

**CODE OF ORDINANCES**  
**OF THE**  
**CITY OF BLUE RIDGE, TEXAS**

**As Codified By:**



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**ARTICLE 1.01 CODE OF ORDINANCES\*****Sec. 1.01.001 Adoption**

There is hereby adopted the Code of Ordinances of the City of Blue Ridge, Texas, as compiled, edited and published by Franklin Legal Publishing, Inc. (Ordinance adopting Code)

**Sec. 1.01.002 Designation and citation of code**

The ordinances embraced in this chapter and the following chapters, articles and sections shall constitute and be designated the “Code of Ordinances, City of Blue Ridge, Texas,” and may be so cited. (Ordinance adopting Code)

**Sec. 1.01.003 Catchlines of articles, divisions and sections**

The catchlines of the several articles, divisions and sections of this code are intended as mere catchwords to indicate the contents of the article, division or section and shall not be deemed or taken to be titles of such articles, divisions and sections, nor as any part of the articles, divisions and sections, nor, unless expressly so provided, shall they be so deemed when any of such articles, divisions and sections, including the catchlines, are amended or reenacted. (Ordinance adopting Code)

**State law reference**—Headings of statutes, V.T.C.A., Government Code, sec. 311.024.

**Sec. 1.01.004 Definitions and rules of construction**

In the construction of this code and of all ordinances and resolutions passed by the city council, the following rules shall be observed, unless such construction would be inconsistent with the manifest intent of the city council:

Generally. Words shall be construed in their common and usual significance unless the contrary is clearly indicated.

City and town. Each means the City of Blue Ridge, Texas.

City administrator, city manager, city secretary, chief of police or other city officers. The term “city administrator,” “city manager,” “city secretary,” “chief of police” or other city officer or department shall be construed to mean the city administrator, city manager, city secretary, chief of police or such other municipal officer or department, respectively, of the City of Blue Ridge, Texas.

Computation of time. Whenever a notice is required to be given or an act to be done a certain length of time before any proceeding shall be had, the first day is excluded and the last day is included. If the last day of any period is a Saturday, Sunday, or legal holiday, the period is extended to include the next day that is not a Saturday, Sunday, or legal holiday.

**State law reference**—Computation of time, V.T.C.A., Government Code, sec. 311.014.

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\* **State law reference**—Authority of municipality to codify ordinances, V.T.C.A., Local Government Code, ch. 53.

Council. Whenever the term “council” or “city council” or “the council” is used, it shall mean the city council of the City of Blue Ridge, Texas.

**State law reference**—References to municipal governing body and to members of municipal governing body, V.T.C.A., Local Government Code, sec. 21.002.

County. The term “county” or “this county” shall mean the County of Collin, Texas.

Delegation of authority. Whenever a provision of this Code of Ordinances requires or authorizes an officer or employee of the city to do some act or perform some duty, it shall be construed to authorize such officer or employee to designate, delegate and authorize subordinates to perform the act or duty unless the terms of the provision specifically designate otherwise.

Gender. A word importing the masculine gender only shall extend and be applied to females and to firms, partnerships, associations and corporations, as well as to males.

**State law reference**—“Gender” defined, V.T.C.A., Government Code, sec. 312.003(c).

Joint authority. Words purporting to give authority to three (3) or more officers or other persons shall be construed as giving such authority to a majority of such officers or other persons, unless it is otherwise declared.

**State law reference**—Grants of authority, V.T.C.A., Government Code, sec. 312.004.

May. The word “may” is permissive.

**State law reference**—Construction of word “may,” V.T.C.A., Government Code, sec. 311.016.

Month. The word “month” shall mean a calendar month.

**State law reference**—“Month” defined, V.T.C.A., Government Code, sec. 312.011.

Must and shall. Each is mandatory.

**State law reference**—Construction of words “must” and “shall,” V.T.C.A., Government Code, sec. 311.016.

Number. Any word importing the singular number shall include the plural, and any word importing the plural number shall include the singular.

**State law reference**—“Number,” V.T.C.A., Government Code, sec. 312.003(b).

Oath. The word “oath” shall be construed to include an affirmation in all cases in which, by law, an affirmation may be substituted for an oath, and in such cases the words “swear” and “sworn” shall be equivalent to the words “affirm” and “affirmed.”

**State law reference**—“Oath,” “swear” and “sworn” defined, V.T.C.A., Government Code, sec. 312.011.

Official time standard. Whenever certain hours are named in this code, they shall mean standard time or daylight saving time, as may be in current use in the city.

**State law reference**—Standard time, V.T.C.A., Government Code, sec. 312.016.

Or, and. The word “or” may be read “and,” and the word “and” may be read “or,” as the sense requires it.

Owner. The word “owner,” applied to a building or land, shall include any part owner, joint owner, tenant in common, tenant in partnership, joint tenant or tenant by the entirety of the whole or of a part of such building or land.

Person. The word “person” shall extend and be applied to associations, corporations, firms, partnerships, organizations, business trusts, estates, trusts, and bodies politic and corporate, as well as to individuals.

**State law reference**—“Person” defined, V.T.C.A., Government Code, sec. 311.005.

Preceding, following. The terms “preceding” and “following” mean next before and next after, respectively.

**State law reference**—“Preceding” defined, V.T.C.A., Government Code, sec. 312.011.

Property. The word “property” shall mean and include real and personal property.

**State law reference**—“Property” defined, V.T.C.A., Government Code, sec. 311.005.

Real property. The term “real property” shall mean and include lands, tenements and hereditaments.

Sidewalk. The word “sidewalk” shall mean that portion of a street between the curblin and the adjacent property line intended for the use of pedestrians.

Signature or subscription. A signature or subscription shall include a mark when a person cannot write.

**State law reference**—“Signature” and “subscribe” defined, V.T.C.A., Government Code, sec. 312.011.

State. The term “the state” or “this state” shall be construed to mean the State of Texas.

Street. The word “street” shall have its commonly accepted meaning and shall include highways, sidewalks, alleys, avenues, recessed parking areas and other public rights-of-way, including the entire right-of-way.

Tense. Words used in the past or present tense include the future, as well as the past and present.

**State law reference**—“Tense,” V.T.C.A., Government Code, sec. 312.003(a).

V.T.C.S., V.T.P.C., V.T.C.C.P., V.T.C.A. Such abbreviations refer to the divisions of Vernon’s Texas Statutes Annotated.

Written or in writing. The term “written” or “in writing” shall be construed to include any representation of words, letters, or figures, whether by printing or otherwise.

**State law reference**—“Written” or “in writing” defined, V.T.C.A., Government Code, sec. 312.011.

Year. The word “year” shall mean a calendar year.

**State law reference**–“Year” defined, V.T.C.A., Government Code, sec. 312.011.

(Ordinance adopting Code)

**Sec. 1.01.005 Severability of parts of code**

It is hereby declared to be the intention of the city council that the sections, paragraphs, sentences, clauses and phrases of this code are severable, and if any phrase, clause, sentence, paragraph or section of this code shall be declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of this code, since the same would have been enacted by the city council without the incorporation in the code of any such unconstitutional phrase, clause, sentence, paragraph or section. (Ordinance adopting Code)

**State law reference**–Severability of statutes, V.T.C.A., Government Code, sec. 312.013.

**Sec. 1.01.006 Repeal of ordinances**

The repeal of an ordinance or any portion thereof shall not repeal the repealing clause of an ordinance or revive any ordinance which has been previously repealed. (Ordinance adopting Code)

**State law reference**–Effect of repeal of statutes, V.T.C.A., Government Code, sec. 311.030.

**Sec. 1.01.007 Amendments or additions to code**

All ordinances of a general and permanent nature, and amendments to such ordinances, hereafter enacted or presented to the city council for enactment, shall be drafted, so far as possible, as specific amendments of, or additions to, the Code of Ordinances. Amendments to this code shall be made by reference to the chapter and section of the code which is to be amended, and additions shall bear an appropriate designation of chapter, article and section; provided, however, the failure to do so shall in no way affect the validity or enforceability of such ordinances. (Ordinance adopting Code)

**Sec. 1.01.008 Supplementation of code**

(a) By contract or by city personnel, supplements to this code shall be prepared and printed whenever authorized or directed by the city council. A supplement to the code shall include all substantive permanent and general parts of ordinances passed by the city council during the period covered by the supplement and all changes made thereby in the code. The pages of a supplement shall be so numbered that they will fit properly into the code and will, where necessary, replace pages that have become obsolete or partially obsolete, and the new pages shall be so prepared that, when they have been inserted, the code will be current through the date of the adoption of the latest ordinance included in the supplement.

(b) In preparing a supplement to this code, all portions of the code which have been repealed shall be excluded from the code by omission thereof from reprinted pages.

(c) When preparing a supplement to this code, the codifier (meaning the person, agency or organization authorized to prepare the supplement) may make formal, nonsubstantive changes in ordinances and parts of ordinances included in the supplement, insofar as it is necessary to do so to embody them into a unified code. For example, the codifier may:

- (1) Organize the ordinance material into appropriate subdivisions;
- (2) Provide appropriate catchlines, headings and titles for articles, sections and other subdivisions of the code printed in the supplement and make changes in such catchlines, headings and titles;
- (3) Assign appropriate numbers to articles, sections and other subdivisions to be inserted in the code and, where necessary to accommodate new material, change existing article or section or other subdivision numbers;
- (4) Change the words “this ordinance” or words of the same meaning to “this chapter,” “this article,” “this section,” “this subsection,” etc., as the case may be; and
- (5) Make other nonsubstantive changes necessary to preserve the original meaning of ordinance material inserted into the code, but in no case shall the codifier make any change in the meaning or effect of ordinance material included in the supplement or already embodied in the code.

(Ordinance adopting Code)

**Sec. 1.01.009 General penalty for violations of code; continuing violations**

(a) Whenever in this code or in any ordinance of the city an act is prohibited or is made or declared to be unlawful or an offense or a misdemeanor or whenever in this code or such ordinance the doing of any act is required or the failure to do any act is declared to be unlawful, and no specific penalty is provided therefor, the violation of any such provision of this code or any such ordinance shall be punished by a fine of not exceeding five hundred dollars (\$500.00).

(b) A fine or penalty for the violation of a rule, ordinance or police regulation that governs fire safety, zoning or public health and sanitation, other than the dumping of refuse, may not exceed two thousand dollars (\$2,000.00).

(c) A fine or penalty for the violation of a rule, ordinance, or police regulation that governs the dumping of refuse may not exceed four thousand dollars (\$4,000.00).

(d) A person convicted of an offense under title 7, subtitle C, Transportation Code (the Uniform Act Regulating Traffic on Highways) for which another penalty is not provided shall be punished by a fine of not less than \$1.00 or more than \$200.00 plus such other penalties and costs as may be provided by such subtitle C.

(e) Unless otherwise specifically stated in this code, any violation of this code or of any ordinance that is punishable by a fine that does not exceed five hundred dollars (\$500.00) does not require a culpable mental state, and a culpable mental state is hereby not required to prove any such offense.

(f) No penalty shall be greater or less than the penalty provided for the same or a similar offense under the laws of the state.

(g) Unless otherwise stated in this code or in any ordinance, each day any violation of this code or of any ordinance shall continue shall constitute a separate offense.

(h) In the event that any such violation is designated as a nuisance under the provisions of this code, such nuisance may be summarily abated by the city. In addition to the penalty prescribed above, the city may pursue other remedies such as abatement of nuisances, injunctive relief and revocation of licenses or permits.

(i) In the event authorizing state law is amended, modified, superseded or otherwise changed to alter the allowable punishment range, then the city’s range of punishment shall likewise be amended, modified, superseded or otherwise changed.

(Ordinance adopting Code)

**State law references**—Penalties for violations, V.T.C.A., Local Government Code, sec. 54.001; penalty for class C misdemeanor, V.T.C.A., Penal Code, sec. 12.23; requirement of culpability, V.T.C.A., Penal Code, sec. 6.02.

**ARTICLE 1.02 EMERGENCY MANAGEMENT\***

**Division 1. Generally**

**Sec. 1.02.001 National Incident Management System adopted**

The city council hereby adopts the National Incident Management System dated March 1, 2004. (Ordinance 2005-1101-05 adopted 11/1/05)

**Secs. 1.02.002–1.02.030 Reserved**

**Division 2. Emergency Management Program**

**Sec. 1.02.031 Organization**

There exists the office of emergency management director of the city, which shall be held by the mayor in accordance with state law.

- (1) An emergency management coordinator may be appointed by and serve at the pleasure of the director.
- (2) The director shall be responsible for a program of comprehensive emergency management within the city and for carrying out the duties and responsibilities set forth in this division. He/she may delegate authority for execution of these duties to the coordinator.

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\* **State law reference**—Local and interjurisdictional emergency management, V.T.C.A., Government Code, ch. 418.

- (3) The operational emergency management organization of the city shall consist of the officers and employees of the city so designated by the director in the emergency management plan, as well as organized volunteer groups. The functions and duties of this organization shall be distributed among such officers and employees in accordance with the terms of the emergency management plan.

(Ordinance 2-15-94-2, sec. 1, adopted 2/15/94)

**Sec. 1.02.032 Powers and duties of emergency management director**

The duties and responsibilities of the emergency management director shall include the following:

- (1) Conduct an ongoing survey of actual or potential hazards which threaten life and property within the city and an ongoing program of identifying and requiring or recommending the implementation of measures which would tend to prevent the occurrence or reduce the impact of such hazards if a disaster did occur.
- (2) Supervision of the development and approval of an emergency management plan for the city, and shall recommend for adoption by the city council all mutual aid arrangements deemed necessary for the implementation of such plan.
- (3) Authority to declare a local state of disaster. The declaration may not be continued or renewed for a period in excess of 7 days except by or with the consent of the city council. Any order or proclamation declaring, continuing, or terminating a local state of disaster shall be given prompt and general publicity and shall be filed promptly with the city secretary.
- (4) Issuance of necessary proclamations, regulations or directives which are necessary for carrying out the purposes of this division. Such proclamations, regulations or directives shall be disseminated promptly by means calculated to bring the contents to the attention of the general public and, unless circumstances attendant on the disaster prevent or impede, promptly filed with the city secretary.
- (5) Direction and control of the operations of the city emergency management organization as well as the training of emergency management personnel.
- (6) Determination of all questions of authority and responsibility that may arise within the emergency management organization of the city.
- (7) Maintenance of liaison with other municipal, county, district, state, regional or federal emergency management organizations.
- (8) Marshaling of all necessary personnel, equipment or supplies from any department of the city to aid in the carrying out of the provisions of the emergency management plan.

- (9) Supervision of the drafting and execution of mutual aid agreements, in cooperation with the representatives of the state and of other local political subdivisions of the state, and the drafting and execution, if deemed desirable, of an agreement with the county in which the city is located, and with other municipalities within the county, for the county-wide coordination of emergency management efforts.
- (10) Supervision of and final authorization for the procurement of all necessary supplies and equipment, including acceptance of private contributions which may be offered for the purpose of improving emergency management within the city.
- (11) Authorizing of agreements, after approval by the city attorney, for use of private property for public shelter and other purposes.
- (12) Survey of the availability of existing personnel, equipment, supplies and services which could be used during a disaster as provided for herein.
- (13) Other requirements as specified in the Texas Disaster Act of 1975 and chapter 418 of the Texas Government Code.

(Ordinance 2-15-94-2, sec. 2, adopted 2/15/94)

**Sec. 1.02.033      Emergency management plan**

A comprehensive emergency management plan shall be developed and maintained in a current state. The plan shall set forth the form of the organization, establish and designate divisions and functions, assign responsibilities, tasks, duties and powers and designate officers and employees to carry out the provisions of this division. As provided by state law, the plan shall follow the standards and criteria established by the state division of emergency management. Insofar as possible, the form of organization, titles and terminology shall conform to the recommendations of the state division of emergency management. When approved, it shall be the duty of all departments and agencies to perform the functions assigned by the plan and to maintain their portion of the plan in a current state of readiness at all times. The emergency management plan shall be considered supplementary to this division and have the effect of law during the time of a disaster. (Ordinance 2-15-94-2, sec. 3, adopted 2/15/94)

**Sec. 1.02.034      Interjurisdictional program**

The mayor is hereby authorized to join with the county judge and the mayors of the other cities in the county in the formation of an emergency management council for the county and shall have the authority to cooperate in the preparation of a joint emergency management plan and in the appointment of a joint emergency management coordinator, as well as all powers necessary to participate in a county-wide program of emergency management insofar as said program may affect the city. (Ordinance 2-15-94-2, sec. 4, adopted 2/15/94)

**Sec. 1.02.035      Override**

At all times when the orders, rules and regulations made and promulgated pursuant to this division shall be in effect, they shall supersede and override all existing ordinances, orders, rules and regulations insofar as the latter may be inconsistent therewith. (Ordinance 2-15-94-2, sec. 5, adopted 2/15/94)



**Sec. 1.02.036 Liability**

This division is an exercise by the city of its governmental functions for the protection of the public peace, health and safety and neither the city, the agents and representatives of the city nor any individual, receiver, firm, partnership, corporation, association or trustee, nor any of the agents thereof, in good faith carrying out, complying with or attempting to comply with any order, rule or regulation promulgated pursuant to the provisions of this division shall be liable for any damage sustained to persons as the result of said activity. Any person owning or controlling real estate or other premises who voluntarily and without compensation grants to the city a license or privilege or otherwise permits the city to inspect, designate and use the whole or any part or parts of such real estate or premises for the purpose of sheltering persons during an actual, impending or practice enemy attack or natural or man-made disaster shall, together with his successors in interest, if any, not be civilly liable for the death of or injury to any person on or about such real estate or premises under such license, privilege or other permission or for loss of, or damage to, the property of such person. (Ordinance 2-15-94-2, sec. 6, adopted 2/15/94)

**Sec. 1.02.037 Violations; penalty**

(a) It shall be unlawful for any person willfully to obstruct, hinder, or delay any member of the emergency management organization in the enforcement of any rule or regulation issued pursuant to this division, or to do any act forbidden by any rule or regulation issued pursuant to the authority contained in this division.

(b) It shall likewise be unlawful for any person to wear, carry or display any emblem, insignia or any other means of identification as a member of the emergency management organization of the city unless authority to do so has been granted to such person by the proper officials.

(c) Any authorized person who shall operate a siren or other device so as to simulate a warning signal, or the termination of a warning, shall be deemed guilty of a violation of this division and shall be subject to the penalties imposed by this division.

(d) Convictions for violations of the provisions of this division shall be punishable by a fine not to exceed five hundred dollars (\$500.00).

(Ordinance 2-15-94-2, sec. 7, adopted 2/15/94)

**Sec. 1.02.038 Limitations**

This division shall not be construed so as to conflict with any state or federal statute or with any military or naval order, rule, or regulation. (Ordinance 2-15-94-2, sec. 10, adopted 2/15/94)

**ARTICLE 1.03 MUNICIPAL COURT\***

**Division 1. Generally**

**Secs. 1.03.001–1.03.040      Reserved**

**Division 2. Costs, Fees and Special Expenses†**

**Sec. 1.03.041      Technology fund**

(a) Established.

- (1) There is hereby created and established a municipal court technology fund, herein known as the fund, pursuant to article 102.0172 of the Code of Criminal Procedure.
- (2) The fund may be maintained in an interest-bearing account and may be maintained in the general revenue account.

(b) Amount of fee; assessment and collection.

- (1) The fee shall be as set forth in the fee schedule in appendix A of this code.
- (2) The fee shall be assessed and collected from the defendant upon conviction for a misdemeanor offense in the municipal court as a cost of the court. A defendant is considered convicted if:
  - (A) Judgment, sentence, or both are imposed on the person;
  - (B) The person is placed on deferred disposition; or
  - (C) The court defers final disposition or imposition of the judgment and sentence.
- (3) The fee shall be collected on conviction for an offense committed on or after September 1, 1999, or for convictions on offenses committed on or after this section is adopted.
- (4) The clerk of the court shall collect the fee and pay the fee to the municipal treasurer of the city, who shall deposit the fee into the municipal court technology fund.

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\* **State law references**—Municipal courts generally, V.T.C.A., Government Code, ch. 29; jurisdiction of municipal courts, V.T.C.A., Government Code, sec. 29.003; procedures for processing cases within criminal jurisdiction of municipal court, Tex. Code Crim. Proc. ch. 45.

† **State law references**—Municipal court fines, costs and special expenses, Tex. Code Crim. Proc. art. 45.203; costs paid by defendants, Tex. Code Crim. Proc. ch. 102; court costs on conviction, V.T.C.A., Government Code, sec. 102.021; additional court costs on conviction in municipal court, V.T.C.A., Government Code, sec. 102.121; additional court fees and costs, V.T.C.A., Government Code, ch. 103; contracts for collection services, Tex. Code Crim. Proc. art. 103.0031.

(c) Designated use; administration.

- (1) The fund shall be used only for the purpose of financing the purchase of or to maintain technology enhancements for the municipal court of the city. “Technology enhancements” shall include any and all items described in article 102.0172 of the Code of Criminal Procedure.
- (2) The fund shall be administered by or under the direction of the city council.

(Ordinance 07172008 adopted 8/5/08; Ordinance adopting Code)

**State law reference**—Authority to establish municipal court technology fund, Tex. Code Crim. Proc. art. 102.0172.



# CHAPTER 2

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## ARTICLE 2.01 GENERAL PROVISIONS

### Sec. 2.01.001 Form of government

The city hereby adopts the type A general-law form of municipal government and will be henceforth governed as a type A general-law municipality. (Ordinance 3-29-90 adopted 3/29/90)

**State law reference**—Type A form of government, V.T.C.A., Local Government Code, sec. 5.001; sec. 22.001 et seq.

### Sec. 2.01.002 Town redesignated as city

The Town of Blue Ridge hereby exercises its authority to change its official title and designation to “City of Blue Ridge,” and said official title and designation shall be henceforth used on all official documents relating to the city. (Ordinance 1-4-94-1 adopted 1/4/94)

## ARTICLE 2.02 CITY COUNCIL\*

### Sec. 2.02.001 Date and time for meetings

The city council shall hold regular meetings on the first Tuesday of each month. Meetings shall begin at 7:00 p.m. The city council retains the right to postpone and/or reschedule regular meetings when such meetings conflict with national holidays, election days, and/or other events which could be expected to conflict with the securing of a quorum of the council or conflict with the use of the regular council meeting room. When postponement and/or rescheduling occurs, a notice of such postponement and/or rescheduling shall be posted in the same manner as required for regular meetings of the council. (Ordinance 96-1105 adopted 11/5/96; Ordinance adopting Code)

**State law references**—Meetings of governing body, V.T.C.A., Local Government Code, sec. 22.038; quorum requirements, V.T.C.A., Local Government Code, sec. 22.039; open meetings, V.T.C.A., Government Code, ch. 551.

### Sec. 2.02.002 Confidentiality and non-disclosure agreement

(a) Definitions.

Confidential information means any information that a city council member is entitled to because of his official position but otherwise is not available to the public generally without an open records/public information request pursuant to the provisions of the Texas Public Information Act (the “Act”), Government Code chapter 552, and/or is not available to the public under the Act.

Official capacity. A city council member acts in his or her “official capacity” in performing the duties and exercising the powers of the office of a city council member, under the laws of the state, as this term is defined in the Texas Civil Practice and Remedies Code, section 101.053(a), and under other applicable law.

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\* **State law reference**—Type A form of government, V.T.C.A., Local Government Code, sec. 5.001; sec. 22.001 et seq.

(b) Standards of conduct.

(1) Confidential information. A city council member shall not:

- (A) Use his or her position to obtain confidential information about any person or entity except in his or her official capacity;
- (B) Disclose any confidential information gained through the city council member’s office or position concerning property, operations, policies, personnel or affairs of the city; or
- (C) Use such confidential information to advance any economic interest or personal interest of the city council member or confer any benefit to the city council member, or their family member.

(c) Requirement to sign agreement. All city council members, upon taking the oath of office, shall be required to sign the confidentiality and non-disclosure agreement which is attached to Ordinance 20121705-2 as exhibit A and is incorporated herein for all purposes, being hereby approved and adopted.

(Ordinance 20121705-2 adopted 5/22/12)

**State law references**—Conflicts of interest of officers, V.T.C.A., Local Government Code, ch. 171; ethics, V.T.C.A., Government Code, ch. 571 et seq.

**ARTICLE 2.03 BOARDS AND COMMISSIONS\***

**Division 1. Generally**

**Secs. 2.03.001–2.03.030**      **Reserved**

**Division 2. Planning and Zoning Commission†**

**Sec. 2.03.031**      **Creation and purpose**

A planning and zoning commission for the city is hereby created to accomplish the following purposes:

- (1) Identify community needs and advise the city council of the short-range and long-range implications for the total development of the city;
- (2) Recommend achievable community goals as a basis for long-range planning and development programs;
- (3) Recommend plans, programs and policies that will aid the entire community in achieving its defined goals; and

\* **State law reference**—Open meetings, V.T.C.A., Government Code, ch. 551.

† **State law reference**—Zoning commission, V.T.C.A., Local Government Code, sec. 211.007.

- (4) Interpret the adopted plans and programs to concerned citizens, so that private activities and desires may be accomplished in harmony with public needs and policies.

(Ordinance 2002-0108-2, sec. 1, adopted 1/8/02)

**Sec. 2.03.032 Membership; qualifications of members**

The planning and zoning commission shall be appointed by the city council and shall be composed of seven (7) qualified voters residing within the city. The city council shall consider for appointment to the commission only those persons who have demonstrated their civic interest, general knowledge of the community, independent judgment, interest in planning and zoning and availability to prepare for and attend meetings. It is the intent of the city council that members shall, by reason of diversity of their individual occupations, constitute a commission that is broadly representative of the entire community. (Ordinance 2002-0108-2, sec. 2, adopted 1/8/02)

**Sec. 2.03.033 Terms of office; limitation on consecutive terms**

Members shall be appointed for two (2) year terms. The terms of four (4) members shall expire on June 30 of each odd-numbered year and the terms of three (3) members shall expire on June 30 of each even-numbered year. To accomplish this, members of the commission shall be identified by place numbers one (1) through seven (7). The odd-numbered places shall expire in odd-numbered years; the even-numbered places shall expire in even-numbered years. Members may be appointed to succeed themselves; however, no member shall serve more than four (4) consecutive terms. Newly appointed members shall be installed at the first regular meeting after their appointment. (Ordinance 2002-0108-2, sec. 3, adopted 1/8/02)

**Sec. 2.03.034 Resignation of member; removal for non-attendance**

Any member of the commission may resign at any time he/she desires by notifying the chairman in writing stating a termination date. The chairman will accept such resignation and notify the city council that a person is needed to complete the unexpired term. If a member is absent from three consecutive commission meetings without giving the chairman a prior valid reason for such absence, that member is automatically removed from the commission and a replacement sought to fill the balance of the term in question. (Ordinance 2002-0108-2, sec. 4, adopted 1/8/02)

**Sec. 2.03.035 Organization**

The commission shall hold an organizational meeting in July of each year to elect a chairperson, vice-chairperson, secretary, and other officers it deems necessary from among its membership before proceeding to other matters of business. The commission shall adopt its own rules of procedure and keep a written record of its proceedings consistent with the provisions of this division and the requirements of law. (Ordinance 2002-0108-2, sec. 5, adopted 1/8/02)

**Sec. 2.03.036 Powers and duties**

The planning and zoning commission is hereby charged with the duty and invested with the authority to:

- (1) Review, upon request of the building inspector, residential and commercial building permit applications, especially those needing a variance or special use permit, and the first permit in a new subdivision to ensure compliance with the zoning ordinance.
- (2) Formulate and recommend to the city council a comprehensive plan for the orderly growth and development of the city and its environs, and recommend such changes in the plan it finds will facilitate the movement of people and goods, and the health, recreation, safety, and general welfare of the city.
- (3) Formulate a zoning plan it deems best to carry out the goals of the comprehensive plan; hold public hearings and make recommendations to the city council relating to the creation, amendment, and implementation of zoning regulations and districts.
- (4) Review lot and subdivision plats and plans and forward recommendations to the city council.
- (5) Study and make recommendations on the location, extension and planning of public rights-of-way, parks or other public places, and on the vacating or closing of the same.
- (6) Study and make recommendations concerning the capital improvements program, including the construction of public buildings, bridges, viaducts, street fixtures and other structures. Study and make recommendations to the city council on the design or alteration and on the location or relocation of works of art which are or may become the property of the city.
- (7) Review applications for and make recommendations concerning annexation of land into the city.
- (8) Submit an annual progress report to the city council, summarizing its activities, accomplishments of the past year and goals for the coming year. The report shall contain the attendance record of all members and identify the commission officers.
- (9) Keep the official zoning ordinance and map updated with current zoning regulations and zoning districts.
- (10) Act on requests for zoning changes, exceptions, variances, specific uses, and the first permit to build in a new subdivision. The latter is to allow P&Z to be familiar with the type of construction in the subdivision without reconsidering every permit requested, that being the function of the building official.

(Ordinance 2002-0108-2, sec. 6, adopted 1/8/02)

**Sec. 2.03.037 Meetings**

- (a) Time and place of regular meetings. Regular meetings shall be held on a monthly basis at city hall, unless otherwise determined by the commission.
- (b) Quorum. A quorum shall consist of four members.
- (c) Agenda. The secretary of the commission shall prepare an agenda for each meeting. The agenda shall list all matters pending for action by the commission. A copy of the agenda shall be posted at city hall, as required by law, for a period of seventy-two (72) hours before the meeting.
- (d) Special meetings.
  - (1) Special meetings for any purpose may be held:
    - (A) On the call of the chairperson and/or by request of mayor/city council.
    - (B) On request of two or more members and by giving notice to all members at least 48 hours before the meeting.
    - (C) As may be scheduled by the majority of the commission at any previous meeting.
  - (2) The convening authority shall determine the time and place of the special meeting.
- (e) Open meetings. All meetings shall be held in full compliance with the Texas Open Meetings Act, all state laws, and city ordinances. Any party in interest may appear in his own behalf or be represented by counsel or agent.

(Ordinance 2002-0108-2, sec. 7, adopted 1/8/02)

**State law reference**—Open meetings, V.T.C.A., Government Code, ch. 551.

**Sec. 2.03.038 Disqualification from voting**

- (a) A member shall disqualify himself or herself from voting whenever they find that they have a personal or monetary interest, or that they will be directly affected by the decision of the commission.
- (b) A member shall disqualify himself or herself from voting whenever any applicant or their agent has sought to influence their vote at any time other than at a public hearing.

(Ordinance 2002-0108-2, sec. 8, adopted 1/8/02)

**State law references**—Conflicts of interest of officers, V.T.C.A., Local Government Code, ch. 171; ethics, V.T.C.A., Government Code, ch. 571 et seq.

**Sec. 2.03.039 Records**

(a) The secretary of the commission shall keep accurate minutes of all proceedings including: summary of all discussion and deliberations, all decisions and recommendations, show the vote of each member on all issues and the attendance record of all members.

(b) The official minutes, records and citizen requests filed for action by the commission in regular or special meetings shall be kept on file at city hall and shall be open to the public during office hours. Original papers relating to all requests and proposals shall be retained as part of the permanent record.

(c) The chairperson shall sign all correspondence from the commission to the city council.

(d) Minutes of all meetings shall be forwarded to the attention of the city council by their next meeting date so that the council may act on any items necessary in a timely manner.

(Ordinance 2002-0108-2, sec. 9, adopted 1/8/02)

**Sec. 2.03.040 Appeal of decisions**

All appeals of decisions made by the planning and zoning commission shall be heard by the city council. (Ordinance 2002-0108-2, sec. 10, adopted 1/8/02)

**Sec. 2.03.041 Amendments**

This division may be amended at any time by action of the city council, to comply with the changing needs of the city. (Ordinance 2002-0108-2, sec. 11, adopted 1/8/02)

**Secs. 2.03.042–2.03.060 Reserved**

**Division 3. Development Corporations \***

**Sec. 2.03.061 Councilmembers, employees and officers of city not to serve on board of directors**

The city council hereby finds, determines and declares that employees, officers, or councilmembers of the city may not be appointed as a director to the board of the 4A EDC (economic development corporation) or the 4B CDC (community development corporation). (Ordinance 112613 adopted 12/3/13)

**Sec. 2.03.062 Type A corporation authorized to undertake type B projects**

The city council does hereby authorize the city economic development corporation (a type A corporation) to undertake any project that a type B corporation may undertake pursuant to the authority provided by section 504.171 of the Texas Local Government Code. (Ordinance 2012-3-1 adopted 3/6/12)

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\* **State law references**–Type A corporations, V.T.C.A., Local Government Code, ch. 504; type B corporations, V.T.C.A., Local Government Code, ch. 505.

**ARTICLE 2.04 PERSONNEL**

**Division 1. Generally**

**Sec. 2.04.001 Texas Municipal Retirement System**

The specific ordinances providing for participation in the Texas Municipal Retirement System, as adopted by the city, are not included in this article, but they are hereby specifically saved from repeal and shall be maintained on file in the office of the city secretary. (Ordinance adopting Code)

**State law reference**—Texas Municipal Retirement System generally, V.T.C.A., Government Code, ch. 851 et seq.

**Secs. 2.04.002–2.04.030 Reserved**

**Division 2. Officers and Employees**

**Sec. 2.04.031 Deputy mayor pro tem**

The position of deputy mayor pro tem is hereby established and created and the city council shall have the authority to appoint and/or remove such deputy. The deputy mayor pro tem shall perform such duties and responsibilities set forth by the city council. (Ordinance 20150829-1 adopted 6/2/15)

**Sec. 2.04.032 Assistant city secretary**

The position of assistant city secretary is hereby established and created and the city council shall have the authority to appoint and/or terminate such assistant city secretary. The assistant city secretary shall be bonded and shall perform such duties as may be directed in assisting the city secretary. (Ordinance 4-04-97 adopted 4/4/97)

**ARTICLE 2.05 CODE OF ETHICS\***

**Sec. 2.05.001 Title and purpose**

- (a) This article shall hereinafter be referred to as the code of ethics.
- (b) It is the policy of the city that all city officials and city employees conduct themselves both inside and outside the city’s service with integrity, impartiality, and devotion to the public trust and the best interests of the city; that governmental decisions and policy be made in proper channels of the governmental structure; that public office not be used for personal gain; and that the public have confidence in the integrity of its government.

(Ordinance 20121705, exh. A, art. I, adopted 5/31/12)

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\* **State law references**—Conflicts of interest of officers, V.T.C.A., Local Government Code, ch. 171; disclosure of certain relationships with local government officers, V.T.C.A., Local Government Code, ch. 176; ethics, V.T.C.A., Government Code, ch. 571 et seq.; nepotism, V.T.C.A., Government Code, ch. 573.

**Sec. 2.05.002 Definitions**

The terms used in this code of ethics shall have the following meanings:

Business entity means a sole proprietorship, partnership, firm, corporation, holding company, joint-stock company, receivership, trust, or any other entity recognized by law.

Candidate. This term has the meaning assigned by section 251.001, Election Code.

City attorney means the city attorney appointed by the city council.

City council means the mayor of the city and the five (5) city council members elected or appointed to serve as the governing body of the city.

City employee means any person employed by the city, including those individuals that are employed on a part-time or temporary basis and employees of any corporation or district created by the city, but such term shall not be extended to apply to any independent contractor.

City engineer means the city engineer appointed by the city council.

City official means every member of the city council (including the mayor), the city secretary, the city attorney, the city engineer and all members of any board, commission, or committee appointed by the city council.

City secretary means the city secretary of the city.

Confidential information means any information that a city official or city council member is entitled to because of his or her official position but otherwise is not available to the public generally without an open records request pursuant to the provisions of the Texas Public Information Act (the "Act"), Government Code chapter 552, and/or is not available to the public under the Act.

Confidentiality and non-disclosure agreement means the confidentiality and non-disclosure form retained by the city secretary's office, exhibit 1 at the end of this article.

Conflict disclosure statement means the disclosure statement form adopted by the state ethics commission required by chapter 176 of the Local Government Code.

Conflict of interest questionnaire means the conflicts of interest form adopted by the state ethics commission required by chapter 176 of the Local Government Code.

Economic benefit means any taxable income or any money, real or personal property, contract rights, sale, lease, option, credit, loan, discount, service, or other tangible or intangible thing of value, whether similar or dissimilar to those enumerated.

Economic interest means a legal or equitable interest in real or personal property or a fiduciary obligation to such property or contractual right in such property that is more than two thousand five hundred dollars (\$2500.00). Service by a city official or city employee as an officer, director, advisor, or otherwise active participant in an educational, religious, charitable, fraternal, or civic organization does not create an economic interest in the property of that organization. Ownership of an interest in a mutual or common investment fund that holds securities or other assets is not



an economic interest in the securities or other assets unless the city official or city employee participates in the management of the fund. A city official or city employee does not have an economic interest in a matter if the economic impact on the city official or city employee is indistinguishable from the impact on the public or on the particular group affected by the matter.

Family member means a person related to a city official in the first degree of consanguinity or affinity, as described by subchapter B, chapter 573 of the Government Code, except that the term does not include a person who is considered to be related to a city official by affinity only as described by section 573.024(b) of the Government Code. This definition would include children, spouses, parents, step-children and parents-in-law or children-in-law, except that relationships by affinity would end upon divorce.

Gift means a favor, hospitality, or economic benefit other than compensation but which does not include campaign contributions reported as required by state law, gifts received from a relative if given on account of kinship, or any value received by will, intestate succession, or as a distribution from an inter vivos or testamentary trust.

Official capacity. A city council member acts in his or her “official capacity” in performing the duties and exercising the powers of the office of a city council member as contained and enumerated under the laws of the state, as this term is defined in Texas Civil Practice and Remedies Code section 101.053(a), and under other applicable law.

Permissible gift means a thing of nominal value given (not to exceed \$100.00 in value), and not given to request a specific favor or special treatment, or influence a city official or city employee. Marketing advertisement items of nominal value, or certificates or plaques having no intrinsic value, are considered permissible gifts or gratuities. The purchase of meals of nominal value, provided there is a rotation of purchasing, is considered a permissible gift. The provision of training/education programs of a general nature is considered a permissible gift or gratuity. Items that exceed \$100.00 in value, if divided (e.g., holiday food or sporting event tickets distributed by lot) or donated for a city-sponsored function, are considered permissible gifts and/or gratuities.

Qualified voter means a person who meets the qualifications of section 11.002 of the Texas Election Code to vote in city elections.

Second degree by affinity is defined by subchapter B, chapter 573 of the Government Code, and examples of such relationship are set out in the chart in exhibit 2 at the end of this article.

Substantial interest means the interest that a city official and/or a family member has in a business or business entity or in real property as described below:

- (1) The city official and/or a family member owns ten percent (10%) or more of the voting stock or shares of the business entity;
- (2) The city official and/or a family member owns ten percent (10%) or more or \$15,000.00 or more of the fair market value of the business entity;
- (3) Funds received by the city official and/or a family member from the business entity exceed ten percent (10%) of the person’s gross income for the previous year; or

- (4) The city official and/or family member has a substantial interest in real property if the interest is an equitable or legal interest with a fair market value of \$2,500.00 or more.

Third degree by consanguinity is defined by subchapter B, chapter 573 of the Government Code, and examples of such relationship are set out in the chart in exhibit 2 at the end of this article.

(Ordinance 20121705, exh. A, art. II, adopted 5/31/12)

**Sec. 2.05.003 General standards of conduct**

(a) Confidential information.

- (1) A city council member shall not:
  - (A) Use his or her position to obtain confidential information about any person or entity except in his or her official capacity;
  - (B) Disclose any confidential information gained through the city council member's office or position concerning property, operations, policies, personnel or affairs of the city;
  - (C) Use such confidential information to advance any economic interest or personal interest of the city council member or confer any benefit to the city council member, or their family member.
- (2) During an investigation conducted by the city council or any other investigation or proceeding regarding whether there has been a violation of the code of ethics to any investigatory, administrative or judicial authority, city council members may receive confidential information and/or may disclose such information to the proper authority.
- (3) If a city council member requests to review, inspect or copy any confidential information, that request shall be made to the mayor, who shall place the issue on a city council agenda for discussion and/or action by the city council. The city council may collectively investigate matters in their official capacity. A city council member may not individually conduct an investigation.

(b) No city official or city employee may use his or her office or position or city-owned facilities, equipment, supplies, or resources of the city or city personnel to advance any economic interest of the city official or city employee, or confer any economic benefit to the city official or city employee, for a political campaign of the city official or city employee, or for any of the city official's or city employee's family members. Notwithstanding the foregoing, city-owned facilities, equipment, supplies, or resources or city personnel may be used by city officials or city employees to the extent such uses are customary, incidental or lawfully available to the public.

(c) No city official shall knowingly represent, directly or indirectly, any person, group or business entity:

- (1) Before the city council or the board, commission or committee of which he or she is a member;

- (2) Before a court, board, or commission which has appellate jurisdiction over the board, commission or committee of which he or she is a member;
  - (3) In any action or proceeding against the interests of the city or in any litigation in which the city or any department, agency, board, commission or committee is a party; or
  - (4) In any action or proceeding in the municipal court(s) of the city which was instituted by a city official or city employee in the course of his or her official duties, or a criminal proceeding in which any city official or city employee is a material witness for the prosecution.
- (d) The restrictions contained in subsection (c) do not prohibit the following:
- (1) A city official, or his or her spouse, appearing before the city council or a city board, commission or committee to represent himself or herself in a matter affecting his or her property; provided, however, that no such person, or his or her spouse, shall personally appear before the city council, board, commission or committee of which he or she is a member and must submit their case through an authorized representative;
  - (2) A city official or city employee appearing before the city council or a city board, commission or committee to address employment matters.
- (e) No city official may act as surety for any person or business entity that has work, business, or a contract with the city, or act as a surety on any bond required by the city for a city official.
- (f) No city official or city employee shall default or refuse to appear and/or answer any questions pertinent to proceedings before the city council, or the ethics review commission, or fail or refuse to obey any subpoena, or to produce any books, papers or other material issued by the city council.
- (g) No city official or city employee shall deny, abridge or compromise equality of rights under state and federal law with respect to appointment to or removal of any appointed position with the city.
- (h) No city official or city employee who seeks appointment or promotion with respect to any city-appointed position shall, directly or indirectly, give, render or pay any money, service or other valuable thing to any person for, or in connection with, his or her test, appointment or promotion with respect to any city position.
- (i) No city official or city employee shall attempt to commit any fraud or willfully make any false statement, certificate, mark, rating or report in regard to any test, certification, appointment or promotion with respect to any city position.

(j) No city official who holds any compensated or non-elective city position, or city employee, shall use their official title or position with the city to solicit any contribution or endorse the candidacy of any candidate for public office in the city. Any such person shall have the right to exercise his/her legal rights to participate in the election process when he/she is not on duty, not in a city building, not wearing a city-provided uniform or attire, and/or not using a city vehicle or equipment, excepting the exercise of his/her right to vote.

(Ordinance 20121705, exh. A, art. III, adopted 5/31/12)

**Sec. 2.05.004 Gifts and honorariums**

(a) Prohibitions.

- (1) No city official or city employee may solicit or accept any gift, favor or privilege that is offered or given with the intention of influencing the judgment or discretion of the city official or city employee, or given in consideration of the favorable exercise of the city official's or city employee's judgment or discretion in the past.
- (2) A city employee performing regulatory functions or conducting inspections or investigations shall not solicit, accept, or agree to accept any benefit from a person the city employee knows to be subject to regulation, inspection, or investigation by the city employee or the city.
- (3) A city employee or a city official who exercises discretion in connection with contracts, purchases, payments, claims, or other pecuniary transactions of the city shall not solicit, accept, or agree to accept any benefit from a person the city employee or city official knows is interested in or likely to become interested in any contract, purchase, payment, claim or transaction involving the exercise of his discretion.
- (4) A city employee or city official who has judicial or administrative authority, who is employed by or in a tribunal having judicial or administrative authority, or who participates in the enforcement of the tribunal's decision shall not solicit, accept, or agree to accept any economic benefit from a person the city employee or city official knows is interested in or likely to become interested in any matter before the city employee or city official or tribunal.
- (5) A city official is prohibited from soliciting, accepting, or agreeing to accept an honorarium in consideration for services that the city official would not have been requested to provide but for the city official's official position or duties.

(b) Donation of unsolicited gift. A city employee or city official who receives an unsolicited gift that the city employee or city official is prohibited from accepting under this section may donate the benefit to a governmental entity that has the authority to accept the gift or may donate the benefit to a recognized tax-exempt charitable organization formed for educational, religious, or scientific purposes.

- (c) Exceptions. The prohibitions set out in this section do not apply to:
- (1) A fee prescribed by law to be received by a city employee or city official or any other benefit to which the city employee or city official is lawfully entitled or for which he gives legitimate consideration in a capacity other than as a city employee or city official;
  - (2) A gift or other benefit conferred on account of kinship or a personal, professional, or business relationship independent of the official status of the recipient;
  - (3) A benefit to a city employee or city official required to file a statement under chapter 572, Government Code, or a report under title 15, Election Code, which is derived from a function in honor or appreciation of the recipient, if:
    - (A) The benefit and the source of any benefit in excess of \$50.00 is reported in the statement; and
    - (B) The benefit is used solely to defray the expenses that accrue in the performance of duties or activities in connection with the office which are non-reimbursable by the state or the city;
  - (4) A political contribution as defined by title 15, Election Code;
  - (5) A permissible gift as defined in this article, excluding cash or a negotiable instrument as described by section 3.104, Business and Commerce Code;
  - (6) An item issued by a governmental entity that allows the use of property or facilities owned, leased, or operated by the governmental entity;
  - (7) Food, lodging, transportation, or entertainment accepted as a guest and, if the donor is required by law to report those items, reported by the donor in accordance with that law;
  - (8) Any gift or benefit otherwise excepted under section 36.10, Penal Code; or
  - (9) This section does not prohibit a city official from accepting (i) transportation expenses, (ii) lodging expenses or (iii) meals in connection with a conference or similar event in which the city official renders services, such as addressing an audience or engaging in a seminar to the extent that those services are more than merely perfunctory.

(Ordinance 20121705, exh. A, art. IV, adopted 5/31/12)

**Sec. 2.05.005 Conflict of interest; recusal**

- (a) Conflict of interest. No city official may vote on or participate in any decision-making process on a matter concerning property or a business entity if the official has a substantial interest in the real property or business entity.

(b) Recusal.

- (1) A city official shall disclose the existence of any substantial interest in any business entity or real property involved in any decision pending before such city official, or the body of which he or she is member. To comply with this subsection, a city official shall, prior to any discussion or determination of the matter, either file an affidavit of disclosure as required by Local Government Code section 171.004 or, if not so required, shall publicly disclose in the official records of the city to the city secretary the nature of the interest. To further comply with this subsection, a city official shall notify the city secretary, in writing, of the nature of any substantial interest he or she may have in a business entity or real property which would be affected by an exercise of discretionary authority by the city official and the city secretary shall assign the matter to another employee. In disclosing a substantial interest in a business entity, a city official shall not be required to disclose the dollar amount of any income that he or she receives from the business entity.
- (2) The city council shall take a separate vote on any budget item specifically dedicated to a contract with a business entity in which a member of the council has a substantial interest. The member of the city council that has the substantial interest may not participate in the separate vote.
- (3) In addition to complying with the requirements of chapter 171 of the Local Government Code, to avoid the appearance and risk of impropriety, a city official shall abstain from participation in, discussion of, and any vote on a matter involving a person or business entity that the official knows is likely to affect the economic interest of, or confer an economic benefit on:
  - (A) The city official's parent, child, step-child, spouse, or other family member within the second degree of consanguinity or affinity as defined by chapter 573 of the Government Code, or a client of the city official;
  - (B) An employer of the city official, or the city official's parent, child, step-child, or spouse;
  - (C) A business entity for which the city official serves as an officer or director or serves in any policy-making position;
  - (D) A person or business entity from whom, within the past twelve months, the city official or the official's spouse, directly or indirectly, received an economic benefit; or
  - (E) A person or business entity with whom, within the past twelve months, the city official or the official's spouse, directly or indirectly, engaged in negotiations pertaining to business opportunities.

(Ordinance 20121705, exh. A, art. V, adopted 5/31/12)

**Sec. 2.05.006 Conflict disclosure statement**

(a) A city official shall file a sworn conflicts disclosure statement with the city secretary whenever a city official or a family member (i) is receiving taxable income from an employment or other business relationship with a person or business entity who has contracted with the city for the sale or purchase of real property, goods or services or that is considering contracting with the city for the sale or purchase of real property, goods or services that exceeds \$2,500.00 (not including investment income) during the twelve (12) month period preceding the date that the city official became aware of the contract, or (ii) has received gifts with a value of more than \$250.00 during the twelve (12) month period preceding the date that the city official became aware of the contract from a person or business entity that contracts with the city for the sale or purchase of real property, goods or services or that the city is considering doing business with such person or business entity. The city official shall file the conflicts disclosure statement with the city secretary no later than 5:00 p.m. on the seventh business day after the date the city official becomes aware of the facts that require the filing of the statement.

(b) A city official commits an offense if the city official knowingly fails to file the conflicts disclosure statement. An offense under the above subsection is a class C misdemeanor.

(c) The city secretary shall accept and file any and all city official conflict disclosure statements and any vendor conflict of interest questionnaires.

(d) The city secretary shall maintain a list of city officials and shall make that list available to the public and any person who may be required to file a conflicts of interest questionnaire. The city secretary shall maintain copies of the conflict disclosure statements and conflict questionnaires on the city's internet website, if one exists.

(e) City officials shall abstain from participation in, discussion of, and any vote on a matter involving a person or business entity, if, within the twelve (12) months preceding the date of the vote, the city official has filed, or should have filed, a conflicts disclosure statement under chapter 176 of the Local Government Code.

(Ordinance 20121705, exh. A, art. VI, adopted 5/31/12)

**Sec. 2.05.007 Affidavit regarding interest in property acquired with public funds**

(a) Disclosure of interest in property. A city official who has a legal or equitable interest in real property that is to be acquired with public funds shall file an affidavit within 10 days before the date on which the property is to be acquired by purchase or condemnation.

(b) Contents of affidavit. The affidavit must:

- (1) State the name of the city official;
- (2) State the city official's office, public title, or job designation;
- (3) Fully describe the property;
- (4) Fully describe the nature, type, and amount of interest in the property, including the percentage of ownership interest;

- (5) State the date when the person acquired an interest in the property;
  - (6) Include a verification as follows: “I swear that the information in this affidavit is personally known by me to be correct and contains the information required by section 553.002, Government Code”; and
  - (7) Contain an acknowledgement of the same type required for recording a deed in the deed records of the county.
- (c) Filing of affidavit.
- (1) The affidavit must be filed with the county clerk of the county in which the city official resides and the county clerk of each county in which the property is located.
  - (2) A copy of the affidavit must be filed with the city secretary.

(Ordinance 20121705, exh. A, art. VII, adopted 5/31/12)

**Sec. 2.05.008 Nepotism**

- (a) Prohibition.
- (1) A city official may not appoint, confirm the appointment of, or vote for the appointment or confirmation of the appointment of an individual to a position that is to be directly or indirectly compensated from city funds or fees of office if:
    - (A) The individual is related to the city official within the third degree by consanguinity or the second degree by affinity; or
    - (B) The city official holds the appointment or confirmation authority as a member of a state or local council, the legislature, or a court and the individual is related to another member of that council, legislature, or court within the third degree by consanguinity or the second degree by affinity.
  - (2) A city official may not appoint, confirm the appointment of, or vote for the appointment or confirmation of the appointment of an individual to a position in which the individual’s services are under the city official’s direction or control and that is to be compensated directly or indirectly from city funds or fees of office if:
    - (A) The individual is related to another city official within the third degree by consanguinity or the second degree by affinity; and
    - (B) The appointment, confirmation of the appointment, or vote for appointment or confirmation of the appointment would be carried out in whole or partial consideration for the other city official appointing, confirming the appointment, or voting for the appointment or confirmation of the appointment of an individual who is related to the first city official within the third degree by consanguinity or the second degree by affinity.



(b) Exceptions.

- (1) The prohibitions in this section do not apply to:
  - (A) An appointment to the office of a notary public or to the confirmation of that appointment;
  - (B) An appointment or employment of a personal attendant by a city official for attendance on the city official who, because of physical infirmities, is required to have a personal attendant; or
  - (C) Any other appointment excepted under chapter 573, Government Code.
- (2) The prohibition in this section does not apply to an appointment, confirmation of an appointment, or vote for an appointment or confirmation of an appointment of an individual to a position if:
  - (A) The individual is employed in the position until the election or appointment of the city official to whom the individual is related in a prohibited degree; and
  - (B) The prior employment of the individual has been continuous for at least six (6) months.
- (3) If, under subsection (b)(2) of this section, an individual continues in a position, the city official to whom the individual is related in a prohibited degree may not participate in any deliberation or vote on the appointment, reappointment, confirmation of the appointment or reappointment, employment, reemployment, change in status, compensation, or dismissal of the individual if that action applies only to the individual and is not taken regarding a bona fide class or category of city employees.

(Ordinance 20121705, exh. A, art. VIII, adopted 5/31/12)

**State law reference**—Nepotism, V.T.C.A., Government Code, ch. 573.

**Sec. 2.05.009 Bribery**

- (a) Prohibition. A city official or city employee shall not intentionally or knowingly offer, confer, or agree to confer on another person, or solicit, accept or agree to accept from another person:
- (1) Any benefit as consideration for the city official’s or city employee’s decision, vote, recommendation, or other exercise of official discretion as a city official or city employee;
  - (2) Any benefit as consideration for the city official’s or city employee’s decision, vote, recommendation, or other exercise of official discretion in a judicial or administrative proceeding;

- (3) Any benefit as consideration for a violation of a duty imposed by law on a city official or city employee; or
  - (4) Any benefit that is a political contribution as defined by title 15, Election Code, or that is an expenditure made and reported in accordance with chapter 305, Government Code, if the benefit was offered, conferred, solicited, accepted, or agreed to pursuant to an express agreement to take or withhold a specific exercise of official discretion if such exercise of official discretion would not have been taken or withheld but for the benefit; notwithstanding any rule of evidence or jury instruction allowing factual interference in the absence of certain evidence, direct evidence of the express agreement shall be required in any prosecution under this subsection.
- (b) No defense.
- (1) It is no defense to prosecution under this section that a person whom the actor sought to influence was not qualified to act in the desired way whether because he had not yet assumed office or he lacked jurisdiction or for any other reason.
  - (2) It is no defense to prosecution under this section that the benefit is not offered or conferred or that the benefit is not solicited or accepted until after:
    - (A) The decision, opinion, recommendation, vote, or other exercise of discretion has occurred; or
    - (B) The city official or city employee ceases to be a public servant.
- (c) Exceptions. It is an exception to the application of subsections (a)(1), (2) and (3) of this section that the benefit is a political contribution as defined by title 15, Election Code, or an expenditure made and reported in accordance with chapter 305, Government Code.

(Ordinance 20121705, exh. A, art. IX, adopted 5/31/12)

**Sec. 2.05.010 City records**

- (a) Prohibitions. A city official or city employee shall not:
- (1) Knowingly make a false entry in, or false alteration of, a city record;
  - (2) Make, present, or use any record, document, or thing with knowledge of its falsity and with intent that it be taken as a genuine city record;
  - (3) Intentionally destroy, conceal, remove, or otherwise impair the verity, legibility, or availability of a city record;
  - (4) Possess, sell, or offer to sell a city record or a blank city record form with intent that it be used unlawfully;
  - (5) Make, present, or use a city record with knowledge of its falsity; or
  - (6) Possess, sell, or offer to sell a city record or a blank city record form with knowledge that it was obtained unlawfully.

(b) Exceptions. It is an exception to the application of subsection (a)(3) of this section that the governmental record is destroyed pursuant to legal authorization or transferred under section 441.204, Government Code. With regard to the destruction of a local government record, legal authorization includes compliance with the provisions of subtitle C, title 6, Local Government Code.

(Ordinance 20121705, exh. A, art. X, adopted 5/31/12)

**State law reference**—Tampering with governmental record, V.T.C.A., Penal Code, sec. 37.10.

**Sec. 2.05.011 Misuse of official information**

(a) Prohibitions.

- (1) A city employee or city official shall not misuse information to which he or she has access by virtue of his or her office or employment and that has not been made public, and shall not:
  - (A) Acquire, attempt to acquire or aid another to acquire or attempt to acquire a pecuniary interest in any property, transaction, or enterprise that may be affected by the information;
  - (B) Speculate or aid another to speculate on the basis of the information; or
  - (C) As a city official or city employee, coerce another into suppressing or failing to report that information to a law enforcement agency.
- (2) A city employee or city official shall not, with intent to obtain a benefit or with intent to harm or defraud another, disclose or use information for a nongovernmental purpose that:
  - (A) The city official or city employee has access to by means of his office or employment; and
  - (B) Has not been made public.

In this section, “information that has not been made public” means any information to which the public does not generally have access, and/or that is prohibited from disclosure under chapter 552, Government Code.

(b) Confidentiality and non-disclosure agreement. A city official shall execute and file a confidentiality and non-disclosure agreement with the city secretary within thirty (30) days of the city official being elected, hired, appointed, or otherwise selected as a city official.

(Ordinance 20121705, exh. A, art. XI, adopted 5/31/12)

**Sec. 2.05.012 Abuse of official capacity**

(a) Prohibitions. A city official or city employee commits an offense if, with intent to obtain a benefit or with intent to harm or defraud another, he intentionally or knowingly:

- (1) Violates a law relating to the city official's or city employee's office or employment; or
- (2) Misuses city property, services, personnel, or any other thing of value belonging to the city that has come into the city official's or city employee's custody or possession by virtue of the city official's or city employee's office or employment.

(b) Exceptions. A discount or award given for travel, such as frequent flyer miles, rental car or hotel discounts, or food coupons, are not things of value belonging to the city for purposes of this section due to the administrative difficulty and cost involved in recapturing the discount or award for the city.

(Ordinance 20121705, exh. A, art. XII, adopted 5/31/12)

**Sec. 2.05.013 Official oppression**

(a) Prohibitions. A city official or city employee acting under color of his office or employment commits an offense if he:

- (1) Intentionally subjects another person to mistreatment or to arrest, detention, search, seizure, dispossession, assessment, or lien that he knows is unlawful;
- (2) Intentionally denies or impedes another in the exercise or enjoyment of any right, privilege, power, or immunity, knowing the conduct is unlawful; or
- (3) Intentionally subjects another to sexual harassment.

(b) For purposes of this section, a city official or city employee acts under color of his office or employment if he acts or purports to act in an official capacity or takes advantage of such actual or purported activity.

(c) In this section, "sexual harassment" means unwelcome sexual advances, requests for sexual favors, or other verbal or physical conduct of a sexual nature, submission to which is made a term or condition of a person's exercise or enjoyment of any right, privilege, power or immunity, either explicitly or implicitly.

(Ordinance 20121705, exh. A, art. XIII, adopted 5/31/12)

**Sec. 2.05.014 Ethics review commission**

(a) Created. There is hereby created an ethics review commission (the "commission"), an advisory commission having jurisdiction over ethics complaints as described in this code of ethics involving city officials and city employees.

(b) Membership and organization; powers and duties. The commission is to be composed of five (5) members each serving a two (2) year term. The city council shall appoint each member (a “commissioner”) to the commission. If a vacancy occurs on the commission, the city council shall appoint a person to fill the unexpired term. Each commissioner shall take an oath of office comparable to that taken by city council members. Commissioners shall serve without compensation, but shall be eligible to be reimbursed for actual expenses in accordance with the city’s reimbursement policy.

- (1) Terms of commissioners; removal. At the city council meeting which creates the commission, two (2) commissioners shall be selected to serve an initial one (1) year term and three (3) commissioners shall be selected to serve an initial two (2) year term. Thereafter, all members’ terms shall be two (2) years. The commission members shall serve at the pleasure of the city council and may be removed at the discretion of the city council. Any commissioner who misses three (3) consecutive meetings within a twelve (12) month time period or one-third (1/3) of all regular meetings shall be deemed to have automatically vacated his/her position on the commission. Any commissioner who applied for and received an excused absence from the commission chairperson prior to the meetings(s) at issue shall not be considered absent for purposes of this section. Any commissioner who no longer resides within the corporate boundaries of the city is deemed to have automatically vacated his/her position on the commission.
- (2) Officers; quorum. From among its members the commission shall elect its officers, those being the chairperson, vice-chairperson, and secretary. Officers shall be elected for terms of one (1) year. The chairperson shall preside over all meetings and may vote. If the chairperson fails or refuses to act, the vice-chairperson shall perform the duties of the chairperson. If the chairperson and vice-chairperson are absent, any commissioner may be appointed by the remaining members of the commission to preside over the meeting. Three (3) or more commissioners present at a meeting shall constitute a quorum, but no action of the commission shall be of any force or effect unless it is adopted by the favorable votes of three (3) or more of its members.
- (3) Meetings. The commission shall have such meetings as may be necessary to fulfill its responsibilities. The commission shall meet at least once a year. The date of the annual meeting shall be in September as set by the commission. The chairperson or any two (2) members of the commission may call a meeting provided that reasonable notice is given to each commissioner. The commission shall comply with the provisions of the Texas Open Meetings Act when conducting any meetings and/or hearings under this section.
- (4) Qualifications of commissioners; powers and duties.
  - (A) Commissioners must be qualified voters who are residents of the city.
  - (B) No commissioner may be a city official, city employee or family member of a city official or city employee.
  - (C) Commissioners shall maintain objectivity and be free of conflicts of interest in discharging their duties. Commissioners shall be independent in fact and appearance when hearing matters brought before the commission. When a commissioner has any reason to believe that he or she cannot be impartial,

intellectually honest and free of conflicts of interest in discharging any of the duties of the commission, such commissioner shall disclose the facts and circumstances which create the conflict and shall not vote or otherwise participate in consideration of the matter.

- (D) The commission shall have the authority to review and investigate complaints filed in accordance with this code of ethics and issue a written finding of the commission's determination when appropriate.
- (E) Service on the commission does not preclude a member from filing a complaint with the commission. The commission member filing the complaint must recuse himself/herself from the commission procedure.
- (F) The commission may make recommendations to the city council regarding revisions and changes to this article.
- (G) The commission may seek any necessary assistance or resources from the city council regarding support needed to carry out the commission's duties.
- (H) The commission shall follow any rules and procedures established by the city council. The commission shall maintain proper records of its proceedings and its opinions.
- (I) The commission shall have the power to investigate, request, and gather evidence necessary to determine if a violation has occurred. The commission shall have the power to enforce the provisions of this article, including recommending to the city council the prosecution of alleged violators. Nothing in this section shall be construed, however, to prevent complainants, including the city, from instituting direct legal action on their own behalf through the appropriate judicial authority.
- (J) The commission shall receive from the city such administrative support as reasonably necessary to carry out the duties of the commission and shall assist the commission with maintenance of its records in compliance with the city's records retention schedule.

(Ordinance 20121705, exh. A, art. XIV, adopted 5/31/12)

**Sec. 2.05.015 Complaint process**

(a) Filing.

- (1) Generally. Any city official, city employee, or qualified voter of the city who believes that there has been a violation of this article may file a sworn complaint. A complaint alleging a violation of this article must meet the requirements herein and must be filed with the city secretary. A complaint alleging a violation of the code of ethics by the city attorney must also be filed with the persons named in section 2.05.016(f). A complaint must be filed within six (6) months from the date of the alleged violation. Please refer to section 2.05.016 (city attorney), subsection (c).

- (2) Required contents of complaint. An ethics complaint must be in writing and under oath and must set forth in simple, concise, and direct statements the following:
    - (A) The name of the complainant;
    - (B) The street or mailing address and the telephone number of the complainant;
    - (C) The name of the person who allegedly committed the violation;
    - (D) The position or title of the person who allegedly committed the violation;
    - (E) The nature of the alleged violation, including, if possible, the specific rule or provision of the code of ethics alleged to have been violated;
    - (F) A statement of the facts constituting the alleged violation and the dates on which or period of time in which the alleged violation occurred, and must contain the following:
      - (i) Documents or other material available to the complainant relevant to the allegation;
      - (ii) A list of all documents or other material relevant to the allegation and available to the complainant, but that are not in the possession of the complainant, including the location of the documents, if known; and
      - (iii) A list of all documents or other material relevant to the allegation, but unavailable to the complainant, including the location of the documents, if known;
    - (G) If the complaint is based on information and belief, the complaint shall state the source and basis of the information and belief.
  - (3) Affidavit. The complaint must be accompanied by an affidavit stating that the information contained in the complaint is either “true and correct” or that the complainant has good reason to believe and does believe that the facts alleged constitute a violation of this article.
  - (4) Information. Upon request, the city secretary shall provide information to persons about the requirements of a complaint and the process for filing a complaint.
- (b) Confidentiality and ex parte communications.
- (1) No city official or city employee may reveal information relating to the filing or processing of a complaint except as required for the performance of official duties.
  - (2) All documents relating to a pending complaint are confidential, unless they are required to be disclosed under the Texas Public Information Act (Texas Government Code chapter 552).

- (3) After a complaint has been filed, and during the consideration of a complaint by the commission, a member of the commission may not communicate directly or indirectly with any party or person about any issue of fact or law regarding the complaint, except at a meeting of the commission. This provision does not prevent a member of the commission from consulting with the city attorney, or its independent legal counsel selected by the city council, regarding procedural and legal issues.
  - (4) City council approval shall be required for legal fees, costs, and related expenses of \$5,000.00 or more.
- (c) Notification.
- (1) A copy of a complaint and notice of any hearing shall be promptly forwarded by the city secretary to the city attorney and to the person charged in the complaint.
  - (2) The person alleged in the complaint to have violated the code of ethics shall be provided with a copy of the code of ethics and informed that:
    - (A) Within fourteen (14) days of receipt of the complaint, a sworn response must be filed with the city secretary.
    - (B) Failure to file a response does not preclude the city attorney from processing the complaint.
  - (3) City officials and city employees have a duty to cooperate with the city attorney, pursuant to this article.
  - (4) All members of the commission shall receive copies of the complaint, any background documentation, and any responses at least seven (7) days before a hearing on the matter.

(Ordinance 20121705, exh. A, art. XV, adopted 5/31/12)

**Sec. 2.05.016 Role of city attorney**

- (a) The city attorney serves as legal counsel to the ethics review commission. When complaints are filed against members of the city council, or the city attorney, independent legal counsel may be utilized to advise the commission and take part in its proceedings, subject to approval of the fee arrangement by the city council.
- (b) The city attorney serves as ethics advisor to city officials and city employees. As ethics advisor, the city attorney is available to respond confidentially to inquiries relating to the code of ethics and may render advisory opinions on potential conflicts of interest or violations of this article at the request of a city official or city employee. The advisory opinion in any subsequent charges concerning the matter may be used as a defense to an alleged violation of the code of ethics unless material facts were omitted or misstated by the person requesting the opinion.



(c) The city attorney shall receive all sworn complaints and provide a copy and a preliminary review of the complaint to the commission for action. The city attorney shall, within fifteen (15) days of receiving the complaint and the response of the accused person, if any, provide a written report to the commission. The report shall state whether, in the city attorney's opinion, the written complaint:

- (1) Was filed timely;
- (2) Alleges misconduct by a person whose conduct is regulated under this code of ethics;
- (3) Alleges the occurrence of conduct that might reasonably constitute a violation of the code of ethics; and
- (4) Is signed and sworn to by the person filing the complaint.

(d) The city attorney shall also advise the commission whether the city attorney has issued a written opinion or opinions to the accused person that relate to the conduct at issue and whether, in the city attorney's opinion, the conduct was undertaken in good faith reliance on a written opinion that concluded the conduct was not in violation of the code of ethics. Where the city attorney concludes that the conduct was undertaken in good faith reliance on a written opinion, the city attorney shall recommend that the commission dismiss the complaint following the preliminary hearing.

(e) The city attorney's recommendation that the commission conduct further proceedings does not mean that any of the allegations of the complaint are true or false or that any city official or city employee has violated or not violated the code of ethics.

(f) If a complainant alleges a violation by the city attorney, the complaint must be filed with the chairperson of the commission, with a copy to the mayor.

(Ordinance 20121705, exh. A, art. XVI, adopted 5/31/12)

**Sec. 2.05.017 Hearing process**

(a) Preliminary hearing.

- (1) The purpose of the preliminary hearing is to determine whether there are reasonable grounds to believe that a violation of this article has occurred.
- (2) The complainant and the city official or city employee named in the complaint have the right of representation by legal counsel.
  - (A) The complainant shall pay for complainant's legal fees, costs, and related expenses. If the city official or city employee is finally found to be in violation of this article, then the city shall reimburse the complainant for his or her necessary and reasonable legal fees, costs and related expenses and the city official or employee shall reimburse the city for the amount paid to the complainant for complainant's legal fees, costs and related expenses.

- (B) The city official or city employee shall pay for the city official or city employee's legal fees, costs, and related expenses. If the city official or city employee is finally found not to be in violation of this article, then the city shall reimburse the city official or city employee for his or her necessary and reasonable legal fees, costs and related expenses and the complainant shall reimburse the city for the amount paid to the city official [or city employee for the city official's] or city employee's legal fees, costs and related expenses.
  - (3) Statements at a preliminary hearing shall be under oath, but there shall be no cross-examination or requests for persons or evidence issued for the hearing.
  - (4) The person filing a complaint shall state the alleged violation and describe in narrative form the testimony and other evidence presented to prove the alleged violation as stated in the written complaint.
  - (5) The city official or city employee named in the complaint shall have the opportunity to respond but is not required to attend or make any statement. The city official or city employee may describe in narrative form the testimony and other evidence presented to disprove the alleged violation. If the city official or city employee agrees that a violation has occurred, the commission may consider the appropriate sanction.
  - (6) Only members of the commission may question the complainant, the independent counsel for the commission, or the city official or city employee named in the complaint.
  - (7) At the conclusion of the preliminary hearing one of the following actions shall be taken:
    - (A) If the commission does not determine that there are reasonable grounds to believe that a violation of the code of ethics has occurred, the complaint shall be dismissed.
    - (B) If the commission determines that there are reasonable grounds to believe that a violation of this code of ethics has occurred, it shall schedule a final hearing.
    - (C) If the city official or city employee has agreed that a violation has occurred, the commission may proceed to determine the appropriate sanction without the necessity of a final hearing and state its findings pursuant to subsection (b)(4) below.
- (b) Final hearing.
- (1) Except as provided by subsection (a)(7)(C) above, a final hearing shall be held as expeditiously as possible following the determination by the commission that there are reasonable grounds to believe that a violation of the code of ethics has occurred, but in no event shall it be held more than thirty (30) days after said determination. The commission may grant two postponements, not to exceed fifteen (15) days each, upon the request of the city official or city employee named in the complaint.

- (2) If a complaint proceeds to a final hearing, the commission may request witnesses to attend and testify, administer oaths and affirmations, take evidence and request the production of books, papers, records, or other evidence needed for the performance of the commission's duties or exercise of its powers, including its powers of investigation.
- (3) The complainant and the city official or city employee named in the complaint have the right of representation by legal counsel.
- (4) The issue at a final hearing is whether a violation of the code of ethics has occurred. The commission shall make its determination based on the evidence presented. All witnesses shall make their statements under oath. If the commission determines that a violation has occurred, it shall state its findings in writing, identify the particular provision(s) of the code of ethics which have been violated, and within five (5) working days deliver a copy of the findings to the complainant, the person accused in the complaint, and the city secretary. The city secretary shall deliver a copy of the findings to the city council and the city attorney.

(Ordinance 20121705, exh. A, art. XVII, adopted 5/31/12; Ordinance adopting Code)

**Sec. 2.05.018 Sanctions for violations**

- (a) If the commission determines that a violation of the code of ethics has occurred, it shall consider appropriate sanctions. The commission may receive additional testimony or statements before considering sanctions, but is not required to do so.
- (b) If the commission determines that a violation has occurred, it may impose the following sanctions:
  - (1) A letter of notification is an appropriate sanction when the violation is clearly unintentional, or when the conduct of the person complained against was done in reliance upon an opinion of the city attorney. The letter of notification shall advise the city official or city employee of any steps to be taken to avoid future violations.
  - (2) A letter of admonition is the appropriate sanction when the commission finds the violation is minor and/or may have been unintentional, but calls for a more substantial response than a letter of notification.
  - (3) A letter of reprimand is the appropriate sanction when the commission finds a serious violation has been committed intentionally or knowingly or through disregard of this article. A written reprimand directed to a city employee shall be included in the employee's personnel file.
  - (4) A letter of censure is the appropriate sanction when the commission finds that a serious violation has occurred and/or more than one serious violation or repeated serious violations of this article have been committed by a city official.
- (c) Copies of all sanction letters issued by the commission under this section shall be sent to the city council.

(d) In addition, if the violation is found by the commission to be done willfully and the seriousness of the violation warrants, the commission may recommend to the city council the suspension or removal from office of any non-city council member official serving in a city-appointed position.

(Ordinance 20121705, exh. A, art. XVIII, adopted 5/31/12)

**Sec. 2.05.019 Distribution of regulations**

The city secretary shall make available to each new city official designated in this article a copy of:

- (1) The text of this article;
- (2) Chapter 171 and chapter 176 of the Texas Local Government Code pertaining to conflicts of interest;
- (3) The Texas Open Meetings Act (Texas Government Code chapter 551);
- (4) The Texas Public Information Act (Texas Government Code chapter 552);
- (5) Chapter 573 of the Texas Government Code;
- (6) Texas Penal Code sections 36.02, 37.10, 39.02, 39.03 and 39.06.

(Ordinance 20121705, exh. A, art. XIX, adopted 5/31/12)

**Exhibit 1. Confidentiality and Non-Disclosure Agreement**

Date: \_\_\_\_/\_\_\_\_/\_\_\_\_

1. I, \_\_\_\_\_, as a duly elected or appointed City Councilmember (or “Alderman”) of the City of Blue Ridge, Texas (hereinafter “Councilmember”), accept my responsibilities and duties under the laws of the United States, the State of Texas and the ordinances of the City of Blue Ridge, Texas (referred to herein as the “City”), and I agree to be bound to and by this Confidentiality and Non-Disclosure Agreement (this “Agreement”).

2. I understand that part of my duties as a Councilmember will be to review certain documents and records of the City and to receive information (collectively “City Records”), held and maintained by the City, by virtue of my official position with the City and in furtherance of my official duties for the City.

3. I understand that certain City Records that will be provided to me by the City, or which come into my possession pursuant to my duties as a Councilmember may include one or more of the following:

- A. City Records which may be protected from disclosure under the Texas Public Information Act (formerly the “Open Records Act,” Texas Government Code, Chapter 552, entitled Public Information).

- B. City Records with constitute Sensitive Security Information (“SSI”) under applicable federal regulations.
  - C. City Records and information which may be protected from disclosure under the federal Freedom of Information Act.
  - D. City Records which may be considered by the City to contain information that is vital to the security and safe operation of the City whether or not these documents are otherwise classified by any other entity or law as containing such information.
  - E. City Records which may be considered by the City to possibly contain information that is financially sensitive.
4. I agree to the following with respect to any City Records or information that are provided to me by the City, or which come into my possession pursuant to my position as a Councilmember.
- A. I will safeguard such City Records and the information therein, to prevent inadvertent disclosure of them by keeping the documents guarded and under my control;
  - B. I will not release such City Records or the information therein, to any party, company, person, organization or entity for any reason that is not authorized by the City to receive the City Records;
  - C. I will notify the City if a request is made to me for any City Records or information contained therein.
5. I understand that as a Councilmember, I am generally entitled to review and inspect all City Records, including confidential information, in my official capacity as a Councilmember. I understand that a Councilmember acts in his or her “official capacity” in performing the duties and exercising the powers of the office of a Councilmember as this term is defined in the Texas Civil Practice and Remedies Code, Section 101.053(a), and under other applicable law. If the City Records contain confidential information, such as certified agendas or tape recordings of closed meetings, then I will not be entitled to a make a copy of that information. “Confidential information” means any information that a City Council member is entitled to because of his official position but otherwise is not available to the public generally without any public information/open records request pursuant to the provisions of the Texas Public Information Act (the “Act”), Texas Government Code, Chapter 552, and/or is never available to the public under the Act. Notwithstanding the foregoing, I understand and agree that I shall not:
- A. Use my position to obtain confidential information about any person or entity except in my official capacity;
  - B. Disclose any confidential information gained through my office or position concerning property, operations, policies, personnel or affairs of the City;
  - C. Use such confidential information to advance any economic interest or personal interest or confer any benefit to myself, or to my family member(s) or others.

6. I agree that I shall not misuse information to which I have access by virtue of my office as a Councilmember that has not been made public, and I shall not:

- A. Acquire, attempt to acquire or aid another to acquire or attempt to acquire a pecuniary interest in any property, transaction, or enterprise that may be affected by the information;
- B. Speculate or aid another to speculate on the basis of the information; or
- C. Coerce another into suppressing or failing to report that information to a law enforcement agency.

7. I shall not with intent to obtain a benefit or with intent to harm or defraud another, disclose or use information for a nongovernmental purpose that:

- A. I have access to by means of my office; and
- B. Has not been made public.

In this section, information that “has not been made public” means any information to which the public does not generally have access, and/or that is prohibited from disclosure under Chapter 552, Texas Government Code.

8. I further understand that the City may seek appropriate legal remedies for any violation of my agreements here.

By my signature below, I hereby affirm and agree to the matters set forth above.

Councilmember:

Witnessed,

Print Name

Print Name

\_\_\_\_\_

\_\_\_\_\_

Signature

Signature

\_\_\_\_\_

\_\_\_\_\_

(Ordinance 20121705, exh. 1, adopted 5/31/12)

**Exhibit 2. Consanguinity and Affinity**

Affinity Kinship (Marriage) Relationships

1st Degree

- Father-in-law
- Mother-in-law
- Son-in-law
- Daughter-in-law
- Spouse

2nd Degree

- Spouse’s grandfather
- Spouse’s grandmother
- Spouse’s brother (brother-in-law)
- Spouse’s sister (sister-in-law)
- Spouse’s grandson
- Spouse’s granddaughter
- Brother’s spouse (sister-in-law)
- Sister’s spouse (brother-in-law)

Consanguinity (Blood) Relationships

<u>1st Degree</u>	<u>2nd Degree</u>	<u>3rd Degree</u>
Father	Grandfather	Great-grandfather
Mother	Grandmother	Great-grandmother
Son	Brother	Nephew
Daughter	Sister	Niece
	Grandson	Great-grandson
	Granddaughter	Great-granddaughter
		Uncle
		Aunt

(Ordinance 20121705, exh. 2, adopted 5/31/12)

**ARTICLE 2.06 POLICE\***

**Division 1. Generally**

**Sec. 2.06.001 Position of city marshal abolished**

The position of city marshal is hereby abolished and in lieu thereof is substituted any qualified peace officer of this state that shall be selected by the city council. The peace officer shall have all of the powers of the marshal as provided by law. (Ordinance 3-1-94-1 adopted 3/1/94)

**State law reference**—Abolition of office of marshal, V.T.C.A., Local Government Code, sec. 22.076.

**Secs. 2.06.002–2.06.030 Reserved**

**Division 2. Police Department**

**Sec. 2.06.031 Created; chief of police to command department**

(a) There is hereby created and established a police department in the city, which shall consist of a chief of police and such police officers as the city council may from time to time deem necessary and proper.

(b) The chief of police shall be the commander and administrative head of the police department.

(Ordinance 3-1-94-2, art. I, sec. 1, adopted 3/1/94)

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\* **State law references**—Police force in type A general-law municipality, V.T.C.A., Local Government Code, sec. 341.001; commission on law enforcement officer standards and education, V.T.C.A., Occupations Code, ch. 1701.

**Sec. 2.06.032 Appointment and removal of police officers; oath of office**

- (a) All police officers shall be appointed and/or terminated by the city council.
- (b) All police officers appointed to the police department shall take and subscribe to the official oath prescribed by the state constitution.

(Ordinance 3-1-94-2, art. I, sec. 2, adopted 3/1/94)

**Sec. 2.06.033 Bond of police officers**

Each police officer shall execute a bond, payable to the city, as required by law, conditioned that the police officer will faithfully perform the duties of the office. The city council shall determine the amount of the bond at least annually. If the council fails to determine the amount of the bond for the succeeding year, the amount last prescribed shall continue to be the amount of bond required to be executed. Such bond shall be a corporate surety bond and the city shall pay all costs, premiums, and expenses associated with the bond. (Ordinance 3-1-94-2, art. I, sec. 3, adopted 3/1/94)

**Sec. 2.06.034 Qualifications of police officers**

All police officers shall meet the minimum standards for licensing as a peace officer as established by the state commission on law enforcement officer standards and education and have a current and valid peace officer license at the time of appointment. All police officers shall retain such license during their employment as a police officer with the city and will be subject to discharge if such license is suspended or revoked or becomes invalid for any reason. In addition, all police officers must have a valid Texas vehicle operator's license and must be insurable as a vehicle driver by the city's automobile insurance carrier. (Ordinance 3-1-94-2, art. I, sec. 4, adopted 3/1/94)

**Sec. 2.06.035 Powers and duties**

All police officers and other members of the police department shall be and are hereby invested with all the power and authority given to them as peace officers under the laws of the state in enforcing the criminal and traffic laws of the state and the ordinances of this city within the jurisdictional limits of the city. It shall also be the general duty of all police officers to quell riots, disorders and disturbances of the peace and to take into custody all persons so offending against the public peace. Such officers shall further use their best endeavors to prevent the commission within the city of offenses against the laws of the state and of the ordinances of the city, to observe and enforce all such laws and ordinances, to detect and arrest offenders against the same, and to preserve the good order of the city and to secure the inhabitants thereof from violence, and the property therein from injury. Such officers shall have no power or authority in civil matters, but shall execute any criminal warrant or warrant of arrest which may be placed in their hands by the duly constituted authorities of the city. In addition, all police officers shall execute all writs and processes issued from the municipal court of the city. (Ordinance 3-1-94-2, art. I, sec. 5, adopted 3/1/94)



**Sec. 2.06.036 Uniforms, badges and armament**

The chief of police shall prescribe the uniforms and badges for the members of the police department, and direct the manner in which the members of said force shall be armed. (Ordinance 3-1-94-2, art. I, sec. 6, adopted 3/1/94)

**Sec. 2.06.037 Policies manual adopted**

The Blue Ridge Police Department Manual, as amended, containing the general policies, procedures, and rules for operation of the police department of the city, is hereby adopted as the official departmental policy manual of the police department. (Ordinance 3-1-94-2, art. I, sec. 7, adopted 3/1/94)

**Secs. 2.06.038–2.06.060 Reserved**

**Division 3. Police Reserve Force\***

**Sec. 2.06.061 Established**

There is hereby established a police reserve force for the city. (Ordinance 3-1-94-2, art. II, sec. 1, adopted 3/1/94)

**Sec. 2.06.062 Appointment, removal and command of reserve officers**

Members of the police reserve force shall be appointed and/or relieved at the discretion of the chief of police, who shall exercise supervision over training and utilization of the reserve force membership. An appointment to the reserve force must be approved by the city council before the appointed person may carry a weapon or otherwise act as a peace officer. Members shall be called into active service at any time the chief of police considers it necessary to have additional officers to preserve the peace and enforce the law. (Ordinance 3-1-94-2, art. II, sec. 2, adopted 3/1/94)

**Sec. 2.06.063 Maximum number of reserve officers**

The police reserve force shall not exceed in number the total number of regular police officers, and shall be as determined necessary by the chief of police and as approved by the mayor. (Ordinance 3-1-94-2, art. II, sec. 3, adopted 3/1/94)

**Sec. 2.06.064 Carrying weapon**

Members of the police reserve force may carry a weapon only when authorized to do so by the chief of police and only when discharging official duties as a police officer. (Ordinance 3-1-94-2, art. II, sec. 4, adopted 3/1/94)

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\* **State law reference**—Authority to provide for police reserve force, V.T.C.A., Local Government Code, sec. 341.012.

**Sec. 2.06.065 Compensation; benefits**

Members of the police reserve force may serve without compensation. The city may provide hospital and medical assistance to members of the police reserve force who sustain injury in the course of performing official duties, in the same manner as provided by the city for its full-time police officers, and reserve officers shall be eligible for death benefits as set out in V.T.C.A., Government Code, chapter 615, except that nothing in this section shall be construed to authorize or permit a member of the police reserve force to become eligible for participation in any pension fund, created pursuant to the state statute, to which regular officers may become a member by payroll deductions or otherwise. (Ordinance 3-1-94-2, art. II, sec. 5, adopted 3/1/94)

**State law references**—Compensation of police reserve in type A general-law municipality, V.T.C.A., Local Government Code, sec. 141.007; hospital and medical assistance and death benefits for police reserve force, V.T.C.A., Local Government Code, sec. 142.003.

**Sec. 2.06.066 Qualifications and training standards for reserve officers**

Reserve police officers must comply with the minimum training standards established by the state commission on law enforcement officer standards and education for all reserve law enforcement officers which must be fulfilled before a person is appointed as a reserve law enforcement officer and may carry a weapon or otherwise act as a peace officer. The chief of police shall establish qualifications and standards of training for members of the police reserve force and shall establish rules and regulations governing reserve police officers, but in no case shall the standards be less than that established by the state commission on law enforcement officer standards and education. (Ordinance 3-1-94-2, art. II, sec. 6, adopted 3/1/94)

**Sec. 2.06.067 Duties**

(a) Reserve police officers may act only in a supplementary capacity to the regular police force and may not assume the full-time duties of regular police officers without complying with the requirements for regular police officers.

(b) The police chief may establish rules and regulations to fix the specific duties of its members and to provide for the maintenance of discipline. He may change such orders from time to time, and may command members of the reserve police force to obey the instructions of regular police officers in carrying out their duties.

(c) Members of the reserve police force serve as peace officers during the actual discharge of official duties.

(Ordinance 3-1-94-2, art. II, sec. 7, adopted 3/1/94)

**Sec. 2.06.068 Annual report**

The police chief will prepare a report on the status of the reserve force, to be submitted to the city council with his annual budget request. (Ordinance 3-1-94-2, art. II, sec. 8, adopted 3/1/94)

**Sec. 2.06.069 Mayor’s powers to summon special police not affected**

This division does not limit the power of the mayor to summon into service a special police force as provided by Local Government Code, section 341.011. (Ordinance 3-1-94-2, art. II, sec. 9, adopted 3/1/94)

**Secs. 2.06.070–2.06.090 Reserved**

**Division 4. Mutual Law Enforcement Aid\***

**Sec. 2.06.091 State mutual aid law adopted**

The city hereby adopts V.T.C.A., Local Government Code, chapter 362. (Ordinance 3-1-94-2, art. III, sec. 1, adopted 3/1/94)

**Sec. 2.06.092 Authority to provide assistance to other jurisdiction**

The city, acting by and through its mayor or mayor pro tem, or in their absence or inability to act the chief of police, may send or direct any of its regularly employed law enforcement officers to assist any other county or municipality when a request is received for assistance from the mayor or other officer authorized to declare a state of civil emergency in such other municipality or county, representing that there exists in such other county or municipality a need for additional law enforcement officers to protect health, life and property of such other county or municipality or its inhabitants and the visitors thereof, by reason of riot, unlawful assembly characterized by the use of force and violence, or threat by three (3) or more persons acting together or without lawful authority, or during the time of natural or man-made calamity. (Ordinance 3-1-94-2, art. III, sec. 2, adopted 3/1/94)

**Sec. 2.06.093 Participation in mutual aid law enforcement task force**

The city hereby provides that the police department of the city shall be and is hereby designated as a participating member and agency of a mutual aid law enforcement task force to cooperate in accordance with V.T.C.A., Local Government Code, section 362.002, with the county sheriff’s department. Members of the police department of the city shall have only such additional investigative authority in the corporate limits of such member cities and Collin County as shall be from time to time prescribed by the mayor or chief of police of such cities and the county judge or sheriff. (Ordinance 3-1-94-2, art. III, sec. 3, adopted 3/1/94)

**Sec. 2.06.094 Status of officers sent to other jurisdiction; payment of wages and other expenses**

Law enforcement officers sent to another municipality or county shall be in all things subject to the provisions of V.T.C.A., Local Government Code, chapter 362, and such officer or officers shall be and become peace officers of such other county or municipality under the command of the law enforcement officer who is in charge in that city or county and shall be vested with all the powers of a regular law enforcement officer in such other county or municipality to which sent. Such law enforcement officers of the city shall be entitled to the same wage, salary, pension, and all other compensations while performing police duties outside of the territorial limits of the city

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\* **State law reference**—Law enforcement services provided through cooperation of municipalities, counties and certain other local governments, V.T.C.A., Local Government Code, ch. 362.

as though the same services were being rendered in the city, and the city shall pay to such officers such wages, salary, pension, and other benefits, together with medical, travel, food, lodging, and other expenses incurred on account of performing services outside of the territorial limits of the city. The city shall be reimbursed by the other county or municipality requesting the services from which such payments and expenses arose, as is provided by V.T.C.A., Local Government Code, chapter 362. (Ordinance 3-1-94-2, art. III, sec. 4, adopted 3/1/94)

**ARTICLE 2.07 CLAIMS AGAINST CITY\***

**Sec. 2.07.001 Notice requirements**

The city shall never be liable for any claim for property damage or for personal injury, whether such personal injury results in death or not, unless the person damaged or injured, or someone in his behalf, or, in the event the injury results in death, the person or persons who may have a cause of action under the law by reason of such death or injury, shall, within sixty (60) days or within six (6) months for good cause shown from the date the damage or injury was received, give notice in writing to the mayor and city council of the following facts:

- (1) The date and time when the injury occurred and the place where the injured person or property was at the time when the injury was received.
- (2) The nature of the damage or injury sustained.
- (3) The apparent extent of the damage or injury sustained.
- (4) A specific and detailed statement of how and under what circumstances the damage or injury occurred.
- (5) The amount for which each claimant will settle.
- (6) The actual place of residence of each claimant by street, number, city and state on the date the claim is presented.
- (7) In the case of personal injury or death, the names and addresses of all persons who, according to the knowledge or information of the claimant, witnessed the happening of the injury or any part thereof and the names of the doctors, if any, to whose care the injured person is committed.
- (8) In the case of property damage, the location of the damaged property at the time the claim was submitted along with the names and addresses of all persons who witnessed the happening of the damage or any part thereof.

(Ordinance 11-4-86, sec. 1, adopted 11/4/86)

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\* **State law references**—Texas Tort Claims Act, V.T.C.A., Civil Practice and Remedies Code, ch. 101; notice procedures, V.T.C.A., Civil Practice and Remedies Code, sec. 101.101.

**Sec. 2.07.002 Refusal by council required before filing suit**

No suit of any nature whatsoever shall be instituted or maintained against the city unless the plaintiff therein shall aver and prove that previous to the filing of the original petition the plaintiff applied to the city council for redress, satisfaction, compensation, or relief, as the case may be, and that the same was by vote of the city council refused. (Ordinance 11-4-86, sec. 2, adopted 11/4/86)

**Sec. 2.07.003 Service of notice**

All notices required by this article shall be effectuated by serving them upon the (city secretary or city manager) at the following location: P.O. Box 728, Blue Ridge, TX 75004, City Hall at 545 and Main (do not use post office box address), and all such notices shall be effective only when actually received in the office of the person named above. (Ordinance 11-4-86, sec. 3, adopted 11/4/86; Ordinance adopting Code)

**Sec. 2.07.004 Waiver of requirements**

Neither the mayor, a city council member, nor any other officer or employee of the city shall have the authority to waive any of the provisions of this article. (Ordinance 11-4-86, sec. 4, adopted 11/4/86)

**Sec. 2.07.005 Notice to be sworn**

The written notice required under this article shall be sworn to by the person claiming the damage or injuries or by someone authorized by him to do so on his behalf. Failure to swear to the notice as required herein shall not render the notice fatally defective, but failure to so verify the notice may be considered by the city council as a factor relating to the truth of the allegations and to the weight to be given to the allegations contained therein. (Ordinance 11-4-86, sec. 5, adopted 11/4/86)

**ARTICLE 2.08 RECORDS MANAGEMENT\***

**Sec. 2.08.001 Definition of city records**

All documents, papers, letters, books, maps, photographs, sound or video recordings, microfilm, magnetic tape, electronic media, or other information-recording media, regardless of physical form or characteristic and regardless of whether public access to it is open or restricted under the laws of the state, created or received by the city or any of its officers or employees pursuant to law or in the transaction of public business are hereby declared to be the records of the city and shall be created, maintained, and disposed of in accordance with the provisions of this article or procedures authorized by it and in no other manner. (Ordinance 2003-0304, sec. 1, adopted 3/4/03)

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\* **State law references**—Local Government Records Act, V.T.C.A., Local Government Code, ch. 201 et seq.; local government records management program to be established, V.T.C.A., Local Government Code, sec. 203.026.

**Sec. 2.08.002      Records declared public property**

All records as defined in section 2.08.001 of this plan are hereby declared to be the property of the city. No official or employee of the city has, by virtue of his or her position, any personal or property right to such records even though he or she may have developed or compiled them. The unauthorized destruction, removal from files, or use of such records is prohibited. (Ordinance 2003-0304, sec. 2, adopted 3/4/03)

**Sec. 2.08.003      Policy**

It is hereby declared to be the policy of the city to provide for efficient, economical, and effective controls over the creation, distribution, organization, maintenance, use, and disposition of all records of this office through a comprehensive system of integrated procedures for the management of records from their creation to their ultimate disposition, consistent with the requirements of the Local Government Records Act and accepted records management practice. (Ordinance 2003-0304, sec. 3, adopted 3/4/03)

**Sec. 2.08.004      Records management officer**

The city secretary will serve as records management officer for the city as provided by law and will ensure that the maintenance, destruction, electronic storage, or other disposition of the records of this office are carried out in accordance with the requirements of the Local Government Records Act. (Ordinance 2003-0304, sec. 4, adopted 3/4/03)

**Sec. 2.08.005      Records control schedules**

Appropriate records control schedules issued by the state library and archives commission shall be adopted by the records management officer for use in the city, as provided by law. Any destruction of records of the city will be in accordance with these schedules and the Local Government Records Act. (Ordinance 2003-0304, sec. 5, adopted 3/4/03)

**ARTICLE 2.09 TAXATION**

**Division 1. Generally**

**Secs. 2.09.001–2.09.030      Reserved**

**Division 2. Property Tax\***

**Sec. 2.09.031      Assessment and collection by county tax assessor-collector**

(a) The city hereby designates the tax assessor-collector of Collin County, Texas, in compliance with section 6.22(c) of the Texas Property Tax Code, to be authorized and required to assess and collect taxes for the city, and to perform all the duties relating to the assessment and collection of such taxes provided by the laws of the state.

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\* **State law references**—Property Tax Code, V.T.C.A., Tax Code, ch. 1 et seq.; authority of municipality to impose property taxes, V.T.C.A., Tax Code, sec. 302.001.

(b) All taxes collected by the county tax assessor-collector for the city, including any penalties or interest which may be due thereon, and less any fees for such collection due the county, shall be remitted to them weekly.

(c) The city shall provide the county tax assessor-collector the current certified tax roll for the taxing unit on or about the first day of September of each year, including the ad valorem tax rate and any special tax assessments to be collected for the city.

(d) The city shall transfer to the possession and control of the county tax assessor-collector copies of all records necessary for the performance of the duties and responsibilities for the collection of ad valorem taxes, specifically including the delinquent tax roll, which include sufficient detail to be able to prepare a tax bill in accordance with section 31.01 of the state Property Tax Code.

(e) In accordance with section 6.27(b) of the state Property Tax Code, the tax assessor-collector shall be entitled to a reasonable fee for assessing and collecting such taxes, and a fee of \$0.75 per parcel of property on the current tax roll is authorized to be deducted from December monies before forwarding to the city.

(Ordinance 8-24-94 adopted 8/24/94)

**Sec. 2.09.032 Residence homestead exemptions**

(a) General exemption. Pursuant to section 11.13 of the Texas Property Tax Code, a family or single adult is entitled to an exemption from taxation by the city the greater of eight percent (8%) or \$5,000.00 of the appraised value of the residential homestead.

(b) Disabled or elderly persons. There is hereby established in the city an exemption from taxation in the amount of \$10,000.00 of the appraised value of the residence homestead for an individual who is disabled or age sixty-five (65) or older.

(Ordinance 96-1119, adopted 11/19/96; Ordinance 96-1119-A adopted 11/19/96; Ordinance 98-0106 adopted 1/6/98)

**State law reference**—Residence homestead tax exemptions, V.T.C.A., Tax Code, sec. 11.13.

**Sec. 2.09.033 Tangible personal property in transit**

The goods-in-transit, as defined Texas Tax Code section 11.253(a)(2), as amended by Senate Bill 1, enacted by the 82nd Texas Legislature in special session, shall remain subject to taxation by the city. (Ordinance 090407-1 adopted 9/4/07; Ordinance 2011-09-30-01 adopted 10/4/11)

**State law reference**—Tax exemption for goods-in-transit, V.T.C.A., Tax Code, sec. 11.253.

**Sec. 2.09.034 Freeport goods**

The city elects to tax that tangible personal property described in article VIII, section 1-j, subsection (a) of the state constitution and section 11.251, Texas Property Tax Code, which would otherwise be exempt. (Ordinance 12-8-89-2 adopted 12/8/89)

**State law reference**—Tangible personal property (freeport goods) tax exemptions, V.T.C.A., Tax Code, sec. 11.251.

**Secs. 2.09.035–2.09.060 Reserved**

**Division 3. Sales and Use Tax\***

**Sec. 2.09.061 Tax on telecommunications services**

(a) Purpose. The purpose of this section is to repeal the local sales and use tax exemption on telecommunications services within the city to increase the revenues for the city’s general fund.

(b) Definition. As used in this section, the following term shall have the meaning assigned to it in this subsection:

Telecommunications services. The electronic or electrical transmission, conveyance, routing or reception of sounds, signals, data or other information utilizing wire, cable, radio waves, microwaves, satellites, fiber optics or any other method now in existence or that may be devised, including but not limited to long distance telephone service. The storage of data or other information for subsequent retrieval or the processing, or reception and processing, of data or information intended to change its form or content; the sale or use of a telephone prepaid calling card; or internet service.

(c) Tax imposed. The local sales and use tax exemption on telecommunications services is hereby repealed in the city.

(Ordinance 2011-0901-2 adopted 9/6/11)

**State law reference**—Authority of municipality to impose tax on sale of telecommunications services, V.T.C.A., Tax Code, sec. 321.210.

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\* **State law reference**—Authority of municipality to impose local sales and use tax, V.T.C.A., Tax Code, ch. 321.



# CHAPTER 3

## ANIMAL CONTROL

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**ARTICLE 3.01 GENERAL PROVISIONS\*****Sec. 3.01.001 Definitions**

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

Abandon. Leaving an animal in any place without providing reasonable and necessary care including, but not limited to, air, food, water, or protection from heat, cold, or other elements of nature.

Animal. Any living creature, including but not limited to: dogs, cats, pigs, cows, horses, birds, fish, mammals, reptiles, insects, fowl and livestock, but specifically excluding human beings.

Animal control authority. Any person or persons designated by the council to enforce the provisions of this chapter.

Animal control officer. Any person designated by the council to enforce the provisions of this chapter.

Animal shelter. A facility contracted by the city for the purpose of impounding and caring for animals held under the authority of this chapter.

Dangerous animal.

- (1) Any animal which, without provocation, inflicts bites on or attacks a human being or domesticated animal on either public or private property;
- (2) Any animal which, in a vicious or terrorizing manner, approaches a human being in an apparent attitude of attack upon the streets, sidewalks, or any public or private grounds or places;
- (3) Any animal with a known propensity, tendency or disposition to attack without provocation, which causes injury or otherwise threatens or endangers the safety of a human being or a domesticated animal;
- (4) Any animal suspected of being a dangerous animal if the owner, keeper or harbinger of such animal fails or refuses to make such animal available for inspection to an animal control officer;
- (5) Any animal owned or harbored primarily or in part for the purpose of fighting, or any animal trained for fighting; or
- (6) Any animal which has behaved in such a manner that the owner thereof knows or should reasonably know that the animal is possessed of tendencies to attack or to bite human beings or domesticated animals.

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\* **State law references**—Authority to regulate animals, V.T.C.A., Local Government Code, sec. 215.025 et seq.; health and safety of animals, V.T.C.A., Health and Safety Code, ch. 821 et seq.

*Dangerous propensities.* Any one, or a combination, of the animal behaviors of biting, snarling, charging aggressively toward a person or another animal, growling with curled lips, popping of teeth, or barking with raised hackles.

*Dog.* A domesticated member of the family Canidae, but shall not include a wolf, jackal, coyote, fox, or other wild animal of this family or hybrid thereof.

*Exotic animals.* Non-native species of animal including, but not limited to, nonpoisonous reptiles which when mature are over six (6) feet in length, ostriches, any member of the Ratite family or exotic livestock as defined by the state animal health commission.

*Fowl.* All of those birds commonly called poultry including, but not limited to, chickens, ducks, geese, guinea fowl, turkeys, pigeons and all the relatives of those birds which can be in pens, coops, cages or enclosures of any kind.

*Harboring.* The act of keeping and caring for an animal or of providing premises to which the animal returns for food, shelter or care for a period of five days.

*Humanely euthanized.* To cause the death of an animal by a method which:

- (1) Rapidly produces unconsciousness and death without visible evidence of pain or distress; or
- (2) Utilizes anesthesia produced by an approved agent which causes painless loss of consciousness, and death following such loss of consciousness.

*Humane trap.* A box cage for catching animals in a humane manner.

*Large livestock.* Horses, mules, donkeys, cattle, goats, sheep and swine regardless of age, sex, size or breed, but does not include the pot-bellied pig, miniature horse, or pygmy goat.

*Miniature livestock.* Swine or goats that have been specifically bred to be significantly smaller at maturity than all other breeds of similar animals. Miniature livestock includes, but is not limited to, pot-bellied pigs, pygmy goats and miniature horses.

*Owner.* Any person having title to any animal, or a person who has, harbors or keeps, or who causes or permits to be harbored or kept, an animal in his care, or who permits an animal to remain on or about his premises.

*Person.* Any individual, firm, association, partnership, or corporation.

*Pet animal.* Dogs, cats, ferrets, rabbits, rodents, birds, reptiles and any other species of animal that are sold or retained as household pets, but shall not include any species of dangerous animal.

*Rabies vaccination.* An injection of United States Department of Agriculture approved rabies vaccine administered every 12 or 36 months under the direct supervision of a licensed veterinarian.

*Residence.* A dwelling, intended to be inhabited by human beings.

Restraint or restrained. Secured by a leash, lead, cord, chain, extendable leash, or rope six (6) feet or less in length and held by the owner or handler; or secured within a kennel or pen within the fenced real property limits of its owner, and may not come any closer than six (6) feet to a public walkway or sidewalk when the restraint lead is stretched to full length.

Running at large or run at large.

- (1) Off premises. Any animal which is not restrained by means of a leash or chain of sufficient strength and not more than fifteen (15) feet in length to control the actions of such animal while off the owner's property unless on an extendable leash under the owner's control; and
- (2) On premises. Any animal not confined on the premises of the owner or handler by a substantial fence of sufficient strength and height to prevent the animal from escaping.

Secure enclosure. A house or a building, or in the case of a dangerous animal being kept outdoors, the kennel/pen shall include a roof which is fastened to all vertical walls, which are submerged in a subpervious material. The kennel/pen must be at least six (6) feet in height and have the minimum dimensions of five (5) feet by ten (10) feet. The kennel/pen must form an enclosure suitable to prevent entry of young children, and must be locked and secured such that an animal cannot climb, dig, jump, or otherwise escape of its own volition. The enclosure shall be securely locked at all times. The kennel/pen will provide protection from the elements and allow for daily removal of waste as approved by the animal control officer or designee.

Spay/neuter. The surgical removal of the reproductive organs of a dog or cat to render the animal unable to reproduce.

Veterinarian. A doctor of veterinary medicine who holds a valid license to practice his profession in the state.

Vicious animal. Shall have the same meaning as "dangerous animal."

Wild animal. Any poisonous or dangerous reptile or any other animal which can normally be found in the wild state or not normally capable of being domesticated including, but not limited to:

- (1) Reptiles: Alligators, crocodiles, or venomous reptiles;
- (2) Birds: Emus, ostriches, rheas;
- (3) Mammals: Baboons, badgers, bats, bears, bobcats, caracals, cheetahs, chimpanzees, cougars, coyotes, dingoes, elephants, foxes, gorillas, jackals, jaguars, hyenas, leopards, lions, lynx, monkeys (nonhuman primates), martins, minks, ocelots, orangutans, pandas, panthers, raccoons, servals, skunks, tigers, weasels, wolves;
- (4) Marsupials: Kangaroos, kinkajous;
- (5) Hybrids: Any hybrid of any animals including the offspring of domesticated canine and wild canine cross-breeds such as coyote or wolf hybrids. This shall apply regardless of duration of captivity; and

- (6) Any species of animal illegal to own under federal or state law, and any animal which is or may be hereafter listed as a “high risk” animal in the Texas Rabies Control Act.

(Ordinance 100331, art. I, sec. 1, adopted 5/4/10; Ordinance adopting Code)

**Sec. 3.01.002 Penalties**

(a) Criminal penalty. Any person who violates any provision of this chapter or fails to perform an act required by this chapter commits an offense and shall be deemed guilty of a misdemeanor and, upon conviction thereof, shall be punished as provided in section 1.01.009 of this code.

(b) Civil penalty. In addition to the penalty provided above, violations of any provision or section of this chapter shall incur civil penalties up to one thousand dollars (\$1,000.00) per day for each violation, as provided by section 54.017 of the Texas Local Government Code, as amended, as the same may be amended from time to time. Each day a violation continues shall be deemed a separate offense.

(c) Culpability. A culpable mental state is not required for the commission of an offense under this chapter, unless the provision defining the conduct expressly requires a culpable mental state.

(d) Additional remedies. The city shall be entitled to pursue all other criminal and civil remedies to which it is entitled under the authority of other ordinances or state law, including Local Government Code chapter 54.

(Ordinance 100331, art. VI, sec. 50, adopted 5/4/10)

**Sec. 3.01.003 Authority to enforce**

(a) Local rabies control authority. The animal control officer or designee is designated as the local rabies control authority for the purposes of chapter 826 of the Texas Health and Safety Code, as amended. The local rabies control authority shall enforce:

- (1) The Rabies Control Act of 1981, chapter 826 of the Texas Health and Safety Code, as amended, and the rules adopted by the state board of health that comprise the minimum standards for rabies control;
- (2) The ordinances and rules of the city; and
- (3) The rules adopted by the state board of health under the area rabies quarantine provisions of section 826.045 of the Texas Health and Safety Code, as amended.

(b) Powers and duties of animal control officers. Any animal control officer of the city shall have the authority to issue citations for any violation of this chapter and any other power or duty stated within the terms of this chapter.

(c) Interference with animal control officer. It shall be unlawful for any person to interfere with any animal control officer in the performance of his duties.

(d) Right of entry. For purposes of discharging duties imposed by the provisions of this chapter, or other applicable laws, and to enforce the same, the animal control officer may enter upon private property to the full extent permitted by law, which shall include, but not be limited to, entry upon private property, except dwellings located thereon, when in pursuit of any animal which he has reason to believe is subject to impoundment pursuant to the provisions of this chapter or other applicable laws.

(e) Authority to destroy animals. Any animal control officer shall have the authority to humanely euthanize and/or destroy any animal in accordance with the provisions of this chapter.

(Ordinance 100331, art. I, sec. 2, adopted 5/4/10; Ordinance adopting Code)

**State law reference**—Appointment of rabies control authority by municipality, V.T.C.A., Health and Safety Code, sec. 826.017.

**Sec. 3.01.004      Limitation of number of animals**

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

Adult animal means any animal which is more than six (6) months of age.

Litter means one or more newborn animal(s) under six (6) months of age.

(b) It shall be unlawful for any residence to keep within the city, in any residential district, more than four (4) adult domesticated animals on a residential lot of 10,000 square feet or less; provided, however, that such person may keep one additional adult animal for each additional 5,000 square feet of lot area. The residence shall be permitted to keep one (1) litter only at any given time.

(Ordinance 100331, art. I, sec. 3, adopted 5/4/10)

**Sec. 3.01.005      Animals running at large**

(a) It shall be unlawful for any owner of an animal, other than a cat, to cause, permit, suffer or allow the animal to run at large.

(b) Any animal control officer is authorized to impound such animals running at large, other than a cat, and may impound a cat upon receipt of a complaint that the cat causes a nuisance or hazard to the health or welfare of any person or animal.

(Ordinance 100331, art. I, sec. 4, adopted 5/4/10)

**State law references**—Restraint, impoundment and disposition of dogs and cats, V.T.C.A., Health and Safety Code, sec. 826.033; animals at large, V.T.C.A., Local Government Code, sec. 215.026.

**Sec. 3.01.006 Nuisances**

- (a) Noisy animals. A person commits an offense if he knowingly harbors an animal that unreasonably barks, howls, crows or makes other unreasonable noise near a private residence that disturbs the peace and quiet of any person of ordinary sensibility.
- (b) Urination or defecation. It shall be unlawful for the owner to permit, either willfully or through failure to exercise care and control, any such dog or other domesticated animal to urinate or defecate upon the sidewalk or parkway or any public street, or upon the floor of any common hall in any entranceway or stairway or upon any wall of any public place or building or public park and any private property not his own, and it shall be the responsibility of the owner to remove any animal waste deposited by his animal.
- (c) Unsanitary or offensive conditions. It shall be unlawful and considered a public nuisance for any person to allow any house, building, business, lot, pen, enclosure, yard or similar place used for the keeping of animals to become unsanitary, offensive by reason of odor, or disagreeable to persons of ordinary sensibilities residing in the vicinity thereof or to the public at large. Any condition injurious to public health caused by improper waste disposal will be considered a violation of this chapter.
- (d) Cats running at large. Cats running at large to such a degree that it causes an unreasonable disturbance to a person of ordinary sensibilities are prohibited.
- (e) Animal carcasses in public view. It shall be unlawful for any person to butcher or display the carcass of an animal on residential property within the city whereby it is in the view of the public, except an animal carcass actually cooking over a barbeque pit.
- (f) Disposal of dead animals. It shall be unlawful for any person to permit the carcass of any dead animal to be, or remain, upon any property under his control for more than 24 hours after the death of the animal.

(Ordinance 100331, art. I, sec. 5, adopted 5/4/10)

**Sec. 3.01.007 Animal care guidelines**

- (a) No person shall fail to provide his animal with sufficient good and wholesome food and water, proper shelter and protection from the weather, veterinary care when needed to prevent suffering, and humane care and treatment.
- (b) The owner or person in possession of animals shall keep yards, pens, and enclosures in which such animals are confined in such a manner so as not to give off odors offensive to persons of ordinary sensibilities residing in the vicinity, or to breed or attract flies, mosquitoes, or other noxious insects, or, in any manner, to endanger the public health or safety, or create a public nuisance.
- (c) All persons keeping such animals shall comply with the following sanitary regulations:
  - (1) Manure and droppings shall be removed from pens, yards, cages and other enclosures at a minimum of two (2) times per week and handled or disposed of in such manner as to keep the premises free of any nuisance.



- (2) Mound storage of droppings or manure between such removals shall be permitted only under such conditions as to protect against the breeding of flies and to prevent migration of fly larvae (maggots) into the surrounding soil.
  - (3) The feeding of vegetables, meat scraps, or garbage shall be done only in impervious containers or on an impervious platform.
  - (4) Watering troughs or tanks shall be provided which shall be equipped with adequate facilities for draining the overflow so as to prevent the breeding of flies, mosquitoes, or other insects.
  - (5) No putrescible material shall be allowed to accumulate on the premises, and all such material used to feed which is unconsumed shall be removed and disposed of by burial or other sanitary means.
- (d) It shall be unlawful for a person to use a chain, rope, tether, leash, cable, or other device to attach a dog to a stationary object.
- (e) It shall be unlawful for any person to keep a dog within a fenced enclosure in which the fence is in a state of disrepair.

(Ordinance 100331, art. I, sec. 6, adopted 5/4/10)

**State law reference**—Unlawful restraint of dog, V.T.C.A., Health and Safety Code, sec. 821.076 et seq.

**Sec. 3.01.008 Cruelty to animals**

The following are established for pet and animal care and not intended to contravene with the provisions for animal cruelty as contained in Texas Penal Code 42.09 and 42.092.

- (1) No owner shall fail to provide his animals with sufficient good and wholesome food and water, proper shelter and protection from the weather, veterinary care when needed to prevent suffering, and humane care and treatment.
- (2) No person shall knowingly expose any known poisonous substance, whether mixed with food or not, so that the same may be eaten by any pet or domestic animal.
- (3) No owner of an animal shall abandon such animal.
- (4) No person shall beat, cruelly ill-treat, torment, overload, overwork or otherwise abuse an animal; or cause, instigate, or permit any dogfight, cockfight, bullfight, or other combat between animals or between animals and human beings.
- (5) Any person who, as the operator of a motor vehicle, strikes a domestic animal shall stop at once and render such assistance as may be possible and shall immediately report such injury or death to the animal's owner. In the event the owner cannot be ascertained and located, such operator shall at once report the accident to the appropriate law enforcement agency or to the local animal control authority.

- (6) No person shall leave any animal in an unattended motor vehicle.

(Ordinance 100331, art. I, sec. 7, adopted 5/4/10)

**State law references**—Cruelty to livestock animals, V.T.C.A., Penal Code, sec. 42.09; cruelty to nonlivestock animals, V.T.C.A., Penal Code, sec. 42.092.

**Sec. 3.01.009 Sale of baby fowl or rabbits; colored fowl or rabbits**

(a) It shall be unlawful for any person to sell, offer for sale, barter, or give away as toys, premiums or novelties, baby chickens, ducklings or other fowl under three (3) weeks old, or rabbits under two (2) months old.

(b) It shall be unlawful to color, dye, stain or otherwise change the natural color of any chickens, ducklings, other fowl, or rabbits, or to possess for the purpose of sale or to be given away any of the above-mentioned animals which have been so colored.

(Ordinance 100331, art. I, sec. 8(a), (b), adopted 5/4/10)

**Sec. 3.01.010 Keeping or selling wild animals**

It shall be unlawful to keep and/or sell any wild animals inside the city, unless the owner (or person controlling the animal) has a valid state-issued registration or a permit to keep said animal. (Ordinance 100331, art. I, sec. 8(c), adopted 5/4/10)

**ARTICLE 3.02 LIVESTOCK, FERRETS, REPTILES, FOWL AND RABBITS**

**Sec. 3.02.001 Livestock and miniature livestock**

(a) Number of animals. It shall be unlawful for any person or corporation to keep livestock on any premises (zoned other than agriculture). The number of livestock permitted shall not exceed two adults (over six (6) months of age) for the [first] two acres and one (1) adult for each additional acre. The number of livestock less than six (6) months of age and horses (miniature variety), sheep, and goats less than 34 inches in height at the withers shall not exceed four (4) for the first two acres and three (3) for each additional acre.

(b) Construction of pens and enclosures. Any enclosure, pen, corral, or other restrictive area for livestock shall be constructed in such a way and of such material as to ensure containment of such animal or animals.

(c) Location and size of stalls; fenced exercise area. It shall be unlawful to erect a structure/building for the housing or keeping of livestock which is within 40 feet of the property boundary line and 100 feet of the residence of any person other than the owner. A ten (10) foot by twelve (12) foot stall or enclosure under roof is required for each adult livestock. Offspring may remain with female parent in the same stall or enclosure until six months of age. In addition, there must be at least 2,000 square feet of fenced exercise area/pasture for each adult. Horses

(miniature variety), sheep and goats less than 34 inches in height at the withers shall be provided a stall or enclosure minimum four (4) feet by eight (8) feet under roof for each adult and 500 square feet of fenced exercise area/pasture. Fencing must be at least four (4) feet in height, or five (5) feet high in the case of breeding-capable males. Fencing must be of proper strength to contain livestock and maintained in good repair at all times.

(d) Stallions, bulls and rams. Male livestock capable of breeding must be contained within a stall/paddock. Males may be exercised only under direct adult supervision, age 18 or over, within an exercise area/pasture, provided fencing meets requirements (five (5) feet), and no direct contact may be made with livestock on adjoining properties. No pasture breeding is allowed. Under no circumstances shall breeding-capable males and females, even though they are the property of one (1) owner, be allowed together in an exercise area/pasture.

(e) Offensive conditions. The owner or person in possession of livestock shall keep exercise areas/pastures, pens, stalls and enclosures in which such livestock is confined in such a manner so as not to give off odors offensive to persons of ordinary sensibilities, or in any manner to endanger the public health or safety, or create a public nuisance.

- (1) Manure and waste must be removed from the stall daily. Manure must be either placed in a contained compost receptacle or spread in an area where it will be immediately worked into the soil. Manure in the exercise area/pasture must be removed from the premises or spread once weekly.
- (2) Watering troughs shall be provided which shall be equipped with adequate facilities for draining the overflow, to prevent the breeding of flies and mosquitoes or other insects.
- (3) Fly control or a pesticide must be used to protect against the breeding of flies.
- (4) Every effort must be made to keep ground cover on the pasture area. Prevention of livestock on this area after rainfall is strongly recommended.

(f) Permits. Permits for livestock shall be obtained on an annual basis, or any part thereof, as specified in the fee schedule in appendix A of this code. 4-H members or FFA projects will not require a paid permit, provided the livestock is certified by a responsible adult within the program as an ongoing project. These permits will be issued free. Permits will be issued for a period of one (1) year and will not be automatically renewed if there have been three violations within the previous 12-month period. In this instance, the applications will be investigated before renewal.

(Ordinance 100331, art. III, sec. 17, adopted 5/4/10; Ordinance adopting Code)

**State law reference**—Authority to prohibit or otherwise regulate the keeping of livestock and swine, V.T.C.A., Local Government Code, sec. 215.026(b).

### **Sec. 3.02.002 Ferrets**

(a) Disposition of biting ferrets. Any ferret suspected of biting a person shall be placed under quarantine to determine if the animal is capable of transmitting or exposing humans and/or other animals to rabies or must be humanely euthanized and sent to the department of state health services for rabies testing. The quarantine period for ferrets shall be for a period of not less than

ten (10) days after biting such person. The place of quarantine shall be at the animal shelter or in quarters supervised by a licensed veterinarian for the period of the quarantine and [the animal] shall not be allowed to be quarantined on the owner's premises.

(b) Animals at large. It shall be unlawful to have a ferret in a public place without being on a leash no longer than six (6) feet in length or in an adequate enclosure capable of controlling the animal's actions.

(c) Sterilization. It shall be unlawful for any person to own, keep or harbor within the city any ferret over six (6) months in age which has not been sterilized.

(Ordinance 100331, art. III, sec. 18, adopted 5/4/10; Ordinance adopting Code)

**Sec. 3.02.003 Reptiles**

(a) Nonpoisonous snakes that do not exceed six (6) feet in length at maturity may be kept in the city. Any poisonous snake or lizard located on a person's property may be disposed of by appropriate means by that person.

(b) Adult lizards which do not exceed three (3) feet in length at maturity may be kept in the city.

(Ordinance 100331, art. III, sec. 19, adopted 5/4/10)

**Sec. 3.02.004 Fowl**

(a) The keeping of fowl such as roosters, ducks, turkeys, geese, peacocks, guineas, or other such loud fowl within the city limits in any pen, coop or enclosure that is within 150 feet of any residence (other than the owner's), business or school shall be prohibited.

(b) No person shall keep more than two (2) hens in an area zoned residential within the city, and shall be no closer than 50 feet to the nearest inhabited dwelling, other than that of the owner.

(c) Any fowl kept within the city limits shall be in a secure pen, coop or enclosure, and such structure shall be of such construction and strength to keep such animals from running at large.

(Ordinance 100331, art. III, sec. 20, adopted 5/4/10)

**Sec. 3.02.005 Rabbits**

Rabbits shall be kept in a secure pen or enclosure that is at least 30 feet from an inhabited dwelling, other than that of the owner. Rabbit enclosures shall be of a design which prohibits waste material dropping to the ground and of such construction and strength to keep such animal from running at large. (Ordinance 100331, art. III, sec. 21, adopted 5/4/10)

**ARTICLE 3.03 DANGEROUS ANIMALS\*****Sec. 3.03.001 Authority to destroy animals running at large**

Any dangerous animal found running at large and endangering the safety of persons or property may be destroyed by the local health authority or any peace officer or animal control officer in the interest of public safety if such danger is imminent and a real or apparent necessity exists to destroy such dangerous animal. (Ordinance 100331, art. IV, sec. 22, adopted 5/4/10)

**Sec. 3.03.002 Impoundment**

A dangerous animal may be impounded in the interest of public safety. If an attempt is made to impound a dangerous animal from the premises of the owner and the impoundment cannot be made with safety, the owner will be given 24 hours' notice that, if the dangerous animal is not surrendered to animal control for impoundment within the 24-hour period, then the dangerous animal will be destroyed wherever it is found. After such notice, the dangerous animal may be destroyed during an attempt to impound, if impoundment cannot be made with safety, wherever the impoundment is attempted. Notice under this section may be verbal or in writing. A written notice left at the entrance to the premises where the vicious animal is harbored will be considered valid notice under this article. (Ordinance 100331, art. IV, sec. 23, adopted 5/4/10)

**Sec. 3.03.003 Determination of dangerous animal; offenses**

(a) Complaint. Upon receipt of a written complaint by any person, animal control officer, or other law enforcement officer charging that a particular animal is a dangerous animal, the animal control officer or designee shall initiate proceedings with the municipal court to conduct a hearing to formally determine whether such animal is a dangerous animal, unless the matter is resolved by agreement of all parties prior to such hearing. Such written complaint shall contain at least the following information:

- (1) Name, address and telephone number of complainants and witnesses;
- (2) A brief description of the incident or incidents which cause the complainant to believe such animal is a dangerous animal, including date, time and location;
- (3) A description of the animal and the name, address and telephone number of the owner of the animal, if known; and
- (4) Any other facts that the complainant believes to be important.

(b) Hearing. A hearing to determine if an animal is a dangerous animal shall be conducted within fifteen (15) days after receipt of the complaint, seizure or impoundment of the animal, whichever occurs later, unless continued for good cause. Any animal awaiting such hearing which was impounded for being at large, was at large when the incident that caused the dangerous animal complaint to be filed occurred, or which has bitten or caused injury to any person or domesticated animal, shall be boarded at the owner's expense at the animal shelter or any other state-approved quarantine facility pending the outcome of the hearing and determination of whether such animal is a dangerous animal.

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\* **State law references**—Dangerous dogs, V.T.C.A., Health and Safety Code, sec. 822.041 et seq.; dangerous wild animals, V.T.C.A., Health and Safety Code, sec. 822.101 et seq.

(c) Basis for determination. A determination that an animal is a dangerous animal shall be based on the following:

- (1) An animal is automatically determined to be a dangerous animal if it commits acts as defined in the definition of the term “dangerous animal” found in section 3.01.001; or
- (2) The owner of an animal determined to be dangerous under this chapter cannot or will not comply with the requirements set out in this chapter for keeping of a dangerous animal.

(d) Unlawful release of animal by impoundment facility. If the animal is impounded or quarantined at a facility other than the animal shelter, the facility shall be found to be in violation of this chapter if the animal is released to any person, lost, stolen, or otherwise not able to be accounted for, unless the facility first obtains written permission from animal control to release the animal.

(e) Notice of hearing.

- (1) Notice of hearing shall be provided by the animal control officer or designee to the owner of the animal or by the clerk of the municipal court. Notice shall be delivered to the owner by certified mail, return receipt requested, and to the owner and the complainant by regular mail. At the hearing, all parties shall be given an opportunity to present evidence on the issue of whether the animal is dangerous.
- (2) If on application by the animal control authority to the municipal court, the owner of a dangerous animal has failed to comply with the requirements for owners of dangerous animals, the court shall order the animal control authority to seize the animal and shall issue a warrant authorizing the seizure.

(f) Determination by court. The court may order an animal impounded and destroyed if an owner of a dangerous animal is found guilty of the following offense(s):

- (1) The dangerous animal has made an unprovoked attack on a person outside the animal’s secure enclosure and the attack has caused bodily injury to the person; or
- (2) The dangerous animal has made an unprovoked attack on a domesticated animal while said animal was at large and the attack caused bodily injury or death to the domesticated animal.

(g) Resolution upon determination by court. Upon conclusion of a hearing to determine if the animal is a dangerous animal, if the municipal court finds that the animal is not dangerous it shall be promptly returned to its owner’s custody after all impound and board fees have been paid. If the court finds that the animal is a dangerous animal the court shall order that the owner comply with one or more of the following requirements:

- (1) Removal of dangerous animal from city. Removal of the dangerous animal from within the city limits. In which case, the owner must provide, in writing, the destination address of where the animal is to reside and proof that the owner has alerted the agency responsible for animal services in that area to animal control prior to the animal being released from the animal shelter;

- (2) Destruction of dangerous animal. Humane euthanasia of the dangerous animal; or
- (3) Conditions for release of dangerous animal to owner. Registration and compliance with all of the following requirements, at the owner's expense, before the dangerous animal is released from the animal shelter or other state-approved quarantine facility:
  - (A) Liability insurance. Obtaining liability insurance coverage or showing financial responsibility in an amount of at least one hundred thousand dollars (\$100,000.00) to cover damages resulting from an attack by the dangerous animal causing bodily injury to a person or for damages to any person's property resulting from the keeping of such dangerous animal. A certificate of insurance or other evidence of meeting the above requirements shall be filed with animal control;
  - (B) Registration of animal. Registering with the city by providing the name and address of the owner; the breed, age, sex, color and any other identifying marks of the animal; the location where the animal is to be kept if it is not at the address of the owner; and two (2) color photographs that clearly identify the dangerous animal;
  - (C) Sterilization of animal. Having the animal sterilized;
  - (D) Secure enclosure requirements. Constructing a cage, pen or enclosure for the dangerous animal that has secure sides, a secure top attached to the sides, and a secure bottom which is either attached to the sides or else the sides of the structure must be embedded in the ground no less than two (2) feet. The pen or enclosure must be completely encircled by a fence constructed in such a manner as to prevent a person or child from being able to reach the animal's pen or enclosure;
  - (E) Restrictions when animal is outside enclosure. Not allowing the dangerous animal to go outside of its cage, pen or enclosure unless the animal is under physical restraint. No person shall permit a dangerous animal to be kept outside of its cage, pen or enclosure on a chain, rope or other type of leash unless a person is in physical control of the chain, rope or leash and the person is of competent strength to control the animal at all times. Dangerous animals shall not be tethered or otherwise leashed to inanimate objects, such as trees, posts, buildings, etc. All dangerous animals outside their cage, pen or enclosure must be securely fitted with a muzzle that will not cause injury to the animal nor interfere with its vision or respiration but shall prevent the animal from biting other animals or human beings;
  - (F) Sign requirement. Posting signs giving notice of a dangerous animal in the area or on the premises in which such animal is confined. Such signs shall be conspicuously posted at both the front and rear property entrances and shall bear letters not less than two (2) inches high, stating "DANGEROUS ANIMAL ON PREMISES." Such signs shall also display a symbol that is understandable by small children, that warns of the presence of a dangerous animal;

- (G) Collar and tag requirements. Providing the dangerous animal with a fluorescent yellow collar visible at fifty (50) feet in normal daylight and attaching a fluorescent orange tag provided by animal control to the collar that is worn at all times so that the animal can be easily identified;
- (H) Microchip requirement. Implanting a microchip into the dangerous animal and registering it for life with the city's animal control and a recognized national registry; and
- (I) Payment of permit fee. Paying the appropriate dangerous animal permit fee annually.

(h) Impoundment upon determination of animal being dangerous animal. Any animal that is deemed a dangerous animal that was not previously impounded or otherwise in possession of the animal shelter or any other state-approved quarantine facility shall immediately be impounded and boarded at the owner's expense until such time as the owner complies with all of the required conditions as set forth by the court's ruling. The dangerous animal shall be held at the owner's expense pending the outcome of any appeal. It shall be a violation of this section for the owner to refuse to turn over the animal as required and for the purposes of enforcement each day for each animal in question shall be considered a separate offense.

(i) Time period for owner compliance. The owner shall have fifteen (15) days from the declaration of the animal as dangerous to comply with all of the required conditions as set forth by this chapter. If the owner fails to meet all of the requirements, the animal may be humanely euthanized on the sixteenth (16th) day by an animal control officer or a licensed veterinarian.

(j) Subsequent escape or attack by dangerous animal. In the event that a registered dangerous animal escapes its cage, pen or enclosure or attacks a human being or another animal, the owner of the dangerous animal shall immediately notify animal control. For the purposes of this chapter, immediately shall mean within thirty (30) minutes of the owner becoming aware of the escape or attacks.

(k) Requirements upon death of dangerous animal. In the event that a registered dangerous animal dies, the owner must present the body of the animal to animal control or a licensed veterinarian for verification by microchip identification before disposal of its body.

(l) Transfer of ownership of dangerous animal. Prior to transferring ownership in any way or moving a registered dangerous animal, either inside or outside the city limits, the owner must obtain, in writing, permission from animal control to transfer ownership or move the animal. If ownership of the animal is being transferred, the new owner will be required to comply with all provisions of this chapter before the animal can be moved from the previous owner's custody. If the animal is being moved from the city limits, the owner must provide, in writing, to animal control, the destination address of where the animal is to be moved to and proof that the owner has alerted the agency responsible for animal services in that area.

(m) Violation of court order; seizure or impoundment of animal already declared dangerous. In the event that any owner of an animal declared to be dangerous violates any part of the municipal court's order, the animal may be immediately seized and impounded by an animal control officer.



In addition, the animal shall be seized immediately if the animal bites, injures, or attacks a human being or another animal. Any animal already declared to be dangerous which is impounded due to any violation of this chapter or seized for causing injury to a human being or another animal shall immediately become the property of the city and shall not continue to be a registered dangerous animal.

(n) Offenses. An owner of a dangerous animal commits an offense and will be charged with a misdemeanor if:

- (1) An owner's dangerous animal makes an unprovoked attack on a person or a domesticated animal outside the animal's secure enclosure, and causes bodily injury to the person or domesticated animal while at large;
- (2) An owner does not keep the owner's dangerous animal in a secure enclosure or comply with insurance requirements;
- (3) An owner does not register the owner's dangerous animal;
- (4) An owner does not notify animal control when the owner's dangerous animal is given away or sold;
- (5) An owner does not register the dangerous animal when under new ownership;
- (6) An owner is a new resident and does not register the owner's dangerous animal;
- (7) An owner does not notify the animal control officer, or designee, regarding attacks by owner's dangerous animal;
- (8) An owner sells or gives away the owner's dangerous animal and does not inform the new owner that the animal is a dangerous animal;
- (9) An owner does not attach the dangerous animal tag on the owner's dangerous animal.

(o) Consequences of violation by owner. If an owner of a dangerous animal is found guilty of an offense under this section, the animal control officer or his designee may order the dangerous animal be humanely euthanized by an animal control officer or a licensed veterinarian.

(p) Exceptions to determination that animal is dangerous. No animal shall be declared a dangerous animal if the threat, injury or damage caused by the animal was the result of a willful trespass upon another's property, or the person injured was tormenting, abusing or assaulting the animal or its owner, or was committing or attempting to commit a crime at the time of injury.

(q) Appeal from municipal court order to county court. Orders of the municipal court pertaining to dangerous animals may be appealed to the county court of Collin County by filing a written notice of appeal within ten (10) days with the municipal court clerk. During the pendency of such appeal, order(s) of the municipal court pertaining to the dangerous animal shall be suspended, and the animal shall remain impounded at the owner's expense at the animal shelter or other state-approved quarantine facility for observation. If a proper appeal is not timely filed and perfected, the municipal court's order shall then become final. If the animal in question is not in the possession of animal control or other state-approved facility at the time of the determination, the owner must surrender the animal to animal control when ordered to do so by any animal

control officer or police officer. If the owner fails to surrender the animal, animal control shall have the right to take the animal into its possession from the premises of the owner or elsewhere, wherever the animal may be found within the city limits. If the animal cannot be taken into custody by the animal control division, it may be taken into custody under a search and seizure warrant issued by the municipal judge.

(r) Refusing inspection. It shall be a violation for any owner of a dangerous animal to refuse, upon request by the animal control authority, to make his/her animal(s), premises, facilities, equipment, and any necessary permit(s) available for inspection for the purpose of ascertaining compliance with the provisions of this chapter.

(s) Effect of prior determination by other jurisdiction. An animal that has been determined to be dangerous by another jurisdiction must be registered as a dangerous animal with animal control no later than fourteen (14) days after the animal has been brought into the city and kept at all times in a secure enclosure.

(t) Authorization for search and seizure warrant. Animal control shall be authorized to obtain a search and seizure warrant if there is reason to believe any requirements of this section are being violated.

(Ordinance 100331, art. IV, sec. 24, adopted 5/4/10; Ordinance adopting Code)

#### **Sec. 3.03.004 Requirements for owner**

(a) Time limit for compliance. An owner must comply with all dangerous animal requirements no later than ten (10) days after being notified that the animal has been determined to be a dangerous animal, regardless as to whether a case is under appeal. A ten (10) day written extension may be granted if additional time is needed to come into compliance.

(b) Registration. A dangerous animal must be registered as a dangerous animal with the animal control division.

(c) Secure enclosure. A dangerous animal must be restrained at all times in a secure enclosure and must identify as such.

(d) Insurance. An owner of a dangerous animal must acquire one hundred thousand dollars (\$100,000.00) in liability insurance specifically for the purpose of covering damages resulting from attacks by the dangerous animal.

(e) Requirements when animal is outside enclosure. When the dangerous animal is taken outside the approved proper enclosure, the animal must be securely muzzled in a manner that will not cause injury to the animal or interfere with its vision or respiration but shall prevent it from biting a person or other animal, and the animal must be restrained by a substantial chain or cable leash having a minimum tensile strength of 1,000 pounds and not to exceed six (6) feet in length and be under the direct control or supervision of its owner.

(Ordinance 100331, art. IV, sec. 25, adopted 5/4/10)

**Sec. 3.03.005 Registration**

- (a) Each year, the owner of a dangerous animal shall:
  - (1) Present proof of the required liability insurance;
  - (2) Present proof of current rabies vaccination;
  - (3) Present proof and receive approval from the animal control officer, or designee, that the dangerous animal's enclosure is secure; and
  - (4) Pay a registration fee and allow ACO to inspect the property enclosure.
- (b) Animal control shall:
  - (1) Issue a dangerous animal tag to the owner; and
  - (2) Engrave the current year of the registration on the tag.
- (c) The tag must be worn by the animal at all times.
- (d) A dangerous dog registration may not be transferred to a new owner.

(Ordinance 100331, art. IV, sec. 26, adopted 5/4/10; Ordinance adopting Code)

**Sec. 3.03.006 Keeping of wild animals**

- (a) Prohibited; exceptions. It shall be unlawful to keep any wild animal within the city limits, with the following exceptions:
  - (1) If a person and his or her facility housing such wild animal(s) has complied with all applicable federal, state, and local laws and regulations, including, but not limited to, the acquisition and retention of all applicable permits, prior to final adoption of this chapter, said person may retain dangerous wild animals(s) in the above-described facility in compliance with all federal, state and local laws, including but not limited to chapter 822 of the Texas Health and Safety Code, as amended;
  - (2) A governmental agency or entity acting in an official capacity;
  - (3) A government-operated zoological park;
  - (4) A permitted wildlife educational center, or animal exhibitions with valid state or federal permits; or
  - (5) A holder [owner] of an animal dealer or animal establishment with a wild animal permit. The possessor of any dangerous wild animal shall have all applicable state and federal permits to possess the species in question.

(b) Application. Animal establishments or animal dealers who hold a (dangerous) wild animals permit shall make written application to animal control to permanently keep each dangerous wild animal in their possession. The application must include the species and location of the animal, at least two pictures that clearly identify the wild animal, and proof that the establishment, center, or person is in possession of the necessary state and federal permit(s) to possess such species.

(Ordinance 100331, art. IV, sec. 27, adopted 5/4/10; Ordinance adopting Code)

**Sec. 3.03.007 Sale of wild animals; reporting of wild animals at large**

(a) It shall be a violation for any person to sell, offer to sell, give away, offer to give away, or otherwise transfer or attempt to transfer ownership of a wild animal, unless specifically allowed by some other provision of this chapter. Any person who finds a wild animal that is at large must immediately notify an animal control officer. This section shall not be interpreted to restrict a person from giving ill, injured, or orphaned wildlife to a state or federally licensed wildlife rehabilitator or to a permitted wildlife educational center.

(b) For the purposes of this chapter, animal control shall make the determination of whether any animal in question is a pet animal or a wild animal. In addition, for the purposes of this chapter, “immediately” shall mean within thirty (30) minutes of the person finding that a wild animal is at large.

(Ordinance 100331, art. IV, sec. 28, adopted 5/4/10)

**ARTICLE 3.04 RABIES CONTROL \***

**Sec. 3.04.001 Vaccination of dogs and cats required**

Every owner of a dog or cat four (4) months of age or older shall have such animal vaccinated against rabies. All such dogs or cats shall be revaccinated at appropriate intervals according to state law and the type of vaccination series administered to the animal and then at three (3) year intervals thereafter. Any person establishing residence within the city shall comply with this chapter within ten (10) days of establishing such residency. If the dog or cat has inflicted a bite on any person within the last ten (10) days, the owner of such dog or cat shall report such fact to a veterinarian, and no rabies vaccine shall be administered until after a ten (10) day observation. (Ordinance 100331, art. V, sec. 29, adopted 5/4/10)

**Sec. 3.04.002 Certificate of vaccination**

Upon vaccination, the veterinarian shall execute and furnish to the owner of the dog or cat as evidence thereof a certificate upon a form furnished by the veterinarian. The veterinarian shall retain a duplicate copy. Such certificate shall contain the following information:

- (1) The name, address, and telephone number of the owner of the vaccinated dog or cat;
- (2) Animal identification: species, sex (including sterilization if possible), approximate age, size (pounds), predominant breed, and colors;

\* **State law references**—Rabies vaccinations, V.T.C.A., Health and Safety Code, sec. 826.021 et seq.; rabies reports and quarantine, V.T.C.A., Health and Safety Code, sec. 826.041 et seq.

- (3) The date of vaccination;
- (4) The year and number of rabies tag; and
- (5) The veterinarian's address, signature or signature stamp, and license number.

(Ordinance 100331, art. V, sec. 30, adopted 5/4/10)

**Sec. 3.04.003 Issuance of tag; wearing of tag**

Concurrent with the issuance and delivery of the certificate vaccination, the owner of the dog or cat shall cause to be attached to the collar or harness of the vaccinated dog or cat a metal tag, serially numbered to correspond with the vaccination certificate number, bearing the year of issuance and the name of the veterinarian and his address. The owner shall cause the collar or harness with the attached metal tag to be worn by the owner's dog or cat at all times. (Ordinance 100331, art. V, sec. 31, adopted 5/4/10)

**Sec. 3.04.004 Duplicate tags**

In the event of loss or destruction of the original tag provided, the owner of the dog or cat shall obtain a duplicate tag. Vaccination certificates shall be valid only for the animal for which they were originally issued. (Ordinance 100331, art. V, sec. 32, adopted 5/4/10)

**Sec. 3.04.005 Proof of vaccination**

It shall be unlawful for any person who owns or harbors a vaccinated dog or cat to fail or refuse to exhibit a copy of the certificate of vaccination upon demand to any person charged with the enforcement of this chapter. (Ordinance 100331, art. V, sec. 33, adopted 5/4/10)

**Sec. 3.04.006 Harboring unvaccinated animal**

It shall be unlawful for any person to harbor any dog or cat which has not been vaccinated against rabies, as provided in this article, or which cannot be identified as having a current vaccination certificate. (Ordinance 100331, art. V, sec. 34, adopted 5/4/10)

**Sec. 3.04.007 Animals exposed to rabies**

(a) Any person having knowledge of the existence of any animal known to have been, or suspected of being, exposed to rabies must immediately report such knowledge to animal control, giving any information that may be required.

(b) For any animal [known] to have been, or suspected of being, exposed to rabies, the following rules must apply:

- (1) Animals having a current vaccination must be revaccinated immediately and confined at the animal shelter, by a licensed veterinarian, or if approved by the animal control authority, home quarantine for a period of not less than 45 days.

- (2) Animals not having a current vaccination should be humanely destroyed. However, if the owner of such an animal elects, have the animal confined at the animal shelter or by a licensed veterinarian. Home quarantine will not be an option in such an instance. Such animal must be vaccinated immediately following exposure and confined for not less than 90 days. A revaccination shall be administered on the third and eighth week prior to release from confinement.

(Ordinance 100331, art. V, sec. 35, adopted 5/4/10)

#### **Sec. 3.04.008 Area rabies quarantine**

Should a potential outbreak of rabies within the city be suspected and the danger to the public safety from rabid animals be reasonably imminent, the local rabies authority is hereby authorized to issue a quarantine proclamation, ordering persons owning, keeping, or harboring dogs or other animals to muzzle the same or confine them in such quarantine proclamation by local newspaper. Persons owning or harboring such animals shall confine them to the premises unless they are effectively muzzled and under the control of an adult person by leash, cord, chain, or rope. Animals found at large in violation of this section may be destroyed by an animal control officer of the city if such officer is unable, with reasonable effort, to apprehend such animal for impoundment. (Ordinance 100331, art. V, sec. 36, adopted 5/4/10)

**State law reference**—Area rabies quarantine, V.T.C.A., Health and Safety Code, sec. 826.045.

#### **Sec. 3.04.009 Reporting of animal bites**

(a) Every physician or other medical practitioner who treats a person for any animal bite, or any person having knowledge of an animal bite, shall, within 24 hours, report such treatment to animal control, giving the name, age, sex, and precise location of the bitten person and such other information as the officer or agency may require.

(b) Animal control will investigate each bite incident, utilizing standardized reporting forms provided by the department of state health services.

(c) Human bites from rodents, rabbits, birds, and reptiles are excluded from the reporting requirements.

(Ordinance 100331, art. V, sec. 37, adopted 5/4/10)

#### **Sec. 3.04.010 Quarantine requirements**

(a) Authority to order quarantine. The local rabies authority may order the quarantine of any animal that has bitten a person or another animal or that is suspected of having a zoonotic disease.

(b) Confinement and observation of animal. Any owned dog or cat which has bitten a person shall be observed for a period of ten (10) days from the date of the bite. The procedure and place of observation shall be designated by the investigating officer or responsible agency, in compliance with state law. If the dog or cat is not confined on the owner's premises, confinement shall be by impoundment at the animal shelter, or at a veterinary hospital of the owner's choice. Such confinement shall be at the owner's expense. Stray dogs and cats, or those animals whose owners cannot be located, shall be quarantined at the animal shelter for a period of ten (10) days.

The owner of any dog or cat that has been reported to have inflicted a bite on any person shall on demand produce such dog or cat for impoundment, as prescribed in this article. Refusal to produce such dog or cat constitutes a violation of this section, and each day of such refusal shall constitute a separate and individual violation.

(c) Home quarantine. An owner of a dog or cat that has bitten may request permission from an animal control officer to home quarantine his animal if the following criteria can be met:

- (1) Secure facilities must be available at the home of the animal's owner and must be approved by the animal control authority.
- (2) The animal is currently vaccinated against rabies.
- (3) The animal was not running at large at the time the bite occurred.
- (4) The animal control officer or a licensed veterinarian must observe the animal at least on the first and last days of the quarantine period. If the animal becomes ill during the observation period, the animal control officer must be notified by the person having possession of the animal. At the end of the observation period the release from quarantine must be accomplished in writing.

(d) Interruption of quarantine. It shall be unlawful for any person to interrupt the ten (10) day observation period.

(e) Wild animals. No wild animal will be placed in quarantine. All wild animals or hybrids thereof involved in biting incidents will be humanely euthanized in such a manner that the brain shall be submitted to a department of state health services certified laboratory for rabies testing.

(f) Payment of costs; unredeemed animals. The owner of an animal that is quarantined under this article shall pay to the animal shelter the reasonable costs of the quarantine, care, treatment, and disposition of the animal, and the animal control authority shall be authorized to humanely euthanize any animal that the owner or custodian does not take possession of on or before the third day following the final day of quarantine.

(Ordinance 100331, art. V, sec. 38, adopted 5/4/10)

## ARTICLE 3.05 IMPOUNDMENT\*

### Sec. 3.05.001 Generally

Any animals violating any provision of this chapter may be impounded as follows:

- (1) Any animal infected with a zoonotic disease including, but not limited to, any animal suspected of having been infected by rabies or exposed to rabies;

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\* **State law references**—Restraint, impoundment and disposition of dogs and cats, V.T.C.A., Health and Safety Code, sec. 826.033; sterilization of dog or cat released for adoption, V.T.C.A., Health and Safety Code, ch. 828; animals at large, V.T.C.A., Local Government Code, sec. 215.026; impoundment of strays, V.T.C.A., Agriculture Code, sec. 142.009.

- (2) Any animal that creates a nuisance;
- (3) Any animal running at large (other than a cat);
- (4) Any animal kept under conditions or treated in a manner which the animal control officer has reasonable cause to believe is cruel or inhumane;
- (5) Any animal that has bitten a person; or
- (6) Any animal violating any provision of this chapter.

(Ordinance 100331, art. VI, sec. 39, adopted 5/4/10; Ordinance adopting Code)

**Sec. 3.05.002 Confinement by private person; traps**

If any of the animals named in this chapter are found upon the premises of any person, the owner or occupant of the premises shall have the right to confine such animal in a humane manner until he can notify an animal control officer to come and impound such animal. When so notified, it shall be the duty of the animal control officer to have such animal impounded as provided in this article. The use of steel jaw traps, a spring trap with teeth, or any type of trap designed to reasonably ensure cutting, slicing, or tearing to capture animals is prohibited. (Ordinance 100331, art. VI, sec. 40, adopted 5/4/10)

**Sec. 3.05.003 Interference with humane trapping**

A person commits an offense if the person interferes with, removes, alters, damages or otherwise tampers with equipment belonging to or set out by the animal control authority. (Ordinance 100331, art. VI, sec. 41, adopted 5/4/10)

**Sec. 3.05.004 Notification of owner**

The animal control authority shall make a reasonable effort to contact the owner of any impounded animal; however, final responsibility for locating and reclaiming an impounded animal is that of the owner. (Ordinance 100331, art. VI, sec. 42, adopted 5/4/10; Ordinance adopting Code)

**Sec. 3.05.005 Redemption of impounded animal**

An owner or harbinger can regain possession of any impounded animal upon payment of impoundment fees, handling fees and any veterinarian bills incurred by the animal control authority for the welfare of the animal and upon compliance with the vaccination provisions of this chapter. Any person owning any animal impounded under this article shall be allowed to take such animal from the animal shelter or other place where impounded upon the following condition:

- (1) If the owner cannot provide proof of a current rabies vaccination, the animal must be revaccinated or vaccinated for rabies within five (5) days of being reclaimed by the owner of the impounded animal. Animals less than 12 weeks of age will not require a rabies vaccination in order to be released.

(Ordinance 100331, art. VI, sec. 43, adopted 5/4/10; Ordinance adopting Code)



**Sec. 3.05.006 Disposition of unredeemed animals; holding period**

If the owner has not redeemed such impounded animal within three (3) days from its capture and impoundment, the animal may be given to a nonprofit humane organization, placed for adoption, or humanely destroyed. Animals wearing a current city license tag will be held for six (6) days prior to their disposition. (Ordinance 100331, art. VI, sec. 44, adopted 5/4/10)

**Sec. 3.05.007 Owner relinquishing responsibility for animal**

An owner who no longer wishes responsibility for an animal, or does not desire to regain possession of an impounded animal, may, upon signing a waiver in a form provided by animal control, allow the animal to be placed for adoption, given to a humane nonprofit organization, or humanely destroyed; provided, however, that the animal has not bitten a human within the last ten (10) days of the owner wanting to relinquish his responsibility of ownership. (Ordinance 100331, art. VI, sec. 45, adopted 5/4/10)

**Sec. 3.05.008 Disposition of sick or injured animals**

Any impounded animal which has been seriously injured or is seriously ill may be euthanized immediately to prevent suffering, or given to a nonprofit humane organization for the purpose of veterinary medical care, as determined by the animal control authority. The animal shelter shall not be responsible for providing veterinary care for any sick or injured animal. (Ordinance 100331, art. VI, sec. 46, adopted 5/4/10)

**Sec. 3.05.009 Disposition of wild animals**

Any impounded wild animal, unless there is a reason to believe that it has an owner, may be immediately disposed of as may be deemed appropriate by the animal control officer. (Ordinance 100331, art. VI, sec. 47, adopted 5/4/10)

**Sec. 3.05.010 Disposition of baby animals**

Any nursing baby animal impounded without the mother or where the mother cannot or refuses to provide nutritious meals may be immediately euthanized to prevent suffering or given to an individual or to a nonprofit humane organization for the purpose of caring for such animal. (Ordinance 100331, art. VI, sec. 48, adopted 5/4/10)

**Sec. 3.05.011 Fees**

The city is under contract with a separate agency; therefore, all fees revert to the contractor's fees. (Ordinance 100331, art. VI, sec. 49, adopted 5/4/10; Ordinance adopting Code)



# CHAPTER 4

## BUILDING REGULATIONS

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**ARTICLE 4.01 GENERAL PROVISIONS**

**(Reserved)**

**ARTICLE 4.02 CONSTRUCTION CODES AND STANDARDS**

**Division 1. Generally**

**Secs. 4.02.001–4.02.030          Reserved**

**Division 2. Building Code \***

**Sec. 4.02.031          Adoption**

A certain document, one (1) copy of which is on file in the office of the city secretary, being marked and designated as the International Building Code, 2012 edition, including appendix chapters (see International Building Code section 101.2.1, 2012 edition), as published by the International Code Council, is hereby adopted as the building code of the city for regulating and governing the conditions and maintenance of all property, buildings and structures; by providing the standards for supplied utilities and facilities and other physical things and conditions essential to ensure that structures are safe, sanitary and fit for occupation and use; and the condemnation of buildings and structures unfit for human occupancy and use and the demolition of such structures as herein provided; providing for the issuance of permits and collection of fees therefor; and each and all of the regulations, provisions, penalties, conditions and terms of said building code on file in the office of the city are hereby referred to, adopted, and made a part hereof, as if fully set out in this division, with the additions, insertions, deletions and changes, if any, prescribed in section 4.02.032 of this division. (Ordinance 20150828-7, sec. 1, adopted 6/2/15; Ordinance adopting Code)

**Sec. 4.02.032          Amendments**

The sections revised are as provided in the attachment to Ordinance 20150828-7 on file in the offices of the city. (Ordinance 20150828-7, sec. 2, adopted 6/2/15; Ordinance adopting Code)

**Sec. 4.02.033          Penalty**

The violation of any provision of this division by any person, firm or corporation is hereby declared to be a misdemeanor and shall be subject to a fine in accordance with the general penalty provided in section 1.01.009 of this code, and each and every day such violation shall continue shall be deemed to constitute a separate offense. (Ordinance 20150828-7, sec. 8, adopted 6/2/15; Ordinance adopting Code)

**Secs. 4.02.034–4.02.060          Reserved**

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\* **State law references**–Building and residential codes, V.T.C.A., Local Government Code, sec. 214.211 et seq.; adoption of rehabilitation codes or provisions, V.T.C.A., Local Government Code, sec. 214.215; International Building Code adopted as municipal commercial building code, V.T.C.A., Local Government Code, sec. 214.216.

**Division 3. Residential Code\***

**Sec. 4.02.061 Adoption**

A certain document, one (1) copy of which is on file in the office of the city secretary, being marked and designated as the International Residential Code, 2012 edition, including appendix chapters (see International Residential Code section R102.5, 2012 edition), as published by the International Code Council, is hereby adopted as the residential code of the city for regulating and governing the construction, alteration, movement, enlargement, replacement, repair, equipment, location, removal and demolition of detached one- and two-family dwellings and multiple single-family dwellings (townhouses) not more than three stories in height with separate means of egress as herein provided; providing for the issuance of permits and collection of fees therefor; and each and all of the regulations, provisions, penalties, conditions and terms of said residential code on file in the office of the city are hereby referred to, adopted, and made a part hereof, as if fully set out in this division, with the additions, insertions, deletions and changes, if any, prescribed in section 4.02.062 of this division. (Ordinance 20150828, sec. 1, adopted 6/2/15; Ordinance adopting Code)

**Sec. 4.02.062 Amendments**

The following sections are hereby revised:

- Section R101.1
- Table R301.2(1)
- Section P2603.6.1

(Ordinance 20150828, sec. 2, adopted 6/2/15)

**Sec. 4.02.063 Penalty**

The violation of any provisions of this division by any person, firm or corporation is hereby declared to be a misdemeanor and shall be subject to a fine in accordance with the general penalty provided in section 1.01.009 of this code, and each and every day such violation shall continue shall be deemed to constitute a separate offense. (Ordinance 20150828, sec. 8, adopted 6/2/15; Ordinance adopting Code)

**Secs. 4.02.064–4.02.090 Reserved**

**Division 4. Property Maintenance Code**

**Sec. 4.02.091 Adoption**

A certain document, one (1) copy of which is on file in the office of the city secretary, being marked and designated as the International Property Maintenance Code, 2012 edition, as published by the International Code Council, is hereby adopted as the property maintenance code of the city for regulating and governing the conditions and maintenance of all property, buildings and structures; by providing the standards for supplied utilities and facilities and other physical

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\* **State law references**—International Residential Code adopted as a municipal residential building code, V.T.C.A., Local Government Code, sec. 214.212; building and residential codes, V.T.C.A., Local Government Code, sec. 214.211 et seq.



things and conditions essential to ensure that structures are safe, sanitary and fit for occupation and use; and the condemnation of buildings and structures unfit for human occupancy and use, and the demolition of such existing structures as herein provided; providing for the issuance of permits and collection of fees therefor; and each and all of the regulations, provisions, penalties, conditions and terms of said property maintenance code on file in the office of the city are hereby referred to, adopted, and made a part hereof, as if fully set out in this division, with the additions, insertions, deletions and changes, if any, prescribed in section 4.02.092 of this division. (Ordinance 20150828-1, sec. 1, adopted 6/2/15; Ordinance adopting Code)

**Sec. 4.02.092 Amendments**

The following sections are hereby revised:

- Section 101.1
- Section 103.5
- Section 112.4
- Section 302.4
- Section 304.14
- Section 602.3
- Section 602.4

(Ordinance 20150828-1, sec. 2, adopted 6/2/15)

**Sec. 4.02.093 Penalty**

The violation of any provision of this division by any person, firm or corporation is hereby declared to be a misdemeanor and shall be subject to a fine in accordance with the general penalty provided in section 1.01.009 of this code, and each and every day such violation shall continue shall be deemed to constitute a separate offense. (Ordinance 20150828-1, sec. 8, adopted 6/2/15; Ordinance adopting Code)

**Secs. 4.02.094–4.02.120 Reserved**

**Division 5. Plumbing Code\***

**Sec. 4.02.121 Adoption**

A certain document, one (1) copy of which is on file in the office of the city secretary, being marked and designated as the International Plumbing Code, 2012 edition, including appendix chapters, as published by the International Code Council, is hereby adopted as the plumbing code of the city, regulating and governing the design, construction, quality of materials, erection, installation, alteration, repair, location, relocation, replacement, addition to, use or maintenance of plumbing systems as herein provided; providing for the issuance of permits and collection of fees therefor; and each and all of the regulations, provisions, penalties, conditions and terms of said plumbing code on file in the office of the city are hereby referred to, adopted, and made a part hereof, as if fully set out in this division, with the additions, insertions, deletions and changes, if any, prescribed in section 4.02.122 of this division. (Ordinance 20150828-2, sec. 1, adopted 6/2/15; Ordinance adopting Code)

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\* **State law references**—Plumbing License Law, V.T.C.A., Occupations Code, ch. 1301; adoption of plumbing codes and amendment of codes by municipality, V.T.C.A., Occupations Code, sec. 1301.255.

**Sec. 4.02.122 Amendments**

The following sections are hereby revised:

- Section 101.1
- Section 106.6.2
- Section 106.6.3
- Section 108.4
- Section 108.5
- Section 305.6.1
- Section 904.1

(Ordinance 20150828-2, sec. 2, adopted 6/2/15)

**Sec. 4.02.123 Penalty**

The violation of any provision of this division by any person, firm or corporation is hereby declared to be a misdemeanor and shall be subject to a fine in accordance with the general penalty provided in section 1.01.009 of this code, and each and every day such violation shall continue shall be deemed to constitute a separate offense. (Ordinance 20150828-2, sec. 8, adopted 6/2/15; Ordinance adopting Code)

**Secs. 4.02.124–4.02.150 Reserved**

**Division 6. Mechanical Code\***

**Sec. 4.02.151 Adoption**

A certain document, one (1) copy of which is on file in the office of the city secretary, being marked and designated as the International Mechanical Code, 2012 edition, including appendix chapters, as published by the International Code Council, is hereby adopted as the mechanical code of the city, regulating and governing the design, construction, quality of materials, erection, installation, alteration, repair, location, relocation, replacement, addition to, use or maintenance of mechanical systems as herein provided; providing for the issuance of permits and collection of fees therefor; and each and all of the regulations, provisions, penalties, conditions and terms of said mechanical code on file in the office of the city are hereby referred to, adopted, and made a part hereof, as if fully set out in this division, with the additions, insertions, deletions and changes, if any, prescribed in section 4.02.152 of this division. (Ordinance 20150828-3, sec. 1, adopted 6/2/15; Ordinance adopting Code)

**Sec. 4.02.152 Amendments**

The following sections are hereby revised: [none listed] (Ordinance 20150828-3, sec. 2, adopted 6/2/15)

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\* **State law reference**—Air Conditioning and Refrigeration Contractor License Law, V.T.C.A., Occupations Code, ch. 1302.

**Sec. 4.02.153 Penalty**

The violation of any provision of this division by any person, firm or corporation is hereby declared to be a misdemeanor and shall be subject to a fine in accordance with the general penalty provided in section 1.01.009 of this code, and each and every day such violation shall continue shall be deemed to constitute a separate offense. (Ordinance 20150828-3, sec. 8, adopted 6/2/15; Ordinance adopting Code)

**Secs. 4.02.154–4.02.180 Reserved**

**Division 7. Fuel Gas Code\***

**Sec. 4.02.181 Adoption**

A certain document, one (1) copy of which is on file in the office of the city secretary, being marked and designated as the International Fuel Gas Code, 2012 edition, including appendix chapters (see International Fuel Gas Code section 101.3, 2012 edition), as published by the International Code Council, is hereby adopted as the fuel gas code of the city, for regulating and governing fuel gas systems and gas-fired appliances as herein provided; providing for the issuance of permits and collection of fees therefor; and each and all of the regulations, provisions, penalties, conditions and terms of said fuel gas code on file in the office of the city are hereby referred to, adopted, and made a part hereof, as if fully set out in this division, with the additions, insertions, deletions and changes, if any, prescribed in section 4.02.182 of this division. (Ordinance 20150828-4, sec. 1, adopted 6/2/15; Ordinance adopting Code)

**Sec. 4.02.182 Amendments**

The following sections are hereby revised: [none listed] (Ordinance 20150828-4, sec. 2, adopted 6/2/15)

**Sec. 4.02.183 Penalty**

The violation of any provision of this division by any person, firm or corporation is hereby declared to be a misdemeanor and shall be subject to a fine in accordance with the general penalty provided in section 1.01.009 of this code, and each and every day such violation shall continue shall be deemed to constitute a separate offense. (Ordinance 20150828-4, sec. 8, adopted 6/2/15; Ordinance adopting Code)

**Secs. 4.02.184–4.02.210 Reserved**

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\* **State law reference**—Liquefied petroleum gas code, V.T.C.A., Natural Resources Code, ch. 113.

**Division 8. Energy Conservation Code\*****Sec. 4.02.211 Adoption**

A certain document, one (1) copy of which is on file in the office of the city secretary, being marked and designated as the International Energy Conservation Code, 2012 edition, as published by the International Code Council, is hereby adopted as the energy conservation code of the city, for regulating and governing energy efficient building envelopes and installation of energy efficient mechanical, lighting and power systems as herein provided; providing for the issuance of permits and collection of fees therefor; and each and all of the regulations, provisions, penalties, conditions and terms of said energy conservation code on file in the office of the city are hereby referred to, adopted, and made a part hereof, as if fully set out in this division, with the additions, insertions, deletions and changes, if any, prescribed in section 4.02.212 of this division. (Ordinance 20150828-6, sec. 1, adopted 6/2/15; Ordinance adopting Code)

**Sec. 4.02.212 Amendments**

The following sections are hereby revised: [none listed] (Ordinance 20150828-6, sec. 2, adopted 6/2/15)

**Sec. 4.02.213 Penalty**

The violation of any provision of this division by any person, firm or corporation is hereby declared to be a misdemeanor and shall be subject to a fine in accordance with the general penalty provided in section 1.01.009 of this code, and each and every day such violation shall continue shall be deemed to constitute a separate offense. (Ordinance 20150828-6, sec. 8, adopted 6/2/15; Ordinance adopting Code)

**Secs. 4.02.214–4.02.240 Reserved****Division 9. Electrical Code<sup>†</sup>****Sec. 4.02.241 Adoption**

A certain document, one (1) copy of which is on file in the office of the city secretary, being marked and designated as the National Electrical Code, 2014 edition, including appendix chapters, is hereby adopted as the electrical code of the city, regulating and governing the design, construction, quality of materials, erection, installation, alteration, repair, location, relocation, replacement, addition to, use or maintenance of electrical systems as herein provided; providing for the issuance of permits and collection of fees therefor; and each and all of the regulations, provisions, penalties, conditions and terms of said electrical code on file in the office of the city are hereby referred to, adopted, and made a part hereof, as if fully set out in this division, with the additions, insertions, deletions and changes if any prescribed in section 4.02.242 of this division. (Ordinance 20150828-9, sec. 1, adopted 6/2/15; Ordinance adopting Code)

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\* **State law reference**—Adoption of building energy efficiency performance standards, V.T.C.A., Health and Safety Code, sec. 388.003.

<sup>†</sup> **State law references**—National Electrical Code adopted as municipal residential and commercial electrical code, V.T.C.A., Local Government Code, sec. 214.214; Texas Electrical Safety and Licensing Act, V.T.C.A., Occupations Code, ch. 1305.

**Sec. 4.02.242 Amendments**

The following sections are hereby revised:

- Section 101.1
- Section 106.5.2
- Section 106.5.3
- Section 108.4
- Section 108.5

(Ordinance 20150828-9, sec. 2, adopted 6/2/15)

**Sec. 4.02.243 Penalty**

The violation of any provision of this division by any person, firm or corporation is hereby declared to be a misdemeanor and shall be subject to a fine in accordance with the general penalty provided in section 1.01.009 of this code, and each and every day such violation shall continue shall be deemed to constitute a separate offense. (Ordinance 20150828-9, sec. 8, adopted 6/2/15; Ordinance adopting Code)

**ARTICLE 4.03 BUILDING INSPECTOR**

**Sec. 4.03.001 Office created**

The office of building inspector is hereby created. Such office shall be independent of other city departments. (Ordinance 2002-0108-1, sec. 1, adopted 1/8/02)

**Sec. 4.03.002 Appointment and removal; compensation**

The mayor, subject to confirmation by the city council, shall appoint the city building inspector. The city building inspector shall be properly qualified for the duties of his office and shall be removed only for cause. He shall receive such compensation as provided for by the city council. (Ordinance 2002-0108-1, sec. 2, adopted 1/8/02)

**Sec. 4.03.003 Duties**

The city building inspector shall administer and enforce all city ordinances that relate to building, remodeling, additions or other structural changes and growth and the building codes of the city and any state laws which intervene. The city building inspector shall receive applications and perform inspecting of premises and the issuing of building permits and certificates of occupancy and compliance. (Ordinance 2002-0108-1, sec. 3, adopted 1/8/02; Ordinance adopting Code)

**Sec. 4.03.004 Authority**

The city building inspector's authority shall follow the state laws pertaining to building, remodeling, additions or other structural changes including but not limited to the growth needs of the city. The city building inspector's authority shall also follow the ordinances and statutes set forth by the city council. (Ordinance 2002-0108-1, sec. 4, adopted 1/8/02)

**Sec. 4.03.005 Right of entry; inspections for fire hazards**

The city building inspector shall have the right at all reasonable hours, for the purpose of examination, to enter into and upon all buildings and premises within the city. It shall be his duty to enter upon and make or cause to be entered upon and made a thorough examination of all mercantile, manufacturing and public buildings together with the premises belonging thereto. Whenever he shall find any building or other structure which is so situated as to endanger other buildings or property, or so occupied that findings [the fire] would endanger other persons or property therein, and whenever he shall find an improper or dangerous arrangement of stoves, ranges, furnaces, or other heating appliances of any kind whatsoever, including chimneys, flues and pipes with which the same may be connected, or a dangerous arrangement of lighting devices or electrical wiring or a dangerous or unlawful storage of explosives, the building inspector is given authority to make entry upon such premises to inspect premises and to have the problem as given above corrected or otherwise demolished due to such problem. [Whenever he shall find] Compounds, petroleum, gasoline, kerosene, dangerous chemicals, vegetable products, ashes, combustible, inflammable and refuse materials, wastepaper, rags, or other conditions which may be dangerous in character or liable to cause or promote fire or create conditions dangerous to firemen combating a fire or to occupants, he shall order the same to be removed or remedied, and such order shall forthwith be complied with by the owner or occupant of the building or premises. If said owner or occupant deems himself aggrieved by such order he may, within five (5) days, appeal such order to the mayor, who shall investigate the cause of the complaint and, unless such order is revoked by the mayor, such order shall remain in force and be forthwith complied with by said owner or occupant. Any owner or occupant who fails to comply with such order within a ten (10) day period from the date of such notice shall be deemed guilty of a misdemeanor. (Ordinance 2002-0108-1, sec. 5, adopted 1/8/02)

**Sec. 4.03.006 Records**

The city building inspector shall keep in the city hall a record of all inspections, together with all facts, statistics, circumstances, building permits, and certificates of occupancy. (Ordinance 2002-0108-1, sec. 6, adopted 1/8/02)

**Sec. 4.03.007 Penalty**

Any person violating any of the provisions of this article shall upon conviction be fined a sum in accordance with the general penalty provided in section 1.01.009 of this code, and each and every day that the provisions of this article are violated shall constitute a separate and distinct offense. (Ordinance 2002-0108-1, sec. 9, adopted 1/8/02; Ordinance adopting Code)

**ARTICLE 4.04 BUILDING AND STANDARDS COMMISSION\***

**Sec. 4.04.001 Implementation of state statute**

The city council, by this article, hereby implements subchapter C of chapter 54, Texas Local Government Code. (Ordinance 2004-1123-11, sec. 1, adopted 11/23/04)

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\* **State law reference**—Creation of building and standards commission by municipality, V.T.C.A., Local Government Code, sec. 54.033 et seq.

**Sec. 4.04.002 Creation; organization**

(a) Creation; purpose. The city building and standards commission is hereby established in accordance with the provisions of subchapter C of chapter 54 of the Texas Local Government Code. The commission is established to hear and determine cases concerning alleged violations of the ordinances of the city:

- (1) Relating to the preservation of public safety, relating to the materials or methods used to construct a building or improvement, including the foundation, structural elements, electrical wiring or apparatus, plumbing and fixtures, entrances or exits;
- (2) Relating to the fire safety of a building or improvement, including provisions relating to materials, types of construction or design, warning devices, sprinklers or other fire suppression devices, availability of water supply for extinguishing fires, or location, design, or width of entrances or exits;
- (3) Relating to dangerously damaged or deteriorated buildings or improvements;
- (4) Relating to conditions caused by accumulation of refuse, vegetation, or other matter that creates breeding and living places for insects and rodents; or
- (5) Relating to a building code or to the condition, use, or appearance of property in the city.

(b) Membership; appointment and term of members. Members of the commission shall be appointed by the city council. The commission shall be composed of five (5) members. Appointments shall be for terms of two years, except that some of the first members appointed may be for one-year term in order to provide staggered terms.

(c) Meetings. The commission shall hold its meetings on the call of the chairman, or upon written request of at least one (1) member of the commission or at the request of the city council. All meetings shall be open to the public.

(d) Quorum. All cases to be heard by the commission must be heard by at least four (4) members.

(e) Chairman and vice-chairman. A chairman and a vice-chairman shall be selected by the members of the commission. After the initial selection of chairman and vice-chairman, such election shall be conducted following the annual appointment of new members.

(f) Secretary. The city council shall appoint a secretary to the commission who but, [sic] shall not be a member thereof. The secretary shall keep a record of the cases, activities, and actions of the commission and its determinations, give notice of the date and time of hearings, and perform such other duties as are consistent with or may be necessary for the enforcement of this article, as required by the commission.

(g) Voting. The concurring vote of four (4) members of the commission shall be necessary for the adoption of any motion, the issuance of any order or the determination of the amount and duration of any civil penalty.

(h) Rules and regulations. The commission may adopt other rules in accordance with this article and pursuant to subchapter C of chapter 54, Texas Local Government Code, necessary to establish procedures for use in hearings, providing ample opportunity for presentation of evidence and testimony by respondents or persons opposing charges brought by the municipality or its building officials relating to alleged violations of ordinances.

(Ordinance 2004-1123-11, sec. 2, adopted 11/23/04)

**Sec. 4.04.003 Jurisdiction and authority; determination of civil penalty**

(a) Jurisdiction. The building and standards commission shall have the quasi-judicial authority authorized by Local Government Code chapter 54, subchapter C, to enforce the health and safety ordinances of the city.

(b) Authority and functions; determination of civil penalty. The building and standards commission may:

- (1) Order the repair, within a fixed period, of a building found to be in violation of a city ordinance;
- (2) The building and standards commission shall have the quasi-judicial authority authorized by Local Government Code chapter 54, subchapter C, to enforce the health and safety ordinances of the city;
- (3) Order, in an appropriate case, the immediate removal of persons or property found on private property, enter on private property to secure the removal if it is determined that conditions exist on the property that constitute a violation of a city ordinance, and order action to be taken as necessary to remedy, alleviate, or remove any substandard building found to exist;
- (4) Issue orders or directives to any peace officer of the state, including a sheriff or constable or the chief of police of the city, to enforce and carry out the lawful orders or directives of the commission;
- (5) Determine the amount and duration of the civil penalty the city may recover against the owner or owner's representative with control over the premises on proof that such party was actually notified of the provisions of the ordinance, and after receiving notice of the ordinance provisions, said party committed acts in violation of the ordinance or failed to take action necessary for compliance with the ordinance, such civil penalty not to exceed \$1,000.00 a day for the violation of an ordinance, except not to exceed \$5,000.00 per day for a violation of an ordinance relating to point source effluent limitations or the discharge of a pollutant, other than from a non-point source, into a sewer system, including a sanitary or stormwater sewer system, owned or controlled by the city, all as provided by section 54.017, chapter 54, Texas Local Government Code.

(Ordinance 2004-1123-11, sec. 3, adopted 11/23/04)



**Sec. 4.04.004 Presentation of cases**

The city code enforcement officer, or such other person as may be appointed by the city administrator, shall present the cases coming before the commission. (Ordinance 2004-1123-11, sec. 4, adopted 11/23/04)

**Sec. 4.04.005 Notices**

Notice of all proceedings before the commission must be given by certified mail, return receipt requested, to the record owner of the affected property, and each holder of a recorded lien against the affected property, as shown by the records of the office of the county clerk of the county in which the affected property is located, if the address of the lienholder can be ascertained from the deed of trust establishing the lien or other applicable instruments on file in the office of the county clerk, and to all unknown owners, by posting a copy of the notice on the front door of each improvement situated on the affected property or as close to the front door as practical. The notice shall be mailed and posted before the tenth (10th) day before the date of the hearing before the commission and must state the date, time, and place of the hearing. In addition, the notice must be published in the official newspaper of the city on one (1) occasion before the tenth (10th) day before the date fixed for the hearing. (Ordinance 2004-1123-11, sec. 5, adopted 11/23/04)

**Sec. 4.04.006 Records**

The commission shall keep minutes of its proceedings showing the vote of each member on each question or the fact that a member is absent or fails to vote. The commission shall keep records of its examinations and other official actions. The minutes and records shall be filed immediately in the office of the commission as public records. (Ordinance 2004-1123-11, sec. 6, adopted 11/23/04)

**Sec. 4.04.007 Recording of civil penalty**

A determination by the commission which involves the establishment of an amount and duration of a civil penalty shall be final and binding and constitute prima facie evidence of the penalty in any court of competent jurisdiction in a civil suit brought by the city for final judgment in accordance with the established penalty. (Ordinance 2004-1123-11, sec. 7, adopted 11/23/04)

**Sec. 4.04.008 Filing of order establishing civil penalty**

The city secretary shall file with the district clerk of the county in which the municipality and property is located, a certified copy of the order of the commission establishing the amount and duration of any civil penalty. Thereafter, pursuant to subchapter C of chapter 54, Texas Local Government Code, no other proof shall be required for a district court to enter a final judgment on the penalty. Also, pursuant to Local Government Code section 54.040, an abstract of judgment lien may be issued. (Ordinance 2004-1123-11, sec. 8, adopted 11/23/04)

**Sec. 4.04.009 Judicial review**

Any persons jointly or severally aggrieved by any decision of the commission may present a petition to a district court, duly verified, setting forth that the decision is illegal, in whole or in part, specifying the grounds of the legality [illegality]. The petition must be presented to the court within thirty (30) calendar days after the date a copy of the final decision of the commission is mailed by first class mail, return receipt requested, to all persons to whom notice is required to be

sent. The commission shall mail such copy promptly after the decision becomes final. In addition, a copy shall be published one (1) time in the official newspaper of the city within ten (10) calendar days after the date of the mailing of the copy as herein provided, and a copy shall be filed in the office of the city secretary. On presentation of the petition, the court may allow a writ of certiorari pursuant to subsection C of chapter 54, Texas Local Government Code. If no appeals are taken from the decision of the commission within the required period, the decision of the commission shall, in all things, be final and binding. (Ordinance 2004-1123-11, sec. 9, adopted 11/23/04)

#### **Sec. 4.04.010 Municipal court proceedings not affected**

Action taken by the city under this article shall not affect the ability of the city to proceed under the jurisdiction of the city's municipal court. (Ordinance 2004-1123-11, sec. 10, adopted 11/23/04)

### **ARTICLE 4.05 UNSAFE BUILDINGS\***

#### **Sec. 4.05.001 Definitions**

(a) Generally. For the purpose of this code, certain abbreviations, terms, phrases, words, and their derivatives shall be construed as set forth in this section.

(b) Tense, gender and number. Words used in the present tense include the future. Words in the masculine gender include the feminine and neuter. Words in the feminine and neuter gender include the masculine. The singular number includes the plural, and the plural number includes the singular.

(c) Specific definitions.

Approved. Approved by the building official or other authorized city representative.

Building. Any structure built for the support, shelter or enclosure of persons, animals, chattels or property of any kind which has enclosing walls for fifty (50) percent of its perimeter. The term "building" shall be construed as if followed by the words "or part thereof." For the purpose of this code each portion of a building separated from other portions by a firewall shall be considered as a separate building.

Building official. The officer or other designated authority charged with the administration and enforcement of this code, or his duly authorized representative.

Department. The building department or other agency [charged] with the enforcement of this code.

Owner. Any person, agent, firm, or entity having a legal [or] equitable interest in the property.

Structure. That which is built or constructed.

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\* **State law reference**—Authority of municipality to regulate dangerous and substandard structures, V.T.C.A., Local Government Code, sec. 214.001 et seq.

***Unsafe building.*** Any building or structure that has any of the following conditions, such that the life, health, property or safety of the general public [is endangered] or which may endanger its occupants.

- (1) Whenever any means of egress or portion thereof is not of adequate size or is not arranged to provide a safe path of travel in case of fire or panic.
- (2) Whenever any means of egress or portion thereof, such as but not limited to fire doors, closing devices, or fire-resistive ratings, is in disrepair or in a dilapidated or non-working condition such that the means of egress could be rendered unsafe in case of fire or panic.
- (3) Whenever the stress in any material, member or portion thereof, due to all imposed loads, including dead loads, exceeds the working stresses allowed in the building code for new buildings.
- (4) Whenever a building, structure or portion thereof has been damaged by fire, flood, earthquake, wind or other cause to the extent that the structural integrity of the building or structure is less than it was prior to the damage and is less than the minimum requirement established by the building code for new buildings.
- (5) Whenever any exterior appendage or portion of a building or structure is not securely fastened, attached or anchored such that it is capable of resisting wind, seismic or similar loads as required by the building code for new buildings.
- (6) Whenever for any reason a building, structure or portion thereof is manifestly unsafe or unsanitary for the purpose for which it is being used.
- (7) Whenever the building or structure, or any portion thereof, is likely to partially or completely collapse because of: dilapidation, deterioration or decay, faulty construction, the removal, movement or instability of any portion of the ground necessary for the purpose of supporting the building, the deterioration, decay or inadequacy of its foundation, or any other cause.
- (8) Whenever any building, structure or portion thereof has been constructed or maintained in violation of a specific requirement of the building code or of a city, county or state law.
- (9) Whenever any building, structure or portion thereof constitutes a fire hazard, or is otherwise dangerous to human life, or which, in relation to existing use, constitutes a hazard to the safety or health of the public by reason of inadequate maintenance, dilapidation, obsolescence or abandonment.

(Ordinance 92-2, sec. 1, adopted 4/7/92; Ordinance adopting Code)

**Sec. 4.05.002 Title and scope**

- (a) **Title.** The provisions included within the following sections shall constitute and be known and may be cited as the code for the elimination or repair of unsafe buildings, hereinafter referred to as “this code.”

(b) Code remedial. This code is hereby declared to be remedial and shall be construed to secure the safety, health and general welfare of the public through structural strength, stability, sanitation, adequate light and ventilation, and safety to life and property from fire and other hazards incident to the construction, alteration, repair, removal, demolition, use and occupancy of buildings, structures or premises.

(c) Scope. The provisions of the code shall apply to all unsafe buildings or structures, as herein defined, and shall apply equally to new and existing conditions.

(d) Alterations, repairs or rehabilitation. Alterations, repairs or rehabilitation may be made to any existing building without requiring the building to comply with all the requirements of the building code provided that the alteration, repair or rehabilitation work conforms to the requirements of the building code for new construction. The building official shall determine, subject to appeal to the city council, the extent, if any, to which the existing building shall be made to conform to the requirements of the building code for new construction.

(e) Historic buildings. The provisions of this code shall not be mandatory for any existing building or structure classified by the state or local jurisdiction as a historic building, when said structure is judged safe by the building official. The building official shall determine that the safety and welfare of the public will be protected in connection with any repairs, alteration or relocation of any historic building. If the complexity of the proposed work causes the building official to be overly concerned about the safety of the public he may request the applicant to submit complete architectural plans and specifications bearing the seal of a registered architect, prior to work commencing.

(f) Maintenance. All buildings or structures, both existing and new, and all parts thereof, shall be maintained in a safe and sanitary condition. All devices or safeguards which are required by the building code in a building when erected, altered or repaired shall be maintained in good working order. The owner or his designated agent shall be responsible for the maintenance of any building and structure owned by that person or entity.

(Ordinance 92-2, sec. 2, adopted 4/7/92; Ordinance adopting Code)

**Sec. 4.05.003      Responsibility for enforcement; conflicts of interest**

(a) Enforcement officer. The provisions of this code shall be enforced by the building official or such party that the city council may direct.

(b) Restriction on city employees. Except as an owner of the structure being eliminated or restored to safe condition, an officer or employee of the city shall not have a financial interest in the work generated as a result of enforcing this article. Such officer or employee shall not engage in any work which is inconsistent with his duties or the interest of the city.

(Ordinance 92-2, sec. 3, adopted 4/7/92)

**Sec. 4.05.004 Powers and duties of enforcement officers**

(a) Right of entry.

- (1) The building official or his authorized representative may enter any building or structure at all reasonable times to make an inspection or enforce any of the provisions of this code.
- (2) When entering a building or structure or premises that is occupied, the building official shall first identify himself, present proper credentials and request entry. If the building, or structure is unoccupied, he shall first make a reasonable effort to locate the owner or other persons having charge of the building and demand entry. If entry is refused, the building official or his authorized representative shall have recourse to every remedy provided by law to secure entry.
- (3) No person, owner or occupant of any building or structure shall fail, after proper credentials are displayed, to permit entry into any building or onto any property by the building official or his authorized agent for the purpose of inspections pursuant to this code. Any person violating this section shall be prosecuted within the limits of the law.

(b) Inspections. The building official, the fire official and other authorized representatives are hereby authorized to make such inspections and take such actions as may be required to enforce the provisions of this code.

(c) Liability. Any officer, employee, or member of the city council charged with the enforcement of this code, acting for the city in the discharge of duties, is hereby relieved from all personal liability for any damage that may accrue to persons or property as a result of any act required or permitted in the discharge of his duties. Any suit brought against any officer, employee or city council member because of such act performed by him in the enforcement of any provision of this code shall be defended by the city attorney until the final termination of the proceeding, unless it is determined by the city that such actions were malicious, criminal, or in direct disregard with the spirit of this article.

(d) Reports. The building official shall annually submit a report to the city council of actions taken by the department during the preceding year.

(Ordinance 92-2, sec. 4, adopted 4/7/92)

**Sec. 4.05.005 Inspections for noncompliance; order by building official**

(a) Generally. The building official shall inspect or cause to be inspected any building, structure or portion thereof which is or may be unsafe.

(b) Action required. After the building official has inspected or caused to be inspected a building, structure or portion thereof and has determined that such building, structure or portion thereof is unsafe, he shall initiate proceedings to cause the abatement of the unsafe condition by

repair, vacation, or demolition or combination thereof. The following action shall be taken by the building official when ordering the repair, vacation or demolition of an unsafe building or structure:

- (1) The building shall be ordered repaired to comply with all applicable provisions of the building code as incorporated by the city, or the building shall be demolished at the option of the owner.
- (2) Notwithstanding anything to the contrary contained herein, if the building or structure poses an immediate hazard to life or safety of the public, it shall be ordered vacated immediately.

(Ordinance 92-2, sec. 5, adopted 4/7/92; Ordinance adopting Code)

**Sec. 4.05.006 Notice of noncompliance**

(a) Contents of notice.

- (1) The building official shall prepare and issue a notice of unsafe building directed to the owner of record of the building or structure. The notice shall contain, but not be limited to, the information listed below.
  - (A) The street address and legal description of the lot containing the building or structure.
  - (B) A statement indicating the building or structure has been posted and declared unsafe by the building official.
  - (C) A detailed report documenting the conditions determined to have rendered the building or structure unsafe under the provisions of this code.
  - (D) A statement indicating that the owner may repair or demolish the unsafe building or structure.
  - (E) The action required to be taken.
    - (i) If the building or structure is to be repaired or demolished, the notice shall require that all necessary permits be secured and the work be commenced within thirty (30) days and continued to completion within ninety (90) days from the proper mailing of said notice.
    - (ii) If the building or structure is to be vacated, the notice shall indicate the time within which vacation is to be completed.
  - (F) A statement advising that any person having any ownership interest in the property may appeal the notice by the building official to the city. The appeal shall be in writing, in the form specified in section 4.05.013, and shall be filed with the mayor within ten (10) days from the date of the notice. Failure to appeal in the time specified will constitute a waiver of rights to an administrative hearing.

(b) Service of notice. The notice and all attachments thereto shall be served upon the owner of record and posted on the property in a conspicuous location. A copy of the notice shall also be served on any person determined from official public records to have a legal interest the property. Failure of the building official to serve any person herein required to be served other than the owner of record shall not invalidate any proceedings hereunder nor shall it relieve any other person from any obligation imposed on him.

(c) Method of notice. The notice shall be served either personally or by certified mail, postage prepaid, return receipt requested, to each person at the address as it appears on the official public records. If addresses are not available on any person required to be served, the notice addressed to such person shall be advertised in a local newspaper of general circulation. The failure of any person to receive notice shall not invalidate any proceedings under this section. Service by certified or registered mail, as herein described, shall be effective on the date the notice was placed in the U.S. Postal Service in a properly addressed, stamped envelope.

(Ordinance 92-2, sec. 6, adopted 4/7/92)

#### **Sec. 4.05.007 Posting of notice**

Every building or structure declared unsafe by the building official, in addition to complying with section 4.05.006, shall have a notice posted at each exit and entrance to the building or structure and shall state, "THIS BUILDING IS UNSAFE AND ITS USE OR OCCUPANCY HAS BEEN PROHIBITED BY THE BUILDING OFFICIAL." Such notice shall remain posted until the required repairs are made or demolition is completed. It shall be unlawful for any person, firm or entity or their agents to remove such notice without written permission of the building official, or for any person to enter the building except for the purpose of making the required repairs or of demolishing same. (Ordinance 92-2, sec. 7, adopted 4/7/92)

#### **Sec. 4.05.008 Standards for performance of work by owner**

The repair or demolition of any unsafe building or structure, as required in the notice by the building official or the final decision by the city council, shall be performed in an expeditious and workmanlike manner in accordance with the requirements of this code, all other applicable codes, and accepted engineering practices and standards. (Ordinance 92-2, sec. 8, adopted 4/7/92)

#### **Sec. 4.05.009 Extension of time for completing work**

The building official may approve one or more extensions of time as he may determine to be reasonable to complete the required repair or demolition. Such requests for extensions shall be made in writing, stating the reasons therefor. If the extensions of time, in total, exceed ninety (90) days, they must also be approved by the city council, which may act without further public hearing. (Ordinance 92-2, sec. 9, adopted 4/7/92)

#### **Sec. 4.05.010 Failure to comply with order; performance of work by city**

(a) Failure to comply with order. Any person or entity who fails or refuses to comply with the provisions of section 4.05.008, as may be extended by section 4.05.009, may be in violation of this article.

(b) Performance of work by city. In the event the owner fails or refuses to comply with such order of the building official, the building official may cause the building to be repaired to the extent required to render it safe, or cause the building or structure to be demolished and all debris removed from the premises.

(Ordinance 92-2, sec. 10, adopted 4/7/92)

**Sec. 4.05.011 Interference**

No person or entity shall obstruct or interfere with the implementation of any action required by the final notice of the building official or the city council. Any person or entity who interferes or obstructs such actions shall be in violation of this article. (Ordinance 92-2, sec. 11, adopted 4/7/92)

**Sec. 4.05.012 Recovery of city's costs**

Whenever a building or structure is repaired or demolished in accordance with the provisions of this code and the cost of such repair or demolition is borne by the city, said cost shall constitute a lien on the property and shall be collected in a manner provided by law. The city shall be authorized to record any such lien in the county land records, and to pursue any action legally available for foreclosure or collection of that lien. (Ordinance 92-2, sec. 12, adopted 4/7/92)

**Sec. 4.05.013 Filing of appeal; hearing date**

(a) Filing of appeal; contents. Any person entitled to service in accordance with the provisions of section 4.05.006 may appeal any action of the building official under this code to the city council. Such appeal must be filed in writing with the city manager within ten (10) days from the date of service and must contain at least the following information:

- (1) Identification of the building or structure concerned by street address or legal description.
- (2) A statement identifying the legal interest of each appellant.
- (3) A statement identifying the specific order or section [action] being appealed.
- (4) A statement detailing the issues on which the appellant desires to be heard.
- (5) The legal signature of all appellants and their official mailing address or, if plural, addresses.

(b) Hearing date. Upon receipt of an appeal, the mayor or city secretary shall, as soon as practicable, fix a date, time and location for the hearing of the appeal. The hearing date shall be a regular or specially called council meeting not more than thirty (30) days from the date the appeal was filed. Written notice of the time and location of the hearing shall be delivered personally or mailed to each appellant at the address on the appeal by certified mail, postage prepaid and return receipt requested.

(Ordinance 92-2, sec. 13, adopted 4/7/92)



**Sec. 4.05.014 Notice of hearing**

(a) Form. The hearing notice shall include but not be limited to the following information:

You are hereby notified that on the \_\_\_\_\_ of \_\_\_\_\_, 19\_\_\_\_, at \_\_\_\_\_ o'clock \_\_\_\_\_m, at \_\_\_\_\_, a hearing will be heard before the city council to consider the appeal from the order of the building official regarding property located at \_\_\_\_\_. You may choose to be represented by counsel. You may present relevant evidence, and you will be given an opportunity to cross-examine all witnesses. You may request the issuance of subpoenas to compel witnesses to appear and for the production of other supporting data or documentation by filing a written report therefor with the city secretary.

(b) Service of notice. The hearing notice shall be served personally or mailed as required in section 4.05.006(c) at least seven (7) days prior to the hearing date.

(Ordinance 92-2, sec. 14, adopted 4/7/92)

**Sec. 4.05.015 Scope of hearing**

The appellant shall have a reasonable opportunity to be heard on only those specific matters or issues he has raised in his written appeal. The appellant may appear at the hearing in person or through his attorney or other designated representative. (Ordinance 92-2, sec. 15, adopted 4/7/92)

**Sec. 4.05.016 Failure to appear at hearing**

Failure of any person to appear at the hearing set in accordance with the provisions of this article shall constitute a waiver of his right to an administrative hearing on the notice. (Ordinance 92-2, sec. 16, adopted 4/7/92)

**Sec. 4.05.017 Staying of notice under appeal**

Except for a vacation order issued in accordance with section 4.05.006, enforcement of any notice issued by the building official under the provisions of this code shall be held in abeyance during the course of an appeal. (Ordinance 92-2, sec. 17, adopted 4/7/92)

**Sec. 4.05.018 Subpoenas for hearing**

The city council may obtain the issuance and service of subpoenas for the attendance of witnesses or the production of evidence at the hearings. Subpoenas may be issued upon the request of any member of the city council, the city manager or upon the written request of any party involved in the hearing. The issuance and service of subpoenas shall be in accordance with established law. (Ordinance 92-2, sec. 18, adopted 4/7/92)

**Sec. 4.05.019 Procedures for hearing**

(a) Rules.

- (1) Hearings shall not be required to be conducted in accordance with the technical rules used relating to evidence and testimony.
- (2) The city council may grant a continuance for good cause.

(b) Evidence.

- (1) In any proceedings under this article any member of the city council or the mayor shall have the power to administer oaths and affirmations and to certify official acts.
- (2) Oral evidence shall be taken only on oath or affirmation.
- (3) Hearsay evidence may be used for the purpose of supplementing or explaining any direct evidence. Hearsay evidence is only admissible when the witness was a party to the conversation being submitted as evidence.
- (4) Relevant evidence shall be admitted if it is the type on which responsible persons are accustomed to rely in the conduct of serious affairs, regardless of the existence of any common law or statutory rule which might make improper the admission of such evidence over objection in civil courts.

(c) Inspections. The city council may inspect any building or structure involved in the appeal during the course of the hearing, provided the following are complied with:

- (1) Notice of such inspection is given to the parties prior to making the inspection;
- (2) The parties are allowed to be present during the inspection; and
- (3) The mayor shall state for the record, upon completion of the inspection, the facts observed and any conclusions drawn therefrom.

(Ordinance 92-2, sec. 19, adopted 4/7/92)

**Sec. 4.05.020 Decision on appeal**

(a) Voting. When an appeal is heard before the city council, any council member who did not hear the evidence presented or has not read the entire record of the proceedings shall not vote or take part in the decision. The mayor shall not be entitled to vote unless the vote of the council is tied.

(b) Time limit. The city council, after hearing the evidence presented, shall make and render a decision within thirty (30) days from the date of the hearing.

(Ordinance 92-2, sec. 20, adopted 4/7/92)

**Sec. 4.05.021 Recourse of appellant**

If the appellant is aggrieved by the decision of the city council, nothing in this code shall be construed to deprive him of seeking redress in any appropriate court of competent jurisdiction. Provided, however, the decision of the city council shall be deemed final if no suit is filed in a court of competent jurisdiction within thirty (30) days from the date the decision is rendered. It shall be presumed that any party who shall not file or join as a party in such suit within such thirty (30) day period does not contest such decision of the city council. (Ordinance 92-2, sec. 21, adopted 4/7/92)

**Sec. 4.05.022 Penalty**

Any person, firm or corporation who violates any provision of this article shall be guilty of a misdemeanor and upon conviction therefor shall be fined any sum in accordance with the general penalty provided in section 1.01.009 of this code, and each and every day that such violation continues shall be construed to be a separate offense. (Ordinance 92-2, sec. 23, adopted 4/7/92; Ordinance adopting Code)

**ARTICLE 4.06 FLOOD DAMAGE PREVENTION\*****Sec. 4.06.001 Statutory authorization, findings of fact, purpose and methods**

(a) Statutory authorization. The legislature of the state has delegated the responsibility to local governmental units to adopt regulations designed to minimize flood losses. Therefore, the city council does ordain as follows.

(b) Findings of fact.

- (1) The flood hazard areas of the city are subject to periodic inundation which results in loss of life and property, health and safety hazards, disruption of commerce and governmental services, and extraordinary public expenditures for flood protection and relief, all of which adversely affect the public health, safety and general welfare.
- (2) These flood losses are created by the cumulative effect of obstructions in floodplains which cause an increase in flood heights and velocities, and by the occupancy of flood hazard areas by uses vulnerable to floods and hazardous to other lands because they are inadequately elevated, floodproofed or otherwise protected from flood damage.

(c) Statement of purpose. It is the purpose of this article to promote the public health, safety and general welfare and to minimize public and private losses due to flood conditions in specific areas by provisions designed to:

- (1) Protect human life and health;
- (2) Minimize expenditure of public money for costly flood control projects;
- (3) Minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;
- (4) Minimize prolonged business interruptions;
- (5) Minimize damage to public facilities and utilities such as water and gas mains, electric, telephone and sewer lines, streets and bridges located in floodplains;

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\* **State law references**—Flood Control and Insurance Act, V.T.C.A., Water Code, sec. 16.311 et seq.; governing body shall adopt ordinances or orders necessary to participate in National Flood Insurance Program, V.T.C.A., Water Code, sec. 16.3145; responsibility to establish flood hazard regulations, V.T.C.A., Water Code, sec. 16.315.

- (6) Help maintain a stable tax base by providing for the sound use and development of floodprone areas in such a manner as to minimize future flood blight areas; and
  - (7) Insure that potential buyers are notified that property is in a flood area.
- (d) Methods of reducing flood losses. In order to accomplish its purposes, this article uses the following methods:
- (1) Restrict or prohibit uses that are dangerous to health, safety or property in times of flood, or cause excessive increases in flood heights or velocities;
  - (2) Require that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction;
  - (3) Control the alteration of natural floodplains, stream channels, and natural protective barriers, which are involved in the accommodation of floodwaters;
  - (4) Control filling, grading, dredging and other development which may increase flood damage;
  - (5) Prevent or regulate the construction of flood barriers which will unnaturally divert floodwaters or which may increase flood hazards to other lands.

(Ordinance 12-8-89-3, art. 1, adopted 12/8/89; Ordinance adopted 1/2/90, art. 1)

#### **Sec. 4.06.002 Definitions**

Unless specifically defined below, words or phrases used in this article shall be interpreted to give them the meaning they have in common usage and to give this article its most reasonable application.

Alluvial fan flooding means flooding occurring on the surface of an alluvial fan or similar landform which originates at the apex and is characterized by high-velocity flows; active processes of erosion, sediment transport, and deposition; and unpredictable flow paths.

Apex means a point on an alluvial fan or similar landform below which the flow path of the major stream that formed the fan becomes unpredictable and alluvial fan flooding can occur.

Area of shallow flooding means a designated AO, AH, or VO zone on a community's flood insurance rate map (FIRM) with a one percent chance or greater annual chance of flooding to an average depth of one to three feet where a clearly defined channel does not exist, where the path of flooding is unpredictable and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow.

Area of special flood hazard is the land in the floodplain within a community subject to a one percent or greater chance of flooding in any given year. The area may be designated as zone A on the flood hazard boundary map (FHBM). After detailed ratemaking has been completed in preparation for publication of the FIRM, zone A usually is refined into zones A, AE, AH, AO, A1-99, VO, V1-30, VE or V.

Base flood means the flood having a one percent chance of being equaled or exceeded in any given year.

Basement means any area of the building having its floor subgrade (below ground level) on all sides.

Critical feature means an integral and readily identifiable part of a flood protection system, without which the flood protection provided by the entire system would be compromised.

Development means any man-made change in improved and unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations or storage of equipment or materials.

Elevated building means a nonbasement building (i) built, in the case of a building in zones A1-30, AE, A, A99, AO, AH, B, C, X, and D, to have the top of the elevated floor, or in the case of a building in zones V1-30, VE, or V, to have the bottom of the lowest horizontal structure member of the elevated floor, elevated above the ground level by means of pilings, columns (posts and piers), or shear walls parallel to the flow of the water and (ii) adequately anchored so as not to impair the structural integrity of the building during a flood of up to the magnitude of the base flood. In the case of zones A1-30, AE, A, A99, AO, AH, B, C, X, and D, “elevated building” also includes a building elevated by means of fill or solid foundation perimeter walls with openings sufficient to facilitate the unimpeded movement of floodwaters. In the case of zones V1-30, VE, or V, “elevated building” also includes a building otherwise meeting the definition of “elevated building,” even though the lower area is enclosed by means of breakaway walls, if the breakaway walls met the standards of section 60.3(e)(5) of the National Flood Insurance Program regulations.

Existing construction means, for the purposes of determining rates, structures for which the “start of construction” commenced before the effective date of the FIRM or before January 1, 1975, for FIRMs effective before that date. “Existing construction” may also be referred to as “existing structures.”

Existing manufactured home park or subdivision means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before the effective date of the floodplain management regulations adopted by a community.

Expansion to an existing manufactured home park or subdivision means the preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).

Flood or flooding means a general and temporary condition of partial or complete inundation of normally dry land areas from:

- (1) The overflow of inland or tidal waters.
- (2) The unusual and rapid accumulation or runoff of surface waters from any source.

Flood insurance rate map (FIRM) means an official map of a community, on which the Federal Emergency Management Agency has delineated both the areas of special flood hazards and the risk premium zones applicable to the community.

Flood insurance study is the official report provided by the Federal Emergency Management Agency. The report contains flood profiles, and the water surface elevation of the base flood, as well as the flood boundary-floodway map.

Floodplain or floodprone area means any land area susceptible to being inundated by water from any source (see definition of flooding).

Floodplain management means the operation of an overall program of corrective and preventive measures for reducing flood damage, including but not limited to emergency preparedness plans, flood control works and floodplain management regulations.

Floodplain management regulations means zoning ordinances, subdivision regulations, building codes, health regulations, special purpose ordinances (such as a floodplain ordinance, grading ordinance and erosion control ordinance) and other applications of police power. The term describes such state or local regulations, in any combination thereof, which provide standards for the purpose of flood damage prevention and reduction.

Floodproofing means any combination of structural and nonstructural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures and their contents.

Flood protection system means those physical structural works for which funds have been authorized, appropriated, and expended and which have been constructed specifically to modify flooding in order to reduce the extent of the areas within a community subject to a “special flood hazard” and the extent of the depths of associated flooding. Such a system typically includes hurricane tidal barriers, dams, reservoirs, levees or dikes. These specialized flood-modifying works are those constructed in conformance with sound engineering standards.

Floodway (regulatory floodway) means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height.

Functionally dependent use means a use which cannot perform its intended purpose unless it is located or carried out in close proximity to water. The term includes only docking facilities, port facilities that are necessary for the loading and unloading of cargo or passengers, and ship building and ship repair facilities, but does not include long-term storage or related manufacturing facilities.

Highest adjacent grade means the highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.

Historic structure means any structure that is:

- (1) Listed individually in the National Register of Historic Places (a listing maintained by the Department of the Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;

- (2) Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;
- (3) Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior; or
- (4) Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either:
  - (A) By an approved state program as determined by the Secretary of the Interior; or
  - (B) Directly by the Secretary of the Interior in states without approved programs.

Levee means a man-made structure, usually an earthen embankment, designed and constructed in accordance with sound engineering practices to contain, control, or divert the flow of water so as to provide protection from temporary flooding.

Levee system means a flood protection system which consists of a levee, or levees, and associated structures, such as closure and drainage devices, which are constructed and operated in accordance with sound engineering practices.

Lowest floor means the lowest floor of the lowest enclosed area (including basement). An unfinished or flood-resistant enclosure, usable solely for parking of vehicles, building access or storage in an area other than a basement area is not considered a building's lowest floor, provided that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirement of section 60.3 of the National Flood Insurance Program regulations.

Manufactured home means a structure transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when connected to the required utilities. The term "manufactured home" does not include a "recreational vehicle."

Manufactured home park or subdivision means a parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

Mean sea level means, for purposes of the National Flood Insurance Program, the National Geodetic Vertical Datum (NGVD) of 1929 or other datum, to which base flood elevations shown on a community's flood insurance rate map are referenced.

New construction means, for the purpose of determining insurance rates, structures for which the "start of construction" commenced on or after the effective date of an initial FIRM or after December 31, 1974, whichever is later, and includes any subsequent improvements to such structures. For floodplain management purposes, "new construction" means structures for which the "start of construction" commenced on or after the effective date of a floodplain management regulation adopted by a community and includes any subsequent improvements to such structures.

New manufactured home park or subdivision means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after the effective date of floodplain management regulations adopted by a community.

Recreational vehicle means a vehicle which is (i) built on a single chassis, (ii) 400 square feet or less when measured at the largest horizontal projections, (iii) designed to be self-propelled or permanently towable by a light duty truck, and (iv) designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

Start of construction, for other than new construction or substantial improvements under the Coastal Barrier Resources Act (Pub. L. 97-348), includes substantial improvement and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, or other improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for basement, footings, piers or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

Structure means a walled and roofed building, including a gas or liquid storage tank, that is principally above ground, as well as a manufactured home.

Substantial damage means damage of any origin sustained by a structure whereby the cost of restoring the structure to its before-damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.

Substantial improvement means any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure before “start of construction” of the improvement. This includes structures which have incurred “substantial damage,” regardless of the actual repair work performed. The term does not, however, include either:

- (1) Any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary conditions; or
- (2) Any alteration of a “historic structure,” provided that the alteration will not preclude the structure’s continued designation as a “historic structure.”

Variance is a grant of relief to a person from the requirements of this article when specific enforcement would result in unnecessary hardship. A variance, therefore, permits construction or development in a manner otherwise prohibited by this article. (For full requirements see section 60.6 of the National Flood Insurance Program regulations.)



Violation means the failure of a structure or other development to be fully compliant with the community's floodplain management regulations. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance required in section 60.3(b)(5), (c)(4), (c)(10), (d)(3), (e)(2), (e)(4), or (e)(5) [of the National Flood Insurance Program regulations] is presumed to be in violation until such time as that documentation is provided.

Water surface elevation means the height, in relation to the National Geodetic Vertical Datum (NGVD) of 1929 (or other datum, where specified), of floods of various magnitudes and frequencies in the floodplains of coastal or riverine areas.

(Ordinance 12-8-89-3, art. 2, adopted 12/8/89; Ordinance adopted 1/2/90, art. 2)

#### **Sec. 4.06.003      General provisions**

(a) Lands to which this article applies. This article shall apply to all areas of special flood hazard within the jurisdiction of the city, as identified on the Collin County flood insurance rate map (FIRM), dated April 2, 1991.

(b) Basis for establishing areas of special flood hazard. The areas of special flood hazard identified by the Federal Emergency Management Agency in a scientific and engineering report entitled "The Flood Insurance Study for the Town of Blue Ridge," dated 11/8/89, with accompanying flood insurance rate maps and flood boundary-floodway maps (FIRM and FBFM), with an effective date of April 2, 1991, and any revisions thereto, are hereby adopted by reference and declared to be a part of this article.

(c) Establishment of development permit. A development permit shall be required to ensure conformance with the provisions of this article.

(d) Compliance. No structure or land shall hereafter be located, altered, or have its use changed without full compliance with the terms of this article and other applicable regulations.

(e) Abrogation and greater restrictions. This article is not intended to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this article and another ordinance conflict or overlap, whichever imposes the more stringent restrictions shall prevail.

(f) Interpretation. In the interpretation and application of this article, all provisions shall be:

- (1) Considered as minimum requirements;
- (2) Liberally construed in favor of the governing body; and
- (3) Deemed neither to limit nor repeal any other powers granted under state statutes.

(g) Warning and disclaimer of liability. The degree of flood protection required by this article is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. On rare occasions greater floods can and will occur and flood heights may be increased by man-made or natural causes. This article does not imply that land outside the areas of special flood hazards or uses permitted within such areas will be free from flooding or flood damages. This article shall not create liability on the part of the community or any official or employee thereof for any flood damages that result from reliance on this article or any administrative decision lawfully made thereunder.

(Ordinance 12-8-89-3, art. 3, adopted 12/8/89; Ordinance adopted 1/2/90, art. 3; Ordinance 11-6-90 adopted 11/6/90)

#### **Sec. 4.06.004 Administration**

(a) Designation of floodplain administrator. The mayor is hereby appointed the floodplain administrator to administer and implement the provisions of this article and other appropriate sections of 44 CFR (National Flood Insurance Program regulations) pertaining to floodplain management.

(b) Duties and responsibilities of floodplain administrator. Duties and responsibilities of the floodplain administrator shall include, but not be limited to, the following:

- (1) Maintain and hold open for public inspection all records pertaining to the provisions of this article.
- (2) Review permit applications to determine whether proposed building sites, including the placement of manufactured homes, will be reasonably safe from flooding.
- (3) Review, approve or deny all applications for development permits required by adoption of this article.
- (4) Review permits for proposed development to assure that all necessary permits have been obtained from those federal, state or local governmental agencies (including section 404 of the federal Water Pollution Control Act Amendments of 1972, 33 U.S.C. 1334) from which prior approval is required.
- (5) Where interpretation is needed as to the exact location of the boundaries of the areas of special flood hazards (for example, where there appears to be a conflict between a mapped boundary and actual field conditions), the floodplain administrator shall make the necessary interpretation.
- (6) Notify, in riverine situations, adjacent communities and the state coordinating agency, which is the state commission on environmental quality, prior to any alteration or relocation of a watercourse, and submit evidence of such notification to the federal Emergency Management Agency.
- (7) Assure that the flood-carrying capacity within the altered or relocated portion of any watercourse is maintained.

- (8) When base flood elevation data has not been provided in accordance with section 4.06.003(b), the floodplain administrator shall obtain, review and reasonably utilize any base flood elevation data and floodway data available from a federal, state or other source, in order to administer the provisions of section 4.06.005.
  - (9) When a regulatory floodway has not been designated, the floodplain administrator must require that no new construction, substantial improvements, or other development (including fill) shall be permitted within zones A1-30 and AE on the community's FIRM, unless it is demonstrated that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one foot at any point within the community.
  - (10) Under the provisions of 44 CFR chapter 1, section 65.12, of the National Flood Insurance Program regulations, a community may approve certain development in zones A1-30, AE, [and] AH, on the community's FIRM which increases the water surface elevation of the base flood by more than one foot, provided that the community first applies for a conditional FIRM revision through FEMA.
- (c) Permit procedures.
- (1) Application for a development permit shall be presented to the floodplain administrator on forms furnished by him/her and may include, but not be limited to, plans in duplicate drawn to scale showing the location, dimensions, and elevation of proposed landscape alterations, existing and proposed structures, including the placement of manufactured homes, and the location of the foregoing in relation to areas of special flood hazard. Additionally, the following information is required:
    - (A) Elevation (in relation to mean sea level) of the lowest floor (including basement) of all new and substantially improved structures;
    - (B) Elevation in relation to mean sea level to which any nonresidential structure shall be floodproofed;
    - (C) A certificate from a registered professional engineer or architect that the nonresidential floodproofed structure shall meet the floodproofing criteria of section 4.06.005(b)(2);
    - (D) Description of the extent to which any watercourse or natural drainage will be altered or relocated as a result of proposed development;
    - (E) Maintain a record of all such information in accordance with section 4.06.004(b)(1).
  - (2) Approval or denial of a development permit by the floodplain administrator shall be based on all of the provisions of this article and the following relevant factors:
    - (A) The danger to life and property due to flooding or erosion damage;
    - (B) The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;

- (C) The danger that materials may be swept onto other lands to the injury of others;
  - (D) The compatibility of the proposed use with existing and anticipated development;
  - (E) The safety of access to the property in times of flood for ordinary and emergency vehicles;
  - (F) The costs of providing governmental services during and after flood conditions including maintenance and repair of streets and bridges, and public utilities and facilities such as sewer, gas, electrical and water systems;
  - (G) The expected heights, velocity, duration, rate of rise and sediment transport of the floodwaters and the effects of wave action, if applicable, expected at the site;
  - (H) The necessity to the facility of a waterfront location, where applicable;
  - (I) The availability of alternative locations, not subject to flooding or erosion damage, for the proposed use;
  - (J) The relationship of the proposed use to the comprehensive plan for that area.
- (d) Variance procedures.
- (1) The city council shall hear and render judgment on requests for variances from the requirements of this article.
  - (2) The city council shall hear and render judgment on an appeal only when it is alleged there is an error in any requirement, decision, or determination made by the floodplain administrator in the enforcement or administration of this article.
  - (3) Any person or persons aggrieved by the decision of the city council may appeal such decision in the courts of competent jurisdiction.
  - (4) The floodplain administrator shall maintain a record of all actions involving an appeal and shall report variances to the Federal Emergency Management Agency upon request.
  - (5) Variances may be issued for the reconstruction, rehabilitation or restoration of structures listed on the National Register of Historic Places or the state inventory of historic places, without regard to the procedures set forth in the remainder of this article.
  - (6) Variances may be issued for new construction and substantial improvements to be erected on a lot of one-half acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood level, providing the relevant factors in subsection (c)(2) of this section have been fully considered. As the lot size increases beyond the one-half acre, the technical justification required for issuing the variance increases.

- (7) Upon consideration of the factors noted above and the intent of this article, the city council may attach such conditions to the granting of variances as it deems necessary to further the purpose and objectives of this article (section 4.06.001(c)).
- (8) Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.
- (9) Variances may be issued for the repair or rehabilitation of historic structures upon a determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as a historic structure and the variance is the minimum necessary to preserve the historic character and design of the structure.
- (10) Prerequisites for granting variances:
  - (A) Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.
  - (B) Variances shall only be issued upon:
    - (i) Showing a good and sufficient cause;
    - (ii) A determination that failure to grant the variance would result in exceptional hardship to the applicant; and
    - (iii) A determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, or extraordinary public expense, create nuisances, cause fraud on or victimization of the public, or conflict with existing local laws or ordinances.
  - (C) Any applicant to whom a variance is granted shall be given written notice that the structure will be permitted to be built with the lowest floor elevation below the base flood elevation, and that the cost of flood insurance will be commensurate with the increased risk resulting from the reduced lowest floor elevation.
- (11) Variances may be issued by a community for new construction and substantial improvements and for other development necessary for the conduct of a functionally dependent use provided that:
  - (A) The criteria outlined in subsections (d)(1) through (9) of this section are met; and
  - (B) the structure or other development is protected by methods that minimize flood damages during the base flood and create no additional threats to public safety.

(Ordinance 12-8-89-3, art. 4, adopted 12/8/89; Ordinance adopted 1/2/90, art. 4; Ordinance adopting Code)

**Sec. 4.06.005 Flood hazard reduction standards**

(a) General standards. In all areas of special flood hazards the following provisions are required for all new construction and substantial improvements:

- (1) All new construction or substantial improvements shall be designed (or modified) and adequately anchored to prevent flotation, collapse or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy;
- (2) All new construction or substantial improvements shall be constructed by methods and practices that minimize flood damage;
- (3) All new construction or substantial improvements shall be constructed with materials resistant to flood damage;
- (4) All new construction or substantial improvements shall be constructed with electrical, heating, ventilation, plumbing, and air conditioning equipment and other service facilities that are designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding;
- (5) All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of floodwaters into the system;
- (6) New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of floodwaters into the system and discharge from the systems into floodwaters; and
- (7) On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding.

(b) Specific standards. In all areas of special flood hazards where base flood elevation data has been provided as set forth in section 4.06.003(b), section 4.06.004(b)(8), or subsection (c)(3) of this section, the following provisions are required:

- (1) Residential construction. New construction and substantial improvements of any residential structure shall have the lowest floor (including basement) elevated to or above the base flood elevation. A registered professional engineer, architect, or land surveyor shall submit a certification to the floodplain administrator that the standard of this subsection, as proposed in section 4.06.004(c)(1)(A), is satisfied.
- (2) Nonresidential construction. New construction and substantial improvements of any commercial, industrial or other nonresidential structure shall either have the lowest floor (including basement) elevated to or above the base flood level or, together with attendant utility and sanitary facilities, be designed so that below the base flood level the structure is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy. A registered professional engineer

or architect shall develop and/or review structural design, specifications, and plans for the construction, and shall certify that the design and methods of construction are in accordance with accepted standards of practice as outlined in this subsection. A record of such certification which includes the specific elevation (in relation to mean sea level) to which such structures are floodproofed shall be maintained by the floodplain administrator.

- (3) Enclosures. New construction and substantial improvements with fully enclosed areas below the lowest floor that are usable solely for parking of vehicles, building access or storage in an area other than a basement and which are subject to flooding shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must either be certified by a registered professional engineer or architect or meet or exceed the following minimum criteria:
  - (A) A minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding shall be provided.
  - (B) The bottom of all openings shall be no higher than one foot above grade.
  - (C) Openings may be equipped with screens, louvers, valves, or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.
- (4) Manufactured homes.
  - (A) Require that all manufactured homes to be placed within zone A on a community's FHBM or FIRM shall be installed using methods and practices which minimize flood damage. For the purposes of this requirement, manufactured homes must be elevated and anchored to resist flotation, collapse, or lateral movement. Methods of anchoring may include, but are not limited to, use of over-the-top or frame ties to ground anchors. This requirement is in addition to applicable state and local anchoring requirements for resisting wind forces.
  - (B) Require that manufactured homes that are placed or substantially improved within zones A1-30, AH, and AE on the community's FIRM on sites (i) outside of a manufactured home park or subdivision, (ii) in a new manufactured home park or subdivision, (iii) in an expansion to an existing manufactured home park or subdivision, or (iv) in an existing manufactured home park or subdivision on which a manufactured home has incurred "substantial damage" as a result of a flood, be elevated on a permanent foundation such that the lowest floor of the manufactured home is elevated to or above the base flood elevation and be securely anchored to an adequately anchored foundation system to resist flotation, collapse, and lateral movement.

- (C) Require that manufactured homes being placed or substantially improved on sites in an existing manufactured home park or subdivision within zones A1-30, AH and AE on the community's FIRM that are not subject to the provisions of subsection (b)(4) of this section be elevated so that either:
- (i) The lowest floor of the manufactured home is at or above the base flood elevation; or
  - (ii) The manufactured home chassis is supported by reinforced piers or other foundation elements of at least equivalent strength that are no less than 36 inches in height above grade and be securely anchored to an adequately anchored foundation system to resist flotation, collapse, and lateral movement.
- (5) Recreational vehicles. Require that recreational vehicles placed on sites within zones A1-30, AH, and AE on the community's FIRM either (i) be on the site for fewer than 180 consecutive days, (ii) be fully licensed and ready for highway use, or (iii) meet the permit requirements of section 4.06.004(c)(1), and the elevation and anchoring requirements for "manufactured homes" in subsection (b)(4) of this section. A recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick-disconnect type utilities and security devices, and has no permanently attached additions.
- (c) Standards for subdivision proposals.
- (1) All subdivision proposals including the placement of manufactured home parks and subdivisions shall be consistent with section 4.06.001(b), (c), and (d) of this article.
  - (2) All proposals for the development of subdivisions including the placement of manufactured home parks and subdivisions shall meet the development permit requirements of section 4.06.003(c) and section 4.06.004(c) and the provisions of this section.
  - (3) Base flood elevation data shall be generated for subdivision proposals and other proposed development including the placement of manufactured home parks and subdivisions which is greater than 50 lots or 5 acres, whichever is lesser, if not otherwise provided pursuant to section 4.06.003(b) or section 4.06.004(b)(8) of this article.
  - (4) All subdivision proposals including the placement of manufactured home parks and subdivisions shall have adequate drainage provided to reduce exposure to flood hazards.
  - (5) All subdivision proposals including the placement of manufactured home parks and subdivisions shall have public utilities and facilities such as sewer, gas, electrical and water systems located and constructed to minimize or eliminate flood damage.



(d) Standards for areas of shallow flooding (AO/AH zones). Located within the areas of special flood hazard established in section 4.06.003(b) are areas designated as shallow flooding. These areas have special flood hazards associated with base flood depths of 1 to 3 feet where a clearly defined channel does not exist and where the path of flooding is unpredictable and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow; therefore, the following provisions apply:

- (1) All new construction and substantial improvements of residential structures have the lowest floor (including basement) elevated above the highest adjacent grade at least as high as the depth number specified in feet on the community's FIRM (at least two feet if no depth number is specified).
- (2) All new construction and substantial improvements of nonresidential structures:
  - (A) Have the lowest floor (including basement) elevated above the highest adjacent grade at least as high as the depth number specified in feet on the community's FIRM (at least two feet if no depth number is specified); or
  - (B) Together with attendant utility and sanitary facilities be designed so that below the base flood level the structure is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads of effects of buoyancy.
- (3) A registered professional engineer or architect shall submit a certification to the floodplain administrator that the standards of this subsection, as proposed in section 4.06.004(c)(1)(A), are satisfied.
- (4) Require within zone AH or AO adequate drainage paths around structures on slopes, to guide floodwaters around and away from proposed structures.

(Ordinance 12-8-89-3, art. 5, adopted 12/8/89; Ordinance adopted 1/2/90, art. 5)

#### **Sec. 4.06.006     Penalty**

Any person violating any of the provisions of this article shall upon conviction be fined a sum in accordance with the general penalty provided in section 1.01.009 of this code, and each and every day that the provisions of this article are violated shall constitute a separate and distinct offense. (Ordinance adopted 1/2/90, art. 7; Ordinance adopting Code)

#### **Sec. 4.06.007     Water and sewer service to structures in flood hazard area**

The city shall not provide city water or sanitary sewer service to any structure existing in a designated flood hazard area, as identified on the relevant and appropriate Collin County flood insurance rate map (FIRM), as of August 1, 1993. (Ordinance 6-6-93-2 adopted 7/6/93; Ordinance adopting Code)

**ARTICLE 4.07 MOBILE HOME PARKS\*****Division 1. Generally****Sec. 4.07.001 Definitions**

For the purpose of this article, certain terms, words, and phrases shall have the meaning hereafter ascribed thereto:

Agent. Any person authorized by the licensee of a mobile home park to operate or maintain such park under the provisions of this article.

Building official. The legally designated inspection authority of the city, or his authorized representative.

Certificate of occupancy. A certificate issued by the building official for the use of a building, structure, and/or land, when it is determined by him that the building, structure, and/or land complies with the provisions of all applicable city codes, ordinances, and regulations.

Common access route. A private way which affords the principal means of access to individual mobile home lots or auxiliary buildings.

Driveway. A minor entranceway off the common access route within the park, into an off-street parking area serving one or more mobile homes.

Internal street. Same as "Common access route."

License. A written license issued by the building official permitting a person to operate and maintain a mobile home park under the provisions of this article and regulations issued hereunder.

Licensee. Any person licensed to operate and maintain a mobile home park under the provisions of this article.

Mobile home. A factory-fabricated transportable unit built on a chassis, designed to be used as a dwelling. It may consist of one or more units separately towable but designed to be joined into one integrated unit. Recreational vehicles and motor homes are not included as mobile homes and cannot be used as living quarters in the city.

Mobile home park. A unified development of at least six (6) mobile home spaces arranged on a tract of land under single-person ownership and meeting all other requirements of this article.

Parking space - off-street. A minimum space of nine (9) feet in width by eighteen (18) feet in length, located within the boundary of a mobile home space, or in a common parking and storage area having unobstructed access to an internal street.

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\* **State law references**—Sanitation and health standards, V.T.C.A., Health and Safety Code, ch. 341; Manufactured Housing Standards Act, V.T.C.A., Occupations Code, ch. 1201.

Permit. A written certification issued by the building official permitting the construction, alteration, or extension of a mobile home park under the provisions of this article and the regulations issued hereunder.

Person. An individual, firm, trust, partnership, association or corporation.

Plot plan. A graphic representation, drawn to scale in a horizontal plane, delineating the outlines of the land included in the plan and all proposed use locations, with dimensions indicating the relation of each use to those adjoining and to the boundary of the property.

Police chief. The legally designated chief of police of the city or his authorized representative.

Replacement. The act of moving one mobile home from its existing land and replacing it with another mobile home.

Service building. A structure housing toilet, lavatory, and such other facilities as may be required by this article.

Sewer connection. The connection consisting of all pipes, fittings, and appurtenances from the drain outlet of a mobile home to the inlet of the corresponding sewer service riser pipe of the sewage system serving the mobile home park.

Sewer service riser pipe. The portion of a sewer service which extends vertically to the ground elevation and terminates at a mobile home space.

Site plan. Same as "Plot plan."

Space. A plot of ground within a mobile home park designed for the accommodation of one mobile home together with space as required by this article. This term also includes the terms "lot," "stand," and "site."

Tax assessor-collector. The legally designated tax assessor-collector for the city or his authorized representative.

Water connection. The connection consisting of all pipes, fittings, and appurtenances from the water riser pipe to the water inlet pipe of the distribution system within a mobile home.

Water riser pipe. That portion of the private water service system serving a mobile home park which extends vertically to the ground elevation and terminates at a designated point at a mobile home space.

Zoning ordinance. The zoning ordinances for the city.

(Ordinance 285-2, sec. 1, adopted 2/5/85)

**Sec. 4.07.002 Penalty**

Any person violating any provision of this article within the corporate limits of the city shall be guilty of a misdemeanor, and upon conviction shall be fined an amount in accordance with the general penalty provided in section 1.01.009 of this code. Each day that such violation continues shall be considered a separate offense. Prosecution or conviction under this provision shall never be a bar to any other remedy or relief for violations of this article. (Ordinance 285-2, sec. 9, adopted 2/5/85; Ordinance adopting Code)

**Sec. 4.07.003 Conflicts with other ordinances**

Whenever the standards and specifications in this article conflict with those contained in another ordinance, the most stringent or restrictive provision shall govern. (Ordinance 285-2, sec. 7, adopted 2/5/85)

**Sec. 4.07.004 Permit**

(a) Required. It shall be unlawful for any person to construct, alter, or extend any mobile home park within the limits of the city unless a valid permit issued by the building official is obtained in the name of such person for the specific construction, alteration or extension proposed.

(b) Application. All applications for permits shall be made upon standard forms provided by the building official and shall contain the following:

- (1) Name and address of the applicant.
- (2) Location and legal description of the mobile home park.
- (3) To this application shall be attached three (3) copies of a site plan at a minimum scale of 1" = 200' for sites of thirty acres or more and at a minimum scale of 1" = 100' for sites under thirty acres. The site plan shall include all data required under division 2 of this article.

(c) Fees. All original permit applications to the building official shall be accompanied by a fee in the amount set forth in the fee schedule in appendix A of this code. Each additional building permit application shall be accompanied by a fee as set forth in the fee schedule in appendix A of this code.

(d) Issuance.

- (1) Applications shall be reviewed by the planning and zoning commission and recommendations made to the city council. The council will accept, reject, or modify the commission's recommendation.
- (2) When, upon review of the application, the building official is satisfied that the proposed plan meets the requirements of this article, a permit shall be issued, consistent with the decision of the city council.

(e) Right to hearing on denial. Any person whose application for a permit under this article has been denied may request a hearing on the matter under the procedure provided by section 4.07.007 of this article.

(Ordinance 285-2, sec. 2, adopted 2/5/85; Ordinance adopting Code)

**Sec. 4.07.005 License**

(a) Required. It shall be unlawful for any person to operate any mobile home park within the limits of the city unless they hold a valid license issued annually by the building official. All applications for licenses shall be made in writing to the building official, on forms provided by him. A license shall then be issued upon compliance by the applicant with the provisions of this article.

(b) Application for original license. Application for the original license shall be made in writing, signed by the applicant, accompanied by an affidavit as to the truth of the information in the application, and accompanied by the deposit of a license fee hereafter mentioned, and shall contain:

- (1) The name and address of the applicant.
- (2) The location and legal description of the park.
- (3) A site plan of the park showing all mobile home spaces, structures, roads, walkways, and other service facilities.

(c) Right to hearing on denial. Any person whose application has been denied may request and shall be granted a hearing on the matter under the procedures provided by section 4.07.007 of this article.

(d) Application for renewal. Application for renewal of a license shall be made in writing by the licensee on forms furnished by the building official on or before January 1st of each year. Such application shall contain any change in the information occurring after the original license was issued and the latest renewal granted.

(e) Fee. All original license applications or renewals thereof shall be accompanied by a fee as set forth in the fee schedule in appendix A of this code.

(f) Transfer of license. Every person holding a license shall give notice in writing to the building official within seven (7) days after having sold, transferred, given away, or otherwise disposed of interest in or control of any mobile home park. Application for transfer of license shall be made within seven (7) calendar days after notification of one of the changes noted above. Within seven (7) calendar days thereafter, the city shall act on the application for license transfer and it shall be approved if the park is in compliance with the provisions of this article.

(g) Fee for transfer of license. All applications for license transfer shall be accompanied by a fee as set forth in the fee schedule in appendix A of this code.

(h) Notice of violation; suspension of license. Whenever, upon inspection of any mobile home park, the building official, after consultation with the city official or officials he deems competent to judge, finds that conditions or practices exist which are in violation of any provision of this article, he shall give notice in writing in accordance with section 4.07.007(a) of this article to the licensee or his agent that, unless such conditions or practices are corrected within the reasonable period of time specified in such notice, the license shall be suspended. At the end of such period of time, the building official shall reinspect such park, requesting assistance from other city departments as may be required, and if such conditions or practices have not been corrected shall suspend the license and give notice in writing of such suspension to the licensee or his agent. Upon receipt of the notice of such suspension, the licensee shall cease operation of such park, except as provided in section 4.07.007 hereof.

(Ordinance 285-2, sec. 3, adopted 2/5/85; Ordinance adopting Code)

**Sec. 4.07.006 Inspections; access to premises**

(a) Inspections required. The building official, the city health officer, the fire chief, the police chief, and the tax assessor-collector are hereby authorized and directed to make such inspections as are necessary to determine compliance with this article.

(b) Entry on premises by city officials. The building official, the city health officer, the fire chief, the police chief, and the tax assessor-collector shall have the power to enter at reasonable times upon any private or public property for the purpose of inspecting and investigating conditions relating to the enforcement of this article.

(c) Inspection of register. The building official, the fire chief, the police chief and the tax assessor-collector shall have the power and authority in discharging their official duties to inspect the register containing a record of all residents of the mobile home park.

(d) Access by licensee. It shall be the duty of every occupant of a mobile home park to give the licensee, his agent, or authorized employee access to any part of such park at a reasonable times for the purpose of making such repairs or alterations as are necessary to effect compliance with this article.

(Ordinance 285-2, sec. 4, adopted 2/5/85)

**Sec. 4.07.007 Notices, hearings and orders**

(a) Notice of violation. Whenever it is determined that there are grounds to believe that there has been a violation of any provision of this article, the building official shall give notice of such alleged violation to the licensee or agent as hereinafter provided. Such notice shall:

- (1) Be in writing;
- (2) Include a statement of the reasons for its issuance;
- (3) Allow a reasonable time for the performance of the act it requires;

- (4) Be served upon the licensee or his agent, provided that such notice or order shall be deemed to have been properly served upon such licensee or agent when a copy thereof has been sent by mail to his last known address, or when he has been served with such notice by any method authorized or required by the laws of this state; and
- (5) Contain an outline of remedial action which, if taken, will effect compliance with the provisions of this article.

(b) Appeal from denial of permit by building official. Any person affected by the refusal of the building official to issue a permit under the provisions of this article, as set out in section [4.07.004] hereof, may request and shall be granted a hearing on the matter before the city council; provided that such person shall file within 3 days after the day the permit was refused, in the office of the building official, a written petition requesting such hearing and setting forth a brief statement of the grounds therefor. Upon receipt of such petition, the building official shall forward it to the city secretary, who shall set a time and place for such hearing and shall give the petitioner written notice thereof. At such hearing the petitioner shall be given an opportunity to be heard and to show why such refusal should be modified or withdrawn.

(c) Appeal from notice issued by the building official. Any person affected by any notice which has been issued in connection with the enforcement of any provision of this article applicable to such park may request and shall be granted a hearing on the matter before the city council; provided that such person shall file within 15 days after the day the notice was served, in the office of the building official, a written petition requesting such hearing and setting forth a brief statement of the grounds therefor. The filing of the request for a hearing shall operate as a stay of the notice and of the suspension, except in the case of an order issued under subsection (e) of this section. Upon receipt of such petition the building official shall forward such petition to the city secretary, who shall request the mayor to set a time and place for such hearing, and the petitioner shall be given an opportunity to be heard and to show why such notice should be modified or withdrawn.

(d) Decision and issuance of order. After such hearing, the building official shall issue an order in writing sustaining, modifying or withdrawing the refusal, which order shall be served as provided in subsection (a)(4) of this section. Upon failure to comply with an order by the building official sustaining or modifying a decision thereof, the occupancy permit and the license of the park affected by the order shall be revoked.

(e) Order without notice. Whenever the building official finds that an emergency exists which requires immediate action to protect the public health or safety, he may without notice or hearing issue an order reciting the existence of such an emergency and requiring that action be taken as he may deem necessary to meet the emergency. Notwithstanding any other provisions of this article, such order shall be effective immediately. Any person to whom such an order is directed shall comply therewith immediately, but upon written petition to the mayor shall be afforded a hearing as soon as possible. The provisions of subsection (d) of this section shall be applicable to such hearing and the order issued thereafter.

(Ordinance 285-2, sec. 5, adopted 2/5/85)

**Secs. 4.07.008–4.07.030**

**Reserved**

**Division 2. Design and Operation****Sec. 4.07.031 Site plan**

The site plan shall be filed as required by section 4.07.004(b) of this article and shall show the following:

- (1) The area and dimensions of the tract of land, with identification of location and boundaries;
- (2) The number, location and size of all mobile home spaces;
- (3) The location, width, and specifications of driveways, roadways, and walkways;
- (4) The location and specifications of water and sewer lines, and riser pipes;
- (5) The location and details of lighting, electrical and gas systems;
- (6) The location and specifications of all buildings constructed within the park;
- (7) The location of fire mains, including the size, the hydrants, and any other equipment which may be provided;
- (8) Such other information as municipal reviewing officials may reasonably require.

(Ordinance 285-2, sec. 6(A), adopted 2/5/85)

**Sec. 4.07.032 Number of spaces; site requirements**

Any mobile home park constructed after the adoption of this article, and any extension or addition to an existing mobile home park in the city, shall be done in compliance with the following site requirements:

- (1) Number of spaces. A mobile home park shall have no less than six (6) mobile home spaces.
- (2) Basic site requirements.
  - (A) Area and dimensions of mobile home spaces. Each mobile home space shall provide a minimum area of 3,500 square feet; however, no mobile home space shall have dimensions less than 40 feet on the narrow dimension nor 80 feet on the long dimension.
  - (B) Setbacks; separation of mobile homes.
    - (i) The minimum front yard setback shall be 25 feet from the nearest corner of the mobile home space.
    - (ii) No mobile home shall be closer than 15 feet to any property line nor closer than 25 feet to the property line adjoining a public street.



- (iii) For other structures on each space, the minimum front yard setback shall be at least 25 feet, and rear yard setback at least 10 feet.
  - (iv) The minimum distance between mobile homes at any point shall be 20 feet.
- (3) Soil and ground cover. Exposed ground surfaces in all parts of every mobile home park shall be paved, or protected with a vegetative growth that is capable of preventing soil erosion and of eliminating dust.
  - (4) Drainage. The ground surface in all parts of a park shall be graded and equipped to drain all surface water in a safe, efficient manner.

(Ordinance 285-2, sec. 6(B), adopted 2/5/85)

**Sec. 4.07.033 Access, traffic circulation and parking**

- (a) General requirements. Internal streets, no-parking area signs, and street name signs shall be privately owned, built, and maintained. Streets shall be designed for safe and convenient access to all spaces and to facilities for common use of park residents.
- (b) No-parking signs. On all sections of internal streets on which parking is prohibited under this article, the owner or agent shall erect metal signs prohibiting parking. The sign type, size, height and location shall be approved by the building official prior to installation.
- (c) Design of streets; maintenance. All internal streets shall be constructed to specifications established by the city council and shall be maintained by the owner or agent free of cracks, holes, and other hazards. Internal streets shall be designed by a licensed professional engineer in accordance with good engineering design and shall be approved by the building official prior to obtaining an occupancy permit for the park.
- (d) Street dimensions and standards; parking requirements.
  - (1) Street dimensions. An internal street or common access route shall be provided to each mobile home space. Such street shall have a minimum width of 25 feet if off-street parking is provided in the ratio of two [two point two] (2.2) parking spaces for each mobile home space. On-street parking shall be permitted on only one side of the street. The internal streets shall be continuous and connect with other internal streets or with public streets, or shall be provided with a cul-de-sac having a minimum diameter of ninety-five (95) feet. No internal street ending in a cul-de-sac shall exceed 500 feet in length. If no off-street parking is provided or is provided in a ratio of less than two point two spaces for each mobile home site, the minimum street width shall be 35 feet. All other requirements remain the same as in the preceding subsection (d)(1) with the exception that parking will be permitted on both sides of the street.

- (2) Parking spaces. If the park is constructed with internal streets having a width less than thirty-five (35) feet, off-street parking shall be provided on each mobile home space in the ratio of two point [two point two] (2.2) parking spaces for each mobile home space. Each parking space shall be hard-surfaced with all-weather material, and located to eliminate interference with access to parking areas provided for other mobile homes and for public parking in the park.
- (3) Access to mobile homes. Internal streets shall permit unobstructed access to within at least two hundred feet (200') of any portion of each mobile home.
- (4) Street names and address numbers. Within each mobile home park, all streets shall be named and mobile homes numbered to conform with block numbers on adjacent public streets. All street name signs and house numbers shall be of reflective material. These street signs shall be of a color and size contrasting with those on public streets so that there is no confusion regarding which are private and which are public streets. These signs and numbers shall be of standard size and placement to facilitate location by emergency vehicles.
- (5) Intersections with public streets. Interior streets shall intersect adjoining public streets at approximately ninety (90) degrees and at locations which will eliminate or minimize interference with traffic on those public streets.

(Ordinance 285-2, sec. 6(C), adopted 2/5/85)

#### **Sec. 4.07.034 Sewage disposal**

From and after the effective date of this article, the following shall apply:

- (1) General requirements. An adequate and safe sewage system shall be provided in all mobile home parks for conveying and disposing of all sewage. The sewer system for a mobile home park shall be constructed in accordance with the city plumbing code. All proposed sewage disposal facilities shall be approved by the building official prior to construction except that the use of septic tanks for the disposal of sewage shall not be approved. Effluents from sewage treatment facilities shall not be discharged into any waters of the state except with prior approval of the building official and the appropriate regulatory agency of the state.
- (2) Sewer lines. All sewer lines shall be constructed of materials in accordance with the city plumbing code.
- (3) Individual sewer connections.
  - (A) Each mobile home stand shall be provided with at least a four-inch (4") diameter sewer riser pipe. The sewer riser pipe shall be so located on each stand that the sewer connection to the mobile home drain outlet will approximate a vertical position.
  - (B) The sewer connection to the mobile home from the sewer riser pipe and any other sewer connections shall be in accordance with the requirements of the city plumbing code.

- (C) All materials used for sewer connections shall be in accordance with the city plumbing code.
- (D) Provision shall be made for plugging the sewer riser pipe when no mobile home occupies the space. Surface drainage shall be diverted away from the riser.

(Ordinance 285-2, sec. 6(D), adopted 2/5/85)

**Sec. 4.07.035 Structural requirements for buildings**

The requirements of this section shall apply to service buildings, recreation buildings and other community service facilities.

- (1) All portions of the structure shall be properly protected from damage by ordinary uses and by decay, corrosion, termites, and other destructive elements. Exterior portions shall be of such materials and be so constructed and protected as to prevent entrance or penetration of moisture and weather, and to comply with all applicable codes of the city.
- (2) All rooms containing sanitary or laundry facilities shall:
  - (A) Have sound-resistant walls extending to the ceiling between male and female sanitary facilities. Walls and partitions around showers, bathtubs, lavatories, and other plumbing fixtures shall be constructed of dense, non-absorbent, waterproof materials or covered with moisture-resistant materials;
  - (B) Have at least one window or skylight facing directly to the outdoors. The minimum aggregate gross area of windows for each required room shall be not less than ten (10) percent of the floor area served by them; and
  - (C) Have at least one window which can be opened easily or mechanical device which will adequately ventilate the room.

(Ordinance 285-2, sec. 6(E), adopted 2/5/85)

**Sec. 4.07.036 Barbeque pits, fireplaces, stoves and incinerators**

Cooking shelters, barbeque pits, fireplaces, wood-burning stoves and incinerators shall be so located, constructed, maintained and used as to minimize fire hazards and smoke nuisance both on the property on which used and on neighboring property. No open fire shall be permitted except in facilities provided. No open fire shall be left unattended. No fuel shall be used and no material burned which emits dense smoke or objectionable odors. (Ordinance 285-2, sec. 6(F), adopted 2/5/85)

**Sec. 4.07.037 Refuse and garbage handling**

- (a) Centrally located refuse containers having a capacity of three cubic yards or larger may be provided. If provided, such containers shall be so designed as to prevent spillage and container deterioration, and to facilitate cleaning around them. Refuse and garbage shall be removed from the park at least once each week.

(b) The licensee or agent shall insure that containers at mobile home spaces are emptied regularly and maintained in a usable, sanitary condition.

(Ordinance 285-2, sec. 6(G), adopted 2/5/85)

**Sec. 4.07.038 Insect and rodent control**

(a) Grounds, buildings and structures shall be maintained free of insect and rodent harborage and infestation. Extermination methods and other measures to control insects and rodents shall conform with the requirements of the city health director.

(b) Parks shall be maintained free of accumulations of debris which may provide rodent harborage or breeding places for flies, mosquitoes and other pests.

(c) The growth of brush, weeds and grass shall be controlled to prevent harborage of noxious insects or other pests. Parks shall be so maintained as to prevent the growth of noxious weeds detrimental to health. Open areas shall be maintained free of heavy undergrowth of any description.

(Ordinance 285-2, sec. 6(H), adopted 2/5/85)

**Sec. 4.07.039 Fuel supply and storage**

From and after the effective date of this article, the following shall apply:

(1) Natural gas system.

(A) Natural gas piping systems shall be installed underground and maintained in accordance with applicable codes and regulations governing such systems.

(B) Each mobile home space provided with piped gas shall have a cap on the outlet when not in use to prevent accidental discharge of gas, and shall be in accordance with the city plumbing code.

(2) Liquefied petroleum gas system. The liquefied petroleum gas system shall be maintained in accordance with applicable codes of the city governing such systems and regulations of the state railroad commission pertaining thereto.

(Ordinance 285-2, sec. 6(I), adopted 2/5/85)

**Sec. 4.07.040 Responsibilities of management and occupants**

(a) Responsibilities of park management.

(1) All responsibilities set out elsewhere in this article.

(2) The licensee or his agent shall operate the park in compliance with this article and other applicable ordinances and shall provide adequate supervision to maintain the park, its facilities and equipment in good repair and in a clean and sanitary condition.

- (3) The licensee or agent shall notify park occupants of all applicable provisions of this article and inform them of their duties and responsibilities under this article.
  - (4) The licensee or agent shall maintain a register of park occupancy, which shall contain the following information:
    - (A) Name and address of park residents.
    - (B) Mobile home registration data, including make, length, width, year of manufacture and identification number.
    - (C) Location of each mobile home within the park by space or lot number and street address.
    - (D) Dates of arrival and departure.
  - (5) A new register shall be initiated on January 1st of each year, and the old register be retired but shall be retained on the premises for at least three (3) years following the retirement. The register shall be available for inspection at any reasonable time by an official of the city whose duties may necessitate access to the information contained therein.
  - (6) The licensee shall furnish to the city and the county single appraisal district a list of all mobile home residents in the park on the first day of January and a list of all residents who move during the year, in conformity with state law.
  - (7) Set parking 2.2 space per trailer parking be asphalt or better [sic].
  - (8) A privacy fence is required around the park. This is to be constructed of wood or other material approved by the planning and zoning commission, and must be neat in appearance; a properly maintained hedge is suitable.
  - (9) 10% of any park area to be set aside for playground area, maintained by the park owner.
  - (10) Fire plugs will be spaced a minimum of 200 feet apart.
- (b) Responsibilities of park occupants.
- (1) All responsibilities set out elsewhere in this article.
  - (2) The park occupant shall comply with all requirements of this article and shall maintain his mobile home space, its facilities, and equipment in good repair and in a clean and sanitary condition.
  - (3) The park occupant shall be responsible for proper placement of his mobile [home] in its mobile home stand and proper installation of all utility connections in accordance with the instructions of the park management.

- (4) Fire-resistant skirting with the necessary vents, screens and/or openings shall be required on all mobile homes in mobile home parks and shall be installed within thirty (30) days after emplacement of the mobile home. Skirting materials should be aluminum, vinyl, or masonite material.
- (5) Skirting, porches, awnings, and other additions, when installed, shall be maintained in good repair. The use of space immediately underneath a mobile home for storage shall be permitted only under the following conditions:
  - (A) The storage area shall have a base of impervious material.
  - (B) Stored items shall not interfere with the underneath inspection of the mobile home.
- (6) All mobile homes will be tied down, blocked, and leveled in conformity with state law and regulations of the state department of insurance.

(Ordinance 285-2, sec. 6(J), adopted 2/5/85)

**Sec. 4.07.041 Modification of requirements**

Upon recommendation of the planning and zoning commission, the city council may modify the provisions of this division in individual cases when such requirements will cause undue hardship upon the applicant and such modifications do not violate the basic intent of this article. Modification of the site requirements in individual cases shall require a two-thirds vote of the council members present. (Ordinance 285-2, sec. 6(K), adopted 2/5/85)

**ARTICLE 4.08 SIGNS\***

**Division 1. Generally**

**Sec. 4.08.001 Title**

This article shall be known and cited as the sign regulations. (Ordinance 99-05-04 adopted 5/4/99)

**Sec. 4.08.002 Purpose**

The purpose of this article is to establish reasonable regulations for the design, construction, installation, and maintenance of all private signs in the city. All private signs not exempted as provided below shall be erected and maintained in accordance with these regulations. The general objectives of these regulations are to promote health, safety, welfare, convenience, and enjoyment of the public, and, in part, to achieve the following:

- (1) Safety. To promote the safety of persons and property by providing that signs:
  - (A) Do not create a hazard due to collapse, fire, collision, decay, or abandonment;

\* **State law reference**—Authority of municipality to regulate signs, V.T.C.A., Local Government Code, ch. 216.

- (B) Do not obstruct firefighting or police surveillance; and
  - (C) Do not create traffic hazards by confusing or distracting motorists, or by impairing the driver's ability to see pedestrians, obstacles or other vehicles, or to read traffic signs.
- (2) Communications efficiency. To promote the efficient transfer of information in sign messages by providing that:
- (A) Businesses and services may identify themselves;
  - (B) Customers and other persons may locate a business or service;
  - (C) No person or group is arbitrarily denied the use of the sight lines from the public right-of-way for communication purposes; and
  - (D) Persons exposed to signs are not overwhelmed by the number of messages presented, and are able to exercise freedom of choice to observe or ignore said messages, according to the observer's purpose.
- (3) Landscape quality and preservation. To protect the public welfare and to enhance the appearance and economic value of the landscape by providing that signs:
- (A) Do not interfere with scenic views;
  - (B) Do not create a nuisance to persons using the public rights-of-way;
  - (C) Do not constitute a nuisance to occupancy of adjacent and contiguous property by their brightness, size, height, or movement;
  - (D) Are not detrimental to land or property values; and
  - (E) Contribute to the special character of the of particular areas or districts within the city, helping the observer to understand the city and orient oneself within it.

(Ordinance 99-05-04 adopted 5/4/99)

#### **Sec. 4.08.003 Definitions**

For the purposes of this article, the following words and phrases shall have the meanings respectively ascribed to them by this section. Terms not defined herein shall have the meaning customarily assigned to them by the dictionary.

Address sign. A sign denoting the street address number and/or the name of the owner of the property on which the sign is located.

Alterations. Any change in copy, content, color, size, shape, position, location, construction, or supporting structure.

Area of sign. The area included within the outer dimensions of a sign, including those portions of the frame or support structure which either border or adjoin the face of the sign, or are of a size, dimension, or configuration which is intended to attract attention or are in excess of that necessary to support the sign. In the case of a multiple-face sign, each face shall be deemed as a separate sign for the purposes of determining the area of the sign; each face is entitled to the allowable sign area.

Awning. A projecting overhang on a rigid frame but otherwise composed of flexible canvas, nylon, or similar material.

Building. Any structure which has a roof supported by walls used or intended for the shelter, support or enclosure of persons, animals, or chattel.

Canopy. A projecting roof-like covering which is a permanent and integral part of the building's structure.

Character. Any letter of the alphabet or any numeral or symbol.

Erect. To build, construct, attach, hang, place, suspend, or affix, and shall also include the painting of signs on the exterior surface of a building or structure.

Facing. The surface of the sign upon, against, or through which the message is displayed or illustrated on the sign.

Height. Shall be measured as the vertical distance between the highest part of the sign or its supporting structure, whichever is higher, and the average grade within 5 feet of any part of the sign.

Intersection. The junctions of the centerlines of any two (2) public rights-of-way, other than alleys, crossing at grade, or, where the crossing is separated at grade, the intersection shall be the point at which the roadway travel pavements converge or diverge.

Luminance. The brightness of a sign or a portion thereof expressed in terms of footcandles. For the purpose of this article, luminance shall be determined by the use of an exposure meter calibrated to standards established by the National Bureau of Standards and equipped with a footcandles scale.

Noncombustible material. Any material which will not ignite at or below a temperature of twelve hundred (1200) degrees Fahrenheit, and will not continue to burn or glow at that temperature.

Occupancy. The purpose for which a building is used or intended to be used.

Setback. The required distance between any point on private land and the nearest point at the edge of the nearest public right-of-way, other than an alley.

Sign. Any name, number, identification, description, announcement, declaration, demonstration, device, display, flag, banner, pennant, illustration, beacon, light, or insignia and the structure supporting any of the same, affixed directly or indirectly to or upon any building or outdoor structure, or erected or maintained upon a piece of land, which directs attention to an object, product, service, place, activity, person, institution, organization, or business.



Sign, attached. Any sign attached to, applied on, or supported by any part of a building (including canopy, fascia, walls, and awnings) which encloses or covers usable space.

Sign, flashing. A sign which has illumination that is alternately turned on and off at a rate equivalent to, or greater than, twice an hour, excluding time and temperature signs.

Sign, freestanding. Any detached sign connected to the ground, which is not an attached, portable, or vehicular sign.

Sign, government. Any sign erected by an agency of the United States government, the state, the county, or the city.

Sign, illuminated. Any sign which is directly lighted by any electrical light source, internal or external. This definition shall not include signs which are illuminated by streetlights or other light sources owned by any public agency or light sources which are specifically operated for the purpose of lighting the area in which the sign is located rather than the sign itself.

Sign, marquee. Any sign which has interchangeable letters (plastic, metal, magnetic, etc.) and these individual letters are changed manually.

Sign, obsolete. Any sign which no longer serves a bona fide use or purpose at a specific location.

Sign, off-premises. Any sign that advertises products, goods, services, business entities, or other items, entities, or activities that are not located on the same premises as the sign.

Sign, on-premises. Any sign that advertises products, goods, services, business entities, or other items, entities, or activities that are located on the same premises as the sign.

Sign, political. Any sign relating to the election of a person to public office, relating to a political party, or relating to a matter to be voted upon at an election called by a public body.

Sign, portable. A sign which is easily moved from one location to another, including signs which are mounted on skids, trailers, wheels, legs or stakes and which are not fixed permanently to the ground, and which is not an attached sign, political sign, vehicular sign or a sign which refers solely to the sale or lease of the property.

Sign, projecting. Any sign which projects from a building and which has one end attached to a building or other permanent structure.

Sign, roof. Any sign erected on a vertical frame supported by and located immediately and entirely over the roof of a building. Restricted to areas zoned for business.

Sign, wall. Any sign affixed to (or painted on) an exterior wall of any building or structure, supported by the wall, and having the sign face parallel to and not more than twelve (12) inches from the wall surface. Neon tubing attached directly to the wall surface shall be considered a wall sign. A window sign shall be considered a wall sign.

(Ordinance 99-05-04, art. I, sec. 1, adopted 5/4/99)

**Sec. 4.08.004 Penalty**

Any person, firm, or corporation in violation of any of the provisions of this article shall, upon conviction, be fined a sum in accordance with the general penalty provided in section 1.01.009 of this code, and each day that the provisions of this article are violated shall constitute a separate and distinct offense. (Ordinance 99-05-04, art. IV, sec. 2, adopted 5/4/99; Ordinance adopting Code)

**Sec. 4.08.005 Unsafe signs**

If the building inspector shall determine that any sign is unsafe or insecure, or is a menace to the public, the permittee shall be given written notice thereof. If the permittee fails to remove or repair the sign within ten (10) days after written notification, such sign may be removed by the city at the expense of the permittee or owner of the property upon which it is located. The city shall refuse to issue a permit to any permittee or owner who refuses to pay costs so assessed. The building inspector may cause any sign which is an immediate peril to persons or property to be removed summarily and without notice. (Ordinance 99-05-04, art. II, sec. 7, adopted 5/4/99)

**Sec. 4.08.006 Maintenance of signs**

All signs and supports shall be maintained in good condition to prevent deterioration, oxidation, rust, and other unsightly conditions. (Ordinance 99-05-04, art. II, sec. 8, adopted 5/4/99)

**Sec. 4.08.007 Date of erection, permit number and voltage to be displayed**

Every sign erected after the passage of this article shall have displayed in a conspicuous place thereon, in letters not less than one (1) inch in height, the date of erection, the number of the permit issued, and the voltage of any electrical apparatus used in connection therewith. (Ordinance 99-05-04, art. II, sec. 9, adopted 5/4/99)

**Sec. 4.08.008 Obsolete signs**

Any sign now or hereafter existing which no longer advertises a bona fide business conducted, or a product sold, shall be removed by the owner, agent, or person having the beneficial use of the building or structure upon which such sign is located within ten (10) days after written notification to do so by the city. In the event of failure to comply with such notice within the specified time the building inspector is hereby authorized to cause removal of such sign, and any expense incident thereto shall be paid by the owner of the land, building, or structure to which such sign is attached or upon which it is erected. Any sign located in a public right-of-way may be immediately removed by the building inspector without notice to the owner. (Ordinance 99-05-04, art. II, sec. 10, adopted 5/4/99)

**Sec. 4.08.009 Wind pressure and dead load requirements**

All signs shall be designed and constructed to withstand a wind pressure of not less than thirty (30) pounds per square foot of area, and shall be constructed to receive dead loads as required by the building code of the city. (Ordinance 99-05-04, art. II, sec. 11, adopted 5/4/99)

**Sec. 4.08.010 Variances**

(a) Upon proper application thereto the city council shall have the power to grant variances from the provisions of this article if it appears that the provisions would work a manifest injustice. The city council shall consider such factors as the type of sign, location, existence of signs in the general area, and other such factors as they deem pertinent. No variance shall be granted by the city council if the same conflicts with the spirit of this article, which is one of providing public safety, adequate lighting provisions, open space and air, conservation of land, and protection of property values, and encouraging the highest and best use of the land.

(b) In considering the requests for variation to requirements of this article, the city council shall consider, but not be limited to, the degree of variance, the reason for the variance requested, the location of the variance request, the duration of the requested variance, the effect on public safety, protection of neighborhood property, the degree of hardship or injustice involved, and the effect of the variance on the general plan of regulating signs within the city. The decision of the city council shall be final.

(Ordinance 99-05-04, art. II, sec. 12, adopted 5/4/99)

**Secs. 4.08.011–4.08.040 Reserved**

**Division 2. Permit**

**Sec. 4.08.041 Required; exceptions**

(a) No person, firm, or corporation shall erect, replace, alter, remove, or relocate within the city any sign as defined in this article without first obtaining a separate sign permit for each sign and making payment of the required fee. All illuminated signs shall, in addition, be subject to the provisions of the electrical code and the required permit fees. All signs located along a state highway shall be subject to the provisions of state law, and a department of transportation license shall be required.

(b) A permit shall not be required for the following signs, provided such signs otherwise comply with all other applicable sections of this article:

- (1) Signs not exceeding eight (8) square feet in area which advertise the sale, rental, or lease of the premises on which such sign is located; limited to one (1) sign on any one (1) lot or premises.
- (2) Name plates not exceeding one (1) square foot in area.
- (3) Political signs.
- (4) Bulletin boards not exceeding sixteen (16) square feet in area for public, charitable, or religious organizations when they are located on the premises of the institution.
- (5) Temporary construction signs, not exceeding eight (8) square feet in area, denoting the architect, engineer, or contractor, when placed upon the premises under construction.

- (6) Occupational signs, not exceeding two (2) square feet in area, denoting only the name and profession of an occupant in a commercial building or public institutional building.
- (7) Memorial signs or tablets, names of buildings, and date of erection when cut into any masonry surface or when constructed of bronze or other incombustible materials.
- (8) Flags, emblems and insignia of any governmental body, and decorative displays for holidays or public demonstrations which do not contain advertising and are not used as such.
- (9) On-site directional signs not exceeding eight (8) square feet, provided such directional signs do not contain advertising and are not used as such. Placement of such directional signs must conform to visibility standards.
- (10) Traffic or other governmental signs, legal notices, danger and such emergency, temporary or non-advertising signs as may be approved by the mayor or authorized representative.
- (11) The changing of words on a sign that is designed with interchangeable words.
- (12) Normal maintenance to replace worn parts and repainting deteriorated paint without a word change.
- (13) Garage sale signs.

(Ordinance 99-05-04, art. II, sec. 1, adopted 5/4/99; Ordinance adopting Code)

**Sec. 4.08.042 Existing signs**

All signs lawfully in existence on the date of the passage of this article may be repaired without applying for a permit, but no such sign shall be altered or moved unless a permit is applied for and issued pursuant to the provisions of this article. (Ordinance 99-05-04, art. II, sec. 2, adopted 5/4/99)

**Sec. 4.08.043 Application**

Application for a permit required by this article shall be made upon forms obtained at city hall, and shall contain or have attached thereto the following information:

- (1) Name, address, and telephone number of the applicant.
- (2) Name, address, and telephone number of the person or firm erecting the sign.
- (3) Location of the building, structure, or tract to which or upon which the sign is to be attached or erected.
- (4) Two (2) sets of plans showing the sign location in relation to nearby buildings or structures, signs, property lines, driveways, public streets, fences, and sidewalks.

- (5) Two (2) sets of plans and specifications showing construction materials, method of construction, and attachment to the building or ground.
- (6) The zoning classification carried by all property located within three hundred (300) feet of the property subject to the application.
- (7) Written consent of the owner of the building, structure, or land to which or on which the sign is to be erected.
- (8) Copy of stress sheets and calculations showing the structure is designed for dead load and wind pressure from any direction in the amount required by this article and all other laws and ordinances of the city. Plans shall include a registered engineer's seal for roof-mounted or freestanding signs of fifty (50) square feet or larger and ten (10) feet or more in height.
- (9) Such other information as the building official shall require to show full compliance with this article and all other laws and ordinances of the city.
- (10) Any electrical permit required and issued for said sign.

(Ordinance 99-05-04, art. II, sec. 3, adopted 5/4/99)

**Sec. 4.08.044 Issuance; expiration**

- (a) When the applicant has complied with all provisions of this article, and the proposed sign complies with all provisions of this article, and all applicable fees have been paid, the city official shall issue the permit to the applicant.
- (b) If work authorized by the permit has not started within sixty (60) days of the date of issuance, the permit shall become null and void.
- (c) The city official may suspend or revoke any permit issued under the provisions of this article whenever it is determined the permit was issued in error or on the basis of incorrect or false information, or whenever such permit is issued in violation of any of the provisions of this article or any other ordinance of the city or laws of the state or the federal government.

(Ordinance 99-05-04, art. II, sec. 4, adopted 5/4/99)

**Sec. 4.08.045 Fee**

Before being issued a permit, the applicant shall pay a permit fee for processing and any other applicable inspection fees. The fee for such permit shall be as set forth in the fee schedule in appendix A of this code. (Ordinance 99-05-04, art. II, sec. 5, adopted 5/4/99; Ordinance adopting Code)

**Sec. 4.08.046 Inspections**

- (a) Generally. All signs for which a permit is required shall be subject to inspection by the building inspector.

(b) Pre-inspection. The application, plans and specifications, and other data filed by an applicant for a permit shall be reviewed by the building inspector.

(c) Final inspection. The building inspector, upon the call of the permit holder, shall make a final inspection after the work is completed. All requests for final inspection shall be made at least twenty-four (24) hours before the inspection is desired.

(d) Responsibility of contractor. It shall be the responsibility of the contractor to ensure that each necessary inspection is requested from the building inspector and to ensure that subsequent stages of construction are not started until said inspection has been conducted and approved. This also includes all subcontractor types of inspections such as electrical, mechanical, plumbing, etc.

(Ordinance 99-05-04, art. II, sec. 6, adopted 5/4/99)

**Secs. 4.08.047–4.08.070            Reserved**

### **Division 3. Standards and Restrictions**

**Sec. 4.08.071        Prohibited signs**

(a) It shall be unlawful for any person to display upon any sign any obscene, indecent, or immoral matter.

(b) No person shall erect, maintain, or permit the erection of any balloon or other floating device anchored to the ground or to any structure.

(c) It shall be unlawful to erect, relocate, or maintain a sign which prevents free ingress to or egress from any door, window, or fire escape.

(d) It shall be unlawful to attach any sign, paper, or other material or paint, stencil or write any name, number (except house numbers) or otherwise mark on any sidewalk, curb, gutter, street, utility pole, public building, fence or structure except as otherwise allowed by ordinance.

(e) No person shall place on or suspend from any building, pole, structure, sidewalk, parkway, driveway, or parking area any goods, wares, merchandise, or other advertising object or structure for the purpose of advertising such items, other than a sign as defined, regulated, and prescribed in this article, except as otherwise allowed by ordinance.

(f) It shall be unlawful to erect, relocate, or maintain any sign using any combination of forms, words, colors, or lights which imitate standard public traffic regulatory or emergency signs or signals.

(g) No sign shall project above the roofline or be attached to a roof of a building except that a sign may be placed on the first 30" above the roof on a parapet or similar projection which is continuous on two or more sides of the structure.

(h) Signs attached to or upon any vehicle shall be prohibited where any such vehicle is allowed to remain parked in the same location, or in the same vicinity, at frequent or extended periods of time, where the intent is apparent to be one of using the vehicle and signs for the purpose of advertising an establishment, service, or product. Vehicles operating under a city franchise shall be excluded from this provision.

(i) It shall be unlawful to attach any sign to a trailer, skid, or similar mobile structure, where the primary use of such structure is to provide a base for such sign or constitute the sign itself. This provision does not restrict identification signs on vehicles used for any bona fide transportation activity.

(j) No person, firm, corporation, or association of persons shall paste, stick, tack, nail or otherwise place any handbill, placard, or printed, pictured, or written material or for political advertising or other advertising purposes upon any fence, railing, sidewalk, public telephone facility, electric or other utility pole, or any other public property, including trees, or knowingly cause or permit the same to be done for his/her benefit.

(k) No sign shall be illuminated to such an intensity or in such a manner as to cause glare or brightness to a degree that it constitutes a hazard or nuisance. Moving, flashing, intermittently lighted, changing color, beacons, revolving or similarly constructed signs shall not be allowed. Jump clocks showing time, temperature, or other similar information may be allowed.

(l) No cloth, paper, banner, flag, device, or other similar advertising material shall be permitted to be attached to, suspended from, or be allowed to hang from any sign, building or structure, when the same shall create a public menace or danger.

(Ordinance 99-05-04, art. III, sec. 1, adopted 5/4/99)

**Sec. 4.08.072 Portable signs**

(a) Portable signs, as defined in section 4.08.003, are prohibited, except as provided in subsection (b) of this section.

(b) Portable A-frame or sandwich board signs may be located in the Central Business District, as provided below:

- (1) Such signs shall not exceed four (4) feet in height nor eight (8) square feet in area per side, with a maximum of two (2) sides per sign;
- (2) A minimum sidewalk width of three (3) feet shall be maintained free from obstructions;
- (3) Such signs shall not be located closer than one (1) foot from the adjacent street curb;
- (4) Such signs shall be limited to one (1) per occupancy and shall be displayed during business hours; and
- (5) Such signs shall not be illuminated.

(Ordinance 99-05-04, art. III, sec. 2, adopted 5/4/99)

**Sec. 4.08.073 Special purpose signs**

(a) Political signs. Special purpose political signs regarding an issue or candidate in an election may be erected on private property without limit as to number, provided that such signs comply with other applicable requirements of this section, and provided further that the owner or occupant of the property on which sign is displayed:

- (1) Shall not erect or cause to be erected [such sign] until forty-five (45) days prior to any primary, runoff, general, special, or local election;
- (2) Shall remove the signs within seven (7) days after the primary, runoff, general, special, or local election or after the termination of a candidacy, whichever occurs first.

(b) Government flags and insignias. Flags, emblems, and insignias of a governmental entity are allowed.

(c) Temporary construction signs and future location signs. Special purpose temporary construction signs denoting the architect, engineer, contractor, subcontractor, or financier, and temporary signs denoting the future location of a particular business, retail center or institution, are allowed one such construction sign and one such future location sign per construction or future location site. No such sign shall exceed thirty-two (32) square feet in area nor extend higher than twelve (12) feet as measured from ground level; provided that such signs are located on the premises where construction or location being advertised is or will be occurring. Such signs shall be removed upon issuance of a certificate of occupancy.

(d) Subdivision or homebuilder signs. Special purpose freestanding signs for the purpose of identifying the location of [or] direction to subdivisions or major homebuilder sites are allowed. Such signs shall be on-premises and not exceed thirty-two (32) square feet in area, nor extend higher than twelve (12) feet as measured from ground level. A homebuilder with twenty-five (25) lots or more qualifies as a major homebuilder. Permits for such signs may be granted for a maximum period of six-month intervals, with such signs being removed upon ninety (90) percent completion of the project. No such sign shall be located closer than one hundred (100) feet to a residential dwelling not within the subdivision.

(Ordinance 99-05-04, art. III, sec. 3, adopted 5/4/99)

**Sec. 4.08.074 Signs advertising sale or lease of property**

A site may contain on-premises attached or freestanding signs for the purpose of advertising the sale or lease of the real property on which such sign is located, subject to the following provisions:

- (1) Signs advertising the sale or lease of residential property shall not exceed eight (8) square feet in area nor five (5) feet in height. The number of such signs shall be limited to one (1) per lot or complex where the lot or complex abuts one (1) street; one additional sign shall be allowed for each additional street.



- (2) Signs advertising the sale or lease of a business property shall not exceed sixteen (16) square feet in area or eight (8) feet in height.

(Ordinance 99-05-04, art. III, sec. 4, adopted 5/4/99)

**Sec. 4.08.075 Homebuilder or real estate directional signs on public property**

A person may erect and display homebuilder/real estate directional signs on public property, subject to the following provisions:

- (1) Signs may be displayed between the hours of noon Friday and noon of the next following Monday. On weekends when Friday of such weekend is a legal holiday, signs may be displayed between the hours of noon Thursday and noon of the next following Monday. On weekends when the next following Monday is a legal holiday, signs may be displayed between the hours of noon Friday and noon of the next following Tuesday. However, no person may erect signs between the hours of 4:00 and 6:00 p.m.
- (2) Signs shall not exceed five (5) square feet in area, except as provided herein, [and] no sign shall exceed thirty-six (36) inches in height as measured from ground level.
- (3) Signs shall not be placed within any median, nor closer than three (3) feet to the curb or edge of the street pavement. Signs shall be spaced a minimum of fifteen (15) feet from any adjacent real estate directional sign.
- (4) A homebuilder/real estate directional sign shall not advertise any site located outside either the city limits or ETJ.
- (5) Signs shall not be placed so as to obstruct the vision of passing motorists.
- (6) Dented, faded, or unmaintained signs are prohibited.
- (7) Signs shall not be artificially illuminated.
- (8) If a person placing or removing signs stops a vehicle on a street, in other than a legal parking space, they shall use and display emergency flashing or revolving lights, in addition to normal vehicle emergency flashing lights.
- (9) Signs erected or displayed contrary to the provisions of this section may be removed by agents and employees of the city, and either stored or destroyed, without liability to the city or its agents or employees. The owner of any sign confiscated by the city may claim the sign, if it remains in the custody of the city, upon the payment to the city of an administrative fee as set forth in the fee schedule in appendix A of this code. The payment of the administrative fee does not work as a defense of any sort to a prosecution under this section.

(Ordinance 99-05-04, art. III, sec. 5, adopted 5/4/99; Ordinance adopting Code)

**Sec. 4.08.076 Government signs and flags**

Nothing in this article shall be construed to prevent or affect the display of a national or state flag, or to limit flags, insignia, legal notices, directional or traffic signs which are legally required or necessary to the essential functions of government agencies. Nothing in this article shall be construed as affecting or limiting the city from displaying signs upon city rights-of-way and city property. (Ordinance 99-05-04, art. III, sec. 6, adopted 5/4/99)

**Sec. 4.08.077 Signs in business districts**

(a) Illuminated signs. No illuminated sign which has a sign area of one hundred fifty (150) square feet or less shall have a luminance greater than three hundred (300) footcandles, nor shall any such sign have a luminance greater than three (300) footcandles for any portion of the sign within a circle two (2) feet in diameter. The restrictions of luminance in this section shall be determined from any other premises or from any public right-of-way, other than an alley.

(b) Freestanding signs. Freestanding signs are permitted in business zoned districts as follows:

- (1) Number of signs. A site which has more than three hundred (300) feet along a single thoroughfare may erect one freestanding sign. Only one (1) freestanding sign of any type may be erected on any site, except that signs not exceeding sixteen (16) square feet and not exceeding six (6) feet in height are allowed for any activity providing fuel sales which advertises prices of fuel on the premises. No activity shall have more than one such sign per street front.
- (2) Setback; distance from other signs.
  - (A) A freestanding sign may be located as near as twenty (20) feet to the right-of-way, provided that said sign does not exceed thirty (30) feet in height.
  - (B) No part of a freestanding sign shall be closer than fifty (50) feet measured radially to another freestanding sign on an adjacent sign site.
- (3) Size and height.
  - (A) No freestanding sign shall exceed three hundred (300) square feet in sign area or thirty (30) feet in height except as herein provided.
  - (B) Where a freestanding sign is totally within one hundred (100) feet of a highway that has a speed limit of at least fifty-five (55) mph and is oriented to be visible from that highway, then the following exception applies: The height of such signs set back a minimum of forty (40) feet may be a total of thirty-five (35) feet in height.
  - (C) Freestanding signs may incorporate embellishments or cut-outs, provided that they shall not exceed twenty (20) percent of the area of the sign face and that they shall not extend beyond the sign face a distance exceeding eighteen (18) inches as measured horizontally.

- (D) Any freestanding sign located in such a manner as to allow, or is likely to allow, the passage of vehicular traffic beneath shall have a minimum distance of fourteen (14) feet as measured from the bottom of the sign to the ground immediately below.
- (4) Design.
- (A) All signs and their supports shall be built, constructed, and erected in conformance with the requirements of all laws and ordinances.
  - (B) Signs shall comply with the design standards of the building code adopted by the city.
  - (C) Signs in which electrical wiring and connections are used shall comply with the requirements of the building code adopted by the city.
  - (D) All freestanding signs shall be constructed of materials that are noncombustible or slow burning (as in the case of plastic inserts or facings) and shall be supported by noncombustible material only and finished in a presentable manner. Untreated wood or unpainted or non-galvanized steel supports are specifically prohibited.
- (5) Off-premises signs. Off-premises signs, as defined in section 4.08.003, are permitted.
- (c) Attached signs. Attached signs are permitted in business districts in accordance with the following provisions:
- (1) Sign area, location and height.
    - (A) The sign area of an attached sign shall not exceed forty (40) square feet or two times the width of the building or store frontage, whichever is greater, for which such signs are intended.
    - (B) Such signs shall not have a vertical height of more than six (6) feet or exceed seventy-five (75) percent of the width of the building or store frontage.
    - (C) No attached sign shall project a distance greater than eighteen (18) inches from the architectural element to which it is affixed.
    - (D) Vertical clearance below such signs shall not be less than eight (8) feet above any walking surface below and shall not be located over any vehicle traffic areas.
  - (2) Number of signs. Not more than one such sign shall be allowed per occupancy.

(Ordinance 99-05-04, art. III, sec. 7, adopted 5/4/99)

**Sec. 4.08.078 Signs in or near residential districts or near public parks**

The following provisions shall apply to all signs in any residential district, within twenty-five (25) feet of a residential district boundary, or within twenty-five (25) feet of a public park:

- (1) No portion of an illuminated sign shall have a luminance greater than two hundred (200) footcandles.
- (2) No sign or part of any sign shall move, flash, rotate, or change its illumination or copy.
- (3) An occupant in residential zoned districts may erect only special purpose signs and special purpose political signs. Temporary holiday decorations are permitted.
- (4) Freestanding signs are prohibited in residential zoned districts.
- (5) A permit may be issued for the erection of signs on any legally erected structure to be located at the entrance of any single-family residential subdivision. The maximum sign area of such signs shall not exceed forty (40) square feet. The maximum number of signs permitted for each subdivision shall be one (1) sign per street entrance into the platted subdivision area. The sign height, maximum sign area, location on the site, words, setbacks, a graphic presentation of the sign, and number of signs per subdivision shall be prominently indicated on the plans submitted.

(Ordinance 99-05-04, art. III, sec. 8, adopted 5/4/99)

**ARTICLE 4.09 FENCES****Sec. 4.09.001 Penalty**

Any person or corporation violating any of the provisions of this article shall be deemed guilty of a misdemeanor and upon conviction shall be subject to a fine in accordance with the general penalty provided in section 1.01.009 of this code for each offense. Each day a violation of any provision of this article continues shall constitute a separate offense. (Ordinance 2003-0107, sec. 4, adopted 8/5/08; Ordinance adopting Code)

**Sec. 4.09.002 Permit**

- (a) Required. It shall be unlawful for any person to construct, or have constructed, any type of fence, or any part of a fence, without first having secured a permit from the city.
- (b) Fee. A fee as set forth in the fee schedule in appendix A of this code shall be charged for the permit.

(Ordinance 2003-0107, sec. 1, adopted 8/5/08; Ordinance adopting Code)

**Sec. 4.09.003 Standards**

(a) Privacy fencing will not extend between the building line and the property line at the street, unless sloped down to not more than three (3) feet in height the last ten (10) feet adjoining any public street, roadway or alley, with the privacy fence not being over three (3) feet height at the street line.

(b) No barbed wire or similar fencing material will be used or allowed.

(c) Free access to service meters must be provided to meter readers and service technicians without their using gates (locked or unlocked), dealing with pets, or using other unconventional means to do their jobs.

(Ordinance 2003-0107, sec. 2, adopted 8/5/08)

**Sec. 4.09.004 Maintenance**

(a) Any person, group of persons, firm, or corporation owning or having control of any fence within the city shall be responsible to maintain the fence in a safe and presentable condition. This shall include, but not be limited to, replacement of broken or defective boards, posts, wire or other fence parts that may cause the fence to be unsafe or unsightly. Failure to properly maintain such fence in a safe and presentable condition shall be considered a violation of this article.

(b) All fences, including, without limitation, fences existing on the effective date of this article, are subject to inspection and may be tagged as safety hazards or public nuisances if not adequately maintained.

(Ordinance 2003-0107, sec. 3, adopted 8/5/08)

**ARTICLE 4.10 BACKFLOW PREVENTION AND CROSS-CONNECTION CONTROL \***

**Sec. 4.10.001 General provisions**

No water service connection shall be made to any establishment where a potential or actual contamination hazard exists unless the water supply is protected in accordance with the state commission on environmental quality rules and regulations for public water systems (TCEQ rules) and this article. The water purveyor shall discontinue water service if a required backflow prevention assembly is not installed, maintained and tested in accordance with the TCEQ rules and this article. (Ordinance 04232013, sec. 1(1), adopted 5/7/13)

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\* **State law references**—Backflow prevention, V.T.C.A., Occupations Code, sec. 1301.501; licensing and registration of persons who perform duties relating to public water supplies, V.T.C.A., Health and Safety Code sec. 341.034 and V.T.C.A., Water Code ch. 37; endorsement of water supply protection specialists, V.T.C.A., Occupations Code sec. 1301.357.

**Sec. 4.10.002 Backflow prevention assembly installation, testing and maintenance**

(a) All backflow prevention assemblies shall be tested upon installation by a recognized backflow prevention assembly tester and certified to be operating within specifications. Backflow prevention assemblies which are installed to provide protection against health hazards must also be tested and certified to be operating within specifications at least annually by a recognized backflow prevention assembly tester.

(b) All backflow prevention assemblies shall be installed and tested in accordance with the manufacturer's instructions, the American Water Works Association's Recommended Practice for Backflow Prevention and Cross-Connection Control (Manual M14) or the University of Southern California Manual of Cross-Connection Control.

(c) Assemblies shall be repaired, overhauled, or replaced at the expense of the customer whenever said assemblies are found to be defective. Original forms of such test, repairs, and overhaul shall be kept and submitted to the city within five (5) working days of the test, repair or overhaul of each backflow prevention assembly.

(d) No backflow prevention assembly or device shall be removed from use, relocated, or other assembly or device substituted without the approval of the city. Whenever the existing assembly or device is moved from the present location or cannot be repaired, the backflow assembly or device shall be replaced with a backflow prevention assembly or device that complies with this section. The American Water Works Association's Recommended Practice for Backflow Prevention and Cross-Connection Control (Manual M14), current edition, the University of Southern California Manual of Cross-Connection Control, current edition, or the current plumbing code of the city, whichever is more stringent [shall be applicable].

(e) Test gauges used for backflow prevention assembly testing shall be calibrated at least annually in accordance with the American Water Works Association's Recommended Practice for Backflow Prevention and Cross-Connection Control (M14), current edition, or the University of Southern California's Manual of Cross-Connection Control, current edition. The original calibration form must be submitted to the city within five (5) working days after calibration.

(f) A recognized backflow prevention assembly tester must hold a current endorsement from the state commission on environmental quality (commission).

(Ordinance 04232013, sec. 1(2), adopted 5/7/13)

**Sec. 4.10.003 Customer service inspections**

(a) A customer service inspection shall be completed prior to providing continuous water service to all new construction, on any existing service when the water purveyor has reason to believe that cross-connections or other contaminants hazards exist, or after any material improvements, correction, or addition to the private water distribution facilities.

(b) Only individuals with the following credentials shall be recognized as capable of conducting a customer service inspection:

- (1) Plumbing inspectors and water supply protection specialists that have been licensed by the state board of plumbing examiners.

- (2) Certified waterworks operators and members of other water-related professional groups who have completed a training course, passed an examination administered by the commission or its designated agent, and hold a current endorsement issued by the commission.
- (c) The customer service inspection must certify that:
- (1) No direct connection between the public drinking water supply and a potential source of contamination is permitted. Potential sources of contamination shall be isolated from the public water system by a properly installed air gap or an appropriate backflow prevention assembly.
  - (2) No cross-connection between the public water supply and a private water source exists. Where an actual properly installed air gap is not maintained between the public water supply and a private water supply, an approved reduced pressure-zone backflow prevention assembly is properly installed and a service agreement exists for annual inspection and testing by a recognized backflow prevention assembly tester.
  - (3) No connection exists which allows water to be returned to the public drinking water supply is permitted [sic].
  - (4) No pipe or pipe fitting which contains more than 8% lead may be used for the installation or repair of plumbing at any connection that provides water for human use.
  - (5) No solder or flux which contains more than 0.2% lead can be used for the installation or repair of plumbing at any connection that provided water for human use. A minimum of one lead test shall be performed for each inspection.

(Ordinance 04232013, sec. 1(3), adopted 5/7/13)

**Sec. 4.10.004 Penalty; disconnection of service**

Any person who violates any of the provisions of this article shall be guilty of a misdemeanor and upon conviction in the court of jurisdiction shall be assessed a fine in accordance with the general penalty provided in section 1.01.009 of this code. If a person is convicted of 2 or more distinct violation of this article, the city shall, upon due notice to the customer, be authorized to discontinue water service to the premises where such violations occur. Services disconnected under such circumstances shall be restored only upon payment of a reconnection charge as set forth in the fee schedule in appendix A of this code, and any other cost incurred by the city in discontinuing service. (Ordinance 04232013, sec. 4, adopted 5/7/13; Ordinance adopting Code)

**ARTICLE 4.11 SWIMMING POOLS**

**Sec. 4.11.001 Definitions**

Barrier means a fence, wall, building wall or combination thereof that completely surrounds the swimming pool and obstructs access to the swimming pool.

Grade means the underlying surface, such as earth or a walking surface.

Residential swimming pool means a pool that is located on private property under control of the property owner or lessee, the use of which is limited to swimming, diving and/or recreational bathing by the members of the owner's or lessee's family and/or their invited guests.

Spa means a hydro-massage pool or tub for recreational or therapeutic use, not located in a health care facility, designed for immersion of users and usually having a filter, heater and motor-driven blower. The spa is intended for recreational bathing and contains water over twenty-four (24) inches deep.

Swimming pool means any structure intended for swimming or recreational bathing that contains water over twenty-four (24) inches deep. This includes in-ground, above-ground, and on-ground swimming pools, and fixed-in-place wading pools if the pool requires any inspection for electrical, plumbing, gas, or structural requirements as described in this article. This article particularly excludes from inspection temporary wading pools and on-ground or above-ground swimming pools that do not require electrical, gas, or plumbing inspection permits. It does not exclude the fence requirement.

(Ordinance 2001-0071006, sec. 1, adopted 6/5/01; Ordinance 070307, sec. 1, adopted 7/3/07)

#### **Sec. 4.11.002      Penalty**

Any person who violates any of the provisions of this article shall be guilty of a misdemeanor and upon conviction in the court of jurisdiction shall be assessed a fine not to exceed the maximum as prescribed by law, and each and every day that the same shall continue shall constitute a separate and distinct offense. (Ordinance 2001-0071006, sec. 17, adopted 6/5/01; Ordinance 070307, sec. 17, adopted 7/3/07)

#### **Sec. 4.11.003      Appeals**

In order to determine the suitability of alternate materials and methods of construction and to provide for reasonable interpretations of this article, the building standards commission is hereby authorized to hear all appeals from decisions of the building official as may be made under the provisions of this article. The building standards commission shall render all decisions and findings, in writing, to the building official with a duplicate copy to the applicant. (Ordinance 2001-0071006, sec. 16, adopted 6/5/01; Ordinance 070307, sec. 16, adopted 7/3/07)

#### **Sec. 4.11.004      Permit for residential or private swimming pool**

- (a) Application. Application for a permit shall be made at the building inspection department.
- (b) Submission of plans and specifications. No person shall begin construction of a private swimming pool or shall substantially alter or reconstruct any private swimming pool without first having submitted plans and specifications to the building inspection department for review and approval. All plans and specifications shall be submitted with two copies as required. No permit to construct, alter, or renovate shall be issued until approval is granted by the building inspection department. All drawings submitted shall be neatly and plainly executed and must be legible.
- (c) Supporting data. The application for a permit to construct or remodel a private swimming pool shall include normal plans and specifications together with supporting data on plans as may be required for the proper review of plans.



(d) Conformance with plans. The swimming pool and facilities shall be built in accordance with the plans as approved unless the building inspection department has given approval of changes.

(e) Fees. Any person desiring a permit required by this article shall refer to the fee schedule adopted by the city council and maintained by the building inspection department.

(Ordinance 2001-0071006, sec. 2, adopted 6/5/01; Ordinance 070307, sec. 2, adopted 7/3/07)

**Sec. 4.11.005 Inspections**

(a) The building inspection department is authorized to conduct such inspections as it deems necessary to insure compliance with all provisions of this article and shall have right of entry, at any reasonable hour, to the swimming pool for this purpose.

(b) Required inspections:

- (1) Reinforcing steel and ground inspection.
- (2) Backwash to sanitary sewer through deep seal “P” trap inspection.
- (3) Gas line to pool heater inspection.
- (4) Deck-steel and ground inspection.
- (5) Pre-plaster inspection and permanent fence inspection.
- (6) Pool final inspections.

(Ordinance 2001-0071006, sec. 3, adopted 6/5/01; Ordinance 070307, sec. 3, adopted 7/3/07)

**Sec. 4.11.006 General design standards**

(a) Structural design.

- (1) In-ground swimming pools shall be designed for the hydrostatic and soil forces external to the pool.
- (2) The depth of the swimming pool shall maintain a ratio of one (1) unit vertical in five (5) feet. Exception: The building official may approve alternate designs prepared and sealed by a professional engineer.
- (3) Sand or earth bottoms shall not be permitted as a finish for interior surfaces in a swimming pool.
- (4) The pool shell and piping shall be so designed and constructed as to be winterized and protected from damage from freezing. Pool piping placed below ground shall have a minimum of six (6) inches of ground cover.

- (5) Pool shell reinforcing steel shall be a minimum of #3 bars on twelve (12) inch centers with a minimum of twelve (12) inch overlap.
- (b) Dimensional design.
- (1) No limits are specified for the shape of swimming pools except that consideration shall be given to shape from the standpoint of safety and the recirculation of the swimming pool water.
  - (2) Water depths at the shallow end of the swimming area shall be three (3) feet minimum and four (4) feet maximum, except for special purpose pools. More shallow depths may be used in the non-swimming area.
  - (3) Walls in the shallow portion of the pool area shall be vertical from the water line for a minimum of twenty-seven inches (27"), from which point a tangent radius or vertical section can be used to join the wall section to the floor.
  - (4) The slope of the floor from the shallow end wall towards the deep end [shall] not exceed one (1) foot in seven (7) feet to the point of the first slope change.
  - (5) The point of the first slope change shall be defined as the point at which the floor slope exceeds one (1) foot in seven (7) feet, and is at least six (6) feet from the shallow end wall.
  - (6) The slope of the floor from the point of first slope change to a water depth of five (5) feet six (6) inches shall not exceed one (1) foot on the shallow side of the point of the first slope change.
  - (7) In water depths over five (5) feet six (6) inches the slope of the floor shall not exceed one (1) foot in one (1) foot.
  - (8) If the point of the first slope change from the shallow end to the deep end occurs in water depths less than four (4) feet six (6) inches, a permanently attached safety line, supported by buoys, shall be affixed to the side walls at a point at least one (1) foot on the shallow side of the point of the first slope change.
  - (9) All slopes shall be uniform.
  - (10) Pools on which diving equipment is prohibited shall not be limited in width, length, or depth of water, except as provided in section 4.11.005(b) [4.11.006(b)].
  - (11) Pools on which diving equipment is installed shall comply with section 4.11.013 of this code.

(Ordinance 2001-0071006, sec. 4, adopted 6/5/01; Ordinance 070307, sec. 4, adopted 7/3/07)

**Sec. 4.11.007 Inlets and outlets**

- (a) Anti-vortex covers. Suction outlets other than skimmers for new pools and spas shall be provided with anti-vortex covers or grates that have been tested by a nationally recognized testing laboratory and comply with ASME/ANSI A112.19.8 MR 96. The installation of the anti-vortex covers or grates shall be according to manufacturer's specifications.
- (b) Outlet at deepest point. All pools, except liner pools, shall be provided with an outlet at the deepest point for recirculating [recirculating] and emptying the pool.
- (c) Multiple outlets. In pools with deep water at or near one (1) end, multiple outlets shall be provided where the width of the pool is more than thirty (30) feet. In such cases, outlets shall be spaced not more than thirty (30) feet apart, nor more than fifteen (15) feet from side walls.
- (d) Drains from pool to sewer. No direct connections to a sewer shall be permitted, and all drains from the pool to sewers shall be broken at a point where any sewage, which may break up [back up] from the sewer, will overflow to waste instead of reaching the pool.
- (e) Inlets. Adjustable and/or directional inlets for recirculating water shall be located to produce uniform circulation of water. Where water from the public system is added to the pool, admitting water to the pool by means of an air gap connection or vacuum breaker shall eliminate cross-connections between the public water system and the swimming pool water.

(Ordinance 2001-0071006, sec. 5, adopted 6/5/01; Ordinance 070307, sec. 5, adopted 7/3/07)

**Sec. 4.11.008 Skimmers**

Skimmers shall be installed on private swimming pools. At least one skimming device shall be provided for each seven hundred fifty (750) square feet of surface area or fraction thereof. Where two or more skimmers are required, they shall be so located as to minimize interference with each other and to insure proper skimming of the pool surface. Skimming devices shall be built into the pool wall, shall develop sufficient velocity on the pool surface to induce floating oils and waste into the skimmer from the pool area, and shall meet the following general specifications:

- (1) The piping and other pertinent components of skimmers shall be designed [with a] total capacity of at least eighty (80) percent of the required filter flow of the recirculation system and shall have a flow-through rate of not less than twenty-seven (27) gallons per minute, three and seventy-five one-hundredths (3-75/100) gallons per minute per lineal inch of weir.
- (2) An easily removable and cleanable basket or screen through which all overflow water must pass shall be provided to trap large solids.
- (3) The skimmer shall be of sturdy, corrosion-resistant materials.

(Ordinance 2001-0071006, sec. 6, adopted 6/5/01; Ordinance 070307, sec. 6, adopted 7/3/07)

**Sec. 4.11.009 Drainage and waste water disposal**

(a) Drainage to sewer system. There shall be no direct physical connection between the sewer system and any drain from the swimming pool or recirculation system. Any pool or gutter drain or overflow from the recirculation system, when discharged to the sewer system, shall connect a suitable air gap so as to preclude possibility of backup of sewage or wastewater into the swimming pool piping system.

(b) Deck drains. If used, deck drains shall not connect to the sanitary sewer. The drains shall be designed to carry water to streets or alleys and shall not cause water to flow onto adjacent property.

(Ordinance 2001-0071006, sec. 7, adopted 6/5/01; Ordinance 070307, sec. 7, adopted 7/3/07; Ordinance adopting Code)

**Sec. 4.11.010 Recirculation system; heaters**

(a) Recirculation system required. A recirculation system, consisting of pumps, piping, filters, and other accessory equipment, shall be provided which will clarify the pool volume of water with a turnover rate not exceeding twelve (12) hours.

(b) Recirculation system piping. All piping shall be designed to reduce friction losses to a minimum and to carry the required quantity of water at a maximum velocity not to exceed ten (10) feet per second. Piping shall be of nontoxic material, resistant to corrosion, and able to withstand operating pressures.

(c) Strainers. The recirculation system shall include a strainer to prevent hair, lint, etc., from reaching the pump and filters. Strainers shall be corrosion-resistant with openings not more than three-sixteenths (3/16) of an inch in size, providing a free flow area at least four times the area of pump suction line, and shall be readily accessible for frequent cleaning.

(d) Vacuum cleaning. If vacuum cleaning is provided, it shall be an integral part of the recirculation system with sufficient connections located in the walls of the pool or surface skimmer.

(e) Pumps and motors. Pumps and motors shall be of adequate capacity to provide the required number of turnovers of pool water as specified in subsection (a) of this section, and whenever possible shall be so located as to eliminate the need for priming. If the pump or suction piping is located above the overflow level of the pool, the pump shall be self-priming. The pump or pumps shall be capable of providing flow adequate for the backwashing of filters.

(f) Heaters. Gas-fired swimming pool heaters and swimming pool boilers must comply with all applicable American Standard approval requirements, including AGA. Oil-burning equipment must be approved by UL or other nationally recognized testing agency. All such equipment shall carry the corresponding seal of approval by the appropriate agencies.

(Ordinance 2001-0071006, sec. 8, adopted 6/5/01; Ordinance 070307, sec. 8, adopted 7/3/07)

**Sec. 4.11.011 Sand type filters; cartridge filters**

The following requirements are equally applicable to either gravity or pressure filters:

- (1) Filter rate. Pressure sand filters shall be designed for a maximum filter rate of five (5) gallons per minute per square foot of bed area at time of maximum head loss with sufficient area to meet the design rate of flow required by the prescribed turnover.
- (2) Under-drain. The under-drain system shall be of corrosion-resistant and enduring material, so designed and of such material that the orifices or other openings will maintain approximately constant area. It shall be designed to provide even collection or distribution of the flow during filtration and backwashing.
- (3) Required equipment. The filter system shall be provided with influent and effluent pressure gauges, backwash sight glass on the waste discharge line, and air relief valves at or near the high point of the filter.
- (4) Valves and piping. The filter system shall be designed with necessary valves and piping to permit:
  - (A) Filtering of the pool.
  - (B) Individual backwashing of filters to waste at a rate of not less than nine (9) gallons per minute per square foot of filter area.
  - (C) Complete drainage of all parts of the system.
  - (D) The overall layout shall permit necessary maintenance, operation and inspection in a convenient manner.
- (5) Access opening. Each filter in excess of 7.07 square feet of sand surface area shall be provided with an access opening of not less than a standard eleven-inch by fifteen-inch manhole and cover.
- (6) Materials; shut-off head. The tank and its integral parts shall be constructed of substantial material capable of withstanding continuous anticipated usage and shall be designed for a pressure safety factor of four (4) based on the maximum shut-off head of the pump. This shut-off head for design purposes shall in no case be considered less than fifty (50) pounds per square inch.
- (7) Use of cartridge filters. Cartridge filters may be used instead of sand filters. The cartridge filter is not required to backwash to the sanitary sewer. All cartridge filters shall be installed per their listing and manufacturer's installation instructions.

(Ordinance 2001-0071006, sec. 9, adopted 6/5/01; Ordinance 070307, sec. 9, adopted 7/3/07)

**Sec. 4.11.012 Ladders, recessed treads and stairs**

- (a) Recessed steps or ladders may be provided at the deep portion of the pool. Walk-in or recessed steps with grab rails or ladders may be provided in the pool and shall be of non-slip design and of corrosion-resistant materials. A minimum of one (1) ladder or recessed steps with

grab rail or walk-in steps (stairway) shall be provided except where the diving area has a width in excess of thirty (30) feet at any point, and then there shall be a minimum of two (2) or a combination of the above. Handrails are recommended for walk-in steps.

(b) Supports, platforms, and steps for diving boards shall be of substantial construction and of sufficient structural strength to safely carry the maximum anticipated loads. Steps shall be of corrosion-resistant material, easily cleanable, and of non-slip design.

(Ordinance 2001-0071006, sec. 10, adopted 6/5/01; Ordinance 070307, sec. 10, adopted 7/3/07)

#### **Sec. 4.11.013 Diving boards, jump boards and diving areas**

(a) All diving boards, jump boards and diving areas shall comply with the requirements as set forth in the latest edition of ANSI/NSPI-5, the American National Standards for Residential In-Ground Swimming Pools (articles 5.9, 5.10, and 5.11).

(b) At least ten (10) feet of free and unobstructed headroom must be provided above diving boards.

(Ordinance 2001-0071006, sec. 11, adopted 6/5/01; Ordinance 070307, sec. 11, adopted 7/3/07)

#### **Sec. 4.11.014 National Sanitation Foundation seal of approval**

With the approval and support of the National Swimming Pool Institute, and with the acceptance by the Joint Committee on Swimming Pools of the American Public Health Association, and in cooperation with the United States Public Health Service, the National Sanitation Foundation has prepared standards relating to various items of swimming pool equipment. Under section 1.03 of the NSF standards, there is a clause entitled "Review and Revision" which allows a "seal of approval" to be issued with variations to these NSF standards, except for chemicals or chemical treatment based on performance. Therefore, these variations shall be acceptable under this article, and such items bearing an NSF "seal of approval" and properly listed shall be duly approved in view of this acceptable procedure, and other standards equal or equivalent to such NSF standards will be acceptable. (Ordinance 2001-0071006, sec. 12, adopted 6/5/01; Ordinance 070307, sec. 12, adopted 7/3/07)

#### **Sec. 4.11.015 Enclosure**

Swimming pools shall be enclosed with a barrier that complies with the latest edition of the building code as adopted by the building inspections department which includes, but is not limited to, a fence with a minimum height of 48" high. There shall be no opening over 4" wide at any point throughout the fence. The house may be used as one side to be considered fenced as long as all extended areas from the house are enclosed (i.e., the back yard is the usual place of a swimming pool - the fence will then be on three sides of the house with the house being one side). All gates allowing entrance and exit to the swimming pool must be self-closing and self-latching. (Ordinance 2001-0071006, sec. 13, adopted 6/5/01; Ordinance 070307, sec. 13, adopted 7/3/07)

**State law references**—Swimming pool enclosures, V.T.C.A., Local Government Code, sec. 214.101 et seq.; pool yard enclosure for multiunit rental complex, property owners' association, etc., V.T.C.A., Health and Safety Code, ch. 757.

**Sec. 4.11.016 Location on property**

- (a) The pool shall be a minimum of ten (10) feet from the property line.
- (b) The pool and pool equipment shall not be located over any easements without prior approval from the utility company responsible for said easement.

(Ordinance 2001-0071006, sec. 14, adopted 6/5/01; Ordinance 070307, sec. 14, adopted 7/3/07)

**Sec. 4.11.017 Lighting, electrical and plumbing requirements**

- (a) Lighting and electrical requirements shall comply with the National Electrical Code as currently adopted by the city council.
- (b) Plumbing shall comply with the International Plumbing Code as currently adopted by the city council.

(Ordinance 2001-0071006, sec. 15, adopted 6/5/01; Ordinance 070307, sec. 15, adopted 7/3/07)





# CHAPTER 5

## BUSINESS REGULATIONS

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**ARTICLE 5.01 GENERAL PROVISIONS**

**(Reserved)**

**ARTICLE 5.02 ALCOHOLIC BEVERAGES\***

**Sec. 5.02.001 Definitions**

All terms used herein shall have the meaning assigned to them by the Texas Alcoholic Beverage Code, as amended. (Ordinance 2011-06-02, sec. II, adopted 6/7/11)

**Sec. 5.02.002 Penalty; injunctive relief**

(a) Any person who violates or fails to comply with this article, and any person who is the alcoholic beverage permit or license holder or who otherwise operates any alcoholic beverage establishment that does not comply with the requirements of this article, and/or any responsible officer of that alcoholic beverage permit or license holder, shall be guilty of a misdemeanor, and upon conviction shall be fined in accordance with the general penalty provided in section 1.01.009 of this code. Each day any violation or noncompliance continues constitutes a separate offense.

(b) A violation of any term or provision of this article may be enjoined by civil injunctive relief. The city may, at its sole discretion, seek injunctive and other equitable relief to restrain any violation of this article and may, in addition, pursue any lawful remedies to correct, abate, or punish any violation hereof.

(c) The penalties and remedies provided for in this article are not exclusive of each other or of any other remedy at law or in equity, and all such remedies are declared to be cumulative.

(Ordinance 2011-06-02, sec. VII, adopted 6/7/11; Ordinance adopting Code)

**Sec. 5.02.003 State permit or license required; local fee**

(a) State permit or license required. It shall be unlawful for any person to sell alcoholic beverages within the city unless such person has obtained a permit or license from the state alcoholic beverage commission.

(b) Fee established. Unless state law exempts a permittee or licensee from payment of a fee established by this section, a permittee or licensee must pay the city an annual permit or license fee as set forth in the fee schedule in appendix A of this code for each permit or license authorizing the sale of alcoholic beverages. The fee shall be paid to the city at the time of initial issuance of a state permit or license and when such permit or license is renewed with the state thereafter.

(c) Payment of fee. A permittee or licensee shall pay the fees established under subsection (b) to the city no later than the 30th day after the date the permittee's or licensee's payment of a state permit or license fee is due.

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\* **State law reference**—Local regulation of alcoholic beverages, V.T.C.A., Alcoholic Beverage Code, sec. 109.31 et seq.

(d) Penalty for failure to pay fee. A permittee or licensee who sells an alcoholic beverage at a business location before the permittee or licensee pays the fees established by this section, either at the time of initial issuance of a state permit or license or when such permit or license is renewed with the state, commits a class C misdemeanor punishable by a fine in accordance with the general penalty provided in section 1.01.009 of this code.

(e) Receipt. The city secretary shall issue and deliver a receipt under this section to the permittee or licensee authorizing the sale of alcoholic beverages under this article and a state permit or license, if the permittee or licensee:

- (1) Pays the fees established by subsection (b); and
- (2) Provides the permit or license issued by the state.

(f) Records. The city secretary shall keep a copy of all receipts issued and the state permits or licenses provided in subsection (e) in the city secretary's office.

(Ordinance 2011-06-02, sec. IV, adopted 6/7/11; Ordinance adopting Code)

**State law references**—Local fee authorized on alcoholic beverage permits, V.T.C.A., Alcoholic Beverage Code, sec. 11.38; local fee authorized on alcoholic beverage licenses, V.T.C.A., Alcoholic Beverage Code, sec. 61.36.

**Sec. 5.02.004 Hours of operation**

It is unlawful for any person to sell or deliver any alcoholic beverages in the city except within those hours as prescribed by state law. (Ordinance 2011-06-02, sec. V, adopted 6/7/11)

**State law reference**—Hours of sale and consumption, V.T.C.A., Alcoholic Beverage Code, ch. 105.

**Sec. 5.02.005 Sale of beer and wine prohibited in residential areas**

It shall be unlawful for any person or dealer to sell beer and wine in residential areas or within residential zoning districts in the city. (Ordinance 2011-06-02, sec. III, adopted 6/7/11)

**State law reference**—Authority to prohibit sale in residential areas, V.T.C.A., Alcoholic Beverage Code, secs. 109.31, 109.32.

**Sec. 5.02.006 Sale near church, school, hospital, day-care center or child-care facility**

(a) It shall be unlawful for any person who is engaged in the business of selling alcoholic beverages to sell alcoholic beverages where the place of business is within 300 feet of any church, public or private school, or public hospital.

(b) The sale of alcoholic beverages is prohibited by a person whose place of business is within 1,000 feet of a public or private school if the city council receives a request from the board of trustees of a school district or the governing body of the private school requesting that the distance requirement between a dealer's business and a public or private school be 1000 feet instead of 300 feet as established in subsection (a).

(c) The measurement of the distance between the place of business where alcoholic beverages are sold and the church or public hospital shall be along the property lines of the street fronts and from front door to front door, and in a direct line across intersections. The measurement of the distance between the place of business where alcoholic beverages are sold and the public or private school shall be:

- (1) In a direct line from the property line of the public or private school to the property line of the place of business, and in a direct line across intersections; or
- (2) If the permit or license holder is located on or above the fifth story of a multi-story building, in a direct line from the property line of the public or private school to the property line of the place of business, in a direct line across intersections, and vertically up the building at the property line to the base of the floor on which the permit or license holder is located.

(d) The provisions of this section relating to a public school shall also apply to a day-care center and a child-care facility as those terms are defined by section 42.002, Human Resources Code, for a permit or license holder under chapter 25, 28, 32, 69, or 74 [of the Alcoholic Beverage Code] who does not hold a food or beverage certificate. This subsection does not apply to a permit or license holder who sells alcoholic beverages if:

- (1) The permit or license holder and the day-care center or child-care facility are located on different stories of a multi-story building; or
- (2) The permit or license holder and the day-care center or child-care facility are located in separate buildings and either the permit or license holder or the day-care center or child-care facility is located on the second story or higher of a multi-story building.

(e) The city council may allow variances to the distance regulations established above if the city council determines that enforcement of the regulation in a particular instance is not in the best interest of the public, constitutes waste or inefficient use of land or other resources, creates an undue hardship on an applicant for a license or permit, does not serve its intended purpose, is not effective or necessary, or for any other reason that the city council, after consideration of the health, safety, and welfare of the public and the equities of the situation, determines is in the best interest of the community.

(f) No variance may be granted under subsection (e) except after a public hearing for which notice has been given as provided in this subsection. Notice of a request for a variance shall be given to owners of property within three hundred (300) feet of the business. The notice shall be sent via regular United States mail, not less than ten (10) days before the date set for the hearing, to all such owners who have rendered their property for city taxes as the ownership appears on the last approved city tax roll.

(Ordinance 2011-06-02, sec. VI, adopted 6/7/11)

**State law references**—Sale near church, school or hospital, V.T.C.A., Alcoholic Beverage Code, sec. 109.33; sale near day-care center or child-care facility, V.T.C.A., Alcoholic Beverage Code, sec. 109.331.

**ARTICLE 5.03 GARAGE SALES****Sec. 5.03.001 Definitions**

Garage sale means a sale or an offer for sale of miscellaneous items to the general public, upon residential property not otherwise being used for commercial purposes. The term “garage sale” shall also include an estate sale, farm sale, patio sale, porch sale, driveway sale, yard sale and any other form of sale or auction held upon residential property within the city's corporate limits.

Occupant means either the owner-occupant of the premises whereon such sale is to be conducted or the tenant of the owner provided such tenant is actually residing upon said premises, and dependent members of the immediate family of the owner-occupant or tenant.

Personal property means property that is owned, utilized, and maintained by an individual or members of his or her residence and acquired in the normal course of living in or maintaining a residence. This specifically excludes merchandise that was purchased or acquired for resale or attained on consignment.

(Ordinance 2018-1002-001, sec. 2, adopted 10/2/18)

**Sec. 5.03.002 Permit required; application; fee**

(a) Required. No later than forty-eight hours (2 days) prior to holding any garage sale, the occupant of the residence where such sale is to occur shall obtain a permit from the city to hold a garage sale.

(b) Application. The application for the permit shall set forth the following information:

- (1) The full name and address of each applicant.
- (2) The address/location at which the proposed garage sale is to be held.
- (3) The date(s) upon which the garage sale shall be held.

(c) Fee. City hall shall charge and collect, before the issuance of any garage sale permit, a fee established by the city council, which fee is listed on the fee schedule in appendix A of this code.

(Ordinance 2018-1002-001, sec. 3, adopted 10/2/18)

**Sec. 5.03.003 Restrictions on conduct of sale**

(a) Number and frequency of sales. No more than five (5) garage sale permits shall be issued to any one address/location and/or residence during any one (1) calendar year; provided further that at least three (3) consecutive days must lapse between garage sales conducted at the same address/location. The issuance of a garage sale permit to an individual family member shall be deemed the issuance of a garage sale permit to all members of the permittee's immediate family residing with the permittee at the time the application for the garage sale permit is made.

(b) Property acquired for purpose of resale. No property acquired for the purpose of resale may be sold at a garage sale.

(c) Availability of permit. A copy of the garage sale permit shall be displayed in a conspicuous place, or available for inspection, during the entire time and on the premises where the garage sale is being held.

(d) Duration of sale. No garage sale shall last in excess of all or part of one hundred twenty (120) consecutive hours or 5 days.

(e) Display of property offered for sale. All personal property offered for sale may be displayed in any portion of the yard of the residence, as well as in the residence, in the garage or carport, or on the driveway. However, no property shall be displayed or sold on or within fifteen (15) feet of any public road, street, highway or sidewalk.

(f) Signs. It shall be the seller's responsibility to remove any signs pertaining to his/her garage sale from any city or state right-of-way within twenty-four (24) hours of the end of the garage sale. Attaching or otherwise placing signs or advertisements to utility poles at any time and for any purpose is expressly prohibited. No signs shall be displayed more than 72 hours in advance of the garage sale.

(Ordinance 2018-1002-001, sec. 4, adopted 10/2/18)

**Sec. 5.03.004      Penalty; denial or revocation of permit**

(a) The city may revoke any garage sale permit or refuse any application for the issuance of a garage sale permit if the application submitted by the applicant or permit holder contains any false, fraudulent or misleading information.

(b) If any person, firm or corporation is convicted of an offense under this article, that person shall not participate in, benefit from, or be issued a permit for any garage sale until the expiration of twelve (12) consecutive months from the date of the conviction.

(c) Any person, firm or corporation who violates any provision of this article shall be deemed guilty of a misdemeanor and upon conviction thereof shall be punished by a fine in accordance with the general penalty provided in section 1.01.009 of this code. A separate offense shall be deemed committed each day or portion of a day during or on which the violation continues or otherwise occurs.

(Ordinance 2018-1002-001, sec. 5, adopted 10/2/18; Ordinance adopting Code)

**ARTICLE 5.04 PEDDLERS, SOLICITORS AND ITINERANT MERCHANTS\*****Division 1. Generally****Sec. 5.04.001 Definitions**

The words, terms, and phrases as used in this article are defined as follows:

City. Any reference to “city” herein shall refer to the City of Blue Ridge, Collin County, Texas.

Peddler and solicitor. Includes, but shall not be limited to any person, firm, or corporation, who goes from place to place in the city soliciting orders for, selling, or offering to sell or take orders for, any goods, wares, merchandise, services, photographs, magazines, or subscriptions to magazines, or food products except as exempted in this article.

Itinerant merchant and itinerant vendor. Any person, firm or corporation who sells or offers to sell or conducts sales by any of the methods described in the definition of “peddler and solicitor” at any location within the limits of the city and within a building consisting of four walls and a roof or any other structure, tent, or vehicle, or upon any open tract of land for a period of less than 30 days.

Interstate commerce. The sale of goods that are brought directly from another state to be delivered to the ultimate consumer. Goods that are warehoused or otherwise stored within this state are not considered to be within interstate commerce.

(Ordinance 4-7-87, sec. I, adopted 4/4/87)

**Sec. 5.04.002 Exemptions**

The provisions of this article shall not apply to the sale of commodities as authorized by law or to ordinary commercial travelers who sell or exhibit for sale goods or merchandise to parties engaged in the business of buying and selling and dealing in such goods or merchandise. (Ordinance 4-7-87, sec. III, adopted 4/4/87)

**Sec. 5.04.003 Miscellaneous provisions**

- (a) Peddlers and solicitors may only conduct business between the hours of 8:00 a.m. and 8:00 p.m.
- (b) No persons shall solicit funds for a charitable purpose other than that which is set out in the statement on which the permit was issued.

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\* **State law references**—Authority of municipality to license, tax, suppress, prevent, or otherwise regulate peddlers, hawkers and pawnbrokers, V.T.C.A., Local Government Code, sec. 215.031; cancellation of certain consumer transactions, V.T.C.A., Business and Commerce Code, ch. 39; persons regarded as retailers under sales tax law, V.T.C.A., Tax Code, sec. 151.024; solicitation of business by pedestrian, V.T.C.A., Transportation Code, sec. 552.007; use of child for sales and solicitations, V.T.C.A., Labor Code, sec. 51.0145.



(c) It shall be unlawful for an individual to sell goods, solicit funds, or distribute handbills while displaying an identification card issued by the city in the name of another individual, organization, or entity.

(d) It shall be unlawful for any person, directly or through an agent or employee, to sell goods, solicit funds, or distribute handbills within the corporate limits of the city without a license issued by the city under this article.

(e) It shall be unlawful for any individual, directly or through an agent or employee, to sell goods, solicit funds, or distribute handbills within the corporate limits of the city after the expiration of the license issued by the city under this article.

(Ordinance 4-7-87, sec. VII, adopted 4/4/87)

**Sec. 5.04.004 Penalty**

Any peddler, solicitor, or itinerant merchant as defined herein who violates any of the provisions of this article shall be guilty of a misdemeanor, and upon conviction in a court of jurisdiction, shall be assessed a fine in accordance with the general penalty provided in section 1.01.009 of this code, and each and every day that the same shall continue shall constitute a separate and distinct offense. (Ordinance 4-7-87, sec. XIII, adopted 4/4/87; Ordinance adopting Code)

**Secs. 5.04.005–5.04.030 Reserved**

**Division 2. License**

**Sec. 5.04.031 Application required, contents, fee, and oath**

(a) Every person desiring a license under this article shall make a written application therefor to the city secretary. The application shall state:

- (1) Name and business address of the applicant; location where sales will be conducted within the city.
- (2) Name and address of the person, firm, or corporation that the applicant is representing; agent for service of the corporation and/or name of the owner of a business which is not incorporated; the assumed name of the business filed and indexed to the county of its home office, for any business.
- (3) The original copy of the sales tax permit issued by the comptroller of the state.
- (4) The kind, type, and character of goods that the applicant will offer for sale, and state whether such applicant, upon any such sale or order, shall demand, accept, or receive payment or deposit of money in advance of final delivery and the period of time the applicant wishes to sell or solicit in the city.
- (5) The permanent residence address of the applicant.
- (6) The list of convictions for felonies, if any; type of offense and length of each time served.

- (7) The name and phone number of three character witnesses who can be contacted within the next 24 hours.
  - (8) The written consent from the property owner or agent authorized to grant consent for applicant's use of such private property for sales activities indicated in the permit application.
  - (9) Names of each employer, agent, or representative for the applicant who will sell, offer, exhibit, or solicit orders for the sale of goods on behalf of the applicant.
- (b) A fee in the amount set forth in the fee schedule in appendix A to this code shall be charged for processing said application and is nonrefundable. The application fee is compensation to the city for services required of it by this article.
- (c) The application required by this article shall be furnished to the city secretary and shall be sworn to or affirmed by the applicant.
- (d) An applicant for a license under this article shall furnish a bond in the sum of not less than \$1,000.00. The bond shall be executed by the itinerant merchant, peddler, or solicitor, as principal with two or more good and sufficient sureties satisfactory to the city, which bond shall be payable to the mayor and his successors in office for the use and benefit of any person entitled thereto and conditioned that the principal and surety will pay all damages to a person caused by or arising from or growing out of the wrongful, fraudulent, or illegal act of the itinerant merchant, peddler, or solicitor.
- (e) Charitable, religious, and nonprofit organizations that engage in sales activities defined by this article shall be required to register with the city secretary on an annual basis to provide the information specified by this section. Such organizations shall, in lieu of obtaining a permit for each worker or volunteer for such organization, be required to furnish the city secretary the names and addresses of all workers and volunteers prior to engaging in any sales activities. Charitable, religious, and nonprofit organizations shall be exempt from the payment of the processing fee.
- (f) No person or other business entity doing business in interstate commerce shall be required to pay an application fee to obtain a license.

(Ordinance 4-7-87, sec. II, adopted 4/4/87; Ordinance adopting Code)

**Sec. 5.04.032 Denial, suspension, or revocation**

The city secretary may deny, suspend, or revoke applicant's license when the city secretary determines that:

- (1) The applicant has given false or misleading information in his/her application for itinerant vendor's license;
- (2) The applicant has sold goods in violation of this article or violated other applicable laws and ordinances, pertaining to such activity in the course of such sale;
- (3) The applicant has employed, contracted, or otherwise associated or enlisted unlicensed vendors as agents, employees, or representatives to sell, offer, exhibit, or solicit orders for the sale of goods in violation of this article;

- (4) The applicant has unlawfully permitted another person to sell goods while displaying an itinerant vendor's license issued to such applicant;
- (5) The applicant has unlawfully duplicated, reproduced, or altered an itinerant vendor's license for the purpose of circumventing the provisions of this article;
- (6) The applicant presents or exhibits a false, counterfeit or altered itinerant vendor's license to any purchaser of goods, to the city secretary or his/her designee, or to any law enforcement officer;
- (7) The applicant fails to display conspicuously his itinerant vendor's license in the course of selling goods within the city;
- (8) The applicant engages in the sale of goods of a character or in such a manner as to endanger the health, safety, morals, or welfare of the public;
- (9) The applicant fails to obey any lawful order of the city secretary, his/her designee, or any law enforcement officer having jurisdiction within the city;
- (10) The applicant fails to appear in municipal court with respect to a summons or citation issued for violation of this article;
- (11) The applicant fails to supply requested information pertaining to his/her state sales tax permit;
- (12) The applicant is found to be selling goods at retail without a valid state sales tax permit;
- (13) The applicant violates any law or regulation of the state pertaining to registration, filing of reports, or payment of any applicable state sales tax;
- (14) The applicant's state sales tax permit is suspended, expires, or is revoked under state law.

(Ordinance 4-7-87, sec. IV, adopted 4/4/87; Ordinance adopting Code)

**Sec. 5.04.033 Right of appeal**

(a) If the applicant for license herein is not satisfied with findings by the city secretary, or the results of the investigation and memorandum filed by the city secretary regarding said application, he may have the right to appeal to the city council by filing a written notice of such appeal with the city secretary within ten (10) days after the making and filing of such decision by the city secretary. Upon the filing of such notice of appeal, the application and all papers possessed by the city secretary in connection with such application shall be delivered to the city council and such matters as may be in controversy shall be heard by the city council at its next regular meeting after the filing of the notice of appeal and the council shall have the same powers and authority at such hearing on such appeal as are by this article invested in the city secretary.

(b) The right of appeal set out herein is not a condition precedent to the applicant's seeking any other judicial relief in a court of competent jurisdiction.

(Ordinance 4-7-87, sec. V, adopted 4/4/87; Ordinance adopting Code)

**Sec. 5.04.034 Duration**

A license granted under this article shall be valid for 15 days. Each applicant for renewal must verify permit information as correct and file copies of the sales tax returned for the prior business period. (Ordinance 4-7-87, sec. VI, adopted 4/4/87)

# CHAPTER 6

## FIRE PREVENTION AND PROTECTION

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**ARTICLE 6.01 GENERAL PROVISIONS\***

**Sec. 6.01.001 Key lock box system**

(a) The following structures shall be equipped with a key lock box at or near the main entrance or such other location required by the fire chief:

- (1) Commercial or industrial structures protected by an automatic alarm system or automatic suppression system, or such structures that are secured in a manner that restricts access during an emergency;
- (2) Multi-family residential structures that have restricted access through locked doors and have a common corridor for access to the living units;
- (3) Governmental structures and nursing care facilities.

(b) All newly constructed structures subject to this section shall have the key lock box installed and operational prior to the issuance of an occupancy permit.

(c) The fire chief shall designate the type of key lock box system to be implemented within the city and shall have the authority to require all structures to use the designated system.

(d) The owner or operator of a structure required to have a key lock box shall, at all times, keep a key in the lock box that will allow for access to the structure.

(e) The fire chief shall be authorized to implement rules and regulations for the use of the lock box system.

(f) Any person who owns or operates a structure subject to this section shall be subject to the penalties set forth in section 1.01.009 of this code for any violation of this section, provided that the minimum fine for a conviction for a violation of this section shall be \$100.00.

(Ordinance 2005-1101-06 adopted 11/1/05)

**Sec. 6.01.002 Cost recovery for services by volunteer fire department**

The city's volunteer fire department rendering services shall be authorized to collect all fees for fire prevention and protection services and for other public safety and emergency services. Such fees may include an income for all equipment, materials, maintenance and overhead expenses and costs of whatever nature which all constitutes full reimbursement to the city's volunteer fire department for such services actually rendered. (Ordinance 010207-1 adopted --/07)

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\* **State law references**—Municipal fire protection, V.T.C.A., Local Government Code, ch. 342; fire department in type A general-law municipality, V.T.C.A., Local Government Code, sec. 342.004; fire, V.T.C.A., Health and Safety Code, ch. 791 et seq.

**ARTICLE 6.02 FIRE CODE**

**Sec. 6.02.001 Adoption**

A certain document, one (1) copy of which is on file in the office of the city secretary, being marked and designated as the International Fire Code, 2012 edition, including appendix chapters (see International Fire Code section 101.2.1, 2012 edition), as published by the International Code Council, is hereby adopted as the fire code of the city, regulating and governing the safeguarding of life and property from fire and explosion hazards arising from the storage, handling and use of hazardous substances, materials and devices, and from conditions hazardous to life or property in the occupancy of buildings and premises as herein provided; providing for the issuance of permits and collection of fees therefor; and each and all of the regulations, provisions, penalties, conditions and terms of said fire code on file in the office of the city are hereby referred to, adopted, and made a part hereof, as if fully set out in this article, with the additions, insertions, deletions and changes, if any, prescribed in section 6.02.002 of this article. (Ordinance 20150828-5, sec. 1, adopted 6/2/15; Ordinance adopting Code)

**Sec. 6.02.002 Amendments**

The following sections are hereby revised: [none listed] (Ordinance 20150828-5, sec. 2, adopted 6/2/15)

**Sec. 6.02.003 Limits of districts**

The geographic limits referred to in the following sections of the 2012 International Fire Code are as on file in the offices of the city:

Section 5704.2.9.6.1 (geographic limits in which the storage of Class I and Class II liquids in above-ground tanks outside of buildings is prohibited).

Section 5706.2.4.4 (geographic limits in which the storage of Class I and Class II liquids in above-ground tanks is prohibited).

Section 5806.2 (geographic limits in which the storage of flammable cryogenic fluids in stationary containers is prohibited).

Section 6104.2 (geographic limits in which the storage of liquefied petroleum gas is restricted for the protection of heavily populated or congested areas).

(Ordinance 20150828-5, sec. 3, adopted 6/2/15; Ordinance adopting Code)

**Sec. 6.02.004 Penalty**

The violation of any provision of this article by any person, firm or corporation is hereby declared to be a misdemeanor and shall be subject to a fine in accordance with the general penalty provided in section 1.01.009 of this code, and each and every day such violation shall continue shall be deemed to constitute a separate offense. (Ordinance 20150828-5, sec. 9, adopted 6/2/15; Ordinance adopting Code)



**ARTICLE 6.03 OPEN BURNING\*****Sec. 6.03.001 Penalty**

Violation of this article is considered a class C misdemeanor. (Ordinance 050107-1, sec. IX, adopted 5/1/07)

**Sec. 6.03.002 Burn permit**

A burn permit must be obtained by submitting a burn permit application, with an annual fee as set forth in the fee schedule in appendix A of this code, to the city. No burn permits will be issued if the burn site is outside of the city limits. A county burn permit will have to be obtained for burning outside the city limits. (Ordinance 050107-1, sec. I, adopted 5/1/07)

**Sec. 6.03.003 Location and size of burn site; burn barrels**

(a) The burn ground site must be at least fifty (50) feet from any structure, property line, or combustible material; it must not be more than five (5) feet in height, and not more than ten (10) feet in diameter.

(b) Burn barrels are permitted if the barrel is not larger than fifty-five (55) gallons, and a screen is secured to the top of the barrel, and the burn barrel must be located a minimum of twenty-five (25) feet from any structure, property line, or combustible material.

(c) Exemptions to these requirements include private home type barbeque grills located on the property of the owner and open fires in barbeque pits and grills at picnics, parties and social events if conducted in a pit or grill.

(Ordinance 050107-1, sec. II, adopted 5/1/07)

**Sec. 6.03.004 Inspection of burn site**

The burn site must be inspected and approved by the city volunteer fire department before burning may begin. (Ordinance 050107-1, sec. III, adopted 5/1/07)

**Sec. 6.03.005 General restrictions; “no burn” days**

(a) A competent person of at least eighteen (18) years of age must be in attendance of the site during the burn. An adequate supply of water to control the burn is required at the site. Hours of burning are from sunrise to sunset. The city follows the Collin County burn days. The pre-recorded message for burn days is 972-548-4799. “No burn” days are determined as follows:

- (1) Wind is or expected to be below 5 mph or above 21 mph.
- (2) Ozone action day has been issued for the DFW area.

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\* **State law references**—Texas Clean Air Act, V.T.C.A., Health and Safety Code, ch. 382; regulation of outdoor burning by state, V.T.C.A., Health and Safety Code, sec. 382.018; authority of municipality for abatement of nuisances and to control and abate air pollution, V.T.C.A., Health and Safety Code, sec. 382.113.

- (3) If the county enacts a “burn ban” on all outdoor burning.
- (b) If complaints are received and the complaint is valid (to be determined by the fire department or law enforcement agency), burning will have to cease.

(Ordinance 050107-1, sec. IV, adopted 5/1/07)

**Sec. 6.03.006 Hauling material from other site**

Hauling of materials, brush or vegetation onto the site from another property will render this permit invalid. (Ordinance 050107-1, sec. V, adopted 5/1/07)

**Sec. 6.03.007 Prohibited materials**

Materials and items that absolutely cannot be burned are:

- (1) Petroleum products.
- (2) Asphalt materials.
- (3) Items containing natural or synthetic rubber.
- (4) Treated lumber.
- (5) Shingles, tires, asbestos siding.
- (6) Household garbage/refuse (includes newspaper and boxes).

(Ordinance 050107-1, sec. VI, adopted 5/1/07)

**Sec. 6.03.008 Responsibility for consequences of burning; compliance with other regulations**

Authorization to conduct outdoor burning does not exempt or excuse a person from the responsibility, consequences, damages or injuries resulting from the authorized burning and does not excuse a person from complying with other applicable laws, ordinances, or regulations. (Ordinance 050107-1, sec. VI, adopted 5/1/07)

**Sec. 6.03.009 Re-starting fire**

Once a permitted open fire is extinguished it may not be started again without prior clearance and approval by the city volunteer fire department, that can be reached at 972-752-4027. (Ordinance 050107-1, sec. VI, adopted 5/1/07)

**ARTICLE 6.04 FIREWORKS\***

**Sec. 6.04.001 Definition**

The term “fireworks” shall mean and include any firecrackers, cannon crackers, skyrockets, torpedoes, roman candles, sparklers, squibs, fire balloons, star shells, gerbs, or any substance in whatever combination by any designated name intended for use in obtaining visible or audible pyrotechnic display, and shall include all articles or substances within the commonly accepted meaning of fireworks, whether herein specifically designated and defined or not. (Ordinance 8-1-95, sec. 2, adopted 8/1/95)

**Sec. 6.04.002 Penalty; responsibility for violation by minor**

Any person, firm, corporation, or association violating any provision of this article will be deemed guilty of a misdemeanor and will upon conviction thereof be assessed a fine in accordance with the general penalty provided in section 1.01.009 of this code. The parent or guardian of any minor child under sixteen (16) years of age shall be responsible if such minor child violates any provision of this article. (Ordinance 8-1-95, sec. 3, adopted 8/1/95; Ordinance adopting Code)

**Sec. 6.04.003 Sale or use prohibited**

It shall be unlawful for any person, firm, or corporation to sell, use, shoot, ignite or in any way set off or cause to be set off any fireworks within the city limits. (Ordinance 8-1-95, sec. 1, adopted 8/1/95)

**Sec. 6.04.004 Exceptions**

This article shall not apply to signal flares, when used for traffic control. (Ordinance 8-1-95, sec. 4, adopted 8/1/95)

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\* **State law references**—Authority to regulate the use of fireworks, V.T.C.A., Local Government Code, sec. 342.003; fireworks and fireworks displays, V.T.C.A., Occupations Code, ch. 2154; authority to prohibit or further regulate fireworks, V.T.C.A., Occupations Code, sec. 2154.004.



# CHAPTER 7

## HEALTH AND SANITATION

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**ARTICLE 7.01 GENERAL PROVISIONS\*****Sec. 7.01.001 Prohibited drainage discharges**

- (a) The following drainage regulations are hereby adopted:
- (1) A person commits an offense if he deposits motor oil, transmission fluid, engine wash or similar substances into a street, gutter, storm sewer, or watercourse.
  - (2) A person commits an offense if he deposits any toxic liquid or semi-liquid in such a manner that it will flow or be washed into a street, gutter, storm sewer, or watercourse.
  - (3) A person commits an offense if he dumps or washes out concrete, cement, mortar, asphalt, or similar substances, or residues therefrom, into a street, gutter, storm sewer, or watercourse.
  - (4) A person commits an offense if he permits grease or sand trap drainages under his custody or control to flow or be washed into a street, gutter, storm sewer, or watercourse.
  - (5) A person commits an offense if he permits wastewater, except clean water, from a cooling tower, compressor or boiler under his custody or control to flow into a street, gutter, storm sewer, or watercourse.
  - (6) A person commits an offense if he permits any sewer or septic system waste or any unclean or unwholesome liquid waste to be discharged so it will flow into a street, gutter, storm sewer, or watercourse.
- (b) Any person violating any of the provisions of this section shall be deemed guilty of a misdemeanor, and upon conviction shall be subject to a fine in accordance with the general penalty provided in section 1.01.009 of this code; provided, however, that no penalty shall be greater or less than the penalty provided for the same or similar offense under the laws of the state. Each transaction in violation of any of the provisions hereof shall be deemed a separate offense.

(Ordinance 12-8-89-1 adopted 12/8/89; Ordinance adopting Code)

**ARTICLE 7.02 MAINTENANCE OF EXTERIOR PROPERTY AREAS†****Sec. 7.02.001 Definitions**

Garbage. Items thrown away, whether useful to somebody else or useless, and disregarding whether organic or inorganic.

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\* **State law references**—Authority to enforce laws to protect public health, V.T.C.A., Health and Safety Code, sec. 121.003; local regulation of sanitation, V.T.C.A., Health and Safety Code, ch. 342; minimum standards of sanitation and health protection, V.T.C.A., Health and Safety Code, ch. 341.

† **State law reference**—Municipal regulation of sanitation, V.T.C.A., Health and Safety Code, ch. 342.

Litter. Trash/garbage/debris/refuse/waste that is left where it does not belong, such as, but not limited to, the side of the road or on a street. A disorderly accumulation of objects or things carelessly discarded.

Refuse/waste. Unwanted materials or substances that are left after having used something.

Rubbish. Food, paper or other products that are no longer needed and have been thrown away.

Tall grass and weeds. Grass, weeds or other vegetation that exceeds 12" in height.

Trash and debris. All garbage, rubbish, refuse/waste and litter. The remains of anything broken down, discarded or destroyed; ruins; rubble; no longer wanted or useful.

(Ordinance 2018-0508-002, sec. 2(A), adopted 5/8/18)

**Sec. 7.02.002 Prohibited conditions; illegal dumping**

(a) Generally. It shall be unlawful for any person, corporation, or other entity occupying or having supervision or control of any real property, occupied or unoccupied, within the corporate limits of the city, to permit or allow any stagnant or unwholesome water, filth, carrion, weeds, rubbish, garbage, brush, refuse/waste, litter, impure or unwholesome matter of any kind, or any objectionable, unsightly or unsanitary matter of whatever nature, including trash and debris, to accumulate or remain on that real property where it is visible from a public street or creates an unsanitary condition likely to attract or harbor mosquitoes, rodents, vermin or disease-carrying pests. All exterior property and premises shall be maintained in a clean, safe and sanitary condition.

(b) Unsanitary conditions. It shall be unlawful for any person, corporation, or other entity occupying or having supervision or control of any real property, occupied or unoccupied, within the corporate limits of the city, to permit or allow any unsanitary condition, including but not limited to standing water in any excavation, container, swimming pool or spa, likely to attract or harbor mosquitoes, rodents, vermin or disease-carrying pests.

(c) Grading and drainage. All premises shall be graded and maintained to prevent the erosion of soil and to prevent the accumulation of stagnant water thereon, or within any structure located thereon, with the exception of approved retention areas and reservoirs. All property owners are responsible for mowing and weed control from within their property (whether owned, leased or rental property) up to the road, including any ditch or water drainage.

(d) Illegal dumping. It shall be unlawful for any person, corporation, or other entity to throw, deposit, or sweep any of the above prohibited items into, upon, or along any drain, gutter, alley, sidewalk, street, park, public right-of-way, or vacant lot, or upon any public or private premises within the corporate limits of the city.

(e) Tall grass and weeds. It shall be unlawful for any person, corporation, or other entity occupying or having supervision or control of any real property, occupied or unoccupied, within the corporate limits of the city, to permit or allow grass or weeds to grow to a height greater than 12 inches upon such real property. All premises and exterior property shall be maintained free from grass or weeds in excess of 12 inches. All 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, [or] gardens. Forage or agricultural crops



have an exception with land dedicated for such vegetation and with a size of 2 full acres of open land or more. On any open land, cultivated or uncultivated, with a size of 2 full acres or more, the area between the fence and street, or where no fence exists, a minimum of 20 feet from the edge of the street, must be maintained free from grass or weeds in excess of 12 inches.

(Ordinance 2018-0508-002, sec. 2(B), adopted 5/8/18)

**State law reference**—Illegal dumping, V.T.C.A., Health and Safety Code, sec. 365.012.

**Sec. 7.02.003 Notice; abatement**

(a) Notice to abate. A notice shall be given to the property owner and/or occupant (if the owner is not residing at the property) of the need to abate the nuisance on the exterior property areas. The notice shall be given:

- (1) Personally to the owner or occupant in writing;
- (2) By letter addressed to the owner and sent by certified mail, return receipt requested;
- (3) By posting a notice on or near the front door of each building on the property to which the violation relates; or
- (4) By posting the notice on a placard attached to a stake driven into the ground on the property to which the violation relates.

(b) Failure to provide notice. The provision of notice in this section is not a condition precedent to the prosecution of an offense alleged to have occurred under this article. Failure to provide the notice specified in this section shall not be a defense to the prosecution of an offense alleged to have occurred under this article.

(c) Abatement by city. If the owner does not comply within 10 days of the date of issue of the notice, the city or its contractor may go on the property and do the work or make the improvements required, and pay for the work done or improvements made and charge the expenses to the owner of the property as authorized by subsection (e) of this section.

(d) Additional authority to abate dangerous weeds.

- (1) The city may cause to be abated, without notice, weeds that have grown higher than 48 inches and are an immediate danger to the health, life, or safety of any person.
- (2) Not later than the 10th day after the date the city abates weeds under this section, the city shall give notice to the property owner in the manner required by section 342.006 of the Health and Safety Code.
- (3) The notice shall contain:
  - (A) Identification, which is not required to be a legal description, of the property;
  - (B) A description of the violations of this article that occurred on the property;

- (C) A statement that the city abated the weeds; and
  - (D) An explanation of the property owner's right to request an administrative hearing related to the city's abatement of the weeds.
- (4) The city shall conduct an administrative hearing on the abatement of weeds under this subsection if the property owner files with the city a written request for a hearing within thirty (30) days of the date of the notice required under this subsection.
  - (5) An administrative hearing conducted under this subsection shall be conducted not later than the 20th day after the date a request for a hearing is filed. The owner may testify or present any witnesses or written information relating to the city's abatement of the weeds.
  - (6) The city may assess expenses and create liens under this subsection as it assesses expenses and creates liens under section 342.007 of the Health and Safety Code. A lien created under this subsection is subject to the same conditions as a lien created under section 342.007 of the Health and Safety Code.
  - (7) The authority granted a city by this subsection is in addition to the authority granted by Health and Safety Code, section 342.006.

**State law reference**—Additional authority to abate dangerous weeds without notice, V.T.C.A., Health and Safety Code, sec. 342.008.

(e) Lien for city's expenses. In the event the person, corporation, or entity fails or refuses to pay the expense within 25 days after the first day of the month following the one in which the work was done, the city shall file with the county clerk a statement of the expenses incurred in correcting the condition of the property. When such statement is filed, the city shall have a privileged lien on the property, inferior only to tax liens and liens for street improvements. The amount of the lien shall bear interest at the rate of ten percent (10%) per annum from the date that the city incurs the expense or makes the payment for such work done. The governing body of the city may bring a suit for foreclosure in the name of the city to recover the expenditures and interest due. The statement of expenses or a certified copy of the statement is prima facie proof of the expenses incurred by the city in doing the work or making the improvements.

(Ordinance 2018-0508-002, sec. 2(C), adopted 5/8/18)

#### **Sec. 7.02.004     Penalty**

Any person, firm, company, partnership, corporation, or association violating any provision of this article shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined in accordance with the general penalty provided in section 1.01.009 of this code, unless otherwise specified in this article, for each such violation, and each and every day the provisions of this article are violated shall constitute a separate and distinct offense. (Ordinance 2018-0508-002, sec. 7, adopted 5/8/18; Ordinance adopting Code)

# CHAPTER 8

## OFFENSES AND ADDITIONAL PROVISIONS

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**ARTICLE 8.01 GENERAL PROVISIONS\***

**Sec. 8.01.001 Removing or defacing signs placed by city**

(a) It shall be unlawful for any person to remove, deface, dispose of or otherwise render ineffectual any sign(s), street signs, or informational posting(s) placed by the city for public use.

(b) A citation may be issued in city hall to any person found doing these acts, if the observer signs the complaint.

(c) The city council will hold a public hearing to adjudicate each contested citation. Validated citations will bear a restitution fee as set forth in the fee schedule in appendix A of this code, payable within 10 days after the hearing to the city secretary. A public hearing may be avoided by paying the fee within 10 days of the date of issue, and before the next regular council meeting.

(d) The fee will increase in the amount set forth in the fee schedule in appendix A for each day it remains unpaid after the lapse of the time specified in subsection (c) of this section.

(Ordinance 99-1005 adopted 10/5/99; Ordinance adopting Code)

**ARTICLE 8.02 NOISE†**

**Sec. 8.02.001 Definitions**

The word “person” as used in this article shall include firms, corporations, companies, societies and associations. (Ordinance 12-6-94, sec. 3, adopted 12/6/94)

**Sec. 8.02.002 Penalty**

Any person who violates any of the provisions of this article shall be guilty of a misdemeanor and upon conviction in a court of appropriate jurisdiction shall be assessed a fine in accordance with the general penalty provided in section 1.01.009 of this code, and each and every instance of such violation shall constitute a separate and distinct offense. (Ordinance 2-7-95-01 adopted 2/7/95; Ordinance adopting Code)

**Sec. 8.02.003 General prohibition**

It shall be unlawful for any person, firm, or corporation to make, continue, or cause to be made or continued any loud, unnecessary, or unusual noise or any noise which interferes with the normal enjoyment of life or property or disturbs, endangers, or interferes with the public peace and comfort within the limits of the city. (Ordinance 12-6-94, sec. 1, adopted 12/6/94)

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\* **State law references**—Authority of governing body to adopt ordinance, rule or police regulation for the good government, peace or order of municipality, V.T.C.A., Local Government Code, sec. 51.001; authority to define and declare nuisance, V.T.C.A., Local Government Code, sec. 217.002; nuisances and general sanitation, V.T.C.A., Health and Safety Code, sec. 341.011 et seq.; municipal regulation of sanitation, V.T.C.A., Health and Safety Code, ch. 342.

† **State law references**—Authority to restrain or prohibit the ringing of bells, blowing of horns, hawking of goods, or any other noise, V.T.C.A., Local Government Code, sec. 217.003; disorderly conduct, V.T.C.A., Penal Code, sec. 42.01.

**Sec. 8.02.004 Specific prohibitions**

The following enumerated acts are declared to be loud, disturbing, and unnecessary noises in violation of this article, but such enumeration shall not be deemed to be exclusive:

- (1) The playing of any radio, television, musical instrument, phonograph, stereo, or other machine or device for the producing, reproducing, or amplification of sound in such manner as to create a noise which could be reasonably considered to disturb a person of ordinary disposition residing in the vicinity or at any time with louder volume than is necessary for convenient hearing for persons who are in the room, vehicle, chamber, or location in which such machine or device is operated and who are voluntary listeners thereto is hereby prohibited. The operation of such set, instrument, phonograph, stereo, machine or device in such a manner as to be plainly audible at a distance of fifty (50) feet from the building, structure, vehicle, or location in which it is situated shall be prima facie evidence of a violation of this section.
- (2) The playing or operating or permitting to be played or operated any phonograph, radio, or loud-speaking or noise-making device or attachment on any premises under the ownership, management, or control of such person, when such premises are being used as a place of business to which the public generally is invited, in such a manner or in such volume as to be reasonably calculated to disturb the peace or to be unreasonably offensive to the public or to the occupants of other premises in the vicinity.
- (3) The sounding of any horn or signal device on any automobile or other vehicle, except as a danger signal if another vehicle is approaching apparently out of control; or, if in motion, only as a danger signal after or as brakes are being applied and deceleration of the vehicle is intended.
- (4) The use of any automobile, motorcycle, or other vehicle so out of repair or operated in such manner as to create loud and unnecessary spinning or squealing of tires, grating, grinding, rattling, or other noise.
- (5) The parking, storage or repairing of any motor vehicle or any motorized equipment between the hours of 10:00 p.m. and 7:00 a.m. with any motor(s) left in operation for an extended period.
- (6) The use of sound-amplifying equipment for commercial advertising purposes.
- (7) The keeping of any animal or bird which by causing frequent or long-continued noise shall disturb the comfort and repose of any person of ordinary sensibility in the immediate vicinity.
- (8) The running of any automobile, motorcycle, streetcar or vehicle so out of repair, so loaded or in such manner as to create loud or unnecessary grating, grinding, rattling, or other noise.

- (9) The creation of any excessive noise on any street adjacent to any school or institution of learning while the same is in session, or adjacent to any hospital, which unreasonably interferes with the workings of such institutions, provided conspicuous signs are displayed in such manner indicating that the same is a school or hospital street.
- (10) 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.

(Ordinance 12-6-94, sec. 2, adopted 12/6/94)

### ARTICLE 8.03 WEAPONS\*

#### Sec. 8.03.001 Carrying firearms in city buildings; discharge of firearms

- (a) It shall be unlawful for any person, other than a peace officer, to carry a firearm in any city building, regardless of whether or not the person is duly licensed by the state to carry a concealed handgun.
- (b) It shall be unlawful for any person to discharge any BB gun, pellet gun, gun, pistol, rifle, or firearm of any kind within the city limits, except within a properly secured indoor firearms range, constructed and maintained in accordance with the National Rifle Association specifications and standards, or upon a range owned and operated by a governmental entity.
- (c) The term “city building” as used in this section is defined as any building or portion of a building owned, occupied, leased, or controlled by the city for city operations and activities. The term does not include any public or private driveway, street, sidewalk or walkway, parking lot, parking garage, or other parking area.
- (d) The term “handgun” as used in this section is defined as any firearm that is designed, made, or adapted to be fired with one hand, and the term “concealed handgun” as used in this section is defined as a handgun, the presence of which is not openly discernible to the ordinary observation of a reasonable person.
- (e) The terms “gun,” “pistol” “rifle” and “firearm” as used in this section shall not only be defined as to include all percussion weapons, but shall also include all air guns, air pistols, air rifles, and all other firearms using air pressure to propel a projectile.
- (f) This section shall not be construed to prohibit any officer of the law from discharging a firearm in the performance of his or her duty, nor to prohibit any citizen from discharging a firearm when lawfully defending person or property.

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\* **State law references**—Authority of municipality to regulate the discharge of firearms, V.T.C.A., Local Government Code, sec. 217.003; authority of municipality regarding firearms and explosives, V.T.C.A., Local Government Code, sec. 229.001; limitation of authority to prohibit discharge of firearms or other weapons in extraterritorial jurisdiction, V.T.C.A., Local Government Code, sec. 229.002; disorderly conduct, V.T.C.A., Penal Code, sec. 42.01; weapons, V.T.C.A., Penal Code, ch. 46.

(g) Any person violating the provisions of this section shall be deemed guilty of a misdemeanor and, upon conviction thereof, shall be punished as provided in section 1.01.009.

(Ordinance 11-7-95 adopted 11/7/95)

**ARTICLE 8.04 GRAFFITI\***

**Sec. 8.04.001 Definition**

“Graffiti” means, but is not necessarily limited to, visual blight which can be observed from any public property or right-of-way, or from the private premises of another person, typically embodied by an unauthorized form of painting, scratching, writing or inscription (including without limitation initials, slogans, or drawings), regardless of the content or nature of the material, that has been applied to any wall, building, fence, sign, or other structure or surface. (Ordinance 2018-0508-002, sec. 3(A)(1)(a), adopted 5/8/18)

**Sec. 8.04.002 Penalty**

Any person, firm, company, partnership, corporation, or association violating any provision of this article shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined in accordance with the general penalty provided in section 1.01.009 of this code, unless otherwise specified in this article, for each such violation, and each and every day the provisions of this article are violated shall constitute a separate and distinct offense. (Ordinance 2018-0508-002, sec. 7, adopted 5/8/18; Ordinance adopting Code)

**Sec. 8.04.003 Placement of graffiti prohibited**

No person shall willfully or wantonly damage, mutilate, or deface any exterior surface located on any private premises or public property by placing thereon any marking, carving, or other condition constituting graffiti. Such a violation shall be a class C misdemeanor punishable upon conviction by a fine in accordance with the general penalty provided in section 1.01.009 of this code. (Ordinance 2018-0508-002, sec. 3(A)(1), adopted 5/8/18; Ordinance adopting Code)

**State law reference**—Graffiti, V.T.C.A., Penal Code, sec. 28.08.

**Sec. 8.04.004 Removal required; duty of property owners**

It shall be the duty of each owner of premises within the territorial limits of the city to keep and maintain their properties, including buildings or fences or other structures or other surfaces, free of graffiti and to promptly remove such graffiti from the premises. The failure to observe this duty shall be a class C misdemeanor punishable upon conviction by a fine in accordance with the general penalty provided in section 1.01.009 of this code. The owner is not required to remove graffiti from the owner’s premises if the graffiti is located on transportation infrastructure and the removal of the graffiti would create a hazard for the person performing the removal. (Ordinance 2018-0508-002, sec. 3(A)(1)(b), adopted 5/8/18; Ordinance adopting Code)

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\* **State law reference**—Graffiti removal, V.T.C.A., Local Government Code, sec. 250.006.



**Sec. 8.04.005 Notice to remove; removal by city**

(a) Offer to remove free of charge. In the event that the owner of premises affected by graffiti fails to remove the graffiti, the city may give notice to remove and offer to remove the graffiti from the premises free of charge. Any offer to remove graffiti is at the city's sole election and in addition to and without waiver of any other remedies or enforcement procedures, including but not limited to the issuance of citations. If the owner does not contact the city to accept an offer made under this section on or before the 15th day following issuance of the offer to remove the graffiti, the owner shall be deemed to have refused the city's offer.

(b) Notice. The notice provided under this section shall be either:

- (1) Given personally to the owner in writing;
- (2) By letter sent via certified mail, addressed to the owner at the owner's address as contained in the records of the Collin County appraisal district; or
- (3) If neither (1) nor (2) can be accomplished, then the notice shall be given:
  - (A) By publication at least once in a newspaper of general circulation in the city;
  - (B) Posted on or near the front door of each building on the premises to which the notice relates; or
  - (C) Posted on a placard attached to a stake driven into the ground on the premises to which the notice relates.
- (4) The notice provided to the owner must include all exceptions to the removal requirement provided in Texas Local Government Code section 250.006(h) (as amended).

(c) Failure to remove; fees. If the city makes an offer to remove graffiti under subsection (b) and that offer is refused, the city may require the owner to remove the graffiti on or before the 15th day after the date the owner receives notice under this section. If the owner then fails to remove the graffiti on or before the 15th day after the date of receipt of the notice sent under subsection (b), the city may remove the graffiti and charge the expenses of removal to the owner in accordance with the city's fee schedule. The fee schedule shall be deemed to state a charge for graffiti removal by the city in the amount of the city's actual costs to remove the graffiti, including an administrative fee as set forth in the fee schedule in appendix A of this code.

(d) Assessment of city's expenses. The city may assess the expenses for removal of the graffiti against the premises on which the work is performed to remove the graffiti. If the city desires to make such an assessment, the city will file a statement of expenses with the county clerk. The statement of expenses shall contain:

- (1) The name of the premises owner, if known;
- (2) The legal description of the premises; and
- (3) The amount of expenses incurred in the removal of the graffiti.

(e) Lien for city's expenses. If the city assesses expenses for graffiti removal and files a statement of expenses with the county clerk under this section, a lien may be attached to the premises where the removal was performed by the city.

(Ordinance 2018-0508-002, sec. 3(A)(1)(c)–(g), adopted 5/8/18; Ordinance adopting Code)

**Sec. 8.04.006 Enforcement; additional remedies**

The city may take any actions relating to graffiti through its code enforcement department, its police department, or by a person designated by the city. The provisions related to removal of graffiti herein are cumulative of other available actions and remedies, including the issuance of citations against the owner or operator of the premises upon which graffiti exists and/or the person(s) who placed the graffiti on the premises. (Ordinance 2018-0508-002, sec. 3(A)(1)(h), adopted 5/8/18)

**ARTICLE 8.05 JUNKED VEHICLES\***

**Sec. 8.05.001 Statutory authority; definition**

Chapter 683 under title 7, et seq., of the Texas Transportation Code provides that a type A general-law municipality may, by ordinance, require the removal, securing, repair, of a vehicle that is [defined as follows]:

Junked vehicle.

- (1) Junked vehicle means a vehicle that is self-propelled and:
  - (A) Is wrecked, dismantled or partially dismantled, or discarded; or
  - (B) Inoperable and has remained inoperable for more than:
    - (i) 72 consecutive hours, if the vehicle is on public property; or
    - (ii) 30 consecutive days, if the vehicle is on private property.
- (2) For purposes of this section, “junked vehicle” includes a motor vehicle, aircraft, or watercraft. This article applies only to:
  - (A) A motor vehicle that displays an expired license plate or does not display a license plate;
  - (B) An aircraft that does not have lawfully printed on the aircraft an unexpired federal aircraft identification number registered under the Federal Aviation Administration aircraft registration regulations in 14 C.F.R. part 47; or

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\* **State law references**—Regulation of abandoned and junked motor vehicles, V.T.C.A., Transportation Code, sec. 683.001 et seq.; junked vehicles, V.T.C.A., Transportation Code, sec. 683.071 et seq.

- (C) A watercraft that:
  - (i) Does not have lawfully on board an unexpired certificate of number; and
  - (ii) Is not a watercraft described by section 31.055, Parks and Wildlife Code.

(Ordinance 2018-0508-002, sec. 1(A), adopted 5/8/18)

**Sec. 8.05.002 Abatement**

(a) Authority to abate. In accordance with this article and other provisions of the International Property Maintenance Code (IPMC), the code enforcement officer is authorized to abate and remove from private or public property or a public right-of-way a junked vehicle or part of a junked vehicle as a public nuisance. The municipal court may issue necessary orders to enforce the provisions of this section.

(b) Reconstruction prohibited. Once removed, a junked vehicle may not be reconstructed or made operable.

(c) Notice to state department of transportation. Not later than the fifth day after a junked vehicle is removed, the code official shall provide notice to the state department of transportation identifying the vehicle or part of the vehicle.

(d) Right of entry. The code official has right of entry to inspect as set forth in sections 104.2 and 104.3 of the IPMC.

(e) Relocation to another unlawful location. The relocation of a junked vehicle that is a public nuisance to another location in the city or within 5,000 feet of the city’s boundaries after a proceeding for the abatement and removal of the junked vehicle has commenced has no effect on the proceeding if the junked vehicle constitutes a public nuisance at the new location.

(f) Notice of violation. A notice of violation must provide not less than 10 days’ notice of the nature of the nuisance. The notice must be personally delivered or sent by certified mail, return receipt requested, to:

- (1) The last known registered owner of the nuisance;
- (2) Each lienholder of record of the nuisance; and
- (3) The owner or occupant of:
  - (A) The property on which the nuisance is located; or
  - (B) If the nuisance is located on a public right-of-way, the property adjacent to the right-of-way. If the post office address of the last known registered owner of the nuisance is unknown, notice may be placed on the junked vehicle or, if the owner is located, personally delivered. If notice is returned undelivered, action to abate the nuisance shall be continued to a date not earlier than the 11th day after the date of the return.

- (g) Contents of notice. The notice must state that:
  - (1) The nuisance must be abated and removed not later than the 10th day after the date on which the notice was personally delivered or mailed; and
  - (2) Any request for a hearing must be made before that 10-day period expires.
- (h) Order to abate. At the conclusion of the hearing, if it is determined that the property in question is a junked vehicle, an order shall be issued requiring removal of the vehicle to a lawful location within 10 days of the day the order is issued.
- (i) Contents of order. The order must state that, if the owner does not remove the junked vehicle in accordance with the order, the city may cause the vehicle to be removed and any expenses incurred by the city will allow for a lien in the amount of those expenses against the real property on which the junked vehicle was located at the time of the violation. If the following information is available at the location of the nuisance, a resolution or order requiring removal of the nuisance must include the vehicle's description, vehicle identification number, and license plate number, and the current location of the vehicle.
- (j) Disposal of vehicle. A junked vehicle, including a part of a junked vehicle, may be removed to a scrap yard, a motor vehicle demolisher, or a suitable site operated by a municipality or county. A municipality or county may operate a disposal site if its governing body determines that commercial disposition of junked vehicles is not available or is inadequate. A municipality or county may finally dispose of a junked vehicle or vehicle part, or transfer it to another disposal site if the disposal is scrap or salvage only.
- (k) Exceptions. Procedures adopted under this article may not apply to a vehicle or vehicle part:
  - (1) That is completely enclosed in a building in a lawful manner and is not visible from the street or other public or private property;
  - (2) That is stored or parked in a lawful manner on private property in connection with the business of a licensed vehicle dealer or junkyard; or
  - (3) That is an antique or special interest vehicle stored by a motor vehicle collector on the collector's property, if the vehicle or part and the outdoor storage area, if any, are:
    - (A) Maintained in an orderly manner;
    - (B) Not a health hazard; and
    - (C) Screened from ordinary public view by appropriate means, including a fence, rapidly growing trees, or shrubbery.

(Ordinance 2018-0508-002, sec. 1(B), adopted 5/8/18)

**Sec. 8.05.003      Offenses; penalty**

(a) It is unlawful for any person, corporation, or other entity to permit or allow a junked vehicle to be placed in public view. Such a violation shall be a class C misdemeanor punishable upon conviction by a fine in accordance with state law.

(b) The provision of notice in this article is not a condition precedent to the prosecution of an offense alleged to have occurred under subsection (a) of this section. Failure to provide the notice specified in this article shall not be a defense to the prosecution of an offense alleged to have occurred under subsection (a).

(Ordinance 2018-0508-002, sec. 1(C), adopted 5/8/18; Ordinance adopting Code)



# CHAPTER 9

## PLANNING AND DEVELOPMENT REGULATIONS

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**ARTICLE 9.01 GENERAL PROVISIONS**

**Sec. 9.01.001 Flag lots**

(a) Definitions. Flag lot shall mean a lot that abuts a street by means of a strip of land that does not comply with the requirements of this section for minimum lot width.

(b) Permits and fees.

(1) A flag lot may only be approved in accordance with the requirements of this section and includes the incorporated area and the extraterritorial jurisdiction of the city.

(2) In single family or multi-family zoned lots on previously unplatted land, flag lot designs may be used where no more than two dwelling units utilize a shared driveway. Residential flag lot designs with more than two units sharing a driveway may be utilized if the lots conform to the fire code, utility design criteria, plumbing code and requirements for access.

(3) In single family or multi-family zoned lots on previously platted land, the city council shall grant a variance to allow flag lots if:

(A) The council finds the subdivision:

(i) Has provided accessibility for emergency responders;

(ii) Has adequate room for required utilities;

(iii) Is otherwise compatible with the surrounding neighborhood; and

(B) The applicant provides a copy of any existing private deed restrictions for informational purposes.

(4) For property zoned for uses other than single-family residential or multi-family residential, flag lot designs are permitted if the council, upon platting or subdividing the parcel of land, determines the subdivision conforms to the fire code, utility design criteria, plumbing code and requirements for access.

(c) Minimum lot width of a flag lot.

(1) The minimum width of a flag lot is 40 feet; and

(2) 40 feet if:

(A) Two or more contiguous lots share a common driveway and sufficient area is available outside the drive on each lot for utility installation and utility easements; or

(B) If the applicant can demonstrate access through an alternative route.

- (3) All residential subdivisions utilizing a flag lot design must submit a driveway plan and a utility plan for review and approval with the final plat application.
- (4) All addresses for residential lots utilizing a flag lot design must be displayed at their closest point of access to a public street for emergency responders.

(Ordinance 2018-1204-001 adopted 12/4/18)

**ARTICLE 9.02 SUBDIVISION ORDINANCE\***

**Sec. 9.02.001 Adopted**

The subdivision ordinance, Ordinance 7-17-91, adopted by the city on July 17, 1991, as amended, is included at the end of this chapter as exhibit A. Due to the nature of the subdivision ordinance and the technicalities involved in adopting or amending it, such ordinance is printed herein as enacted, with only nonsubstantive formatting and style changes. Numbering of sections and subsections has been retained as enacted. Subsequent amendments will be inserted in their proper place and denoted by a history note following the amended section. Obviously misspelled words have been corrected without notation. Any other material added for purposes of clarification is enclosed in brackets. (Ordinance adopting Code)

**ARTICLE 9.03 ZONING ORDINANCE†**

**Sec. 9.03.001 Adopted**

The comprehensive zoning ordinance, Ordinance 2002-0305-AA, adopted by the city on March 5, 2002, as amended, is included at the end of this chapter as exhibit B. Due to the nature of the zoning ordinance and the technicalities involved in adopting or amending it, such ordinance is printed herein as enacted, with only nonsubstantive formatting and style changes. Capitalization, punctuation and numbering of sections and subsections have been retained as enacted. Subsequent amendments will be inserted in their proper place and denoted by a history note following the amended section. Obviously misspelled words have been corrected without notation. Any other material added for purposes of clarification is enclosed in brackets. (Ordinance adopting Code)

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\* **State law references**—Regulation of subdivision and property development, V.T.C.A., Local Government Code, ch. 212; extraterritorial jurisdiction of municipalities in counties that regulate subdivisions, V.T.C.A., Local Government Code, sec. 242.001; extension of subdivision rules to extraterritorial jurisdiction, V.T.C.A., Local Government Code, sec. 212.003; recording of plats, V.T.C.A., Property Code, sec. 12.002.

† **State law reference**—Municipal zoning authority, V.T.C.A., Local Government Code, ch. 211.

**EXHIBIT A**

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**EXHIBIT A**  
**SUBDIVISION ORDINANCE**  
**ORDINANCE NO. 7-17-91**  
**CITY OF BLUE RIDGE**  
**SUBDIVISION REGULATIONS**

**SECTION 1. GENERAL**

These regulations shall govern every person, firm, association, or corporation owning any tract of land within the city limits or the extraterritorial jurisdiction of the City of Blue Ridge, Texas, who may hereafter divide the same into two or more parts for the purpose of laying out any subdivision of any tract of land or any addition to said city, or for laying out any suburban lots or building lots, or any lots, streets, alleys, parks or other portions intended for public use or the use of purchasers of lots fronting thereon or adjacent thereto;

These regulations shall also govern the design, installation and construction of any public utility facilities, including but not limited to water lines or systems, sanitary sewer lines or systems, sanitary landfills, and facilities for the storage and/or treatment of wastewater within the city limits of Blue Ridge or its extraterritorial jurisdiction.

Development of mobile home parks for location [of] mobile homes shall be in accordance with the provisions of the ordinance regulating “mobile home parks and mobile homes” [article 4.07 of the Code of Ordinances] and shall meet the approval of the city planning commission and city council. Mobile home parks shall be considered a certified land division for the purposes of this ordinance, and as such shall be regulated in accordance with the provisions of this ordinance.

(Ordinance 7-17-91, sec. 1, adopted 7/17/91)

**SECTION 2. DEFINITIONS**

Words and terms used in this ordinance, unless otherwise specified, shall have their normal meaning in commonly accepted usage. The words “shall” and “will” shall be deemed as mandatory; the word “may” shall be deemed as permissive. Certain words and terms shall have the meaning, for the purposes of this ordinance, as defined following:

2.01 CITY: The City of Blue Ridge, Texas.

2.02 CITY COUNCIL: The duly elected governing body of the City of Blue Ridge, Texas.

2.03 COMMISSION: The planning and zoning commission, as appointed by the city council to administer these regulations.

2.04 CITY OFFICIAL OR ADMINISTRATOR: Any person, elective or appointive, or any employee, or any board or commission authorized or constituted by city ordinance or state law to act in behalf of the municipality.

2.05 PLAN ADMINISTRATOR: The city official designated to administer the provisions of these regulations.

2.06 CITY ENGINEER: The engineer employed by the city, retained by the city on a consulting basis, or the duly authorized representative of either of the above.

2.07 COMPREHENSIVE PLAN: Also referred to as a master plan. The general plan of the city and adjoining areas as adopted by the planning and zoning commission and city council, including all its revisions and parts. This plan indicates the general location recommended for various land uses, transportation routes, public and private buildings, streets, parks and other public and private developments and improvements.

2.08 STREET: A public or private way set aside as a permanent right-of-way for the movement of vehicular traffic, to provide access to abutting property, and to provide utility service.

2.09 RESIDENTIAL STREET: Any street which is intended primarily to serve traffic within a neighborhood or limited residential district and which is used primarily for access to abutting properties.

2.10 COLLECTOR STREET: Any street which is continuous through several residential districts or neighborhoods, and is intended as a connecting street between residential districts or neighborhoods and thoroughfares, highways or business districts.

2.11 ARTERIAL STREET OR THOROUGHFARE: Any street which serves as a principal traffic way, more or less continuous across the city or areas adjacent thereto, and acts as a principal connecting street with state and interstate highways.

2.12 ALLEY: A minor traffic way used primarily for vehicular service to the rear or side of properties otherwise abutting on a street, and to provide utility service.

2.13 SUBDIVIDER OR DEVELOPER: Any individual, firm, association, syndicate, co-partnership, corporation, or other organization dividing or proposing to divide land, or making improvements to such land, so as to effect a subdivision of land hereunder for himself, or itself, or for another.

2.14 SUBDIVISION: The division of any lot, tract or parcel of land into two (2) or more lots or sites for the purpose of sale or of building development or for the purpose of making improvements to the property which will allow development, whether immediate or future. The term includes resubdivision or replatting of an existing subdivision, building upon, or other development of land, but does not include the division of land for agricultural purposes, i.e., ranching, farming and dwelling pertaining to such uses, in tracts of ten (10) acres or more and not involving any new street, alley or easement of access. However the term shall include the design, installation or construction of streets, alleys, roads or other thoroughfares, water lines or systems, sewer lines or systems, public utilities, sanitary landfills, and facilities for the storage and/or treatment of wastewater. When appropriate to context, the term "subdivision" shall relate to the process of subdividing, or to the land subdivided, and shall include the resubdivision of land.

2.15 GENERAL DEVELOPMENT PLAN: A map, drawing or chart, prepared according to the provisions of this ordinance, drawn to scale on which is shown the subdivider's proposed arrangement of streets, lots, easements, other public spaces, and general land uses on all contiguous properties owned or held under single ownership from which a proposed subdivision is intended to be made. The general development plan may be the same as a preliminary plat, if such plan complies with the requirements of a preliminary plat.

2.16 PRELIMINARY PLAT: A map, drawing or chart, prepared according to the provisions of this ordinance, drawn to scale on which is shown the subdivider's proposed arrangement of streets, lots, easements and other public spaces in the subdivision that is not to be recorded for record but is only a proposed division of land for review and study by the city.

2.17 FINAL PLAT: A map, drawing or chart prepared according to the provisions of this ordinance, and containing all engineering and legal data, dedications, and certificates necessary to the recording of same in the map and plat records of Collin County, Texas, whichever is appropriate.

2.18 CERTIFIED LAND DIVISION: A map, drawing or chart delineating parcels of land offered for rent or lease for other than agricultural uses and which (i) is not required by statute or state regulation to be filed in the map and plat records of the county; and (ii) does not involve or require the dedication of public streets or alleys; and, has been certified by the city council as having met the conditions of this ordinance. A certified land division shall be treated as a subdivision plat under these regulations, except that it is properly certified for filing with the city secretary rather than the county clerk. In addition, a final plat of the property indicating legal boundaries and any public dedication and easements shall be prepared and filed with the county clerk.

2.19 EXTRATERRITORIAL JURISDICTION ETJ: All land situated, as classified by Article 970a of the Vernon's Annotated Revised Civil Statutes, in all directions from the corporate boundaries of the city and its extensions.

2.20 EASEMENT: An area intended for restricted use on private property, upon which any public utility shall have the right to remove and keep removed all or part of any buildings, fences, trees, shrubs, or other improvements or growth which in any way endanger or interfere with the construction, maintenance, or operation of any of its respective utility or drainage systems within any of these easements. Any public utility shall at all times have the right of unobstructed ingress and egress to and from and upon said easements for the purpose of constructing, reconstructing, inspecting, patrolling, maintaining, adding to or removing all or part of its respective systems without the necessity, at any time, of procuring the permission of anyone.

2.21 ZONING ORDINANCE: The duly adopted ordinance of the City of Blue Ridge establishing certain districts within the city, and regulating the use of land, size of lots, size and height of buildings, and other elements of development and land use within those districts.

2.22 MOBILE HOME PARK: An area or development intended for the renting or leasing, but not sales, of sites for the location and/or occupancy of mobile homes.

2.23 STANDARD SPECIFICATION[S] AND CODES: The standard specifications and codes adopted by the city council and all revisions thereof, for all public works improvements in the City of Blue Ridge shall be applied to all improvements constructed under the provisions of these subdivision regulations.

2.24 PRIVATE SEWAGE FACILITY: A facility designed for the transportation, collection, and/or treatment of wastewater for more than a single residential unit or for commercial or industrial purposes.

(Ordinance 7-17-91, sec. 2, adopted 7/17/91)

**SECTION 3. PURPOSES, AUTHORITY AND JURISDICTION**

3.1 It is the purpose of this ordinance to provide for the safe, efficient, and orderly development of the city, and to secure adequate provisions for traffic, light, air, recreation, transportation, water, drainage, sewer and other facilities.

3.2 These regulations shall govern any and every person, firm, corporation, or organization owning any tract of land within the city limits of Blue Ridge who may hereafter divide the same into two (2) or more parts for the purpose of laying out any subdivision of any tract of land or any addition to said city, or laying out suburban lots or building lots, or any lots, and streets, alleys or parks or other portions intended for public use, or for the use of purchasers or owners of lots fronting thereon or adjacent thereto.

By the authority of the Municipal Annexation Act, 1963, Article 970a, Vernon’s Annotated Civil Statutes of the State of Texas, which article is hereby made a part of these regulations[, this ordinance] shall be extended to, and shall apply to, all of the area outside of the corporate limits of said city but within the extraterritorial jurisdiction of said city. Such jurisdiction shall extend into and encompass all those areas as classified in Article 970a, Vernon’s Annotated Revised Civil Statutes, and extending in all directions from the city limits of Blue Ridge and all of its extensions.

3.3 Unless and until any plat, plan or replat shall have been first approved in the manner provided for under these regulations, it shall be unlawful for any person, firm, corporation, or organization to construct or cause to be constructed any streets, utilities, buildings or other improvements to any tract of land; and it shall be unlawful for any official of said city to issue any permit for such improvements, including building permits, or to serve or connect said land, or any part thereof, for the use of the owners, purchasers, or users of said land, or any part thereof, with any public utilities such as water, sewer, lights, gas, etc., which may be owned, controlled, distributed, franchised, or supplied by said city.

3.4 All of the improvements required under these regulations, or improvements specified in the comprehensive plan of Blue Ridge or improvements which, in the judgment of the city engineer, are necessary for the adequate provision of streets, utilities, drainage, services and facilities to the subdivision and to surrounding areas of the city, shall be constructed at the sole expense of the developer, unless other provisions are formally approved by the city council. Payment for any and all improvements which are not to be made at the time of the primary construction of the subdivision or development shall be made a part of a binding contract, signed by the developer and approved by the city council.

Any rebates or other payments to the developer by the city for the cost of oversized improvements or off-site improvements, required as a part of the subdivision or development, and necessary for the adequate and efficient development of surrounding areas of the city shall be paid only in accordance with the pro-rata ordinance of the City of Blue Ridge unless other provisions are formally approved by the city council.

3.5 If the property is not zoned as required for the proposed subdivision, permanent zoning shall be requested. Application for zoning includes completion of required forms, payment of required fees and performance of other requirements of the zoning ordinance and the rules and regulations of the city as the same may be from time to time, passed or amended. Zoning may be requested concurrently with preliminary plat review.



3.6 These rules and regulations are the standard requirements of Blue Ridge, Texas. Suspension of any of these rules and regulations may be granted by the city council, upon a good and sufficient showing by the owner that there are special circumstances or conditions affecting the property in question, or that enforcement of the provisions of this ordinance will deprive the applicant of a substantial property right, and that such suspension, if granted, will not be materially detrimental to the public welfare or injurious to other property or property rights in the vicinity. Each and every application for variance shall be decided solely and entirely on its own merits; and the disposition of any prior or pending application for variance shall not be allowed to enter into or affect any decision on the application in question. Pecuniary interest standing alone shall not be justification for the granting of a variance.

3.7 The owner of any tract of land aggrieved by the decision made under these regulations by any administrator or official of the city shall first apply to the planning and zoning commission for relief from such administrative decision. Any aggrieved party having any interest in the matter may appeal the ruling by the planning and zoning commission regarding the decision to the city council.

(Ordinance 7-17-91, sec. 3, adopted 7/17/91)

#### **SECTION 4. PROCEDURES**

All property not subdivided into lots, blocks, and streets, or property to be subdivided within the city or within its extraterritorial jurisdiction shall hereafter be laid out under the direction of the planning and zoning commission and subject to the approval of the city council, and no other subdivision will be recognized by the city.

##### **4.1 PRE-APPLICATION CONFERENCE**

Prior to the filing of a preliminary plat, the subdivider shall consult with the city council concerning the ultimate land-use of the proposed development, the suitability of the location of the proposed subdivision, the most advantageous subdivision plan, the arrangement of streets, alleys and lots, and the layout of utility lines and availability of service from trunk mains. If necessary a written record of the meeting shall be kept by the city, and a copy provided to the developer.

##### **4.2 PRELIMINARY PLATS**

4.2.1 All preliminary plats shall be filed with the office of the city secretary. The city secretary shall sign and date all copies, and return one to the owner. No preliminary plat will be considered by the city as having been filed until the prescribed fees have been paid.

4.2.2 At such time the preliminary plat is filed with the city for review and approval, it will be immediately passed to the city council or their duly authorized representative who will make a preliminary study of the plat. If it appears substantially complete, the city council or their duly authorized representative will make a visit to the area to determine if there are apparent problems with development of subject land. If none are found, they or their duly authorized representative shall then forward the preliminary plat to the planning and zoning commission with his comments.

If the city council or their duly authorized representative determines that the preliminary plat as submitted is substantially incomplete and requires a significant amount of work by the developer's engineer, the incomplete plat will be immediately returned to the developer's engineer, requesting that it be completed or revised prior to the next planning and zoning meeting. Revised plats subsequently submitted shall be signed and dated by the city secretary, attached to the original and then forwarded to the planning and zoning commission. No additional filing fees shall be required.

4.2.3 Within 45 days after the preliminary plat is formally filed, the commission shall conditionally approve or disapprove such plat or conditionally approve it with modifications. If it is conditionally disapproved or conditionally approved with modifications, the commission shall inform the subdivider, in writing, of the reasons at the time such action is taken.

4.2.4 Conditional approval by the commission of a preliminary plat shall be advisory only, and such plat shall be referred to the city council for final action at their regularly scheduled meeting.

4.2.5 Conditional approval of a preliminary plat by the city council shall be deemed an expression of approval of the layout submitted on a preliminary plat as a guide to preparation of the final plat. Conditional approval of a preliminary plat shall not constitute automatic approval of the final plat.

4.2.6 The approval of the preliminary plat by the city council shall be effective for a period of one hundred eighty days after the approval date, after that the plat becomes null and void.

4.2.7 Upon request of the subdivider, the city council or their authorized representative may waive the preparation of the preliminary plat with the provision that the final plat be prepared in accordance with the provisions of both the preliminary and final plat sections.

### 4.3 FINAL PLATS

4.3.1 After approval of the preliminary plat by the planning and zoning commission and the city council, a final plat, prepared by a registered public surveyor, bearing his seal, and the construction plans, prepared by a professional engineer registered in the State of Texas, and bearing his seal, shall be filed with the city secretary's office. All copies shall be signed, dated and one copy shall be returned to the owner.

4.3.2 No final plat will be considered by the city as being filed until the prescribed filing fees have been paid.

4.3.3 The final plat may constitute all or only a portion of the approved preliminary plat, but any portion thereof shall conform to all the requirements of these regulations.

4.3.4 If the final plat is submitted for approval for portions or sections of the proposed subdivision, each portion or section shall carry the name of the entire subdivision but shall bear a distinguishing letter, number, or subtitle. Block letters shall run consecutively throughout the entire subdivision, even though such subdivision might be finally approved in sections.

4.3.5 Within 45 days after the final plat is formally filed, the planning and zoning commission will either recommend approval or disapproval of the final plat and forward it to the city council. Any action taken by the city council shall be final regardless of previous action of the planning and zoning commission.

4.3.6 If a final plat for the subdivision, or a portion thereof, has not been submitted, or if a change in requirements has not occurred which would affect the preliminary plat, at the end of one hundred eighty (180) days after approval, then the preliminary plat shall become null and void, unless the subdivider has, in writing, requested and received an extension of time from the city council.

4.3.7 After examination of the final plat, the city council shall approve or disapprove the final plat as being authorized for construction. If the plat is disapproved, it shall be returned to the owner with reasons for the disapproval.

4.3.8 If the plat is approved by the city council the owner has the following options concerning the filing of the final plat:

4.3.8.1 Option 1. If the owner desires to file the final plat prior to completion of construction of the roads and utilities in a subdivision, the owner shall provide appropriate financial security that assures the city council that the construction shall conform with these regulations. The financial security can be arranged by one of the following methods:

- (a) A performance bond may be filed by the owner payable to the City of Blue Ridge in the amount of the cost of construction. The bonds must be surety bonds provided by a surety company licensed to operate in the State of Texas; or
- (b) The owner may provide funds in escrow, certificate of deposit, an irrevocable letter of credit, or other financial instrument, satisfactory to the city council in the amount of the cost of construction.

After acceptable financial security is filed with the city, and after all fees including those specified in section 4.4 are paid, the mayor will sign the final plat as authorized for filing, and the owner can then file the final plat in the county clerk's office.

4.3.8.2 Option 2. If the owner desires not to guarantee the completion of construction, the final plat will be withheld from filing until the completion of the required construction. At such time that the city council or his authorized representative certifies to the mayor in writing that the construction is completed according to the city specifications, and after all fees, including those specified in section 4.4 are paid, the mayor will sign the final plat as authorized for filing, and the owner can then file the final plat in the county clerk's office.

#### 4.4 FEES

4.4.1 All applicable subdivision and zoning fees are detailed in the city's fee and rate ordinance. The subdivider is required to comply with all provisions of the current fee and rate ordinance. Applicable portions of that ordinance are hereby incorporated into these subdivision regulation[s] by reference, just as if they were reproduced in their entirety herein.

4.4.2 In addition to the above mentioned, the developer shall pay to the City of Blue Ridge the utilities capital improvement impact fees as specified by city policy. The mayor shall not sign the final plat as authorized for filing until these fees are paid.

(Ordinance 7-17-91, sec. 4, adopted 7/17/91)

## **SECTION 5. PLAT REQUIREMENTS**

### **5.1 PRELIMINARY PLAT REQUIREMENTS**

All preliminary plats shall comply with the following:

5.1.1 Copies. The developer shall submit twelve copies of the preliminary plat to the office of the city secretary.

5.1.2 Subdivision name. The proposed name of the subdivision, which shall not conflict with the name of any other subdivision in the county, and the names of all adjacent subdivision[s] shall be clearly labeled.

5.1.3 Subdivision owner's name. The names, addresses and telephone numbers of the owner and/or owners of the proposed subdivision, and the name, address and telephone number of the registered public surveyor responsible for the preparation of the preliminary plat shall be clearly labeled.

5.1.4 Boundary lines. The location of boundary lines and their relation to an original corner of the original survey, together with a vicinity map shall be clearly shown.

5.1.5 Lot and street layout. The location and width of existing and proposed streets, roads, lots (accurate dimensions and estimated acreage) and alleys, building lines, easements, parks, school sites, and any other feature relating to the proposed subdivision shall be shown. The plans shall show the outline of adjacent properties for a distance of at least [one hundred] (100) feet and how the streets, alleys, or highways in the proposed subdivision may connect with adjacent land or with adjacent subdivisions which are of record. The acreage of the proposed subdivision shall be indicated on the plat.

5.1.6 Drainage and topography. The preliminary plat must show existing drainage, the physical features of the property including watercourses, the 100-year floodplain boundaries and source of information, ravines, bridges, culverts, present structures, and other features of importance for lot and street layout. Topography of the tract shall be shown on the preliminary plat by means of contours of ten (10) foot intervals. Contours of lesser intervals may be required to better determine topography and drainage.

5.1.7 Land use. Designation of the proposed uses of land within the subdivision whether for residential, commercial, industrial, or public use, such as parks, churches, etc., shall be clearly shown.

5.1.8 Drawing requirements. The preliminary plat shall show the north arrow, map scale and date. The preliminary plat shall be drawn to a scale not exceeding one (1) inch equal two hundred (200) feet. Preliminary plats shall be presented on standard size sheets of 24" x 36". The signature block shown in appendix A.1 [not printed herein] must be included on the plat.

If the proposed subdivision is too large to be accommodated by a single standard sheet size, then two or more sheets may be used, with match lines clearly shown. If the original plat has been reduced for filing, then the reduction must be no more than 50% of the original size.

5.1.9 Utility service. The owner must submit a plan for providing utility service within the proposed subdivision and must show the same on the plat. The proposed water supply should be clearly indicated, i.e., municipal water, rural water supply corporation, privately owned water system, individual wells, etc., including location of fire hydrants, if any. All public water supplies shall be approved by the Texas Department of Health. The plan for sewage disposal should be clearly indicated, i.e., municipal sewer service, privately owned/organized sewage disposal system, private sewage facilities, etc.

## 5.2 FINAL PLAT REQUIREMENTS

5.2.1 Copies. The developer shall submit twelve (12) copies of the plat, along with six (6) copies of all construction plans to the office of the city secretary.

5.2.2 Subdivision name. The name of the subdivision, map scale, date and north arrow, names or numbers of streets, and lot, block and section numbers within the subdivision shall be clearly shown.

5.2.3 Subdivision owner's name. The names, addresses and telephone numbers of the owner of the proposed subdivision, and the name, address and telephone number of the registered public surveyor responsible for the preparation of the final plat.

5.2.4 Signature approval block. The signature approval block contained in appendix A.2 [not printed herein] must be included on the final plat.

5.2.5 Boundary lines. The perimeter boundaries of the subdivision shall be shown with bearings and distances, referenced to a corner of the original survey, along with the names and vicinity map of adjacent subdivisions, if any. The boundary line description of the tract being subdivided shall close to an accuracy of one in ten thousand (1/10,000 [1:10,000]).

5.2.6 Utility service. The owner must submit a plan for providing water, sewer, and electricity within the proposed subdivision in accordance with the standards in the following section. If it is the owner's intent that each lot purchaser shall provide private septic systems, to each lot owner's needs, then copies of percolation tests performed by a registered professional engineer, registered sanitarian or a reputable testing laboratory shall be provided, together with a letter stating recommendations as to the type of septic system to be installed. If private sewage facilities or septic systems are to be used for sewage disposal, the location of each percolation test shall be noted on the plat and the area covered by that test shall be outlined clearly on the plat. All proposed private sewage facilities shall be in accordance with the rules of the City of Blue Ridge for private sewage facilities. A plan prepared by the person charged with performing the percolation tests on the subdivision site shall show areas not suitable for ordinary septic tank systems. Such areas shall require special systems approved by the City of Blue Ridge.

5.2.7 Lots, streets, easements, and setback line layout and drainage location of lots, streets, roads, public highways, utility easements, parks, 100-year floodplain boundaries, and source of floodplain information, and other pertinent features, shall be shown with accurate dimensions in feet and decimals of feet and bearings with length, radii and angle of all curves, and with all other information necessary to duplicate the plat on the ground. Construction plans for the paving, drainage, water and sanitary sewer improvements shall be prepared by professional engineer of Texas and shall bear his seal. Each of the above shall be submitted as separate plans. Plan and profile drawings shall be drawn at a scale of 1 inch = 40 ft. horizontal and 1 inch = 6 ft. vertical.

The location of building setback lines on all streets, and drainage easements, and other public right-of-way or future right-of-way shall be shown.

5.2.8 Certification and dedication by owner. Certification by the owner of his dedication of all streets, public highways, alleys, utility and drainage easements, parks, if any, and other land dedicated for public use forever, signed and acknowledged before a notary public by said owner shall be shown.

5.2.9 Certification by registered public surveyor. Certification by a registered public surveyor shall be provided to the effect that the plat correctly represents a survey made by him, and that all the lot corners and boundary markers are correctly placed as shown thereon; the dimensions, bearings and other technical information needed for platting each lot shall be shown on the subdivision plat and shall be furnished to an accuracy of one in ten thousand.

5.2.10 Restriction of subdivision. A copy of the restrictions imposed within the subdivision by the owner shall accompany the final plat. If sewage disposal is to be done by means of private sewage facilities, the restrictions shall indicate that a private sewage facility license shall be obtained from the City of Blue Ridge for each lot within the subdivision. The restrictions shall indicate that all driveway culverts shall be installed in accordance with city policies. The restrictions shall indicate that no building occupancy shall be allowed until the final plat is filed and the subdivision is accepted by the city.

5.2.11 Drawing requirements. Show the north arrow, map scale and date. The final plat shall be drawn to a scale not exceeding one (1) inch equal one hundred (100) feet. Final plats shall be presented on standard size sheets of 24" x 36". The signature block shown in appendix A.1 [not printed herein] must be included on the plat. The owner should also submit three (3) one (1) inch equal two hundred (200) feet, and three (3) one (1) inch equal four hundred (400) feet reductions of the plat and water and sewer plan for the city's use.

If the proposed subdivision is too large to be accommodated by a single standard sheet size, then two or more sheets may be used, with match lines clearly shown. If the original plat has been reduced for filing, then the reduction must be no more than 50% of the original size.

Final acceptance of the construction improvements will not be granted until the owner submits mylar reproducibles of the construction plans marked "As-Builts" or "Record Drawings."

(Ordinance 7-17-91, sec. 5, adopted 7/17/91)

**SECTION 6. CONSTRUCTION AND IMPROVEMENT SPECIFICATIONS**

**6.1 GENERAL REQUIREMENTS**

[6.1.1 Reserved]

6.1.2 The construction plans shall have a "certificate of adequacy" of the plans and specification[s] signed by the registered engineer who prepared the plans.

6.1.3 The contractor shall provide a maintenance bond payable to the city effective from the date of acceptance by the city for one year in the total amount of the improvements constructed.

6.1.4 The contractor shall execute a performance and payment bond in the amount of 100% of the construction cost for the improvements and shall furnish a copy of each to the city prior to the construction commencing.

6.1.5 The registered engineer retained by the owner shall be responsible for construction inspection. The registered engineer shall furnish the city a “certificate of completion” upon completion stating the construction was in compliance with the plans and specifications.

6.1.6 The owner shall be responsible for all costs subsidiary to the preparation of the plans and specifications and their subsequent construction.

6.1.7 Design of the improvements shall be by generally accepted engineering practices as amended by the Blue Ridge design standards.

6.1.8 Construction standards shall be in accordance with the “Standard Specifications for Public Works Construction” by North Texas Council of Governments, first edition 1983 with amendments and as amended by the City of Blue Ridge.

## 6.2 PARKS AND OTHER PUBLIC USES

All subdivisions exceeding five (5) acres in gross area shall include a dedication of five percent (5%) of the gross area thereof to the public for use as parks, playgrounds and recreational areas: provided, however, that in cases where it appears that the property to be dedicated is not suitable for such purpose or purposes, then the commission may at its option, require the developer to deposit with the City of Blue Ridge an amount of money equivalent in value to five percent (5%) of the gross area of such proposed subdivision. In the event that the commission elects to require the deposit of such monetary sum, the amount shall be calculated on the basis of the reasonable cash market value of the area included in such subdivision, immediately prior to the platting and approval thereof by the city. In such cases, all monies derived from such sources shall be used by the City of Blue Ridge either for the acquisition of additional park sites in said city, or for capital improvements to existing parks, and no portion thereof may be used for maintenance to existing parks or for any other purpose.

## 6.3 STREETS

6.3.1 Streets, curbs, and gutters shall be designed and built according to the City of Blue Ridge.

6.3.2 Street design shall be according to the following:

Lot Size	Type Street	ROW	Material	Paved Width	Edges
0 - 1 acre	Arterial	80	Concrete	45	Curb and gutter
	Collector	60	Concrete	37	Curb and gutter
	Residential	50	Concrete	27	Curb and gutter
5 acre	Arterial	80	Concrete	45	Curb and gutter
	Collector	60	Concrete	37	Curb and gutter
	Residential	50	Concrete	27	Curb and gutter
	or	60	Concrete	27	None

Lot Size	Type Street	ROW	Material	Paved Width	Edges
5 - 10 acre	Arterial	80	Concrete	45	Curb and gutter
	Collector	60	Concrete	37	Curb and gutter
	Residential	60	Asphalt	20	3 ft. shoulder

Use of Flexbase #3 will be allowed and accepted for paving purposes in new subdivisions as well as other paving needs as required.

6.3.3 Street signs. Street signs shall be installed by the subdivider at all new intersections within or abutting the subdivision. Such signs shall be of a type approved by the city, and shall be installed in accordance with the standards of the city.

6.3.4 Street lighting. Streetlights shall be installed by the subdivider at all street intersections within the subdivision, and at adjacent intersections on the north and east boundaries of the subdivision.

#### 6.4 ALLEYS

6.4.1 Alleys shall be provided in commercial and industrial districts and shall be paved with reinforced concrete except that the city may waive this requirement where other definite and assured provisions are made for service access, such as off-street loading, unloading and parking consistent with and adequate for the uses provided.

6.4.2 Alleys shall be provided in all residential areas when feasible and shall be paved with reinforced concrete.

6.4.3 The minimum right-of-way of an alley shall be twenty (20) feet in industrial and commercial areas and fifteen (15) feet in residential areas. The paved area shall be fifteen (15) feet in industrial and commercial areas and ten (10) feet in residential areas. The alley turnouts shall be paved to the property line and shall be at least two (2) feet wider than the alley paving at that point. The radii of the turnouts for alleys intersecting thoroughfares shall be fifteen (15) feet and shall be ten (10) feet at intersections with all other streets.

6.4.4 Alley intersections and sudden changes in alignment shall be avoided but, where necessary, lot corners shall be cut off at least fifteen (15) feet along each tangent from the point of intersection to permit safe vehicular movements.

#### 6.5 LOTS

6.5.1 All lots shall conform to the regulations as set forth in the city's zoning ordinance. In any case, the minimum lot size shall be the same as the minimum residential lot specified in the zoning ordinance.

6.5.2 Corner lots in residential areas shall be wider than inside lots so as to allow an appropriate setback from both streets.

6.5.3 Each lot shall face onto a public street or a private drive, except in a planned unit development. Lots with street frontage at both front and rear shall be avoided, except when backing onto a highway or thoroughfare.



6.5.4 Side lines of lots shall be approximately at right angles to straight street lines and radial to curved street lines.

## 6.6 BLOCKS

6.6.1 The lengths, width and shapes of block shall be determined with regard to the following items.

6.6.1.1 Provision of adequate building sites suitable to the special needs of the type of use proposed.

6.6.1.2 Zoning requirements as to lot sizes and dimensions.

6.6.1.3 Needs for convenient access, circulation, control and safety of traffic.

6.6.1.4 Limitations of topography.

6.6.2 Where no existing subdivision controls, the blocks shall not exceed one thousand two hundred (1200) feet in length, except in certain instances where topographical features warrant special consideration. These limits shall be exceeded only upon specific approval by the city. Blocks longer than six hundred (600) feet shall be avoided in business districts

## 6.7 FIRE HYDRANTS

The developer shall install fire hydrants within the subdivision. Such hydrants shall meet all of the design, construction, and installation policies of the City of Blue Ridge.

6.7.1 Fire hydrants shall be placed on block corners or near the center of the block, to place all of every residential lot within a radius of five hundred (500) feet: but in no circumstance shall a hose lay of more than six hundred (600) feet be needed from the fire hydrant to cover all of every lot within the subdivision or tract under development.

6.7.2 Fire hydrants shall be located in commercial and industrial areas so that all of every lot shall be within a radius of three hundred (300) feet, but under no circumstance shall a hose lay of more than four hundred (400) feet need to be made in order to adequately afford fire protection to the building or buildings.

6.7.3 All fire hydrants shall be placed on water lines with a diameter of at least six (6) inches.

## 6.8 RESPONSIBILITY FOR PAYMENT OF INSTALLATION COSTS

### 6.8.1 Street and alley construction

6.8.1.1 The subdivider shall, at his own expense pay for construction all streets and alleys in his subdivision and one-fourth (1/4) of all perimeter streets and alleys to include the integral curb on the side nearest the property line.

6.8.1.2 The subdivider shall not be required to pay for constructing the above-mentioned one-fourth of perimeter street in the following cases:

Where the perimeter street is a city street that is paved with either concrete or asphalt, and where that street has existing curb and gutter, and where the proposed subdivision will not change the use of the street (i.e., change the use from residential to collector or from collector to arterial).

6.8.1.3 Where the proposed subdivision is located adjacent to a road or street not mentioned in section 6.8.1.2, and it is deemed not feasible, by the City of Blue Ridge, to improve said road or street at the time of development of the subdivision, the developer shall pay to the city a monetary amount equal to the cost of improvements (including excavation, sub-grade preparation, paving, drainage facilities, utility adjustments and engineering) for said road or street as a condition precedent to the approval of any final plat for said subdivision. The estimate of cost of said improvements shall be determined by the city engineer with said estimate being made available to the developer. Said amount shall be placed by the city into a fund labeled street improvement fund, and shall be specifically used for the improvement of said road or street. In the event that said street improvements are not completed by the city within seven (7) years from the date the final plat was filed, said payment from the developer shall be returned, on a pro-rata basis, to current property owners, with interest.

6.8.2 Utility construction. The developer shall, at his own expense, pay for construction of all sanitary sewer, storm sewer, and water lines within his subdivision. The developer shall also be responsible for the cost of construction of all water and sewer extensions necessary to provide service to the subdivision. The payment of these costs, as well as any refunds due the developer for replacement of substandard lines or for future tie-ins to these extensions, shall be in accordance with the pro-rata ordinance of the City of Blue Ridge.

(Ordinance 7-17-91, sec. 6, adopted 7/17/91; Ordinance adopted 8/3/99)

**SECTION 7. CONFLICT WITH OTHER ORDINANCES**

7.1 Whenever the standards and specifications in this ordinance conflict with those contained in any other ordinance of the City of Blue Ridge the most stringent or restrictive provision shall govern.

7.2 Whenever the standards and specifications in this ordinance conflict with those of Collin County, Texas, and the property in question is located outside the city limits of Blue Ridge, the most stringent or restrictive provision shall govern.

(Ordinance 7-17-91, sec. 7, adopted 7/17/91)

**SECTION 8. SEVERABILITY CLAUSE**

Should any portion or part of this ordinance be held for any reason invalid, unenforceable, or unconstitutional, the same shall not be construed to affect any other valid portion hereof, but all valid portions hereof shall remain in full force and effect. (Ordinance 7-17-91, sec. 8, adopted 7/17/91)

**SECTION 9. PENAL PROVISIONS**

Any person violating any provisions of this ordinance within the corporate city limits of the City of Blue Ridge, Texas, shall be guilty of a misdemeanor, and upon conviction shall be fined an amount not exceeding one thousand dollars (\$1000.00). Each day that such violation continues shall be a separate offense. Prosecution or [text illegible] provision shall never be a bar to any other remedy or relief for violations of this ordinance. (Ordinance 7-17-91, sec. 9, adopted 7/17/91)



**EXHIBIT B**

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**EXHIBIT B**

**ZONING ORDINANCE**

**ORDINANCE NO. 2002-0305-AA**

**SECTION 1: PURPOSE**

The purpose of this Ordinance is to zone the entire area of the City of Blue Ridge into districts as permitted by the provisions of Chapter 211 of the Local Government Code, Vernon’s Texas Codes Annotated. The districts have been designed to lessen congestion in the streets; to provide safety from fire, panic, and other dangers; to provide adequate light and air; to prevent the overcrowding of land; to avoid undue concentration of population; and to provide and facilitate adequate provisions for transportation, water, sewage, schools, parks, open spaces and other public requirements. The districts have been created with fair and reasonable consideration of the character of each particular district and its peculiar suitability for particular uses and with a view of insuring the appropriate use of all property and to prohibit the inappropriate use of all property and thereby promote the general good and welfare of the public. (Ordinance 2002-0305-AA, sec. 1, adopted 3/5/02)

**SECTION 2: DEFINITIONS**

For the purpose of this Ordinance, certain terms and words are herein defined as follows: The words “used for” include “designated for” and vice versa; words in the present tense include the future, words in the singular number include the plural number and vice versa; the word “building” includes the word “structure”; the word “dwelling” includes the word “residence”; the word “lot” includes the word “plot” and the word “shall” is mandatory and not directory.

2.1 **ACCESSORY:** A subordinate use or building customarily incident to and located on the same lot with the main use or building.

2.2 **ALLEY:** A public right-of-way that extends only secondary means of access [to] abutting property.

2.3 **ALTERATION; STRUCTURAL:** Any change in a supporting member of a building or structure, such as bearing walls, columns, beams or girders.

2.4 **AUTOMOBILE SERVICE STATION:** A building or place designed for the primary purpose of dispensing gasoline, oil, diesel fuel, liquefied petroleum gases, greases, batteries, tires and other automobile accessories at retail direct to the motor vehicle trade; also used for the care and repair of motor vehicles.

2.5 **AUTOMOBILE WRECKING YARD:** An open area used for dismantling or wrecking of any type vehicle or the storage, sale or dumping of dismantled or wrecked vehicles or their parts and accessories.

2.6 **BILLBOARD OR POSTER PANEL:** Any sign or advertisement used as an outdoor display for the purpose of making anything known, the origin or point of sale of which is remote from said display.

- 2.7 BOARDING HOUSE: A building other than a hotel where lodging and meals for five or more persons are served for compensation.
- 2.8 BUILDING; A structure having a roof supported by columns or walls.
- 2.9 BUILDING LINE: A line located a minimum distance from the defined perimeter, beyond which no part of a building shall extend.
- 2.10 BUILDING; FRONT: The side of a building most nearly parallel with and adjacent to the front of the lot on which it is situated.
- 2.11 CLINIC; MEDICAL: A facility or station for the examination and treatment of ill and affected outpatients, excepting veterinary facilities.
- 2.12 COMMISSION; PLANNING AND ZONING: Shall mean the Planning and Zoning Commission of Blue Ridge, Texas.
- 2.13 CUSTOMARY HOME OCCUPATION: An occupation, profession, domestic craft, or economic enterprise, which is customarily conducted in a “residential dwelling.” This use shall be secondary and the residential use and appearance will remain primary as use of the premises.
- 2.14 DANCE HALL: Any place open to the public in which persons move with either backward, forward or side steps, leaps or jumps, regulated or accompanied by music.
- 2.15 DISTRICT: A section of the City of Blue Ridge for which the regulations governing the areas, heights or use of buildings or lots are uniform.
- 2.16 DENSITY: Number of dwelling units divided by acreage.
- 2.17 DWELLING: A building or portion thereof designed exclusively for residential occupancy, including one-family, multi-family dwellings, and mobile homes, but not including hotels, boarding or rooming houses, tourist courts, and motels.
- 2.18 DWELLING UNIT OR APARTMENT: One or more rooms in a dwelling designed for occupancy by one family for living purposes, and having cooking facilities consisting of only one kitchen.
- 2.19 DWELLING; ONE-FAMILY: A detached building designed exclusively for occupancy by one family.
- 2.20 DWELLING; MULTI-FAMILY OR APARTMENT HOUSE: A building or portion thereof arranged, designed or occupied as a residence by two or more individuals and/or families having separate quarters and living independently of each other.
- 2.21 EXCEPTION: Permission to use property in a manner contrary to the provisions of this Ordinance, provided such use does not circumvent the general welfare or public interest.
- 2.22 GARAGE; PUBLIC: A building other than a private garage used for the care or repair of automobiles, or where such vehicles are parked or stored for remuneration, hire or sale.



2.23 GARAGE SALE: The sale of items normally accumulated by the household in which the sale is conducted.

2.24 LOCAL BUSINESS: A business located in the Central Business District.

2.25 LOTS: An undivided tract or parcel of land under one ownership having access to a street, either occupied or to be occupied by a building or building group, together with accessory buildings and use, together with such yards and other open spaces as are required by this Ordinance, which parcel of land is designated as a separate and distinct tract and is identified by a tract or lot number or symbol in a duly approved subdivision plat of record.

2.26 MANUFACTURED HOUSING; HUD-CODE: A structure, constructed on or after June 15, 1976, according to the rules of the United States Department of Housing and Urban Development, transportable in one (1) or more sections, which in the traveling mode, is eight (8) body feet or more in width or forty (40) body feet or more in length, or when erected on-site, is three hundred twenty (320) or more square feet, and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities, and which includes the plumbing, heating, air conditioning and electrical systems. All references in this ordinance to manufactured housing or manufactured home(s) shall be references to HUD-Code Manufactured Housing, unless otherwise specified.

2.27 MOBILE HOME: A structure. constructed before June 15, 1976, transportable in one (1) or more sections, which in the traveling mode, is eight (8) body feet or more in width or forty (40) body feet or more in length, or, when erected on-site, is three hundred twenty (320) or more square feet, and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities, and which includes the plumbing, heating, air conditioning and electrical systems. Recreational vehicle[s] and motor homes are not considered to be a mobile home.

2.28 MANUFACTURED HOUSING SUBDIVISION: A tract of land of not less than ten (10) acres which has been final platted of record in its entirety in accordance with the subdivision regulations of the city for occupancy primarily by HUD-Code manufactured housing.

2.29 MODULAR HOME: Sec Manufactured Housing, HUD-Code, Section 2.26.

2.30 NONCONFORMING BUILDING: A building or structure or portion thereof lawfully existing at the time this Ordinance became effective, and which does not conform with the building regulation[s] of the district in which it is located.

2.31 NONCONFORMING USE: A use which lawfully occupied a building or land at the time this Ordinance became effective and which does not conform with the use regulations of the district in which it is located.

2.32 PERSON: The word “person” when used in this Ordinance shall, for the purpose of this Ordinance, mean every natural person, firm, co-partnership, association, partnership, corporation or society, and the term “person” shall include both singular and plural, and the masculine shall embrace the feminine gender.

2.33 SIGNS: Any words, numbers, figures, devices, designs or trademarks by which any thing is made known, such as are used to designate an individual, a firm, profession, business, or a commodity and which are visible from any public street.

2.34 STREET: A public right-of-way that extends primary means of access to abutting properties.

2.35 STRUCTURE: Any thing constructed or erected which requires location on the ground or attached to something having a location on the ground.

2.36 VARIANCE: Relief granted to a property owner from a literal enforcement of any provisions of this Ordinance, which because of special conditions would result in an unnecessary hardship.

2.37 YARD: An open space other than a court on the same lot between a building or group of buildings and the nearest lot line and which is unoccupied and obstructed from the ground forward [upward].

2.38 YARD; FRONT: A yard extending across the full width of the lot between the nearest main building and the front lot line. The depth of the required front yard shall be measured horizontally from the nearest part of the main building to the nearest point of the front lot line, or the centerline of the street in certain specified cases.

2.39 YARD; REAR: A yard extending across the full width of the lot, between the nearest main building and the rear lot line, or the centerline of the alley in certain specified cases.

2.40 YARD; SIDE: An open unoccupied space between the main building and the side line of the lot extending from the front yard to the rear yard. No part of an alley shall be used as a part of the side yard.

(Ordinance 2002-0305-AA, sec. 2, adopted 3/5/02)

**SECTION 3: DISTRICT**

The City of Blue Ridge is hereby divided into types of land use districts termed respectively:

- A-1 AGRICULTURAL DISTRICT
- R-1 SINGLE-FAMILY DISTRICT
- R-2 MULTI-FAMILY DISTRICT
- R-3 MANUFACTURED HOUSING DISTRICT
- B-1 LOCAL BUSINESS DISTRICT
- B-2 GENERAL BUSINESS DISTRICT
- N-1 NON-TAXABLE ENTITIES

(Ordinance 2002-0305-AA, sec. 3, adopted 3/5/02)

**SECTION 4: OFFICIAL ZONING MAP**

4.1 Boundaries of the districts as enumerated in Section 3 of this Ordinance are hereby established and adopted as the zoning maps of the City of Blue Ridge which are made a part of this Ordinance as fully as if the same were set forth herein in detail. Two original and identical copies of the zoning maps are hereby adopted bearing the signature of the Mayor and attestation of the City Secretary. One such copy shall be titled City of Blue Ridge, Zoning Map as Adopted (Ordinance #2002-0305, dated 03/05/02). This copy shall be retained as the original map and

shall not be changed in any manner. The second such copy shall be titled City of Blue Ridge, Zoning Map as Adopted (Ordinance #2002-0305, dated 03/05/02), with Zoning District Amendments, and shall be kept in a convenient location in the City Hall for the use and benefit of the public. This copy shall be kept up-to-date, posting thereon all changes and subsequent amendments as individual zoning requests or changes are approved. Each change should be marked with the zoning district classification, amending ordinance number and date.

4.2 It shall be the duty of the Secretary of the Planning and Zoning Commission to keep up-to-date the duplicate original on file in the City Council Room, showing all changes, amendments or additions thereto, and noting on such map the Ordinance number and date of passage of each change, amendment or addition.

4.3 When definite distance[s] in feet are not shown on the zoning maps, the district boundaries are intended to be along existing street, alley, or plotted lot lines, or an extension of the same.

4.4 Whenever any street or alley is vacated, the particular zoning applying to the property fronting and/or abutting on any such street or alley shall upon such vacation be an extension of the same.

4.5 Color Legend: The duplicate [and] original zoning maps shall bear a color legend as follows:

<b>ZONING DISTRICT</b>	<b>SHADE OR COLOR</b>
A-1	Green
R-1	Blue
R-2	Red
R-3	Pink
B-1	Yellow
B-2	Orange
N-1	Purple

(Ordinance 2002-0305-AA, sec. 4, adopted 3/5/02)

**SECTION 5: REGULATIONS FOR ALL DISTRICTS**

5.1 USE: No building or structure shall be erected, raised, moved, placed, extended, enlarged, converted, constructed, reconstructed or structurally altered, except in conformity with the regulations herein prescribed for the district in which such building or structure or land be used or occupied or designed to be used or occupied for any purpose other than is permitted in the district in which such building, structure or land is situated.

5.2 HEIGHT: No building or structure shall be erected, constructed, extended, enlarged, reconstructed, or structurally altered to exceed the height limit herein established for the district in which such building or structure is situated.

5.3 AREA: No lot shall be reduced or diminished so that the yards or other open space shall be smaller than prescribed in this Ordinance; nor shall the density of population be increased in any manner except in conformity with the area regulations established herein. Side yard areas, used to

comply with minimum requirements of this Ordinance, shall not be included as a part of the required areas of any other building, and every building hereafter erected shall be located on a lot as herein defined and in no case shall there be more than one building on one lot, except as hereafter provided.

(Ordinance 2002-0305-AA, sec. 5, adopted 3/5/02)

**SECTION 6: “A-1” AGRICULTURAL DISTRICT**

The following regulations shall apply in the “A-1” district:

6.1 PURPOSE: This zone is designated to provide for general ranching and farming under minimum restrictions.

6.2 USES PERMITTED: Single-family dwellings located on a lot of two acres or more, excluding mobile homes; customary home occupations; Farm, farm accessory buildings, ranch, garden, orchard, nursery, or truck garden; water reservoirs; water well. The following uses may be permitted when approved in the manner specified in Section 13 [14]: Manufactured Housing. Mobile homes are not permitted under any circumstances. Mobile homes already in place are subject to the conditions of Section 16 [17] of this ordinance.

6.3 CONDITIONAL USES: The following uses may be permitted when approved in the manner specified in Section 13 [14]: Church buildings and other places of worship; County Club; golf courses with a minimum of forty (40) acres; radio, television, cell phone and pager transmitters, antennas and towers.

6.4 AREA REQUIREMENTS: Every structure, except fences, shall have minimum yard and other requirements as follows:

FRONT YARD: The minimum front yard distance from the property line to the building line shall be twenty-five (25) feet.

REAR YARD: The minimum rear yard shall be ten (10) feet.

SIDE YARD: The minimum side yard shall be fifteen (15) feet.

LOT WIDTH: The minimum lot width shall be seventy-five (75) feet.

LOT AREA: The minimum area of a lot in an agricultural zone shall be two (2) acres.

LOT COVERAGE: The combined area of all principal building and accessory buildings shall not cover more than twenty-five (25) percent of the total area of the lot.

HEIGHT LIMIT: A building shall not be over two and one-half stories in height and shall, in no event, exceed thirty-five (35) feet in height.

(Ordinance 2002-0305-AA, sec. 6, adopted 3/5/02)

**SECTION 7: “R-1” SINGLE-FAMILY DISTRICT**

The following regulations shall apply in the “R-1” District:

7.1 USES PERMITTED: Single-family dwellings and customary, single [sic] home occupations[.]

7.2 CONDITIONAL USES: The following uses may be permitted when approved in the manner specified in Section 13 [14]: Manufactured Housing. Mobile homes are not permitted under any circumstances. Mobile homes already in place are subject to the conditions of Section 16 [17] of this ordinance.

7.3 AREA REQUIREMENTS: Every structure, except fences, shall have minimum yard and other requirements as follows:

FRONT YARD: The minimum front yard distance from the property line to the building line shall be twenty-five (25) feet.

REAR YARD: The minimum rear yard shall be fifteen (15) feet measured from the centerline of the alley, or property line in the absence of an alley, except that an extension or wing may be built within five (5) feet of the rear lot line, provided the minimum total rear yard area equal to the basic requirement is maintained.

SIDE YARD: There shall be a minimum side yard of ten (10) percent of the lot width on each side of any structure, except that no more than fifteen (15) feet is to be required. On corner lots the minimum side yard adjacent to the side street shall be fifteen (15) feet.

LOT WIDTH: The minimum average width of any development lot shall be seventy-five (75) feet.

LOT AREA: The minimum area of any development lot shall be seven thousand five hundred (7,500) square feet.

LOT COVERAGE: The combined area of the principal building and any accessory buildings shall not cover more than fifty (50) percent of the total area of the lot.

HEIGHT LIMIT: Buildings shall not be over two and one-half stories and shall, in no event, exceed thirty-five (35) feet in height.

(Ordinance 2002-0305-AA, sec. 7, adopted 3/5/02)

**SECTION 8: “R-2” MULTI-FAMILY DISTRICT**

The following regulations shall apply in the “R-2” District:

8.1 USES PERMITTED: Any use unconditionally permitted in the foregoing “R-1” district. Apartment buildings and duplexes, multi-family housing, and grounds for games, provided that any such use shall not be operated for commercial gain, nor may any mechanical amusement equipment be operated incidental to such games or sports.

8.2 **CONDITIONAL USE:** The following uses may be permitted when approved in the manner specified in Section 13 [14]: Any use permitted conditionally in the foregoing “R-1” district which is not permitted unconditionally in the “R-2” district; Public recreation buildings, community buildings, theater groups or dramatic classes and athletic fields.

8.3 **AREA REQUIREMENTS:** Every structure except fences shall have minimum yard and other requirements as follows:

**FRONT YARD:** The minimum front yard shall be twenty-five (25) feet.

**REAR YARD:** The minimum rear yard shall be fifteen (15) feet measured from the centerline of the alley, or property line in the absence of an alley, except that an extension or wing may be built within five (5) feet of the rear lot line, provided the minimum total rear yard equal to the basic requirement is maintained.

**SIDE YARD:** There shall be a minimum side yard of ten (10) percent of the lot width on each side of any structure, except that no more than fifteen (15) feet is to be required. On corner lots the minimum side yard adjacent to the side street shall be fifteen (15) feet.

**LOT WIDTH:** The average width of each lot in the “R-2” district shall be not less than seventy-five (75) feet.

**LOT AREA:** The minimum of a lot in “R-2” district shall be 7,500 square feet for a one-family dwelling, or 11,000 square feet for a two-family dwelling, and for apartment houses or buildings arranged for more than two families, the minimum area shall be 11,000 square feet plus 1,000 square feet for each family in excess of two.

**COVERAGE:** The combined area of the main building and accessory building in the “R-2” district shall not cover more than sixty (60) percent of the total area of the lot.

**HEIGHT LIMIT:** The maximum height of building shall not exceed two and one-half stories or thirty-five (35) feet above average finished grade.

(Ordinance 2002-0305-AA, sec. 8, adopted 3/5/02)

**SECTION 9: “R-3” MANUFACTURED HOUSING DISTRICT**

The following regulations shall apply in the “R-3” District:

9.1 **USES PERMITTED:** Any use unconditionally permitted in the foregoing “R-1” district and including Manufactured Housing. Mobile homes are not permitted under any circumstances; those already in place are subject to the conditions of Section 16 [17] of this ordinance.

9.2 **CONDITIONAL USES:** [none listed]

9.3 **AREA REQUIREMENTS:**

**FRONT YARD:** The minimum front yard shall be twenty-five (25) feet.

REAR YARD: The minimum rear yard shall be fifteen (15) feet measured from the centerline of the alley, or property line in the absence of an alley, except that an extension or wing may be built within five (5) feet of the rear lot line, provided the minimum total rear yard equal to the basic requirement is maintained.

SIDE YARD: There shall be a minimum side yard of ten (10) percent of the lot width on each side of any structure, except that no more than fifteen (15) feet is to be required. On corner lots the minimum side yard adjacent to the side street shall be fifteen (15) feet.

LOT WIDTH: The average width of each lot in the “R-3” district shall be not less than seventy-five (75) feet.

LOT AREA: The minimum of a lot in “R-3” district shall be 7,500 square feet for a one-family dwelling, or 11,000 square feet for a two-family dwelling, and for apartment houses or buildings arranged for more than two families the minimum area shall be 11,000 square feet plus 1,000 square feet for each family in excess of two.

COVERAGE: The combined area of the main building and accessory building in the “R-3” district shall not cover more than sixty (60) percent of the total area of the lot.

HEIGHT LIMIT: The maximum height of building shall not exceed two and one-half stories or thirty-five (35) feet above average finished grade.

(Ordinance 2002-0305-AA, sec. 9, adopted 3/5/02)

**SECTION 10: “B-1” LOCAL BUSINESS DISTRICT (CENTRAL BUSINESS DISTRICT)**

The following regulations shall apply in the “B-1” District:

10.1 USES PERMITTED: The following uses shall be permitted; Animal grooming (no boarding), Bakeries, Banks and Savings and Loans, Barber and Beauty shops, Funeral home or Mortuary, Grocery stores, Offices, Printing shops and lithographing, Repair service shops (no auto repair), Restaurants, Retail stores and shops, and Theaters. Such uses and operations or products shall not be objectionable due to odor, dust, smoke, gas, noise, trash, vibration, glare, water spray or other similar causes. All businesses or displays must be entirely within a closed building.

10.1 [10.2] USES PROHIBITED: No manufacturing, compounding, processing or treatment of products is allowed. No tattoo or body piercing parlors are allowed except when approved in the manner specified in Section 13 [14]. No residential uses shall be permitted in the “B-1” district except when approved in the manner specified in Section 13 [14].

10.3 CONDITIONAL USES: Laundry and dry cleaning businesses are permitted, provided the cleaning processes are not conducted on-site.

10.4 AREA REQUIREMENTS:

FRONT YARD: There shall be no minimum front yard in the Central Business District.

REAR YARD: The minimum rear yard shall be ten (10) feet measured from the centerline of the alley, or property line in the absence of an alley.

SIDE YARD: There shall be no side yard requirements in the Central Business District.

LOT WIDTH: There shall be no lot width requirements in the Central Business District.

LOT AREA: There shall be no lot area requirements in the Central Business District.

COVERAGE: No maximum coverage is required in the Central Business District.

HEIGHT LIMIT: The maximum height of building shall not exceed two and one-half stories or thirty-five (35) feet above average finished grade.

(Ordinance 2002-0305-AA, sec. 10, adopted 3/5/02)

**SECTION 11: “B-2” GENERAL BUSINESS DISTRICT**

11.1 USES PERMITTED: Auction sales, permanent location (livestock sales not permitted), Builder’s supply and lumber yards without mill, Bus station, Commercial manufacturing of candy, ice cream and similar foodstuffs, Day-care centers, Farm implement sales and service, Gasoline service station, Golf driving range and miniature golf, Greenhouse and plant nursery, Grocery stores, Hotel and motel, Kennel, Pottery, Ceramics and similar artisan shops including product manufacture, Produce markets, Recreation courts and fields, Retail and repair shops including sales and service of automobile, truck, tractor, motorcycles, and trailers, Secondhand store or pawn shop, Swimming pool, Veterinary hospital, Warehouse or wholesale sales office.

11.2 CONDITIONAL USE: Other uses may be permitted when approved in the manner specified in Section 13 [14] of this Ordinance.

11.3 AREA REQUIREMENTS:

FRONT YARD: There shall be twenty-five (25) foot minimum front yard for commercial structures in the “B-2” district.

SIDE YARD: The minimum depth of a side yard in the “B-2” district shall be five (5) feet, except a lot abutting upon the side of a lot zoned in an “R” district shall have a side yard of not less than twenty-five (25) feet and must be separated by a natural or artificial barrier.

REAR YARD: The minimum depth of a rear yard in the “B-2” district shall be ten (10) feet from the centerline of the alley or property line in the absence of an alley.

LOT WIDTH: A minimum lot width of fifty (50) feet is required in the “B-2” district.



LOT AREA: There shall be minimum lot area of five thousand (5,000) square feet in the “B-2” district.

LOT COVERAGE: No maximum coverage is required in the “B-2” district.

HEIGHT LIMIT: The height of buildings in “B-2” districts shall not exceed thirty-five (35) feet or two and one-half (2-1/2) stories.

PARKING: In the “B-2” District, one off-street parking space for each 1,000 square feet of general floor space and one off-street parking space for each 400 square feet of office floor space shall be provided.

(Ordinance 2002-0305-AA, sec. 11, adopted 3/5/02)

**SECTION 12: N-1: NON-TAXABLE ENTITIES**

The following regulations shall apply in the “N-1” District:

12.1 USES PERMITTED: Non-taxable entities such as:

- a. Schools
  - 1. School Grounds
  - 2. Ag Barn
- b. Churches
- c. Municipal Properties
  - 1. City Hall
  - 2. Lift stations
  - 3. Sewer Plant
  - 4. Water Wells
- d. Parks
  - 1. Open Spaces
  - 2. Sports Facilities
- e. Community Center

12.2 CONDITIONAL USES: The following uses may be permitted when approved in the manner specified in Section 13 [14]. [none listed]

(Ordinance 2002-0305-AA, sec. 12, adopted 3/5/02)

**SECTION 13: PARKING**

13.1 OFF-STREET PARKING REQUIRED: Off-street parking shall be required at the time any building or structure is erected or enlarged or is increased in capacity in accordance with the parking ratio requirement in this Ordinance, except in the designated Central Business District.

13.2 PARKING SPACE DEFINED: Each off-street parking space shall be a rectangle nine (9) feet by twenty (20) feet excluding access drives or aisles and shall be located completely on private property. Adequate ingress or egress to all parking spaces shall be provided.

13.3 PARKING REQUIREMENT INTERPRETATIONS: Interpretation of off-street parking requirements is as follows:

None	off-street parking not required
1/100	1 space for each 100 square feet of gross floor space
1/unit	1 space for each dwelling unit
1/guest room	1 space for each guest room
1/1.5 employees	1 space for each 1-1/2 employees

(Ordinance 2002-0305-AA, sec. 13, adopted 3/5/02)

**SECTION 14: SPECIFIC USE PERMITS**

14.1 SPECIFIC USE PERMITS AUTHORIZED:

- A. The City Council, after public hearing and proper notice to all parties affected and after recommendations from the Planning and Zoning Commission, may authorize the issuance of a specific use permit. The Planning and Zoning Commission in considering and determining its recommendations to the City Council on any request for a Specific Use Permit may require from the applicant, plans, information, operating data and expert evaluation concerning the location and function and characteristics of any building or use proposed.
- B. The City Council may, in the interest of the public welfare and to assure compliance with this Ordinance, establish conditions or [of] operation, time limit, location, arrangement and construction of any use for which a permit is authorized.
- C. The City Council shall authorize the issuance of a Specific Use Permit only upon determining that the proposed use or uses are harmonious and adaptable to building structures and uses of adjacent property and other property in the vicinity of the property under consideration; and will complement or be compatible with the surrounding uses and community facilities; contribute to, enhance, or promote the welfare of the area of request and adjacent properties; not be detrimental to the public health, safety, or general welfare; and conform in all other respects to all applicable zoning regulations and standards.
- D. In authorizing the location of any of the uses listed as Specific Use Permits, the City Council may impose such development standards and safeguards as the conditions and locations indicate important to the welfare and protection of adjacent property from excessive noise, vibration, dust, dirt, smoke, fumes, gas, odor, explosion, glare, offensive view of [or] other undesirable or hazardous conditions.

- E. The Specific Use Permit may be granted for definite periods of time, after which the Planning and Zoning Commission may in the public interest inquire into the continuation of the permit and based upon its findings recommend its discontinuance or the extension of the time period as set forth in the Ordinance establishing the Specific Use Permit.
- F. No Specific Use Permit shall be granted unless the applicant, owner, and grantee of the Permit shall be willing to accept and agree to be bound by and comply with the written requirements of the permit.
- G. Whenever regulations or restrictions imposed by this ordinance are either more or less restrictive than regulations imposed by any governmental authority through legislation, rule or regulation, the regulations, rules or restrictions, which are more restrictive or impose higher standards or requirements shall govern. Regardless of any other provision of this ordinance, no land shall be used and no structure erected or maintained in violation of any State or Federal pollution control or environmental protection law or regulation.
- H. When the City Council authorizes granting a Specific Use Permit, the Zoning Map shall be amended according to its legend to indicate that the affected area has conditional and limited uses.
- I. The granting of a Specific Use Permit has no effect on the uses permitted as of right and does not waive the regulations of the underlying zoning district.

14.2 PROCEDURES FOR ISSUANCE OF SPECIFIC USE PERMITS:

- A. All applications for Specific Use Permits shall be submitted to the City Council. An application for a Specific Use Permit shall be accompanied by a site plan drawn to scale and showing the general arrangements of the project, together with essential requirements such as off-street parking facilities; size, height, construction materials and location of buildings; the uses to be permitted; location and construction of signs; means of ingress and egress to public streets; visual screening such as walls, landscaping, and fences; and the relationship of the intended use to all existing properties and land uses in all directions to a minimum distance of two hundred (200) feet.
- B. The City Council shall hold a public hearing on any application for a Specific Use Permit. Written notice of all public hearings shall be given to all property owners having property lying within two hundred (200) feet of the property on which the change is requested. Such notice shall be given not less than ten (10) days before the date set for the hearing and such notice shall be properly addressed and postage paid to each taxpayer as the ownership appears on the last approved tax roll. Notice of such hearing shall also be given by posting in a newspaper of general circulation stating the time and place of such hearing, which time shall not be earlier than [than] fifteen (15) days from the date of publication. A notice shall be posted in the place customarily reserved for council agenda notices at least 72 hours prior to the hearing.

- C. If a protest against such proposed Specific Use Permit has been filed with the City Secretary, duly signed and acknowledged by the owners of twenty (20%) percent or more, either of the area of the lots included in such proposed change, or of those immediately adjacent in the rear thereof extending 200 feet therefrom, or of those directly opposite thereto extending 200 feet from the street frontage of such opposite lots, such Specific Use Permit shall not become effective except by a three-fourths (3/4) vote of the City Council.

(Ordinance 2002-0305-AA, sec. 14, adopted 3/5/02)

**SECTION 15: ACCESSORY BUILDING**

The following regulations shall apply for all accessory buildings:

**15.1 ACCESSORY BUILDINGS IN “R” DISTRICTS:**

- A. **LOTS LESS THAN 10,500 SQUARE FEET:** On a lot in any “R” district having less than 10,500 square feet, accessory buildings, including private garages, wash house, tool houses or dens, but excluding structures designed for dwelling purposes, may be permitted and no plumbing in these structures may be permitted except for a washing machine and/or janitor type sink.
- B. **LOTS HAVING 10,500 SQUARE FEET OR MORE:** On a lot in any “R” district having 10,500 square feet or more, accessory buildings, including a private garage, wash house, tool house, den, guest house, or servants’ quarters may be permitted.

**15.2 ACCESSORY BUILDINGS IN “B” DISTRICTS:**

- A. On a lot in the “B-2” district, accessory buildings, including structures designed for living quarters may be permitted. Accessory buildings designed for living quarters shall comply with all the area requirements of the “R-2” district[.]
- B. On a lot in the “B-1” district, accessory buildings may be permitted, excluding structures designed as living quarters.

**15.3 ACCESSORY BUILDINGS SHALL BE LOCATED:**

- A. Not less than forty (40) feet back of the front building line for the main building.
- B. Not less than three (3) feet from the main building unless constructed and used for human occupancy.
- C. Not less than three (3) feet from the side lot line unless constructed and used for human occupancy.
- D. Not less than ten (10) feet from the rear lot line when not abutting upon an alley. When abutting on an alley, then not less than ten (10) feet from the centerline of such alley.
- E. Not less than ten (10) feet from the side lot line if constructed, used, or intended for human occupancy at any time.

- F. Not less than ten (10) feet from any lot line for two-story accessory buildings.
- G. Not less than ten (10) feet from the main building if constructed, used, or intended for human occupancy at any time.

15.4 **COVERAGE:** The combined area of the principal building and any accessory buildings shall not cover more than fifty (50) percent of the total area of the lot.

(Ordinance 2002-0305-AA, sec. 15, adopted 3/5/02)

**SECTION 16: NAME PLATES AND SIGNS**

16.1 **REGULATIONS FOR SIGNS AND NAME PLATES.** All signs in all zoning districts must conform to the provisions of the Blue Ridge Sign Ordinance [article 4.08 of the Code of Ordinances]. (Ordinance 2002-0305-AA, sec. 16, adopted 3/5/02)

**SECTION 17: NONCONFORMING BUILDINGS AND USES**

The lawful use of any building, structure or land existing at the time of the enactment of this Ordinance may be continued although such use does not conform with provisions of this Ordinance, provided that the right to continue such nonconforming uses shall be subject to regulations prohibiting the creation of a nuisance and shall terminate when inappropriate use of the premises produces a condition which constitutes a nuisance and further, the right of nonconforming uses to continue shall be subject to such regulations as the maintenance of the premises and conditions of operations as may, in the judgment of the City Council, be reasonably required for the protection of adjacent property and further, the right of nonconforming uses to continue shall be subject to the specific regulations herein contained.

17.1 **NONCONFORMING BUILDINGS:**

- A. **OCCUPANCY PERMITTED:** A nonconforming building or structure may be occupied except as herein provided.
- B. **REPAIRS OR ALTERATIONS:** Repairs or alterations may be made to nonconforming building or structures provided that no structural alterations shall be made except those required by law or ordinance. These regulations shall not be construed to allow any addition to a nonconforming building, except for the purpose of installing and enclosing sanitary facilities such as toilets and bathrooms.
- C. **ADDITION, ENLARGEMENTS, MOVING:** A nonconforming building or structure shall not be added to or moved or enlarged in any manner unless such are made to conform to all the requirements of the district in which such building or structure is located.
- D. **RESTORATION OF DAMAGED BUILDINGS:** A nonconforming building or structure which is damaged or partially destroyed by fire, flood, wind, explosion, earthquake or other calamity, shall not be again restored or used for such purpose if the expense of such restoration exceeds seventy-five (75) percent of the replacement cost of the building or structure at the time such damage occurred. Any nonconforming building or structure partially destroyed may be restored, provided

restoration is started within three (3) months of the date of partial destruction and is diligently prosecuted to completion. All repairs to a damaged nonconforming building or structure shall bring the building or structure into compliance with all the regulations of the district in which it is located.

17.2 NONCONFORMING USES OF BUILDING:

- A. CONTINUATION: Except as otherwise provided in this Ordinance the nonconforming use of the building or structure lawfully existing at the time of the effective date of this Ordinance may be continued.
- B. CHANGE: The use of nonconforming building or structure may be changed to a use of the same, or more restricted classification, but where the use of a nonconforming building or structure is hereafter changed to a use of a more restricted classification, it shall not thereafter be changed to a use of less restricted classification.
- C. OCCUPANCY: A vacant nonconforming building or structure lawfully constructed may be occupied for the use for which the building or structure was designated or intended, if so occupied within a period of three (3) months after the effective date of this Ordinance, and the use of a nonconforming building or structure lawfully constructed which becomes vacant after the effective date of this Ordinance, may also be occupied for the use for which the building was intended within a period of three (3) months after the building has become vacant.
- D. EXPANSION PROHIBITED: A nonconforming use of a portion of a building or structure shall not be expanded or extended into any other portion of such building or structure. If such nonconforming use or portion thereof is discontinued or changed to a conforming use, any future use of such building, structure, or portion thereof shall be in conformity with the regulations of the district in which such building or structure is located.

17.3 NONCONFORMING USE OF LAND: The nonconforming use of land existing at the time of the effective date of this Ordinance may be continued provided:

- A. That no such nonconforming use of land shall in any way be expanded or extended either on the same or adjoining property.
- B. That if such nonconforming use of land or any portion thereof is discontinued or changed, any future use of such land or portion thereof shall be in conformity with the provisions of this Ordinance.
- C. That any sign, billboard, poster panel, storage yard, or trailer camp, which is lawfully existing and maintained at the time of the effective date of this Ordinance may be continued, although such use does not conform with the provisions hereof, provided that no structural alterations are to be made thereto.

17.4 ABANDONMENT: A nonconforming use of any building, structure or land, which has been abandoned, shall not thereafter be returned to such nonconforming use. A nonconforming use shall be considered abandoned:

- A. When the intention of the owner to discontinue the use is apparent.
- B. When the characteristic equipment and furnishings of the nonconforming use have been removed from the premises and have not been replaced by similar equipment within three (3) months.
- C. When a nonconforming building, structure or land or portion thereof which is or hereafter becomes vacant and remains unoccupied for a continuous period of three (3) months.
- D. When it has been replaced by a conforming use.

17.5 DISTRICT CHANGES: Whenever the boundaries of a zoning district shall be changed so as to transfer an area from one district to another district of a different classification or when boundaries or districts are changed as a result of annexation of a new territory or changes in the regulations or restrictions of this Ordinance the foregoing provisions shall also apply to any nonconforming uses existing therein which may so become nonconforming.

(Ordinance 2002-0305-AA, sec. 17, adopted 3/5/02)

**SECTION 18: SCHEDULE OF FEES**

The City Council shall establish a schedule of fees, charges and expenses and a collection procedure for building permits, amendment applications, appeals and other matters pertaining to this Ordinance. The schedule of fees shall be listed in the Ordinance and posted at City Hall, and may be altered or amended only by the City Council. No permit amendment, special exception or variance shall be issued until such costs, charges, fees or expenses have been paid in full, nor shall any action be taken or public hearing scheduled until all related fees are paid in full. (Ordinance 2002-0305-AA, sec. 18, adopted 3/5/02)

**SECTION 19: CHANGES AND AMENDMENTS**

19.1 CITY COUNCIL MAY AMEND:

- A. The City Council may from time to time by Ordinance amend, supplement, change, modify or repeal the boundaries of the districts or the regulations herein established.
- B. Upon submission of any proposed change in zoning classification the applicant will be required to pay all required fees before the public hearings of the Planning and Zoning Commission and the City Council can be scheduled.

19.2 PROCEDURES BEFORE THE CITY COUNCIL:

- A. The Planning & Zoning Commission and City Council shall hold a public hearing on all proposed changes in classification and written notices of all public hearings shall be sent by the Secretary to all owners of real property as the ownership appears on the last approved tax roll. Such notice may be served by depositing the same,

properly addressed and postage paid, as the ownership appears on the last approved tax roll. Such notice may be served by depositing the same, properly addressed and postage paid, in the local post office. At least fifteen (15) days' notice of the time and place of the public hearing shall be published at least once in a newspaper of general publication and circulation in the community. A notice shall be posted in the place customarily reserved for City Council Agenda notices at least seventy-two (72) hours prior to the hearing.

- B. The Secretary shall set up and maintain a separate file for each application received and shall record therein the names and addresses of all persons, firms, and corporations to whom notices are mailed, including the date of mailing and the persons by whom such notices were delivered to the mailing clerk, post office, or mailbox, and all records and files herein provided shall be permanent and official files of the City.
- C. If a protest against such change [has been filed] signed by the owners of twenty (20) percent or more either of the area of lots included in such proposed change or of those immediately adjacent in the rear thereof extending two hundred (200) feet therefrom, or of those directly opposite thereto extending two hundred (200) feet from the street frontage of such opposite lot, such amendment shall not become effective except by the favorable vote of at least three-fourths of the City Council.

19.3 PROCEDURE COVERING SPECIAL EXCEPTIONS, APPEALS AND GRANTING OF VARIANCES:

- A. Appeals and requests for variances to the City Council may be taken by a person aggrieved or by an officer[,], department or City Council of the City of Blue Ridge affected by any decision of the administrative officer. Such appeal or request for variance shall be taken within fifteen (15) days time after the decision has been rendered by the administrative officer, by filing with the officer from whom the appeal is taken and with the Secretary of the City Council all the papers constituting the record upon which the action appealed from was taken.
- B. Such notice of appeal properly filed as herein provided shall stay all proceedings in furtherance of the action appealed from, unless the officer from whom the appeal [is] taken certifies to the City Council after the notice of appeal shall have been filed with him that by reason of facts stated in the certificate a stay would, in his opinion, cause imminent peril to life or property. In such case, proceedings shall not be stayed otherwise than by a restraining order which may be granted by the City Council or by a court of record on application or [on] notice to the officer from whom the appeal is taken and on due cause shown.
- C. Upon notice of appeal being given to the City Secretary, before such appeal shall be construed as having been perfected the applicant must file with such notice of appeal to the Secretary of the City Council, an amount of money estimated by the Secretary as sufficient to mail and publish all notices required herein, such amount in no case to be less than fifteen (\$15.00) dollars.
- D. Application for special exceptions to the terms of this Ordinance shall be made in writing in duplicate on forms provided in the office of the City Secretary by the prospective occupant and/or owner of the property. One such application shall be



accompanied by an amount of money estimated by the City Secretary to be sufficient to mail and publish all notices required herein, such amount in no case to be less than fifteen (\$15.00) dollars.

- E. The City Council shall hold a public hearing on all special exceptions, granting of variances and appeals and written notice of all such public hearings shall be sent by the City Secretary to the applicant and all other persons deemed by the City Council to be affected thereby, and all owners of real property lying within two hundred (200) feet of the property on which the special exception, grant of variance or appeal is proposed, such notice to be given not less than ten (10) days before the date set for the hearing to all such owners who have rendered their said property far City taxes as the ownership appears on the last approved tax roll. Such notice may be served by depositing the same properly addressed and postage paid in the local post office. Notice shall also be given by publishing the same in a newspaper of general circulation at least fifteen (15) days prior to the date set for hearing which notice shall state the time and place of such hearing, provided however, all provisions contained herein with respect to the mailing and publishing or notices of hearings shall be deemed sufficient upon substantial compliance with this section, and is to be construed as directory and not mandatory.

#### 19.4 THE HEARING:

- A. Upon the hearing any interested party may appear in person or by agent or by attorney. The burden of proof shall be on the applicant to establish the facts necessary, which the City Council must find before granting any special exception, variance or appeal as herein contained.
- B. In exercising the powers herein granted, the City Council may, in conformity with the provisions of this Ordinance reverse or affirm wholly or partly or may modify the order, requirement, decision or determination as ought to be made and to that end shall have all the powers of the officer from whom the appeal is taken.
- C. The concurring vote of four (4) members of the City Council shall be necessary to reverse any order, requirement, decision or determination, of any such administrative official, or to decide in favor of the applicant on any matter upon which it is required to pass under this Ordinance or to effect any variation of this Ordinance or grant any special exception hereto.
- D. No appeal, request or application to the City Council shall be allowed on the same piece of property prior to the expiration of six (6) months from a ruling of the City Council on any appeal, request or application to such body unless other property abutting or adjoining such property shall have within such six (6) months period been altered i.e. changing by a ruling of the City Council, in which case such change of circumstances shall permit the allowance of an appeal, request or application but shall in no wise have any force in law to compel the City Council after a hearing, to grant such subsequent appeal, request or application but such hearing shall be considered on its merits as in all other cases.
- E. Any special exceptions, variances or appeals authorized or granted by the City Council either under the provisions for this Ordinance or under the authority granted to the City Council under the statutes of the State of Texas shall authorize the

issuance of a building permit, or a certificate of occupancy, as the case may be, for a period of ninety (90) days from the date of the favorable action on the part of the City Council, unless said City Council in its minutes shall at the same time, grant a longer period, or such extended period as the City Council may specifically grant, then the special exception, variance or favorable appeal shall be deemed waived and all rights thereunder terminated. Such terminating and waiver shall be without prejudice to a subsequent appeal to said City Council in accordance with the rules and regulations herein contained.

19.5 EXCEPTIONS AND VARIANCES DISTINGUISHED:

- A. A special exception is a permission given by the City Council properly authorized by this Ordinance in specific cases for an application [applicant] to use his property in a manner contrary to the provisions of this Ordinance provided such use sub [sic] serves the general welfare and preserves the community interest.
- B. A variance on the other hand, is an authorization by the City Council granting relief and doing substantial justice in the use of the applicant's property by a property owner where, owing to special conditions a literal enforcement of the provision of the Ordinance will result in unnecessary hardship.

19.6 SPECIAL EXCEPTIONS:

- A. A special exception may be granted an applicant when the City Council finds:
  - 1) That the granting of such exception will not be injurious or otherwise detrimental to the public health, safety, morals, and the general welfare of the general public; and
  - 2) That the granting of such exception will not be substantially or permanently injurious to the property or improvements in such zone or neighborhood in which the property is located; and
  - 3) That the granting of such exception will be in harmony with the general purpose and intent of this Ordinance; and
  - 4) In determining its finding, the City Council shall take into account the character and use of adjoining building and those in the vicinity, the number of persons residing or working in such building or upon such land and traffic conditions in the vicinity.
- B. The City Council may, after public notice and hearing and subject to the conditions and safeguards herein contained, authorize special exceptions to this Ordinance as follows:
  - 1) Permit the reconstruction, extension or enlargement of a building occupied as a nonconforming use;
  - 2) Permit the extension of a nonconforming use in a building upon a lot occupied as a nonconforming use;

- 3) Grant in relatively undeveloped sections of the town temporary and conditional permits for not more than two (2) year periods for any use of land excluding structures;
  - 4) Permit the use of property in the “R-1” district adjacent to the “R-2”, “B” or “I” district, even if separated therefrom by an alley or by a street, for the parking of passenger cars under such safeguards and conditions of the setback requirements of the more restricted property, provided no other business [use] is made of such property, and further provided that such parking area shall not extend a greater distance than two hundred (200) feet from the “R-2”, “B” or “I” districts;
  - 5) Permit the use of property owned by a church for the parking of passenger cars in any district under such safeguards and conditions as are necessary to protect adjacent property;
  - 6) Permit in any district such modification of the requirements of this Ordinance as the City Council may deem necessary to secure appropriate development of a lot where adjacent to such lot on two or more sides there are buildings that do not conform to these regulations;
  - 7) Permit such modification of yard, lot area or lot width requirements as may be necessary to secure appropriate improvements of a parcel of land where such parcel was separately owned prior to the enactment of this Ordinance and is not adjacent to another parcel of the same ownership and where such parcel is of such size that it cannot be appropriately improved without such modification;
  - 8) Grant conditional use permits in any zone where such uses are allowed conditionally by the provisions of this Ordinance;
  - 9) Permit the extension of a building existing prior to the enactment of this Ordinance, by the construction of additional stories above the height limit herein established, if the original plans provided for such building was actually designed and constructed to carry such additional stories.
- C. In granting any special exception under the provisions of this Ordinance, the City Council may designate such conditions in connection therewith which, in its opinion, will secure substantially the purpose and intent of this Ordinance.

19.7 VARIANCES:

- A. A variance may be granted an applicant when the City Council finds:
- 1) That there are special circumstances or conditions applying to the land or building for which the variance is sought, which circumstances or conditions are peculiar to such land or building and do not apply generally to lands or buildings in the same zone or neighborhood, and that said circumstances or conditions are such that the strict application of the provisions of this Ordinance would deprive the applicant of the reasonable use of such land or building; and

- 2) That the granting of such variance will not be detrimental to the public welfare not [nor] be substantially or permanently injurious to the property or improvements in such zone or neighborhood in which the property is located; and
  - 3) That the granting of the variance is necessary for the reasonable use of the land or building and that the Ordinance [variance] as granted by the City Council is the minimum variance that will accomplish this purpose; and
  - 4) That the literal enforcement and strict application of the provisions of this Ordinance will result in an unnecessary hardship inconsistent with the general provisions and intent of this Ordinance and that in granting such variance the spirit of the Ordinance will be preserved and substantial justice done.
  - 5) In addition to considering the character and use of adjoining buildings and those in the vicinity, the City Council, in determining its findings shall take into account the number of persons residing or working in such buildings or upon such land and traffic conditions in the vicinity.
- B. The City Council may, after public notice and hearing and subject to the conditions and safeguards herein contained, vary or adapt the strict application of any of the terms of this Ordinance under the powers and authority herein granted.
- C. In granting any variance under the provisions of this Ordinance, the City Council may designate such conditions in connection therewith, which, in its opinion, will secure substantially the purpose and intent of this Ordinance.

(Ordinance 2002-0305-AA, sec. 19, adopted 3/5/02)

**SECTION 20: ENFORCEMENT AND ADMINISTRATION**

20.1 ADMINISTRATION: The City Building Official shall administer and enforce this Ordinance, including the pre-permit plan review, the inspecting of property and premises and the issuing of building permits and certificates of occupancy and compliance. No building permit or certificate of occupancy shall be issued except where all the provisions of this Ordinance have been complied and all required fees have been paid, and any permit or certificate of occupancy issued without full compliance with this Ordinance or without the payment of appropriate fees may be revoked by the Building Official.

20.2 BUILDING PERMIT REQUIRED: No person shall erect or construct or proceed with the erection or construction of any building or structure, nor add to, enlarge, extend, move, or demolish any building or structure or cause the same to be done in any zoned district of the City of Blue Ridge or its extraterritorial jurisdiction without first obtaining a building permit thereof from the Building Official. No such building permit or certificate of occupancy shall be issued for any building where said construction, addition, alteration or use thereof would be in violation of any of the provisions of this Ordinance.

20.3 POWERS AND DUTIES OF THE CITY BUILDING OFFICIAL:

- A. Whenever any building work is being done contrary to the provisions of this Ordinance, the City Building Official may order the work stopped and may also revoke the building permit theretofore issued by notice in writing served on any person owning such property or their agent or on any person engaged in the doing or causing such work to be done, and any such person shall forthwith stop or cause such work to be stopped until authorized by the City Building Official to proceed with the work or upon issuance of a building permit in those cases in which the building permit has been revoked and further, such stop work order and revocation of permit shall be posted on the work being done in violation of this Ordinance.
- B. Whenever any building or portion thereof is being used or occupied contrary to the provisions of this Ordinance the Building Official shall order such use or occupancy discontinued and the building or portion thereof vacated by notice served on any person using or causing such occupancy to be continued and such person shall vacate such building or portion thereof within ten (10) days after receipt of such notice or bring the building or portion thereof into compliance with the requirements of this Ordinance.

20.4 No person shall erect, excavate, construct, or proceed or continue with the erection or construction of any building or structure or add to, enlarge, move, or extend or demolish any buildings or structures or cause the same to be done in any newly annexed territory to the City of Blue Ridge without first applying for and obtaining a building permit.

20.5 PERMITS ISSUED BY THE CITY BUILDING OFFICIAL: In a territory newly annexed into the City of Blue Ridge no permit for the construction of a building shall be issued by the Building Official other than a permit which allows the construction of a building permitted in the "A-1" district unless and until such territory has been classified in a zoning district other than "A-1" district by the City Council in the manner prescribed by this Ordinance.

20.6 PERMITS ISSUED BY THE CITY COUNCIL: An application for a permit for any other use than that specified above shall be made to the Building Official and referred by him to the Planning and Zoning Commission for consideration and recommendation to the City Council.

20.7 PERMITS REQUIRED FOR BUILDING UNDER CONSTRUCTION: The owner, lessee, or any other person, firm or corporation owning, controlling, supervising or directing the construction of any building or structure in the process of construction and which is incomplete at the time the land upon which it is situated is annexed to the City of Blue Ridge, before proceeding any further with the construction, alteration or completion thereof shall apply to the City Building Official of the City of Blue Ridge for a permit authorizing further work on said building or structure and shall attach to said application for such permit, plans and specifications relating to the construction of said building or structure. Said construction work shall be suspended until the permit provided for herein has been issued or until final zoning regulations have been adopted, which permit the construction, use and occupancy of the structure or building.

20.8 CERTIFICATION OF OCCUPANCY AND COMPLIANCE:

- A. No land shall be occupied or used and no building hereafter erected, altered, or extended until a certificate of occupancy and compliance shall have been issued by the City Building Official stating that the building or proposed use thereof complies with the provisions of this Ordinance.
- B. No nonconforming use shall be maintained, renewed, changed, or extended without a certificate of occupancy and compliance having first been issued by the City Building Official therefor.
- C. Application for a certificate of occupancy and compliance shall be made with the application for a building permit or may be directly applied for where no building permit is necessary and shall be issued or refused in writing as soon as practical after the City has been notified in writing that the building or premises is ready for occupancy.
- D. The City Building Official shall maintain a record of all certificates and copies shall be furnished upon request to any person having a proprietary or tenancy interest in the building affected.
- E. No permit for excavation or for the erection or alteration of or repairs to any building shall be issued until an application has been made for a certificate of occupancy and compliance.
- F. No permanent water, sewer, electrical or gas utility connections shall be made to the land, building or structure until and after a certificate of occupancy and compliance has been issued by the City Building Official.
- G. Upon request of the owner or authorized representative, the City Building Official may issue a temporary certificate of occupancy for the temporary use and occupancy of a portion of a building prior to the completion and occupancy of the entire building provided such temporary occupancy or use is permitted by this Ordinance and does not in any way or manner jeopardize life or property.
- H. The City Building Official shall issue a certificate of occupancy upon application of any person for the continuance of lawful nonconforming uses.

(Ordinance 2002-0305-AA, sec. 20, adopted 3/5/02)

**SECTION 21: PENALTIES FOR VIOLATIONS**

21.1 Any person who shall violate any of the provisions of this Ordinance or who shall fail to comply with any of the provisions of this Ordinance or shall build, alter, or occupy any building, structure or land in violation of any statement or plan submitted and approved hereunder shall, upon conviction thereof, be fined in any sum not to exceed the maximum amount established by state law. Each day such violation is committed or permitted to continue, shall constitute a separate offense, and shall be punishable as such hereunder.

21.2 The owner or owners of any building or property or part thereof where anything in violation in [of] this Ordinance shall be placed or shall exist and any architect, building contractor, agent, attorney, firm, or corporation employed in connection therewith and who have assisted in the commission of such violation, shall be guilty of a separate offense, and upon conviction thereof, shall be fined in any amount not to exceed the maximum amount established by state law.

21.3 In addition to the remedies provided for above, the City Building Official may in case any buildings or structures are erected, constructed, reconstructed, altered, repaired, converted or maintained, or any building, structure or land is used in violation of this Ordinance, institute on behalf of the City of Blue Ridge any appropriate action or proceedings to prevent such unlawful erection, construction, reconstruction, alteration, repair, conversion, maintenance, or use, to restrain, correct or abate such violation, to prevent the occupancy of said building, structure or land, or to prevent any illegal act, conduct [or] business or use in or about such premises.

(Ordinance 2002-0305-AA, sec. 21, adopted 3/5/02)

**SECTION 22: SEVERABILITY**

If any section, paragraph, subdivision, clause, phrase or provision of this Ordinance shall be adjudged invalid or held unconstitutional by a court of competent jurisdiction, the same shall not affect the validity of this Ordinance as a whole or any part or provision thereof other than the part so decided to be invalid or unconstitutional. (Ordinance 2002-0305-AA, sec. 22, adopted 3/5/02)

**SECTION 23: REPEAL OF ORDINANCE NUMBER 285-1**

Ordinance number 285-1 of the City of Blue Ridge, Texas and any amendments thereto [and] any zoning district maps related to Ordinance number 285-1 and any amendments thereto are repealed in their entirety with the passage of this Ordinance. It is the intent of the City Council that this Ordinance be a new comprehensive zoning Ordinance for the City of Blue Ridge. (Ordinance 2002-0305-AA, sec. 23, adopted 3/5/02)





## **CHAPTER 10**

# **STREETS, PARKS AND OTHER PUBLIC WAYS AND PLACES**

[This chapter reserved for future use.]



# CHAPTER 11

## TRAFFIC AND VEHICLES

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**ARTICLE 11.01 GENERAL PROVISIONS\*****Sec. 11.01.001 State motor vehicle laws adopted**

(a) Adoption. For the purpose of regulating traffic on the streets, alleys, and thoroughfares of the city, there is hereby adopted the state Uniform Act Regulating Traffic on Highways, codified as article 6701d, Vernon's Annotated Civil Statutes, and all other state motor vehicle laws, which act and laws shall be controlling in the regulation of traffic in the city. A violation of said act or any state motor vehicle law for which the municipal court has jurisdiction shall constitute and be punishable as a violation of this section.

(b) Enforcement. Any qualified and licensed law enforcement officer of the city, the county, or the state, including officers of the sheriff's department of the county and the state department of public safety, are hereby authorized to enforce the provisions of this section.

(c) Penalty. The violation of any provision of this section is hereby declared to be a misdemeanor and shall be subject to a fine in accordance with the general penalty provided in section 1.01.009 of this code.

(Ordinance 9-7-93-2, secs. 1, 3, 5, adopted 9/7/93; Ordinance adopting Code)

**Editor's note**—Since adoption of this provision, the regulations contained in the Uniform Act Regulating Traffic on Highways (V.T.C.S., article 6701d) have been recodified and are now located in V.T.C.A., Transportation Code.

**Sec. 11.01.002 Traffic-control devices**

(a) The mayor of the city or his authorized representative(s) shall erect, install, and maintain appropriate traffic-control signals, signs, and devices which conform to the rules and regulations of the state department of transportation as necessary to protect the health, safety, welfare, and property of citizens of the city, subject to the approval of the city council.

(b) All traffic-control devices including signs, signals and markings (pavement and/or curb) installed or used for the purpose of directing and controlling traffic within the city shall conform with the manual and specifications adopted by the state transportation commission as provided in V.T.C.A., Transportation Code, section 544.001. All signs, signals and markings erected or used by the city must conform to the manual and specifications adopted under V.T.C.A., Transportation Code, section 544.001. All existing traffic-control devices and those erected in the future by the city being consistent with the manual and specifications, state law and this section shall be official traffic-control devices.

(Ordinance 9-7-93-2, sec. 2, adopted 9/7/93; Ordinance adopting Code)

**State law references**—Authority to place and maintain traffic-control devices, V.T.C.A., Transportation Code, sec. 542.202(1); traffic signs, signals and markings, V.T.C.A., Transportation Code, ch. 544.

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\* **State law references**—Rules of the road, V.T.C.A., Transportation Code, title 7, subtitle C, ch. 541 et seq.; powers of local authorities regarding traffic and vehicles, V.T.C.A., Transportation Code, sec. 542.202; limitation on local authorities regarding traffic and vehicles, V.T.C.A., Transportation Code, sec. 542.203.

**ARTICLE 11.02 OPERATION OF VEHICLES\***

**Sec. 11.02.001 General speed limit**

(a) Established. A speed limit of 25 miles per hour shall be established for all streets within the corporate limits of the city, except State Highway 78, Business 78, and F.M. 545, and duly established school zones.

(b) Penalty. Any person who violates any provision of this section shall be guilty of a misdemeanor and upon conviction shall be fined in accordance with the general penalty provided in section 1.01.009 of this code, and each violation shall be a separate offense.

(Ordinance 6-6-93-1 adopted 7/6/93; Ordinance 11-1-94 adopted 11/9/94; Ordinance adopting Code)

**State law references**—Authority to establish or alter prima facie speed limits, V.T.C.A., Transportation Code, sec. 542.202(12); speed restrictions, V.T.C.A., Transportation Code, sec. 545.351 et seq.; authority of municipality to alter speed limits, V.T.C.A., Transportation Code, sec. 545.356.

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\* **State law reference**—Operation and movement of vehicles, V.T.C.A., Transportation Code, ch. 545.

# CHAPTER 12

## UTILITIES

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**ARTICLE 12.01 GENERAL PROVISIONS\*****Sec. 12.01.001 Mandatory use of city water and wastewater facilities**

(a) Use required; granting of exceptions. The city adopts a policy mandating use of the city's water and wastewater facilities for all residents inside the corporate city limits. Water and sewer customers shall be required to connect to the city water and wastewater system. Exceptions to this requirement would be granted on a case-by-case basis and granted only upon the approval by a majority of the city council.

(b) Notice of violation; penalty.

- (1) Any person found to be violating any provisions of this section shall be served by the city with written notice stating the nature of the violation.
- (2) Any person guilty of this violation shall be guilty of a misdemeanor, and on conviction thereof shall be fined in accordance with the general penalty provided in section 1.01.009 of this code for each violation. Each day in which any such violation shall continue shall be deemed a separate offense.

(Ordinance 020607-1 adopted 2/6/07; Ordinance adopting Code)

**ARTICLE 12.02 FEES, CHARGES AND SERVICE POLICIES****Sec. 12.02.001 Applicability**

All properties within the corporate limits of the city are required to comply with the city's water, sewer, and solid waste disposal system requirements. (Ordinance 9-6-94-02, sec. 2, adopted 6/5/12)

**Sec. 12.02.002 Free service prohibited**

No free water or sanitary sewer service shall be rendered by the city in the operation of its water and sanitary sewer systems. All persons, firms, corporations, or associations (collectively, "customers") shall be charged for such services according to the rates previously set by the city. (Ordinance 9-6-94-02, sec. 3, adopted 6/5/12)

**Sec. 12.02.003 Application for service; theft of service**

(a) Application for service. Any person desiring a connection to the city water and/or sewer system shall complete all applicable sections of attachment 1, "Application for City Utility Service Connection," which is attached to Ordinance 7-3-90 and is hereby made an integral part hereof, prior to any water and/or sewer service being made available to such person.

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\* **State law references**—Municipal utilities generally, V.T.C.A., Local Government Code, ch. 552; municipal jurisdiction over electric utility, V.T.C.A., Utilities Code, ch. 33; municipal jurisdiction over water and sewer utility rates, operations and services, V.T.C.A., Water Code, sec. 13.042; municipal jurisdiction over rates, operations and services of gas utility, V.T.C.A., Utilities Code, ch. 103; miscellaneous powers and duties of utilities, V.T.C.A., Utilities Code, ch. 181.

(b) Theft of service. Any person who has connected to and is utilizing the city water and/or sewer system without having completed the application for city utility service connection shall be guilty of theft of city services and shall be subject to a fine in accordance with the general penalty provided in section 1.01.009 of this code for each instance of violation. Each and every day of violation may be considered a separate instance of violation.

(Ordinance 7-3-90 adopted 7/3/90; Ordinance adopting Code)

#### **Sec. 12.02.004 Deposit**

Any customer desiring water service shall make application therefor to the city, together with the required deposit, which deposit must be made at the time the application is submitted. Except as may herein otherwise be provided, the deposit for normal residential connection shall be as set forth in the fee schedule in appendix A of this code. The deposit shall be paid to the city secretary or his/her designee. The city shall hold the deposit so long as the customer is using the service and the city shall not pay any interest thereon. Upon termination of the service, any unpaid balance shall be charged against the deposit and the remaining, if any, shall be refunded to the customer, at the city's discretion, by either making the refund available for pickup at the city hall during normal business hours or forwarding the refund to the customer by U.S. Postal Service to the last known billing address. All 501(c)(3) nonprofit organizations whose status has been verified shall be exempt from the deposit requirement. (Ordinance 9-6-94-02, sec. 4, adopted 6/5/12; Ordinance adopting Code)

#### **Sec. 12.02.005 Billing and payment procedures**

(a) The city shall read all water meters once each month and render a monthly bill for water and sewer services to each customer.

(b) Due dates for each bill shall be the tenth (10th) day of each month. Any unpaid bill after the 15th day of each month shall be assessed a penalty charge as set forth in the fee schedule in appendix A of this code.

(c) The city shall discontinue and cut off a customer's service for failure to pay his/her bill by the 21st day of the month in which billing is made. The customer will be required to pay a fee as set forth in the fee schedule in appendix A of this code to have said service resumed, if such service is resumed, which will constitute a delinquency charge. Prior to resuming service which has been discontinued for failure to pay the monthly charges, the city shall require full payment of the account in addition to payment of the deposit required in section 12.02.004 hereof.

(Ordinance 9-6-94-02, sec. 5, adopted 6/5/12; Ordinance adopting Code)

#### **Sec. 12.02.006 Locking of water meter**

Whenever any customer of the city terminates water service, either upon request of the customer, upon delinquency, or upon abandoning the premises being provided water service, the city shall lock the water meter serving the premises. (Ordinance 9-6-94-02, sec. 6, adopted 6/5/12)

**Sec. 12.02.007 Delinquent accounts of city employees**

Any employee with the city is subject to the same rules and regulations for all customers. However, an employee who fails to keep a utility account current shall have their account reviewed for disconnection by the mayor, at the request of the city secretary or his/her designee. (Ordinance 9-6-94-02, sec. 7, adopted 6/5/12)

**Sec. 12.02.008 Right of city to temporarily shut off water in mains**

The city reserves the right at any time to shut off the water in its mains for the purpose of cleaning, repairing, or making any connections or extensions, or for any purpose of repairing machinery, the reservoir or any part of the system. (Ordinance 9-6-94-02, sec. 8, adopted 6/5/12)

**Sec. 12.02.009 City not liable for damages; supply of water not guaranteed**

It is expressly understood as a prerequisite to furnishing services to customers that the city is not liable for any damages on account of leakage or breakage of pipes on any premises. Further, water customers are not guaranteed a specified quantity of water for any purpose whatever, and are not guaranteed any specified water pressure. (Ordinance 9-6-94-02, sec. 9, adopted 6/5/12)

**Sec. 12.02.010 Penalty for unlawful restoration of water service**

Any person, firm, corporation, or association who restores water service to premises in violation of the provisions of this article shall be deemed guilty of a misdemeanor and upon conviction thereof shall be subject to a fine in accordance with the general penalty provided in section 1.01.009 of this code for each offense, and a separate offense shall be deemed committed upon each day during or on which a violation occurs. (Ordinance 9-6-94-02, sec. 10, adopted 6/5/12; Ordinance adopting Code)

**Sec. 12.02.011 Water surcharge for customers outside city**

There shall be a monthly surcharge as set forth in the fee schedule in appendix A of this code per water meter placed on property outside the city limits where city water is being provided or will be provided. The surcharge may be changed at any future time upon proper consultation and agreement between the affected parties and upon supporting evidence showing need for such change. (Ordinance 2000-0509-01 adopted 5/2/00; Ordinance 2000-0509-01 adopted 10/6/15; Ordinance adopting Code)

**ARTICLE 12.03 WATER CONSERVATION\*****Sec. 12.03.001 Water conservation plan adopted**

(a) Adoption. The water conservation plan attached to Ordinance 6-6-93-4, on file in the office of the city, is to be implemented on August 1, 1993.

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\* **State law reference**—Drought contingency plans, V.T.C.A., Water Code, sec. 11.1272.

(b) Violations; penalty. Any violation of the mandatory drought contingency restrictions contained in the plan may cause the termination of water service to the person responsible for the violation. In addition, any person found guilty of such violation shall be subject to a fine in accordance with the general penalty provided in section 1.01.009 of this code for such violation. Each day of such violation shall be considered a separate offense.

(Ordinance 6-6-93-4 adopted 7/6/93; Ordinance adopting Code)

**APPENDIX A**  
**FEE SCHEDULE**

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**ARTICLE A1.000 MISCELLANEOUS FEES****Sec. A1.001 Miscellaneous permits and services**

<b>Service/Permit</b>	<b>Fee</b>
Notary service	Notary's discretion
Copy service	\$0.75 per page
Fax service	\$1.75 per page
Solicitor's permit	\$50.00 per permit with \$10.00 per additional person connected, excluding fundraising and nonprofit organizations
Special event fee	\$50.00
Garage sale permit	\$15.00
Preliminary plat application	\$300.00
Final plat application	\$300.00
Sign application fee	\$55.00
Retainer fee	All plats will require the applicant to pay a \$1,000.00 retainer fee to pay for engineering, attorney fees and other subcontracted costs, if necessary, as pass-through fees. In the event costs exceed the initial \$1,000.00 retainer fee, the applicant will be required to pay another \$1,000.00 retainer fee until all costs have been paid. Any fees remaining from the retainer fee will be refunded to the applicant after completion of the building permit process.
Zoning or rezone fee	\$1,150.00
Contractor registration fee	\$75.00
Environmental inspections:	
Facility under 1,000 sq. ft.	\$225.00
Facility over 1,000 sq. ft.	\$450.00
Day-care facility	\$225.00

(Ordinance 2018-0605-001 adopted 6/5/18; Ordinance adopting Code)

**Sec. A1.002 Mobile home park license and permits**

(a) Permit fees. All original mobile home park permit applications to the building official shall be accompanied by a fee of fifty dollars (\$50.00). Each additional building permit application shall be accompanied by a fee of ten dollars (\$10.00).

(b) License fees.

- (1) All original license applications or renewals thereof shall be accompanied by a fee of twenty-five dollars (\$25.00).
- (2) All applications for license transfer shall be accompanied by a fee of ten dollars (\$10.00).

(Ordinance 285-2, secs. 2, 3, adopted 2/5/85)

**Sec. A1.003      Redemption of confiscated homebuilder or real estate directional sign**

The owner of any sign confiscated by the city under section 4.08.075 may claim the sign upon payment to the city of an administrative fee of five dollars (\$5.00) per sign. (Ordinance 99-05-04, art. III, sec. 5, adopted 5/4/99)

**Sec. A1.004      Burn permit**

The fee for a burn permit is an annual fee of \$15.00. (Ordinance 050107-1, sec. I, adopted 5/1/07)

**Sec. A1.005      Administrative fee for removal of graffiti by city**

The charge for graffiti removal by the city shall be in the amount of the city's actual costs to remove the graffiti, including an administrative fee of \$75.00. (Ordinance 2018-0508-002, sec. 3(A)(1)(e), adopted 5/8/18)

**Sec. A1.006      Restitution fee for removing or defacing sign placed by city**

Validated citations under section 8.01.001 will bear a restitution fee of \$100.00 payable within 10 days after the hearing to the city secretary. The fee will increase \$10.00 per day for each day it remains unpaid after lapse of the time specified in this section. (Ordinance 99-1005 adopted 10/5/99)

**Sec. A1.007      Animal registration, permits and impoundment**

(a) Livestock permit, annual permit per property: \$35.00 per year.

(b) These fees are above and beyond any citation fines related to violations of city ordinance or state laws.

(Ordinance 100331, sec. 3, adopted 5/4/10; Ordinance adopting Code)

**ARTICLE A2.000 UTILITY RATES AND CHARGES****Sec. A2.001      Miscellaneous fees and service charges**

<b>Service</b>	<b>Charge</b>	<b>Notes</b>
Owner deposit	\$153.00	\$23.00 is nonrefundable.
Renter deposit	\$183.00	\$53.00 is nonrefundable.
Transfer service	\$15.50	Transferring service from one address to another address in the city system.
Temporary water service	\$51.00 per 100 gallons	Credit card required.
Resident requested reread— Applies to 3rd reread	\$10.00	If customer requests meter be reread after city has reread twice.



<b>Service</b>	<b>Charge</b>	<b>Notes</b>
Resident requested meter test	\$35.00	If customer requests meter to be tested.
Disconnect fee	\$76.50	Fee charged when disconnecting service for unpaid balance.
Credit card processing fee	\$3.25	Convenience fee for processing credit card payments.
After-hours reconnect fee with mayor approval	\$125.00	If resident receives approval to turn on services after disconnect, after normal business hours.
Meter removal fee	\$150.00 + parts/labor	If customer's meter is removed due to tampering or violation of article 4.10 (cross-connection control), fee plus fines will be applied. City will prosecute.
NSF fee	\$46.00	Fee for any returned checks.
Conservation fee	\$0.81	Mandatory fee from North Texas Water Conservation [District].
Late fee	22%	Resident to pay 22% of total owed as of the 15th of each month.
Outside city limit surcharge	\$13.50	Base rate for surcharge.
Outside city limit utility rate	152% greater than standard residential	Rate for outside city limits customers.
Outside city limit commercial utility rate	152% greater than standard residential	Rate for outside city limits customers.
CSI inspection	\$51.00	
Sewer tap	\$1,550.00	
Sewer tap deeper than 10'	\$2,550.00	
Water tap 3/4" water line	\$1,550.00	
Water tap 1-1/2" to 2" water line	\$1,850.00	
Water tap > 2" water line	\$2,050.00	
Bulk water deposit	\$1,500.00	Refundable.
Specialty meter	Meter cost plus labor not to exceed \$50.00 for labor	

(Ordinance 2018-0605-001 adopted 6/5/18)

**Sec. A2.002      Trash fees**

<b>Service</b>	<b>Charge</b>	<b>Notes</b>
Residential trash service (includes one poly cart)	\$15.00	Base rate for residential trash service with one poly cart.
Residential additional poly cart	\$8.00	Fee for each additional poly cart.

(Ordinance 2018-0605-001 adopted 6/5/18)

**Sec. A2.003 Water and sewer rates**(a) Residential water rates.**Residential Water Rates  
(Water Rates per 1,000 Gallons)**

<b>Usage per 1,000 Gallons</b>	<b>Price per 1,000 Gallons</b>
First 2,000 gallons	\$31.62 flat rate
From 2,001 - 5,000	\$3.57
From 5,001 - 20,000	\$4.85
From 20,001 - 50,000	\$5.87
From 50,001 and above	\$6.89

(b) Residential sewer rates.**Residential Sewer Rates  
(Sewer Rates per 1,000 Gallons)**

<b>Usage per 1,000 Gallons</b>	<b>Price per 1,000 Gallons</b>
First 2,000 gallons	\$15.30 flat rate
2,001 - 10,000	\$2.55
10,001 - 20,000	\$3.57
Sewer cap 20,000 gallons - maximum total	\$71.40

(c) Commercial water rates.**Commercial Water Rates  
(Water Rates per 1,000 Gallons)**

<b>Usage per 1,000 Gallons</b>	<b>Price per 1,000 Gallons</b>
First 2,000 gallons	\$31.62 flat rate
From 2,001- 5,000	\$4.59
From 5,001 - 20,000	\$5.87
From 20,001 - 50,000	\$6.89
From 50,001 and above	\$7.91

(d) Commercial sewer rates.**Commercial Sewer Rates  
(Sewer Rates per 1,000 Gallons)**

<b>Usage per 1,000 Gallons</b>	<b>Price per 1,000 Gallons</b>
First 2,000 gallons	\$15.30 flat rate
From 2,001 - 10,000	\$3.57
From 10,001 and above	\$4.59

(e) Outside city limits water rates.

**Outside City Limits Water Rates  
(Water Rates per 1,000 Gallons)**

<b>Usage per 1,000 Gallons</b>	<b>Price per 1,000 Gallons</b>
First 2,000 gallons	\$48.07 flat rate
From 2,001 - 5,000	\$5.43
From 5,001 - 20,000	\$7.38
From 20,001 - 50,000	\$8.93
From 50,001 and above	\$10.48

(f) Outside city limits sewer rates.

**Outside City Limits Sewer Rates  
(Sewer Rates per 1,000 Gallons)**

<b>Usage per 1,000 Gallons</b>	<b>Price per 1,000 Gallons</b>
First 2,000 gallons	\$23.26 flat rate
2,001 - 5,000	\$3.88
5,001 - 20,000	\$5.43
Sewer cap 20,000 gallons - maximum total	\$116.03

(g) Outside city limits commercial water rates.

**Outside City Limits Commercial Water Rates  
(Water Rates per 1,000 Gallons)**

<b>Usage per 1,000 Gallons</b>	<b>Price per 1,000 Gallons</b>
First 2,000 gallons	\$48.07 flat rate
2,001 - 5,000	\$6.98
5,001 - 20,000	\$8.93
20,001 - 50,000	\$10.48
50,001 and above	\$12.03

(h) Outside city limits commercial sewer rates.

**Outside City Limits Commercial Sewer Rates  
(Sewer Rates per 1,000 Gallons)**

<b>Usage per 1,000 Gallons</b>	<b>Price per 1,000 Gallons</b>
First 2,000 gallons	\$23.26 flat rate
2,001- 10,000	\$5.43
10,001 and above	\$6.98

(i) Bulk water services.

**Bulk Water Rates  
(Water Rates per 1,000 gallons)**

	<b>Price per 1,000 Gallons</b>
First 2,000 gallons	\$50.00 flat rate
From 2,001 plus for each additional 1,000 gallons	\$8.50

(Ordinance 2018-0605-001 adopted 6/5/18)

**ARTICLE A3.000 BUILDING PERMITS, INSPECTIONS AND RELATED FEES**

**Sec. A3.001 Residential building permits**

For other values not shown, contact city hall.

	<b>Based by Valuation of Construction</b>
\$0 - \$10,000	\$115.38
\$10,001 - \$11,000	\$175.73
\$11,001 - \$12,000	\$188.33
\$12,001 - \$13,000	\$200.93
\$13,001 - \$14,000	\$213.53
\$14,001 - \$15,000	\$226.13
\$15,001 - \$16,000	\$238.73
\$16,001 - \$17,000	\$251.33
\$17,001 - \$18,000	\$263.93
\$18,001 - \$19,000	\$276.53
\$19,001 - \$20,000	\$289.13
\$20,001 - \$21,000	\$301.73
\$21,001 - \$22,000	\$314.33
\$22,001 - \$23,000	\$326.93
\$23,001 - \$24,000	\$339.53
\$24,000 - \$25,000	\$352.13
\$100,000	\$894.38
\$125,000	\$1,020.38
\$150,000	\$1,146.38
\$175,000	\$1,272.38
\$200,000	\$1,398.38
\$225,000	\$1,524.38
\$250,000	\$1,650.38

	<b>Based by Valuation of Construction</b>
\$275,000	\$1,776.38
\$300,000	\$1,902.38
\$325,000	\$2,028.38
\$350,000	\$2,154.38
\$375,000	\$2,280.38
\$400,000	\$2,406.38
\$425,000	\$2,532.38
\$450,000	\$2,658.38
\$475,000	\$2,784.38
\$500,000	\$2,910.38

(Ordinance 2018-0605-001 adopted 6/5/18)

**Sec. A3.002 Commercial building permits**

For other values not shown, contact city hall.

	<b>Based by Valuation of Construction</b>
\$0 - \$10,000	\$190.38
\$10,001 - \$11,000	\$289.95
\$11,001 - \$12,000	\$310.74
\$12,001 - \$13,000	\$331.53
\$13,001 - \$14,000	\$352.32
\$14,001 - \$15,000	\$373.11
\$15,001 - \$16,000	\$393.90
\$16,001 - \$17,000	\$414.69
\$17,001 - \$18,000	\$435.48
\$18,001 - \$19,000	\$456.27
\$19,001 - \$20,000	\$477.06
\$20,001 - \$21,000	\$497.85
\$21,001 - \$22,000	\$518.64
\$22,001 - \$23,000	\$539.43
\$23,001 - \$24,000	\$560.22
\$24,000 - \$25,000	\$581.01
\$100,000	\$1,475.76
\$125,000	\$1,683.89
\$150,000	\$1,892.01
\$175,000	\$2,100.14
\$200,000	\$2,308.26
\$225,000	\$2,516.39

	<b>Based by Valuation of Construction</b>
\$250,000	\$2,724.51
\$275,000	\$2,932.64
\$300,000	\$3,140.76
\$325,000	\$3,348.89
\$350,000	\$3,557.01
\$375,000	\$3,765.14
\$400,000	\$3,973.26
\$425,000	\$4,181.39
\$450,000	\$4,389.51
\$475,000	\$4,597.64
\$500,000	\$4,805.76

(Ordinance 2018-0605-001 adopted 6/5/18)

**Sec. A3.003 Related building rates**

Not associated with a building permit.

Mobile home set-up	\$115.38 (includes electric & plumbing inspections)
Grease trap registration	\$0.00
Permanent food establishment permit	\$425.00
Mobile food vendor (hot & cold truck) and seasonal vendor	\$225.00
Public swimming pool inspection	\$225.00
Food service temporary event vendor permit	\$125.00
Complaint investigation	\$200.00
Health plan review, health final & CO inspections	\$175.00 per hour

(Ordinance 2018-0605-001 adopted 6/5/18)

**Sec. A3.004 Permit and inspection fees**

- (a) Pre-permit plan review. Plan review fees are included with inspection fees.
- (b) Building permits including inspection fees. Permit fees are due and payable when the permit is issued.
- (c) Individual inspections. (Not applicable when any of the above fees have been paid.)
  - (1) Temporary electric pole: \$75.00.
  - (2) Plumbing rough: \$75.00.
  - (3) Electrical rough: \$75.00.

- (4) Foundation: \$75.00.
- (5) Framing: \$75.00.
- (6) Gas: \$75.00.
- (7) Final electric: \$75.00.
- (8) Mechanical: \$75.00.
- (9) Final plumbing: \$75.00.

(d) Modular homes. Modular homes are subject to individual inspection fees as needed. A customer service connection will be required with each passed modular home application which must include manufacturers' warranties for electrical, plumbing, etc. These fees are due and payable with the permit application.

- (1) Customer service connection: \$100.00.
- (2) Required final electrical: \$75.00.
- (3) Required final plumbing: \$75.00.
- (4) Required foundation: \$75.00.

(Ordinance 99-0302-03 adopted 3/2/99; Ordinance 99-0302-03 adopted 3/7/00; Ordinance adopting Code)

**Sec. A3.005 Fence permit**

The fence permit is based on the valuation of the project and thereby will be no less than \$115.38. (Ordinance 2003-0107, sec. 1, adopted 8/5/08; Ordinance 2019-0305-002 adopted 3/5/19)

**ARTICLE A4.000 BUSINESS RELATED FEES**

**Sec. A4.001 Permit or license for sale of alcoholic beverages**

A permittee or licensee must pay the city an annual permit or license fee of one-half (1/2) of the state fee for each permit or license authorizing the sale of alcoholic beverages. (Ordinance 2011-06-02, sec. IV, adopted 6/7/11)

**ARTICLE A5.000 MUNICIPAL COURT FEES**

<b>Service/Permit</b>	<b>Fee</b>
Municipal court building fee	\$3.00
Municipal court technology fee	Not to exceed \$4.00
Jury reimbursement fee	\$4.00
Consolidates court cost	\$4.00
Time payment fee	\$25.00
Judicial support fee	\$6.00
Indigent defense support fee	\$2.00
Truancy prevention and diversion fee	\$2.00

(Ordinance 2018-0605-001 adopted 6/5/18)



## APPENDIX B

### ORDINANCE DISPOSITION TABLE

This table shows the location or gives the disposition of the ordinances within the Blue Ridge Code of Ordinances. The abbreviation “NIC” means the ordinance is not included in this code, though not necessarily repealed. In the “Supp. No.” column, the letters “CA” indicate the ordinance was published in the original code as adopted. When an ordinance has been added as part of a code supplement, the supplement number will be added accordingly.

Ord. No.	Date	Description	Disposition	Supp. No.
1184-1	4/15/58	Highway maintenance agreement	NIC	
	11/13/84	Planning and zoning commission	Superseded by Ord. 2002-0108-2	
285-2	2/5/85	Mobile home parks		
		Sec. 1 Definitions	Sec. 4.07.001	
		Sec. 2 Permit	Secs. 4.07.004, A1.002	
		Sec. 3 Licenses	Secs. 4.07.005, A1.002	
		Sec. 4 Inspection	Sec. 4.07.006	
		Sec. 5 Notices, hearings and orders	Sec. 4.07.007	
		Sec. 6 Mobile home parks		
		A. Site plan	Sec. 4.07.031	
		B. Site requirements	Sec. 4.07.032	
		C. Access and traffic circulation, and parking	Sec. 4.07.033	
		D. Sewage disposal	Sec. 4.07.034	
		E. Structural requirements for buildings	Sec. 4.07.035	
		F. Barbeque pits, fireplaces, stoves and incinerators	Sec. 4.07.036	
		G. Refuse and garbage handling	Sec. 4.07.037	
		H. Insect and rodent control	Sec. 4.07.038	
		I. Fuel supply and storage	Sec. 4.07.039	
J. Miscellaneous requirements	Sec. 4.07.040			
K. Modification provision	Sec. 4.07.041			
Sec. 7 Conflict with other ordinances	Sec. 4.07.003			
Sec. 8 Seperability clause	NIC			
Sec. 9 Penal provisions	Sec. 4.07.002			
85-9-1	9/3/85	Speed limits, Hwy. 137	NIC	

<b>Ord. No.</b>	<b>Date</b>	<b>Description</b>	<b>Disposition</b>	<b>Supp. No.</b>
11-4-86	11/4/86	Claims against city		
		Sec. 1 Notice requirements	Sec. 2.07.001	
		Sec. 2 Refusal by council required before filing suit	Sec. 2.07.002	
		Sec. 3 Service of notice	Sec. 2.07.003	
		Sec. 4 Waiver of requirements	Sec. 2.07.004	
		Sec. 5 Notice to be sworn	Sec. 2.07.005	
4-7-87	4/7/87	Peddlers, solicitors and itinerant merchants		
		Sec. I Definitions	Sec. 5.04.001	
		Sec. II Application required, contents, fee and oath	Sec. 5.04.031	
		Sec. III Exemptions	Sec. 5.04.002	
		Sec. IV Denial, suspension or revocation of license	Sec. 5.04.032	
		Sec. V Right of appeal	Sec. 5.04.033	
		Sec. VI Duration of license	Sec. 5.04.034	
		Sec. VII Miscellaneous provisions	Sec. 5.04.003	
		Sec. XIII Penalty	Sec. 5.04.004	
10-6-87	10/6/87	Grants Lone Star Gas franchise	NIC	
7-5-88	7/5/88	Animal control	Superseded by Ord. 7-5-88 (4/7/98)	
8-2-88	8/8/88	Firearms	Rpld. by Ordinance adopting Code	
9-6-88-2	9/6/88	Adopts budget, FY 88-89	NIC	
7-18-91	7/18/89	Fair housing	Rpld. by Ordinance adopting Code	
12-8-89-1	12/8/89	Swimming pool waste water; unwholesome drainages into streets, gutters, storm sewers and watercourses	Sec. 7.01.001	
12-8-89-2	12/8/89	Taxation of freeport goods	Sec. 2.09.034	
12-8-89-3	12/8/89	Flood damage prevention		
		Art. 1 Statutory authorization, findings of fact, purpose and methods	Sec. 4.06.001	
		Art. 2 Definitions	Sec. 4.06.002	
		Art. 3 General provisions	Sec. 4.06.003	
		Art. 4 Administration	Sec. 4.06.004	
		Art. 5 Provisions for flood hazard reduction	Sec. 4.06.005	

<b>Ord. No.</b>	<b>Date</b>	<b>Description</b>	<b>Disposition</b>	<b>Supp. No.</b>
	1/2/90	Flood damage prevention Art. 1 Statutory authorization, findings of fact, purpose and methods	Sec. 4.06.001	
		Art. 2 Definitions	Sec. 4.06.002	
		Art. 3 General provisions	Sec. 4.06.003	
		Art. 4 Administration	Sec. 4.06.004	
		Art. 5 Provisions for flood hazard reduction	Sec. 4.06.005	
		Art. 5 Repeal clause	NIC	
		Art. 6 Savings clause	NIC	
		Art. 7 Penalty	Sec. 4.06.006	
3-29-90	3/29/90	Changes city to type A general law municipality	Sec. 2.01.001	
6-5-90	6/5/90	Property addressing standards	Rpld. by Ordinance adopting Code	
7-3-90	7/3/90	Application for city utility service	Sec. 12.02.003	
9-4-90	9/4/90	Adopts budget, FY 90-91	NIC	
11-6-90	11/6/90	Amends Ord. 12-8-89-3, art. 3, sec. A, B; flood insurance rate map	Sec. 4.06.003	
6-4-91	6/5/91	Exempts Masonic Lodge from ad valorem taxation	NIC	
7-17-91	7/17/91	Subdivision ordinance	Ch. 9, exhibit A	
9-3-91	9/-/91	Adopts budget, FY 91-92	NIC	
92-1	3/3/92	Junked vehicles	Rpld. by Ord. 2018-0508-002	
92-2	4/7/92	Unsafe buildings		
		Sec. 1 Definitions	Sec. 4.05.001	
		Sec. 2 Title and scope	Sec. 4.05.002	
		Sec. 3 Organization	Sec. 4.05.003	
		Sec. 4 Powers and duties of the building official	Sec. 4.05.004	
		Sec. 5 Inspection of noncompliance	Sec. 4.05.005	
		Sec. 6 Notice of noncompliance	Sec. 4.05.006	
		Sec. 7 Posting of notice	Sec. 4.05.007	
		Sec. 8 Performance of work by owner	Sec. 4.05.008	
		Sec. 9 Extension of time	Sec. 4.05.009	
		Sec. 10 Implementation	Sec. 4.05.010	
		Sec. 11 Interference	Sec. 4.05.011	
		Sec. 12 Recovery of cost of repair or demolition	Sec. 4.05.012	
		Sec. 13 Form of appeal	Sec. 4.05.013	
		Sec. 14 Notice of hearing	Sec. 4.05.014	
		Sec. 15 Scope of hearing	Sec. 4.05.015	
		Sec. 16 Failure to appear	Sec. 4.05.016	

<b>Ord. No.</b>	<b>Date</b>	<b>Description</b>	<b>Disposition</b>	<b>Supp. No.</b>
92-2, cont'd.		Sec. 17 Staying of notice under appeal	Sec. 4.05.017	
		Sec. 18 Subpoenas	Sec. 4.05.018	
		Sec. 19 Procedures for hearing	Sec. 4.05.019	
		Sec. 20 Method of decision	Sec. 4.05.020	
		Sec. 21 Recourse	Sec. 4.05.021	
		Sec. 22 Severability clause	NIC	
		Sec. 23 Ordinance violations	Sec. 4.05.022	
9-17-92	9/17/92	Adopts budget, FY 92-93	NIC	
9-7-93-1	9/7/93	Adopts budget, FY 93-94	NIC	
12-03-91	12/3/91	Lone Star Gas rates	NIC	
6-6-93-1	7/6/93	Establishes general speed limit of 15 mph	Sec. 11.02.001	
6-6-93-2	7/6/93	Amends Ord. 12-8-89-3; city water or sewer service in flood hazard area	Sec. 4.06.007	
6-6-93-3	7/6/93	Mandatory use of wastewater system	Superseded by Ord. 020607-1	
6-6-93-4	7/6/93	Adopts water conservation plan	Sec. 12.03.001	
9-7-93-2	9/7/93	Adopts state motor vehicle laws		
		Sec. 1 State uniform act and other motor vehicle laws adopted	Sec. 11.01.001(a)	
		Sec. 2 Location/posting of signs	Sec. 11.01.002	
		Sec. 3 Enforcement	Sec. 11.01.001(b)	
		Sec. 4 Publication and effective date	NIC	
		Sec. 5 Penalty	Sec. 11.01.001(c)	
10-5-93	10/5/93	Records management program	Superseded by Ord. 2003-0304	
1-4-94-1	1/4/94	Changes name of municipality from "Town of Blue Ridge" to "City of Blue Ridge"	Sec. 2.01.002	
1-4-94-2	1/4/94	Adopts drug free workplace policy	NIC	
2-15-94-2	2/15/94	Emergency management		
		Sec. 1 Organization	Sec. 1.02.031	
		Sec. 2 Emergency management director powers and duties	Sec. 1.02.032	
		Sec. 3 Emergency management plan	Sec. 1.02.033	
		Sec. 4 Interjurisdictional program	Sec. 1.02.034	
		Sec. 5 Override	Sec. 1.02.035	
		Sec. 6 Liability	Sec. 1.02.036	
		Sec. 7 Commitment of funds	Sec. 1.02.037	
		Sec. 9 Severability	NIC	
		Sec. 10 Limitation	Sec. 1.02.038	
3-1-94-1	3/1/94	Abolishes position of city marshal	Sec. 2.06.001	

<b>Ord. No.</b>	<b>Date</b>	<b>Description</b>	<b>Disposition</b>	<b>Supp. No.</b>
3-1-94-2	3/1/94	Police department Sec. 1 Police department created; chief of police to command department Sec. 2 Appointment of police officers; oath of office Sec. 3 Bonds Sec. 4 Qualifications Sec. 5 Duties generally Sec. 6 Uniforms, badges and armament Sec. 7 Police department policies manual adopted Art. II Police reserve force Sec. 1 Police reserve force established Sec. 2 Appointment, removal and command of reserve officers Sec. 3 Maximum number of reserve officers Sec. 4 Authority to carry weapon Sec. 5 Compensation; uniforms; and other fringe benefits Sec. 6 Qualifications and minimum standards for reserve officers Sec. 7 Duties Sec. 8 Annual report Sec. 9 Mayor's powers to summon special police force not affected Art. III Mutual law enforcement aid Sec. 1 State mutual aid law adopted Sec. 2 Mayor may commission police to other cities Sec. 3 City to participate in mutual aid law enforcement task force Sec. 4 Police officers commissioned as peace officers of recipient city	Sec. 2.06.031  Sec. 2.06.032  Sec. 2.06.033 Sec. 2.06.034 Sec. 2.06.035 Sec. 2.06.036  Sec. 2.06.037    Sec. 2.06.061  Sec. 2.06.062 Sec. 2.06.063 Sec. 2.06.064 Sec. 2.06.065 Sec. 2.06.066 Sec. 2.06.067 Sec. 2.06.068 Sec. 2.06.069  Sec. 2.06.091 Sec. 2.06.092 Sec. 2.06.093 Sec. 2.06.094	
5-3-94	5/3/94	Fire marshal	Rpld. by Ordinance adopting Code	
7-5-94	7/5/94	Locking of meters	Superseded by Ord. 9-6-94-02	
8-24-94	8/24/94	Assessment and collection of taxes by county tax assessor collector	Sec. 2.09.031	
9-6-94-01	9/6/94	School speed zones		
9-6-94-02	9/6/94	Utility service procedures	Amnd. by Ord. 9-6-94-02 (6/5/12)	

<b>Ord. No.</b>	<b>Date</b>	<b>Description</b>	<b>Disposition</b>	<b>Supp. No.</b>
10-4-94	10/4/94	Highway maintenance agreement	NIC	
11-1-94	11/9/94	Establishes general speed limit of 25 mph	Sec. 11.02.001	
12-6-94	12/6/94	Noise		
		Sec. 1 Loud noises prohibited	Sec. 8.02.003	
		Sec. 2 Loud noises enumerated	Sec. 8.02.004	
		Sec. 3 Definition	Sec. 8.02.001	
1-3-95	1/3/95	Participation in rate proceeding to reduce GTE Operating Company rates	NIC	
2-7-95-01	2/7/95	Amends Ord. 12-6-94; penalty for violation of noise regulations	Sec. 8.02.002	
2-7-95-02	2/7/95	Grants specific use permit	NIC	
5-2-95	5/2/95	One-way traffic in school zone	NIC	
8-1-95	8/1/95	Fireworks		
		Sec. 1 Use of fireworks prohibited	Sec. 6.04.003	
		Sec. 2 Definitions	Sec. 6.04.001	
		Sec. 3 Penalty	Sec. 6.04.002	
		Sec. 4 Exception	Sec. 6.04.004	
9-5-95	9/5/95	Swine, livestock, poultry	Superseded by Ord. 7-5-88 (4/7/98)	
10-3-95-01	10/3/95	School speed zones	NIC	
11-7-95	11/7/95	Carrying firearms in city buildings	Sec. 8.03.001	
96-9-30-02	9/30/96	Adopts budget, FY 96-97	NIC	
96-1105	11/5/96	Establishes date and time for city council meetings	Sec. 2.02.001	
96-1119	11/19/96	Residential homestead exemption for disabled or elderly	Sec. 2.09.032(b)	
96-1119-A	11/19/96	Residence homestead exemption	Sec. 2.09.032(a)	
0121-97	1/21/97	Spending limits for mayor	Rpld. by Ordinance adopting Code	
4-04-97	4/4/97	Assistant city secretary	Sec. 2.04.032	
52097	5/20/97	Adopts uniform and international codes	Rpld. by Ord. 030607-1	
90997	9/9/97	Water and sewer rates	Rpld. by Ord. 2002-0903-04	
970902-2	9/9/97	Adopts National Electrical Code, 1996 edition	Superseded by Ord. 030607-1	
091797-1	9/17/97	Approves budget, FY 97-98	NIC	
98-0106	1/6/98	Residential homestead exemption for disabled or elderly	Sec. 2.09.032(b)	
7-5-88 (Amended)	4/7/98	Amends Ord. 7-5-88; animal control	Superseded by Ord. 2001-0807	
090198-1	9/1/98	Adopts budget, FY 98-99	NIC	
99-0302-03	3/2/99	Building permit and inspection fees	Sec. A3.004	
99-406	4/6/99	Cancels general election	NIC	

<b>Ord. No.</b>	<b>Date</b>	<b>Description</b>	<b>Disposition</b>	<b>Supp. No.</b>
99-05-04	5/4/99	Signs		
		Short title	Sec. 4.08.001	
		Purpose	Sec. 4.08.002	
		Art. I Definitions		
		Sec. 1	Sec. 4.08.003	
		Art. II Administration		
		Sec. 1 Permit required	Sec. 4.08.041	
		Sec. 2 Existing signs	Sec. 4.08.042	
		Sec. 3 Application for permit	Sec. 4.08.043	
		Sec. 4 Issuance of permit	Sec. 4.08.044	
		Sec. 5 Permit fees	Sec. 4.08.045	
		Sec. 6 Inspections	Sec. 4.08.046	
		Sec. 7 Unsafe signs	Sec. 4.08.005	
		Sec. 8 Maintenance of signs	Sec. 4.08.006	
		Sec. 9 Date of erection, permit number and voltage to be displayed	Sec. 4.08.007	
		Sec. 10 Obsolete signs	Sec. 4.08.008	
		Sec. 11 Wind pressure and dead load requirements	Sec. 4.08.009	
		Sec. 12 Appeal procedure	Sec. 4.08.010	
		Art. III General provisions		
		Sec. 1 Prohibited signs	Sec. 4.08.071	
		Sec. 2 Portable signs	Sec. 4.08.072	
		Sec. 3 Special purpose signs	Sec. 4.08.073	
		Sec. 4 Sale or lease signs	Sec. 4.08.074	
		Sec. 5 Homebuilder/real estate directional signs	Secs. 4.08.075, A1.003	
		Sec. 6 Government signs	Sec. 4.08.076	
		Sec. 7 General provisions applicable to signs business zoned districts	Sec. 4.08.77	
		Sec. 8 Provisions for residential zoned districts	Sec. 4.08.078	
		Art. IV Severability clause, penalty and effective date		
		Sec. 1 Severability clause	NIC	
		Sec. 2 Penalty	Sec. 4.08.004	
	7/6/99	Amends Ord. 5-2-95; traffic control near schools	NIC	
	8/3/99	Amends subdivision ordinance, sec. 6.3.2; use of Flexbase for paving	Ch. 9, exhibit A, sec. 6.3.2	
090799-1	9/7/99	Approves budget, FY 99-00	NIC	
99-1005	10/5/99	Removing or defacing official signs placed by city	Secs. 8.01.001, A1.006	
1042000	1/4/00	Annexation	NIC	

<b>Ord. No.</b>	<b>Date</b>	<b>Description</b>	<b>Disposition</b>	<b>Supp. No.</b>
99-0302-03	3/7/00	Amends building permit and inspection fees	Sec. A3.004	
40 (Amended)	3/7/00	Weeds, rubbish, objectionable matter	Superseded by Ord. 40 (adopted 8/5/08) Rpld. by Ord. 2018-0508-002	
2000-0509-01	5/2/00	Water surcharge outside city limits	Sec. 12.02.011	
2000-912-1	9/12/00	Adopts budget, FY 00-01	NIC	
2001-0403	4/3/01	Cancels general election	NIC	
2001-0403-02	4/3/01	Approves TXU service rates	NIC	
2001-0071006	6/5/01	Swimming pools		
		Sec. 1 Definitions	Sec. 4.11.001	
		Sec. 2 Standards for residential and private swimming pools	Sec. 4.11.004	
		Sec. 3 Inspections	Sec. 4.11.005	
		Sec. 4 Minimum standards for pools	Sec. 4.11.006	
		Sec. 5 Inlets and outlets	Sec. 4.11.007	
		Sec. 6 Skimmers	Sec. 4.11.008	
		Sec. 7 Sewer and wastewater disposal	Sec. 4.11.009	
		Sec. 8 Re-circulation system	Sec. 4.11.010	
		Sec. 9 Sand type filters	Sec. 4.11.011	
		Sec. 10 Ladders, recessed treads, and stairs	Sec. 4.11.012	
		Sec. 11 Diving, jump boards, and diving areas	Sec. 4.11.013	
		Sec. 12 National Sanitation Foundation	Sec. 4.11.014	
		Sec. 13 Swimming pool enclosure	Sec. 4.11.015	
		Sec. 14 Pool location on property	Sec. 4.11.016	
		Sec. 15 Lighting, electrical and plumbing requirements	Sec. 4.11.017	
		Sec. 16 Appeals	Sec. 4.11.003	
		Sec. 17 Penalty	Sec. 4.11.002	
2001-0807	7/3/01	Animal control	Rpld. by Ord. 100331	
2001-0918-01	9/18/01	Adopts budget, FY 01-02	NIC	
2002-0108-1	1/8/02	Office of building inspector		
		Sec. 1 Office of building inspector created	Sec. 4.03.001	
		Sec. 2 Appointment of building inspector	Sec. 4.03.002	
		Sec. 3 Duty procedures	Sec. 4.03.003	
		Sec. 4 Authority	Sec. 4.03.004	
		Sec. 5 Inspections generally	Sec. 4.03.005	
		Sec. 6 Records to be kept	Sec. 4.03.006	
		Sec. 7 Repeal of conflicting ordinances	NIC	
		Sec. 8 Saving clause	NIC	
		Sec. 9 Penalty clause	Sec. 4.03.007	



<b>Ord. No.</b>	<b>Date</b>	<b>Description</b>	<b>Disposition</b>	<b>Supp. No.</b>
2002-0108-2	1/8/02	Planning and zoning commission Sec. 1 Creation and purpose Sec. 2 Membership and appointment Sec. 3 Terms of office Sec. 4 Resignation or removal from service Sec. 5 Organization Sec. 6 Duties and powers Sec. 7 Meetings Sec. 8 Disqualification from voting Sec. 9 Official records Sec. 10 Appeals Sec. 11 Amendment	Sec. 2.03.031 Sec. 2.03.032 Sec. 2.03.033 Sec. 2.03.034 Sec. 2.03.035 Sec. 2.03.036 Sec. 2.03.037 Sec. 2.03.038 Sec. 2.03.039 Sec. 2.03.040 Sec. 2.03.041	
2002-01-22	1/22/02	Participation in TMRS	NIC (on file)	
2002-0305-AA	3/5/02	Zoning ordinance	Ch. 9, exhibit B	
	4/2/02	TMRS	NIC (on file)	
2002-0514-01	5/14/02	Adopts International Energy Conservation Code, 2000 edition	Superseded by Ord. 030607-1	
2002-0604	6/4/02	Speed limit on Hwy. 78 business route	NIC	
2002-0903-03	9/3/02	Adopts budget, FY 02-03	NIC	
2002-0903-04	9/3/02	Amends Ord. 90997; water and sewer rates	Rpld. by Ord. 2005-0503-02	
2002-0903-05	9/3/02	Amends TXU franchise	NIC	
2002-1105	11/5/02	Approves tax roll, FY 02-03	NIC	
2002-11-05-02	11/5/02	Amends TXU rates	NIC	
2003-0902-06	9/2/03	Zoning newly annexed property	NIC	
2003-0304	3/4/03	Records management Sec. 1 Definition of records of the city Sec. 2 Records declared public property Sec. 3 Policy Sec. 4 Records management officer Sec. 5 Records control schedules	Sec. 2.08.001 Sec. 2.08.002 Sec. 2.08.003 Sec. 2.08.004 Sec. 2.08.005	
2003-0204-02-A	3/4/03	Alters speed limits, Hwy. 545	NIC	
2003-0701	7/1/03	Closes portion of street	NIC	
2003-0806	8/5/03	Denies TXU rate change request	NIC	
2003-0909-07	9/9/03	Adopts budget, FY 03-04	NIC	
2003-0923-04	9/23/03	School zone ordinance	NIC	
2003-1007-08	10/7/03	Approves tax roll, FY 03-04	NIC	
2004-0907-09	9/7/04	Adopts budget, FY 04-05	NIC	
2004-1123-11	11/23/04	Building and standards commission Sec. 1 Implementation of state statute Sec. 2 Creation of a building and standards commission	Sec. 4.04.001 Sec. 4.04.002	

<b>Ord. No.</b>	<b>Date</b>	<b>Description</b>	<b>Disposition</b>	<b>Supp. No.</b>
2004-1123-11, cont'd.		Sec. 3 Jurisdiction, authority and penalties	Sec. 4.04.003	
		Sec. 4 Presentation of cases	Sec. 4.04.004	
		Sec. 5 Notice	Sec. 4.04.005	
		Sec. 6 Hearing	Sec. 4.04.006	
		Sec. 7 Recording of civil penalty	Sec. 4.04.007	
		Sec. 8 Duty of the city secretary	Sec. 4.04.008	
		Sec. 9 Judicial review	Sec. 4.04.009	
		Sec. 10 Municipal court proceedings not affected	Sec. 4.04.010	
2005-0503-02	5/3/05	Amends Ord. 2002-0903-04; water and sewer rates	Superseded by Ord. 20142804	
2005-0705	7/5/05	Denies Atmos GRIP request	NIC	
2005-0906-03	9/6/05	Adopts budget, FY 05-06	NIC	
2005-1101-05	11/1/05	Adopts National Incident Management System (NIMS)	Sec. 1.02.001	
2005-1101-06	11/1/05	Key lock box system for fire safety purposes	Sec. 6.01.001	
2005-1101-07	11/1/05	Denies Atmos GRIP request	NIC	
2006-0404	4/4/06	Cancels general election; unopposed candidates	NIC	
2006-0502-2	5/2/06	Orders Atmos to reduce existing rates	NIC	
060606-1	6/6/06	Denies GRIP request	NIC	
2006-090506-2	9/5/06	Adopts budget, FY 06-07	NIC	
2006-100306-1	10/3/06	Approves tax roll, FY 06-07	NIC	
010207-1	-/-/07	Fire prevention and protection service fees	Sec. 6.01.002	
020607-1	2/6/07	Mandatory use of water and wastewater system	Sec. 12.01.001	
030607-1	3/6/07	Amends Ord. 52097; adopts International codes and National Electrical Code	Rpld. by Ords. 20150828-20150828-7, 20150828-9	
040307-1	4/3/07	Issuance of time warrant	NIC	
050107-1	5/1/07	Burn permit		
		Sec. I Burn permit	Secs. 6.03.002, A1.004	
		Sec. II Location and size of burn site; burn barrels	Sec. 6.03.003	
		Sec. III Inspection of burn site	Sec. 6.03.004	
		Sec. IV General restrictions; "no burn" days	Sec. 6.03.005	
		Sec. V Hauling material from other site	Sec. 6.03.006	
		Sec. VI Additional provisions		
		Prohibited materials	Sec. 6.03.007	

<b>Ord. No.</b>	<b>Date</b>	<b>Description</b>	<b>Disposition</b>	<b>Supp. No.</b>
050107-1, cont'd.		Responsibility for consequences of burning	Sec. 6.03.008	
		Re-starting fire	Sec. 6.03.009	
		Sec. VII Repeal	NIC	
		Sec. VIII Saving clause	NIC	
		Sec. IX Penalty	Sec. 6.03.001	
070307	7/3/07	Swimming pools		
		Sec. 1 Definitions	Sec. 4.11.001	
		Sec. 2 Standards for residential and private swimming pools	Sec. 4.11.004	
		Sec. 3 Inspections	Sec. 4.11.005	
		Sec. 4 Minimum standards for pools	Sec. 4.11.006	
		Sec. 5 Inlets and outlets	Sec. 4.11.007	
		Sec. 6 Skimmers	Sec. 4.11.008	
		Sec. 7 Sewer and wastewater disposal	Sec. 4.11.009	
		Sec. 8 Re-circulation system	Sec. 4.11.010	
		Sec. 9 Sand type filters	Sec. 4.11.011	
		Sec. 10 Ladders, recessed treads, and stairs	Sec. 4.11.012	
		Sec. 11 Diving, jump boards, and diving areas	Sec. 4.11.013	
		Sec. 12 National Sanitation Foundation	Sec. 4.11.014	
		Sec. 13 Swimming pool enclosure	Sec. 4.11.015	
		Sec. 14 Pool location on property	Sec. 4.11.016	
		Sec. 15 Lighting, electrical and plumbing requirements	Sec. 4.11.017	
		Sec. 16 Appeals	Sec. 4.11.003	
		Sec. 17 Penalty	Sec. 4.11.002	
090407-1	9/4/07	Taxation of goods in transit	Sec. 2.09.033	
090407-2	9/4/07	Approves tax roll, FY 07-08	NIC	
2007-090407-4	9/4/07	Tax levy, FY 07-08	NIC	
2008-01-23	2/5/08	Approves settlement agreement with Atmos	NIC	
2008-41	4/1/08	Cancels general election	NIC	
05132008	5/20/08	Amends Atmos franchise	NIC	
08192008	8/2/08	Approves negotiated resolution with Atmos	NIC	
2003-0107	8/5/08	Repeals Ord. 2003-0107; fences		
		Sec. 1 Fence permits	Secs. 4.09.002, A3.005	
		Sec. 2 Guidelines	Sec. 4.09.003	
		Sec. 3 Maintenance	Sec. 4.09.004	
		Sec. 4 Penalty	Sec. 4.09.001	

<b>Ord. No.</b>	<b>Date</b>	<b>Description</b>	<b>Disposition</b>	<b>Supp. No.</b>
07172008	8/5/08	Municipal court technology fund	Sec. 1.03.041	
40	8/5/08	Public nuisances	Rpld. by Ord. 2018-0508-002	
072209	8/4/09	Approves power company settlement agreement	NIC	
080409	8/4/09	Approves negotiated resolution with Atmos	NIC	
082709	9/1/09	Approves tax roll, FY 09-10	NIC	
100331	5/4/10	Repeals Ord. 2001-0807; animal control		
		Sec. 1 Findings incorporated		
		Art. I In General		
		Sec. 1 Definitions	Sec. 3.01.001	
		Sec. 2 Authority to enforce	Sec. 3.01.003	
		Sec. 3 Limitation of number of animals	Sec. 3.01.004	
		Sec. 4 Animals running at large	Sec. 3.01.005	
		Sec. 5 Conditions constituting public nuisances	Sec. 3.01.006	
		Sec. 6 Animal care guidelines	Sec. 3.01.007	
		Sec. 7 Cruelty to animals	Sec. 3.01.008	
		Sec. 8 Certain animals prohibited from being sold or kept		
		(a) Sale of baby fowl or rabbits	Sec. 3.01.009(a)	
		(b) Colored fowl or rabbits	Sec. 3.01.009(b)	
		(c) Keeping or selling wild animals	Sec. 3.01.010	
		Art. II Registration of dogs and cats		
		Sec. 9 Required	Rpld. by Ordinance adopting Code	
		Sec. 10 Application	Rpld. by Ordinance adopting Code	
		Sec. 11 Duplicate certificates	Rpld. by Ordinance adopting Code	
		Sec. 12 Expiration	Rpld. by Ordinance adopting Code	
		Sec. 13 Change of ownership	Rpld. by Ordinance adopting Code	
		Sec. 14 Exempt registrations	Rpld. by Ordinance adopting Code	
		Sec. 15 Revocation	Rpld. by Ordinance adopting Code	
		Sec. 16 Registration appeal process	Rpld. by Ordinance adopting Code	
		Art. III Livestock, ferrets, reptiles, fowl and rabbits		

<b>Ord. No.</b>	<b>Date</b>	<b>Description</b>	<b>Disposition</b>	<b>Supp. No.</b>
100331, cont'd.		Sec. 17 Livestock	Sec. 3.02.001	
		Sec. 18 Ferrets	Sec. 3.02.002	
		Sec. 19 Nonpoisonous reptiles/poisonous reptiles	Sec. 3.02.003	
		Sec. 20 Fowl	Sec. 3.02.004	
		Sec. 21 Rabbits	Sec. 3.02.005	
		Art. IV Dangerous animals		
		Sec. 22 Running at large	Sec. 3.03.001	
		Sec. 23 Impoundment	Sec. 3.03.002	
		Sec. 24 Determination of a dangerous animal	Sec. 3.03.003	
		Sec. 25 Requirements for owners of dangerous animals	Sec. 3.03.004	
		Sec. 26 Registration of dangerous animal	Sec. 3.03.005	
		Sec. 27 Keeping of wild animals	Sec. 3.03.006	
		Sec. 28 Sale of wild animals	Sec. 3.03.007	
		Art. V Rabies control		
		Sec. 29 Vaccination of dogs and cats	Sec. 3.04.001	
		Sec. 30 Certificate of vaccination	Sec. 3.04.002	
		Sec. 31 Rabies tags	Sec. 3.04.003	
		Sec. 32 Duplicate tags	Sec. 3.04.004	
		Sec. 33 Proof	Sec. 3.04.005	
		Sec. 34 Harboring unvaccinated animals	Sec. 3.04.006	
		Sec. 35 Animals exposed to rabies	Sec. 3.04.007	
		Sec. 36 Declaration of quarantine	Sec. 3.04.008	
		Sec. 37 Reporting animal bites	Sec. 3.04.009	
		Sec. 38 Animal quarantine	Sec. 3.04.010	
		Art. VI Impoundment		
		Sec. 39 Generally	Sec. 3.05.001	
		Sec. 40 Right to confine	Sec. 3.05.002	
		Sec. 41 Interfering with humane trapping	Sec. 3.05.003	
		Sec. 42 Notification	Sec. 3.05.004	
		Sec. 43 Redemption	Sec. 3.05.005	
		Sec. 44 Disposition	Sec. 3.05.006	
		Sec. 45 Owner relinquishing responsibility	Sec. 3.05.007	
		Sec. 46 Sick or injured animals	Sec. 3.05.008	
		Sec. 47 Disposition of wild animals	Sec. 3.05.009	

<b>Ord. No.</b>	<b>Date</b>	<b>Description</b>	<b>Disposition</b>	<b>Supp. No.</b>
100331, cont'd.		Sec. 48 Baby animals	Sec. 3.05.010	
		Sec. 49 Impoundment fees	Sec. 3.05.011	
		Sec. 50 Penalties	Sec. 3.01.002	
		Sec. 3 Amends animal control fees	Sec. A1.007	
083110	9/7/10	Approves negotiated resolution with Atmos	NIC	
083110-2	9/7/10	Approves tax roll, FY 10-11	NIC	
2011-06-02	6/7/11	Alcohol sales		
		Sec. I Incorporation of premises	NIC	
		Sec. II Definitions	Sec. 5.02.001	
		Sec. III Sale of beer and wine prohibited in residential areas	Sec. 5.02.005	
		Sec. IV Permits required; fees	Secs. 5.02.003, A4.001	
		Sec. V Hours of operation	Sec. 5.02.004	
		Sec. VI Regulating the sale of alcoholic beverages near churches, public or private schools, public hospitals, day-care centers or child-care facilities	Sec. 5.02.006	
		Sec. VII Penalty	Sec. 5.02.002	
072511	8/2/11	Approves settlement agreement with Atmos	NIC	
2011-0901-2	9/6/11	Repeals local sales and use tax exemption on telecommunications services	Sec. 2.09.061	
2011-09-30-01	10/4/11	Taxation of tangible personal property in transit	Sec. 2.09.033	
2011929-2075747	11/2/11	Extends extraterritorial jurisdiction	NIC	
2012-3-1	3/6/12	Authorizes economic development corporation (Type A) to undertake any project a Type B corporation may undertake	Sec. 2.03.062	
20121705-2	5/22/12	City council confidentiality and nondisclosure agreement	Sec. 2.02.002	
20121705	5/31/12	Code of ethics		
		Art. I Title and purpose	Sec. 2.05.001	
		Art. II Definitions	Sec. 2.05.002	
		Art. III Standards of conduct	Sec. 2.05.003	
		Art. IV Gifts and honorariums	Sec. 2.05.004	
		Art. V Conflict of interest; recusal	Sec. 2.05.005	
		Art. VI Conflict disclosure statements	Sec. 2.05.006	
		Art. VII Interest in property acquired with public funds	Sec. 2.05.007	

<b>Ord. No.</b>	<b>Date</b>	<b>Description</b>	<b>Disposition</b>	<b>Supp. No.</b>
20121705, cont'd.		Art. VIII Nepotism	Sec. 2.05.008	
		Art. IX Bribery	Sec. 2.05.009	
		Art. X City records	Sec. 2.05.010	
		Art. XI Misuse of official information	Sec. 2.05.011	
		Art. XII Abuse of official capacity	Sec. 2.05.012	
		Art. XIII Official oppression	Sec. 2.05.013	
		Art. XIV Ethics review commission	Sec. 2.05.014	
		Art. XV Complaint process	Sec. 2.05.015	
		Art. XVI Role of the city attorney	Sec. 2.05.016	
		Art. XVII Hearing process	Sec. 2.05.017	
		Art. XVIII Sanctions for violations	Sec. 2.05.018	
		Art. XIX Distribution and proof of compliance	Sec. 2.05.019	
		Exhibit "1" Confidentiality and non-disclosure agreement	Art. 2.05, exhibit 1	
		Exhibit "2" Consanguinity and affinity	Art. 2.05, exhibit 2	
9-6-94-02 (Amended)	6/5/12	Amends Ord. 9-6-94-02; water, sewer and solid waste services		
		Sec. 1 Incorporation of premises	NIC	
		Sec. 2 Service required	Sec. 12.02.001	
		Sec. 3 No free service permitted	Sec. 12.02.002	
		Sec. 4 Utility service deposit required	Sec. 12.02.004	
		Sec. 5 Utility billing and payment procedures	Sec. 12.02.005	
		Sec. 6 Locking of meters	Sec. 12.02.006	
		Sec. 7 Termination of employee utility accounts	Sec. 12.02.007	
		Sec. 8 Reservation of rights by the city	Sec. 12.02.008	
		Sec. 9 Indemnity of city	Sec. 12.02.009	
		Sec. 10 Penalty for violation; continuing violations	Sec. 12.02.010	
20122905-1	6/5/12	Grants Atmos franchise	NIC	
04232013	5/7/13	Cross-connection control program		
		Sec. 1 Cross connection control program		
		1. General	Sec. 4.10.001	
		2. Backflow prevention assembly installation, testing and maintenance	Sec. 4.10.002	

<b>Ord. No.</b>	<b>Date</b>	<b>Description</b>	<b>Disposition</b>	<b>Supp. No.</b>
04232013, cont'd.		3. Customer service inspections	Sec. 4.10.003	
		Sec. 2 Repeal	NIC	
		Sec. 3 Severability	NIC	
		Sec. 4 Enforcement	Sec. 4.10.004	
112613	12/3/13	Prohibits employees, officers or councilmembers from serving as director of 4A EDC or 4B CDC	Sec. 2.03.061	
20140205	5/6/14	Resolution denying Atmos rate increase request	NIC	
09142014	9/17/14	Tax levy, TY 2014	NIC	
20141029	11/4/14	Annexation	NIC	
20142804	10/6/15	Amends Ord. 20142804; master fee schedule	Superseded by Ord. 2018-0605-001	
20150828	6/2/15	Adopts International Residential Code, 2012 edition		
		Sec. 1 Adoption	Sec. 4.02.061	
		Sec. 2 Amendments	Sec. 4.02.062	
		Sec. 3 Repealer	NIC	
		Sec. 4 Severability	NIC	
		Sec. 5 Existing rights and actions	NIC	
		Sec. 6 Publication	NIC	
		Sec. 7 Effective date	NIC	
		Sec. 8 Penalty	Sec. 4.02.063	
20150828-1	6/2/15	Adopts International Property Maintenance Code, 2012 edition		
		Sec. 1 Adoption	Sec. 4.02.091	
		Sec. 2 Amendments	Sec. 4.02.092	
		Sec. 3 Repealer	NIC	
		Sec. 4 Severability	NIC	
		Sec. 5 Existing rights and actions	NIC	
		Sec. 6 Publication	NIC	
		Sec. 7 Effective date	NIC	
		Sec. 8 Penalty	Sec. 4.02.093	
20150828-2	6/2/15	Adopts International Plumbing Code, 2012 edition		
		Sec. 1 Adoption	Sec. 4.02.121	
		Sec. 2 Amendments	Sec. 4.02.122	
		Sec. 3 Repealer	NIC	
		Sec. 4 Severability	NIC	
		Sec. 5 Existing rights and actions	NIC	
		Sec. 6 Publication	NIC	
		Sec. 7 Effective date	NIC	
		Sec. 8 Penalty	Sec. 4.02.123	



<b>Ord. No.</b>	<b>Date</b>	<b>Description</b>	<b>Disposition</b>	<b>Supp. No.</b>
20150828-3	6/2/15	Adopts International Mechanical Code, 2012 edition		
		Sec. 1 Adoption	Sec. 4.02.151	
		Sec. 2 Amendments	Sec. 4.02.152	
		Sec. 3 Repealer	NIC	
		Sec. 4 Severability	NIC	
		Sec. 5 Existing rights and actions	NIC	
		Sec. 6 Publication	NIC	
		Sec. 7 Effective date	NIC	
		Sec. 8 Penalty	Sec. 4.02.153	
20150828-4	6/2/15	Adopts International Fuel Gas Code, 2012 edition		
		Sec. 1 Adoption	Sec. 4.02.181	
		Sec. 2 Amendments	Sec. 4.02.182	
		Sec. 3 Repealer	NIC	
		Sec. 4 Severability	NIC	
		Sec. 5 Existing rights and actions	NIC	
		Sec. 6 Publication	NIC	
		Sec. 7 Effective date	NIC	
		Sec. 8 Penalty	Sec. 4.02.183	
20150828-5	6/2/15	Adopts International Fire Code, 2012 edition		
		Sec. 1 Adoption	Sec. 6.02.001	
		Sec. 2 Amendments	Sec. 6.02.002	
		Sec. 3 Limits of districts	Sec. 6.02.003	
		Sec. 4 Repealer	NIC	
		Sec. 5 Severability	NIC	
		Sec. 6 Existing rights and actions	NIC	
		Sec. 7 Publication	NIC	
		Sec. 8 Effective date	NIC	
		Sec. 9 Penalty	Sec. 6.02.004	
20150828-6	6/2/15	Adopts International Energy Conservation Code, 2012 edition		
		Sec. 1 Adoption	Sec. 4.02.211	
		Sec. 2 Amendments	Sec. 4.02.212	
		Sec. 3 Repealer	NIC	
		Sec. 4 Severability	NIC	
		Sec. 5 Existing rights and actions	NIC	
		Sec. 6 Publication	NIC	
		Sec. 7 Effective date	NIC	
		Sec. 8 Penalty	Sec. 4.02.213	

<b>Ord. No.</b>	<b>Date</b>	<b>Description</b>	<b>Disposition</b>	<b>Supp. No.</b>
20150828-7	6/2/15	Adopts International Building Code, 2012 edition		
		Sec. 1 Adoption	Sec. 4.02.031	
		Sec. 2 Amendments	Sec. 4.02.032	
		Sec. 3 Repealer	NIC	
		Sec. 4 Severability	NIC	
		Sec. 5 Existing rights and actions	NIC	
		Sec. 6 Publication	NIC	
		Sec. 7 Effective date	NIC	
		Sec. 8 Penalty	Sec. 4.02.033	
20150828-9	6/2/15	Adopts 2014 National Electrical Code		
		Sec. 1 Adoption	Sec. 4.02.241	
		Sec. 2 Amendments	Sec. 4.02.242	
		Sec. 3 Repealer	NIC	
		Sec. 4 Severability	NIC	
		Sec. 5 Existing rights and actions	NIC	
		Sec. 6 Publication	NIC	
		Sec. 7 Effective date	NIC	
		Sec. 8 Penalty	Sec. 4.02.243	
20150829-1	6/2/15	Deputy mayor pro tem	Sec. 2.04.031	
091115	9/14/15	Tax levy, TY 2015	NIC	
2000-0509-01 (Amended)	10/6/15	Water surcharge outside city limits	Sec. 12.02.011	
2018-0306-002	3/6/18	Amends budget, FY 17-18	NIC	
2018-0508-001	5/8/18	Canvasses election returns	NIC	
2018-0508-002	5/8/18	Repeals Ords. 92-1 and 40; nuisances		
		Sec. 1 Junked vehicles		
		A. Definitions	Sec. 8.05.001	
		B. Abate junked vehicles	Sec. 8.05.002	
		C. Junked vehicle unlawful	Sec. 8.05.003	
		Sec. 2 Maintenance of exterior property areas		
		A. Definitions	Sec. 7.02.001	
		B. Exterior property and premises to be maintained	Sec. 7.02.002	
		C. Notice and abatement of nuisance	Sec. 7.02.003	
		Sec. 3 Additional nuisances		
		A) Defacement of property		
		(1) Graffiti	Sec. 8.04.003	
		(a) Definition	Sec. 8.04.001	

<b>Ord. No.</b>	<b>Date</b>	<b>Description</b>	<b>Disposition</b>	<b>Supp. No.</b>
2018-0508-002, cont'd.		(b) Removal required; duty of property owners	Sec. 8.04.004	
		(c)–(g) Notice to remove; removal by city	Secs. 8.04.005, A1.005	
		(h) Enforcement; additional remedies	Sec. 8.04.006	
		Sec. 4 Adoption	NIC	
		Sec. 5 Conflicts	NIC	
		Sec. 6 Severability	NIC	
		Sec. 7 Penalty	Secs. 7.02.004, 8.04.002	
2018-0605-001	6/5/18	Amends master fee schedule; subdivision applications		
		Service charges	Sec. A2.001	
		Trash fees	Sec. A2.002	
		Miscellaneous fees and permits	Sec. A1.001	
		Utility rates	Sec. A2.003	
		Residential building permits	Sec. A3.001	
		Commercial building permits	Sec. A3.002	
		Related building rates	Sec. A3.003	
		Municipal court fees	Art. A5.000	
2018-1002-001	10/2/18	Garage, estate, farm or yard sales		
		Sec. 1 Incorporation of findings	NIC	
		Sec. 2 Definitions	Sec. 5.03.001	
		Sec. 3 Permits and fees	Sec. 5.03.002	
		Sec. 4 Restrictions on the conduct of the sale	Sec. 5.03.003	
Sec. 5 Penalties for violation of the ordinance	Sec. 5.03.004			
2018-1204-001	12/4/18	Flag lots	Sec. 9.01.001	
2019-0305-001	3/5/19	Amends budget, FY 18-19	NIC	
2019-0305-002	3/5/19	Fence permit fee	Sec. A3.005	