Fire Code, but that is not an adopted appendix. The Code states that Appendix E is for informational purposes only and that it should not be used as the sole means of hazardous materials classification which is why the SDS sheets are required to classify specific materials on sites.

The following individuals spoke:

Micha Bracie, 2720 Bolivar, stated he is in support of Fire Marshal's determination. He provided background regarding an event that happened expelling chlorine gas. He stated the event affected the neighbors and us as they were asked to leave their homes twice. When he spoke to neighbors a block away, they stated they could also smell chlorine. He continued that when the appellant was speaking, he didn't hear them say anything about any chemical education which seems to be an important part of this business if they are doing such things as diluting chemicals. If they are operating within the limits of the percentage of corrosive materials, they need then he has no issue

but wants to make sure they are operating within those limits. He stated he is worried if there is a catastrophic spillage it would immediately go to the neighbors and there is no plan to stop that.

Beatrice Robinson, 408 Northridge Street, is in support of the Fire Marshal's determination. Ms. Robinson stated she lives in the neighborhood with her young children. She stated she is a small business owner in Denton and understands the fight as a small business owner and wishes no ill will to the appellant. However, in this specific situation safety has to be the biggest concern for her. She wants to ensure her children are safe and her parents who are backed up to this business are sleeping in a safe area. She is unaware of the chemicals, doesn't know the math on them or the code, but stated what it does sound like is the code is saying this is unsafe. Ms. Robinson stated this building may have been the building for them at the time but now that they have grown to a point it no longer fits their business.

Chair Sweigart closed the public hearing.

Discussion occurred between staff and the Commission regarding the International Fire Code.

Discussion occurred between the Commission and appellant.

Commissioner Mollen moved to affirm the Fire Marshal's decision or interpretation. Motion seconded by Commissioner Cathcart. Motion carried.

AYES (5): Chair Sweigart, and Commissioners Cathcart, Coward, Delgadillo, and Mollen

NAYS (2): Vice-Chair Stevens and Commissioners Ingram

4. CONCLUDING ITEMS

Commissioner Coward moved to adjourn the meeting. Motion seconded by Commissioner Ingram. Motion carried.

AYES (7): Chair Sweigart, Vice-Chair Stevens and Commissioners Cathcart, Coward, Delgadillo, Ingram, and Mollen

NAYS (0): None.

The meeting was adjourned at 4:17 p.m.

X _____
Michael Sweigart Date
Chair of Health and Building Standards Commission

X _____
Cathy Welborn Date
Administrative Assistant III



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Legislation Text

File #: HBS24-004, **Version:** 1

AGENDA CAPTION

Receive a report, hold discussion, and give staff direction on proposed updates to Chapter 17 of the City of Denton Code of Ordinances.



AGENDA INFORMATION SHEET

DEPARTMENT: Community Services
CM/DCM/ACM: Christine Taylor, Assistant City Manager
DATE: June 13, 2024

SUBJECT

Receive a report, hold discussion, and give staff direction on proposed updates to Chapter 17 of the City of Denton Code of Ordinances.

STRATEGIC ALIGNMENT

This action supports Key Focus Area: Support Healthy and Safe Communities.

BACKGROUND

Revisions to Denton’s Property Maintenance Code, [Chapter 17 \(linked\)](#), are proposed to provide clarity and ensure that the needs of the community are being met. Community Improvement Services have reviewed each section of the current ordinance and compared it to the International Property Maintenance Code 2021, Texas State Statues, and Other Local Cities, and received feedback to draft proposed revisions. Staff have engaged the community for feedback on these updates through continued public meetings, City website, social media, fliers, and targeted emails to housing associates in our community.

The Denton Property Maintenance Code has not been updated in over seven (7) years. The proposed changes outlined below are designed to improve clarity and align ordinance with current standards and other ordinances.

Proposed changes:

- Revisions to the Dangerous Building Ordinance to be more transparent and concise.
- Removal of Section 17-21 Odor in its entirety.
- Section 17-80 Maintenance of Perimeter Fences: Removal of five-degree lean.

On June 13, 2023, staff will provide a high-level overview of the proposed updates for review and receive direction from HABSCo.

PRIOR ACTION/REVIEW (Council, Boards, Commissions)

June 8, 2023: HABSCo review and discussion.
July 13, 2023: HABSCo review and discussion.
August 10, 2023: HABSCo review and discussion.
November 9, 2023 HABSCo review and discussion.

ESTIMATED SCHEDULE OF PROJECT

- June 13, 2024 – HABSCo
- July 2024 – Propose Update at Council Meeting
- August 2024 – Present final DPMC Chapter 17 updates to council for approval.
- September-November 2024 – Educate Public on Updates
- December 2024 – Full Update Implementation

EXHIBITS

1. Agenda Information Sheet
2. DPMC Chapter 17 HABSCo Presentation June 2024

Respectfully submitted:
Danielle Shaw
Director of Community Services

Prepared by:
Joshua Ellison
Neighborhood Services Manager



Denton Property Maintenance Code: Proposed Changes

DATE: June, 13th 2024

ID#HBS24-004

COMMUNITY IMPROVEMENT SERVICES



COMMUNITY SERVICES

DPMC REVISION PURPOSE

- Revisions to Denton's Property Maintenance Code ([Chapter 17](#)) are proposed to provide clarity and ensure that the needs of the community are being met.
- Community Improvement Services have reviewed each section of our existing ordinance and compared it to the International Property Maintenance Code 2021, Texas State Statues, Other Local Cities and received feedback to draft proposed revisions.

COMMUNITY ENGAGEMENT

OUTREACH ACTIVITIES

- Four Public Meetings
- Information and Feedback Form Available on City Website
- Promotion on Social Media
- Outreach to Community Associations, Homeowners Associations and Neighborhood Groups

NEXT STEPS

- The Health and Building Standards Commission will review and consider updates for approval for submission to City Council in June.
- A final Public Hearing will be held at City Council in June.
- City Council will consider revisions for approval in July or August.

PROPOSED REVISIONS

- Sections suggested for **deletion**.
 - 17-20 Odors
- Sections with **minor/administrative changes**.
 - 17-2 Definitions Community Associations.
 - 17-80 Maintenance of Perimeter Fences.
- Sections with **substantial revisions**
 - 17-181 Dangerous Buildings

DELETIONS

- Section 17-21 Odor
 - **WHAT:** Removal of Odor ordinance in full.
 - **WHY:** Subjective ordinance that is not in line with current standards of property maintenance.

MINOR/ADMINISTRATIVE CHANGES

- Section 17-2 Definitions
 - **WHAT:** "Community Association" shall refer to any organized collective, including but not limited to homeowners' associations (HOAs), neighborhood associations, manufactured home communities, and other similar neighborhood groups.
 - **WHY:** This term specifically denotes any entity established to administer a residential community and its common areas, enforce applicable rules and covenants, and as required, levy and collect association fees or dues from its members.
- Section 17-80 Maintenance of Perimeter Fences
 - **WHAT:** Remove 5-degree lien
 - **WHY:** This is subjective and does not align with current standards of property maintenance.

SUBSTANTIAL REVISIONS

- Sec 17-181 DANGEROUS BUILDING ORDINANCE

- **WHAT:**

- All properties that are identified as a possible dangerous building will be brought to Health & Building Safety Commission (HABSCo) for a vote to declare the structure as a Dangerous and Unsafe property.
 - City of Denton Code Official will provide all property owners with sufficient notice of the violation(s) and a reasonable amount of time to correct them.
 - Demolition orders will be determined by HABSCo only after all other methods have been exhausted by the City.

- **WHY:** Updates are being made to ensure code is clear and concise.

PROPOSED REVISION TIMELINE

- June 13, 2024: Present final proposal to Health & Building Safety Commission (HABSCo) for sign off.
- July 2024 – Propose Update at Council Meeting
- August 2024 – Present final DPMC Chapter 17 updates to council for approval.
- September-November 2024 – Educate Public on Updates
- December 2024 – Full Update Implementation

PROVIDE FEEDBACK

- Email cis@cityofdenton.com,
- Online form at QR code or [**cityofdenton.com/codeenforcement**](https://cityofdenton.com/codeenforcement)

